MODESTO CITY COUNCIL
RESOLUTION NO. 2013-01

Print

A RESOLUTION REAPPOINTING STEVE CARTER 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 Economic Development Committee met on December 10, 2012, and recommended reappointment of Steve Carter to the Modesto Planning Commission.

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

SECTION 1. Steve Carter is hereby reappointed to the Planning Commission 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 reappointed 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 8th day of January, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-02

Print

A RESOLUTION REAPPOINTING HANK POLLARD 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 Economic Development Committee met on December 10, 2012, and recommended reappointment of Hank Pollard 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. Hank Pollard is hereby reappointed 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 reappointed 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 January, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-03

A RESOLUTION REAPPOINTING JAYLEN FRENCH 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 Economic Development Committee met on December 10, 2012, and recommended reappointment of Jaylen French 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. Jaylen French is hereby reappointed 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 reappointed 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 January, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-04

A RESOLUTION APPROVING A REQUEST BY THE COUNTY OF STANISLAUS TO EXPAND THE GEOGRAPHIC BOUNDARIES OF THE STANISLAUS ENTERPRISE ZONE BY 263.42 ACRES WITHIN ITS JURISDICTION AND AUTHORIZE THE STANISLAUS ECONOMIC DEVELOPMENT AND WORKFORCE ALLIANCE, AS THE STANISLAUS ENTERPRISE ZONE ADMINISTRATOR, TO SUBMIT THE WRITTEN REQUEST AND REQUIRED DOCUMENTATION TO THE CALIFORNIA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

WHEREAS, the County of Stanislaus currently has an Enterprise Zone that was established on November 16, 2005, and is comprised of 67,508 acres, and

WHEREAS, existing law allows the Stanislaus Enterprise Zone to expand its geographic boundaries up to a maximum of 15% of the original zone boundaries or 10,126 acres, and

WHEREAS, the Stanislaus Enterprise Zone has previously been awarded six successful expansions of its geographic boundaries, and currently has an expansion capacity of approximately 1,416.2 acres, and

WHEREAS, the County of Stanislaus wishes to expand the boundaries of its Enterprise Zone jurisdiction by approximately 263.42 acres in unincorporated areas to include 100 acres at Burchell Nursery, 100 acres at Dave Wilson Nursery, and 63.42 acres at Hughson Nut/Cal Almond, and

WHEREAS, land included within the proposed expansion areas is zoned for industrial or commercial use, and

WHEREAS, basic infrastructure is available to the areas that would be included in the proposed expansion areas, and

WHEREAS, the County of Stanislaus will provide the same or equivalent local

incentives in the expansion area as provided to the existing Enterprise Zone jurisdictions, and

WHEREAS, the County of Stanislaus will submit a written request as required to the California Department of Housing & Community Development to have its enterprise zone boundaries expanded,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a request by the County of Stanislaus to expand the geographic boundaries of the Stanislaus Enterprise Zone by 263.4 acres to include 100 acres at Burchell Nursery, 100 acres at Dave Wilson Nursery, and 63.42 acres at Hughson Nut/Cal Almond.

BE IT FURTHER RESOLVED that the Stanislaus Economic Development and Workforce Alliance is hereby authorized to submit the written request and required documentation to expand the Enterprise Zone to the California Department of Housing & Community Development.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-05

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 101 E STREET IN WATERFORD, APN: 134-007-078 TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM, AND AUTHORIZING THE CITY MANAGER,TO SIGN THE WILL SERVE LETTER

WHEREAS, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas.

WHEREAS, the property located at 101 E Street in Waterford is not connected to City's water system and

WHEREAS, this property is located outside Modesto City limits, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property 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 are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 101 E Street (APN 134-007-078) in Waterford.

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 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-06

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY OF WATERFORD FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 101 E STREET IN WATERFORD, APN: (134-007-078) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 101 E Street is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and

WHEREAS, if it is determined that it is reasonable for the City to extend water service to this property, 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, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 101 E Street in Waterford APN (134-007-078)

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	
ABSENT:	Councilmembers:	

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-07

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PRINTING AND DELIVERY OF THE UTILITY BILL INSERT FOR THE UTILITY PLANNING AND PROJECTS DEPARTMENT, TO MAILING U.S./NOTEPADS, INC., ANAHEIM, CA, 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 $24,353, AND OVER FIVE (5) YEARS OF $121,765

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the printing and delivery of the utility bill insert, and

WHEREAS, the Purchasing Division issued RFB No. 1213-03 Utility Bill Insert to seventeen (17) prospective bidders, nine (9) of which were local vendors, and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Seven (7) companies choose to respond, four (4) of which were local vendors. All seven (7) companies 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 printing and delivery of the utility bill insert for the Utility Planning and Projects Department, to Mailing U.S./NotePads, Inc., Anaheim, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, 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 printing and delivery of the utility bill insert

for the Utility Planning and Projects Department, to Mailing U.S./NotePads, Inc., Anaheim, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are appropriated in Fiscal Year 2012-13 for the printing and delivery of the utility bill insert in Appropriation Units: 4100-41410-53300, 4210-41310-5330, 4480-41210-53300, 0100-20180 and 0100-20182

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the printing and delivery of the utility bill insert for the Utility Planning and Projects Department, to Mailing U.S./NotePads, Inc., Anaheim, CA.

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 $24,353.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-08

RESOLUTION APPROVING THE EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD) APPLICATION FOR ELECTIVE COVERAGE OF DISABILITY INSURANCE FOR EMPLOYEES REPRESENTED BY MODESTO CITY EMPLOYEES' ASSOCIATION (MCEA); 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) includes pending issues to be addressed during the term of the contract, and

WHEREAS, MCEA desires to initiate participation in the State Disability Insurance (SDI) program for employees in the unit, and

WHEREAS, employers may elect coverage through the Disability Insurance Branch of the California Employment Development Department (EDD) by way of the application for elective coverage of disability insurance, and

WHEREAS, the CITY agreed to the coordination of these benefits so long as there is no additional financial or administrative cost to the CITY, and

WHEREAS, the Council considered this matter at its meeting of January 8, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Employment Development Department (EDD) application for elective coverage of disability insurance for employees represented by the Modesto City Employees' Association (MCEA); and authorizes the City Manager, or designee, to take the necessary administrative action to implement 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 January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-09

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE AGREEMENTS FOR MAINTENANCE CONTRACT/SUPPORT AGREEMENTS THROUGHOUT FISCAL YEAR 2012-2013 FOR THE SOLE SOURCE PROCUREMENT OF VARIOUS HARDWARE AND SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FROM HARDWARE AND SOFTWARE MANUFACTURERS FOR THE INFORMATION TECHNOLOGY DEPARTMENT FOR AN ESTMATED ANNUAL COST NOT TO EXCEED $889,599

WHEREAS, the City has an ongoing need to issue purchase maintenance contracts/support agreements for hardware and software assets utilized by the City of Modesto and managed by the Information Technology Department, and

WHEREAS, the expenditures for maintenance contracts/support agreements have been approved by Council through the budget process, and

WHEREAS, staff requests the Purchasing Manager be authorized to issue purchase agreements for maintenance contract/support agreements throughout Fiscal Year 2012–2013 for the sole source procurement of various hardware and software maintenance support agreements from hardware and software manufacturers for an estimated budgeted amount not to exceed $889,599,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager be authorized to issue purchase agreements for maintenance contract/support agreements for the sole source procurement of various hardware and software maintenance support agreements throughout the Fiscal Year 2012–2013.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-10

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OFFICER WILLIAM JONES FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, CAIN; 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 William Jones, wishes to purchase and assume possession of his assigned canine, Cain, 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 Jones for the purchase of retired police canine, Cain.

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 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By_____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-11

Print

A RESOLUTION ACCEPTING THE CALIFORNIA GANG REDUCTION, INTERVENTION AND PREVENTION (CALGRIP) GRANT, FROM THE STATE OF CALIFORNIA, BOARD OF STATE AND COMMUNITY CORRECTIONS, IN THE AMOUNT OF $84,716, FOR PROJECT WAKE UP; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as Project Wake Up from the California Gang Reduction, Intervention and Prevention Program (CalGRIP), from the State of California, Board of State and Community Corrections (BSCC), and

WHEREAS, the Police Department was awarded a grant in the amount of $84,716 from BSCC, and

WHEREAS, this grant will use local collaborative efforts to reduce gang activity through the use of evidence-based prevention, intervention and suppression activities, and

WHEREAS, the grant requires a 100% match, and

WHEREAS, 20% of the grant funds will be given to the Community Based Organizations Center for Human Services, who has been providing services to Modesto residents for over 40 years and has presented at Wake Up classes in the past; and the Modesto Youth Soccer Association to provide recreational soccer league play for participants, and

WHEREAS, the term of this grant will be from January 1, 2013 to December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the California Gang Reduction, Intervention and Prevention

Program grant, from the State of California, Board of State and Community Corrections, in the amount of $84,716, for Project Wake Up.

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 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-12

A RESOLUTION AMENDING THE FISCAL YEAR 2012/2013 MULTI-YEAR BUDGETS TO REFLECT REVENUE AND EXPENSES, IN THE AMOUNT OF $84,716, FROM THE STATE OF CALIFORNIA, BOARD OF STATE AND COMMUNITY CORRECTION, FOR PROJECT WAKE UP

WHEREAS, the Police Department applied for and was awarded a grant in the sum of $84,716 from the State of California, Board of State and Community Correction (BSCC) for Project Wake Up, to use local collaborative efforts to reduce gang activity through the use of evidence-based prevention, intervention and suppression activities, and

WHEREAS, the grant will provide overtime for officers to partake in the program, gang awareness brochures, program supplies, training, and an interpreter, and

WHEREAS, this grant will use local collaborative efforts to reduce gang activity through the use of evidence-based prevention, intervention and suppression activities, and

WHEREAS, there is an in-kind match required of $84,716 for this grant which will be provided through a part-time Reserve Police Officer position, who will be the Project Wake Up Coordinator, and a part-time Police Assistant with no additional cost to the City, and

WHEREAS, 20% of the funds received will be given to the Community Based Organizations Center for Human Services, who has been providing services to Modesto residents for over 40 years and has presented at Wake Up classes in the past; and Modesto Youth Soccer Association to provide recreational soccer league play for participants, and

WHEREAS, the term of this program will be from January 1, 2013 through December 31, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2012/2013 Multi-Year Budgets are shown on **Exhibit A attached** are hereby amended.

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 January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

The Project Wake Up grant allocation for Fiscal Year 2012/2013 Multi-Year Budgets will be applied to:

Revenues:	**Increase/(Decrease)**	**Description**
To:		
MY-1341-19999-42199-100735	$ 84,716	State – Miscellaneous Grants
MY-1341-19999-42406-100735	$ 84,716	Modesto In-Kind Contribution
TOTAL:	**$169,432**	

Expenses:

To:		
MY-100735- Appr Unit C	$ 84,716	In-Kind: Part-Time Expense
MY-100735- Appr Unit A	$ 40,176	Overtime
MY-100735- Appr Unit C	$ 5,400	Printing and Binding
MY-100735- Appr Unit C	$ 3,000	Promotion Expense
MY-100735- Appr Unit C	$ 3,116	Office Supplies
MY-100735- Appr Unit C	$ 1,200	Conference Expense
MY-100735- Appr Unit C	$ 2,710	Travel-Hotel
MY-100735- Appr Unit C	$ 1,420	Travel-Per Diem
MY-100735- Appr Unit C	$ 14,500	Professional Svcs.
MY-100735- Appr Unit C	$ 11,500	Business Expense
MY-100735- Appr Unit C	$ 1,694	Svcs. City Forces-Interfund
TOTAL	**$169,432**	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-13

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $138,694 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 501 FORTUNA AVENUE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 501 Fortuna Avenue, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 501 Fortuna Avenue at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $138,694 to purchase and

rehabilitate real property which is located at 501 Fortuna Avenue to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-14

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $185,000 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 1329 DEL VALE AVENUE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 1329 Del Vale Avenue, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 1329 Del Vale Avenue at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $185,000 to purchase and

rehabilitate real property which is located at 1329 Del Vale Avenue to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-15

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $132,487 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 2513 GALWAY DRIVE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 2513 Galway Drive, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 2513 Galway Drive at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $132,487 to purchase and

rehabilitate real property which is located at 2513 Galway Drive to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-16

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $160,523 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 2701 JENNIFER DRIVE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 2701 Jennifer Drive, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 2701 Jennifer Drive at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $160,523 to purchase and

rehabilitate real property which is located at 2701 Jennifer Drive to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-17

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $183,778 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 3825 LOUISBURG AVENUE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 3825 Louisburg Avenue, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 3825 Louisburg Avenue at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $183,778 to purchase and

rehabilitate real property which is located at 3825 Louisburg Avenue to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-18

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $163,281 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 2020 CARVER ROAD TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 2020 Carver Road, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 2020 Carver Road at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $163,281 to purchase and

rehabilitate real property which is located at 2020 Carver Road to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-19

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $157,370 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 3800 CARVER ROAD TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 3800 Carver Road, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 3800 Carver Road at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $157,370 to purchase and

rehabilitate real property which is located at 3800 Carver Road to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-20

Print

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $189,086 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 816 CHALONE DRIVE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 816 Chalone Drive, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 816 Chalone Drive at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $189,086 to purchase and

rehabilitate real property which is located at 816 Chalone Drive to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-21

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $169,464 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 2006 CODDING DRIVE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 2006 Codding Drive, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 2006 Codding Drive at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $169,464 to purchase and

rehabilitate real property which is located at 2006 Codding Drive to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-22

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $150,603 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 1925 HUNT AVENUE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 1925 Hunt Avenue, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 1925 Hunt Avenue at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $150,603 to purchase and

rehabilitate real property which is located at 1925 Hunt Avenue to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-23

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $163,038 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 3309 OCOTILLO WAY TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 3309 Ocotillo Way, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 3309 Ocotillo Way at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $163,038 to purchase and

rehabilitate real property which is located at 3309 Ocotillo Way to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-24

Print

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $125,998 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 243 PHOENIX TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 243 Phoenix, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 243 Phoenix at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $125,998 to purchase and

rehabilitate real property which is located at 243 Phoenix to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-25

Print

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $181,366 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 2416 STONE CROP LANE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 2416 Stone Crop Lane, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 2416 Stone Crop Lane at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $181,366 to purchase and

rehabilitate real property which is located at 2416 Stone Crop Lane to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-26

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $158,198 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 304 YUBA RIDGE LANE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 "General Acquisition and Rehabilitation" activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all "boilerplate" loan agreements for the purchase and rehabilitation of 304 Yuba Ridge Lane, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 304 Yuba Ridge Lane at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $158,198 to purchase and

rehabilitate real property which is located at 304 Yuba Ridge Lane to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-27

Print

RESOLUTION APPROVING AN INCENTIVE-BASED AGREEMENT EXTENDING THE SERVICES OF SIXEL CONSULTING GROUP, INC. TO PROVIDE AIR SERVICE DEVELOPMENT EFFORTS TO SECURE ADDITIONAL AIRLINE SERVICE FOR THE MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, In 2009 the City Council, by Resolution No. 2009-380, approved entering into an incentive-based agreement with SCG to provide air service development work for Modesto City-County Airport (MOD), and

WHEREAS, since that time SCG has partnered with the City to attract new air service, and

WHEREAS, this new Agreement replaces the prior Agreement with SCG and provides for continuing efforts by SCG on behalf of the City to obtain new air service, and

WHEREAS, based on SCG's success attracting new air service in other locations, the City can anticipate increased revenues from existing fees and concessions, and

WHEREAS, SCG will receive $15,000 compensation at the commencement of this new Agreement, in addition to other fees for specific projects included in the Scope of Agreement shown in **Exhibit A**, and

WHEREAS, SCG will also paid a sum of $2 per each enplaned passenger on new air service operations at the Modesto City-County Airport (Airport) for a two-year period as compensation for performing all services, furnishing all staffing and materials called for in **Exhibit A**, and for performing the consultant duties and obligations described in the **attached** agreement, and

WHEREAS, as a term of this Agreement with SCG, the City will commit to an active role in support of airline service development with approximate expenditures of $21,000 annually over the course of this 36 month Agreement, and

WHEREAS, there is a potential for approximately $243,000 in revenue if SCG is successful in obtaining new airline services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an incentive-based agreement extending the services of Sixel Consulting Group, Inc. to provide air service development efforts to secure additional airline service for the Modesto City-County Airport under the terms and conditions stated in the Agreement for a 36-month period.

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 held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carrier and the resolution adopted by the following vote:

AYES:	Councilmember:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmember:	None
ABSENT:	Councilmember:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

STANDARD AGREEMENT FOR
CONSULTANT SERVICES

THIS AGREEMENT, made and entered into in the City of Modesto, State of California, this _____ day of August, 2012, ("Effective Date") by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter referred to as "City", and Sixel Consulting Group, Inc., an Oregon company, hereinafter referred to as "Consultant"

This Agreement is made with regard to the following recitals:

A. The City has determined that air service development work should be prepared for the City.

B. Consultant represents that it is qualified, willing and able to provide the services to prepare said work.

NOW, THEREFORE, in consideration of this Agreement, and the mutual promises, covenants, and stipulations hereinafter contained, the parties agree as follows:

1. SCOPE OF SERVICES.

Consultant shall undertake and complete the preparation of the scope of work as set forth and described in the documents attached hereto and referred to as Exhibit "A" or "project". The Consultant shall perform the services as described in Exhibit "A" in a manner compatible with the standards of its profession, and shall produce a fully complete project that is acceptable to City.

2. TERM OF AGREEMENT.

This Agreement is effective as of the date first written above and will continue in effect for a period of thirty-six (36) months unless terminated earlier in accordance with the provisions of the termination clause in this Agreement.

City hereby gives Consultant notice to proceed with the preparation of the project in the manner described in Exhibit "A", as of the Effective Date of this Agreement. Consultant shall diligently

proceed with the preparation of the project and agrees to complete said preparation within the time period set forth in Exhibit "A".

3. COMPENSATION.

As this contract replaces a previous contract and the terms of payment have changed, Consultant will receive $15,000 at commencement of this contract. In addition, Consultant agrees to accept a sum of $2 per passenger for a period of twenty-four (24) months, as specified in Exhibit "A", plus other fees for specific projects as listed in Exhibit "A" as full remuneration for performing all services and furnishing all staffing and materials called for in Exhibit "A" and for performance by Consultant of all of its duties and obligations under this Agreement.

4. OBLIGATIONS OF CONSULTANT.

Throughout the term of this Agreement, Consultant shall possess, or secure all licenses, permits, qualifications and approvals legally required to conduct business. Consultant warrants that it has all of the necessary professional capabilities and experience, as well as all tools, instrumentalities, facilities and other resources necessary to provide the City with the services contemplated by this Agreement. Consultant further warrants that it will follow the best current, generally accepted and professional practices to make findings, render opinions, prepare factual presentations, and provide professional advice and recommendations regarding this project.

5. PERFORMANCE BY KEY EMPLOYEE.

Consultant has represented to City that Mark Sixel will be the person primarily responsible for the performance of the services referred to in this Agreement. City has entered into this Agreement in reliance on that representation by Consultant. Consultant therefore agrees that thirty-three percent (33%) or more of the time to be devoted to the project that is the subject of this Agreement will be that of the above-named person.

6. OWNERSHIP OF DOCUMENTS/TITLE TO DATA.

Ownership of Documents

All reports, drawings, designs, graphics, working papers and other incidental work or materials furnished hereunder shall become and remain the property of the City, and may be used by City as it may require without any additional cost to City. No reports shall be used by the Consultant for purposes other than this Agreement without the express prior written consent of City.

Title to Data

If, as a part of the Agreement, Consultant is required to produce data such as, but not limited to, drawings, plans, specifications, calculations, models, flow diagrams, visual aids and other related materials, the originals of all such data generated under this Agreement will be delivered to City upon the completion or termination of services under the contract.

All materials, documents, data or information obtained from the City data files or any City medium furnished to Consultant in the performance of this Agreement will at all times remain the property of the City. Such data or information may not be used or copied for direct or indirect use by Consultant after termination of this Agreement without written consent of the City.

7. NEWS AND INFORMATION RELEASE.

Consultant agrees that it will not issue any news releases in connection with either the award of this Agreement, or any subsequent amendment of or efforts under this Agreement, without first obtaining review and approval of said news releases from City through the City Manager.

8. INTEREST OF CONTRACTOR.

Consultant warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Consultant warrants that, in performance of this Agreement, Consultant

shall not employ any person having any such interest. Consultant agrees to file a Statement of Economic Interests with the City Clerk at the start and end of this Agreement if so required at the option of City.

9. AMENDMENTS.

Both parties to this Agreement understand that it may become desirable or necessary during the execution of this Agreement, for City or Consultant to modify the scope of services provided for under this Agreement. Any material extension or change in the scope of work shall be discussed with City and the change and cost shall be memorialized in a written amendment to the original agreement prior to the performance of the additional work.

Until a change order is so executed, City will not be responsible to pay any charges Consultant may incur in performing such additional services, and Consultant shall not be required to perform any such additional services.

10. INDEPENDENT CONTRACTOR.

All acts of the Consultant, its agents, officers, and employees and all others acting on behalf of Consultant relating to the performance of this Agreement, shall be performed as independent contractors and not as agents, officers, or employees of City. Consultant, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of City. Consultant has no authority or responsibility to exercise any rights or power vested in the City. No agent, officer, or employee of the City is to be considered an employee of Consultant. It is understood by both Consultant and City that this Agreement shall not, under any circumstances, be construed or considered to create an employer-employee relationship or a joint venture.

Consultant, its agents, officers and employees are, and at all times during the term of this Agreement shall represent and conduct themselves as, independent contractors and not as employees of City.

Consultant shall determine the method, details and means of performing the work and services to be provided by Consultant under this Agreement. Consultant shall be responsible to City only for the requirements and results specified in this Agreement, and, except as expressly provided in this Agreement, shall not be subjected to City's control with respect to the physical action or activities of the Consultant in fulfillment of this Agreement. Consultant has control over the manner and means of performing the services under this Agreement. Consultant is permitted to provide services to others during the same period service is provided to City under this Agreement. If necessary, Consultant has the responsibility for employing other persons or firms to assist Consultant in fulfilling the terms and obligations under this Agreement.

If in the performance of this Agreement any third persons are employed by Consultant, such persons shall be entirely and exclusively under the direction, supervision, and Control of Consultant. All terms of employment including hours, wages, working conditions, discipline, hiring, and discharging or any other term of employment or requirement of law shall be determined by the Consultant.

It is understood and agreed that as an independent contractor and not an employee of City neither the Consultant nor Consultant's assigned personnel shall have any entitlement as a City employee, right to act on behalf of the City in any capacity whatsoever as an agent, or to bind the City to any obligation whatsoever.

It is further understood and agreed that Consultant must issue W-2 forms or other forms as required by law for income and employment tax purposes for all of Consultant's personnel.

As an independent contractor, Consultant hereby indemnifies and holds City harmless from any and all claims that may be made against City based upon any contention by any third party that an employer-employee relationship exists by reason of this Agreement.

11. ASSIGNMENT.

Neither this Agreement nor any portion thereof shall be subcontracted or assigned without the express prior written consent of the City in each and every instance.

12. PATENT/COPYRIGHT MATERIALS.

Unless otherwise expressly provided in the contract, Consultant shall be solely responsible for obtaining the right to use any patented or copyrighted materials in the performance of this Agreement. Consultant shall furnish a warranty of such right to use to City at the request of City.

13. NOTICES.

Any and all notices permitted or required to be given hereunder shall be deemed duly given and effective (1) upon actual delivery, if delivery is by hand; or (2) 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.

FOR CONSULTANT:	Name:	Mark Sixel
	Address:	Sixel Consulting Group, Inc. 497 Oakway Rd. Suite 220 Eugene, OR 97401
	Phone:	(541) 341-1601

CITY:	Name:	City of Modesto Modesto City-County Airport
	Address:	617 Airport Way Modesto, CA 95354
	Attention:	Airport Manager
	Phone:	(209) 577-5319

14. INSURANCE REQUIREMENTS.

The Consultant 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.

(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. 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 consultants and subcontractors; products and completed operations as applicable.

(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 Consultant 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 Consultant 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 Consultant to obtain and/or maintain any required insurance shall not relieve the Consultant from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the Consultant concerning indemnification. The City, its agent's 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 Consultant for the City. The Consultant'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 Consultant must deliver certificates evidencing existence of the insurance listed above to the City prior to the time the contract is signed.

CONSULTANT shall provide CITY with separate endorsements evidencing proof of the CITY's additional insured status as to <u>both</u> the general liability and automobile liability insurance policies. In addition, CONSULTANT 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.

For any claims related to this project, the CONSULTANT'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 in excess of the CONSULTANT'S insurance and shall not contribute with it.

15. TERMINATION OF AGREEMENT.

City shall have the right to terminate this contract at any time in its sole discretion, with or without cause, subject to the rights of Consultant set forth herein.

In the Event of Termination

If this Agreement is terminated pursuant to this section, Consultant shall cease all its work on the project as of the termination date and shall see to it that its employees, subcontractors and agents are notified of such termination and cease their work. If City so requests, and at City's cost, Consultant shall provide sufficient oral or written status reports to make City reasonably aware of the status of Consultant's work on the project. Further, if City so requests, and at City's cost, Consultant shall deliver to City any work products whether in draft or final form which have been produced to date.

If the Agreement is terminated pursuant to any of the subsections contained in this section, City will pay Consultant an amount based on the percentage of work completed on the termination date, this percentage shall be determined by City in its sole discretion. If the Agreement is terminated pursuant to the subparagraph entitled Termination by City for Default of Consultant, Consultant understands and agrees that City may, in City's sole discretion, refuse to pay Consultant for that portion of Consultant's services which were performed by Consultant on the project prior to the termination date and which remain unacceptable and/or not useful to City as of the termination date.

16. CERTIFIED PAYROLL REQUIREMENT.

For consultants performing field work on public works contracts on which prevailing wages are required: The Consultant shall comply with the provisions of Section 1776 of the California Labor Code, regarding payroll records, and shall require its sub-consultants and subcontractors to comply with that section as may be required by law.

17. INDEMNITY.

The Consultant 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 any negligent or intentional act or omission of Consultant, or its agents, officers, employees, or volunteers relating to or during the performance of its obligations under this Agreement.

Consultant'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 Consultant to procure and maintain a policy of assurance.

18. DISPUTE RESOLUTION.

All claims, controversies, or disputes arising out of, or relating to the formation of this Agreement, or the breach, termination execution, enforcement, interpretation, or validity of this Agreement, including the determination of the scope or applicability of this contract provision shall be determined by binding arbitration in Modesto, California, by one arbitrator, except as otherwise specified in this Agreement. The American Arbitration Association shall administer the arbitration under its Arbitration Rules then in effect, subject to the modifications of those rules contained in this paragraph. This agreement to arbitrate shall be specifically enforceable under the prevailing law of any court having jurisdiction, and the award rendered by the arbitrator may be entered in any court having jurisdiction. The appropriate venue for any arbitration or court proceeding relating to or arising out of this provision shall be in Stanislaus County, California.

This paragraph is not intended to and does not waive the claim filing requirements found in

California Government Code section 900 et seq. In the event that a timely and legally sufficient, arbitrable claim is filed by Consultant with City, and the claim is rejected in whole or in part by City, this paragraph shall result in the conclusive, final, and binding resolution of all the issues presented in the claim by Consultant so long as any issues presented by the claim are arbitrable. Claims rejected by City or by operation of law, shall be submitted by Consultant to arbitration pursuant to the Arbitration Rules of the American Arbitration Association within ninety (90) days after mailing of the ·written rejection by City to Consultant. Otherwise, the claim or claims shall be deemed waived in their entirety.

The "fast track' rules of the American Arbitration Association shall apply to any claim or counterclaim less than ONE HUNDRED FIFTY THOUSAND AND 00/100 ($150,000.00) DOLLARS. In arbitration not proceeding under the "fast track" rules, the arbitrator shall have the power to order that depositions be taken and other discovery be made. Both City and Consultant shall have the right, upon written notice, to take no more than three (3) depositions of the other as a matter of right in an arbitration proceeding under the "fast track" rules.

Whether or not City and Consultant may be engaged in interstate commerce, any controversy or dispute mentioned above shall be determined by, and the parties shall be bound by, the substantive law of the State of California, and not the Federal Arbitration Act at 9 USC Section 1 et seq.

The arbitrator may grant any remedy or relief deemed by the arbitrator just and equitable under the circumstances, whether or not such relief could be awarded in a court of law. The arbitrator shall be empowered to award monetary sanctions against a party for failure of cooperation in the arbitration. The arbitrator shall, in written award, allocate all the costs of the arbitration, including the fees of the arbitrator and the reasonable attorney fees of the prevailing party, against the party who did not prevail. The prevailing party shall be the party in whose favor the majority of the central issues in the case are resolved.

Notwithstanding anything in this provision to the contrary, the arbitrator shall have no power to

award punitive damages or other damages not measured by the party's actual damages (excluding litigation costs and fees) against any party. This limitation of the arbitrator's powers under this Agreement shall not operate as an exclusion of the issue of punitive damages from this Agreement to Arbitrate sufficient to vest jurisdiction in a court with respect to that issue.

Consultant shall include in all subcontracts a specification whereby the subcontractor consents to being joined in arbitration between City and Consultant involving the work of the subcontractor to be joined. Consultant's failure to do so shall be a breach of this Agreement.

The parties hereby waive any rights provided by Title 9.2 of the California Code of Civil Procedure, Section 1296. The arbitrator's award shall be deemed final, conclusive and binding to the fullest extent allowed by California law.

19. ENTIRE AGREEMENT.

This Agreement and its exhibits contain the entire understanding between Consultant and City. Additional or new terms contained in this Agreement which vary from Consultant's proposal are controlling and are deemed accepted by Consultant by shipment of any article or other commencement of performance hereunder. All previous proposals, offers and communications relative to this Agreement, whether oral or written, are hereby superseded except to the extent that they have been incorporated into this Agreement. No future waiver of or exception to any of the terms, conditions, and provisions of this Agreement shall be considered valid unless specifically agreed to in writing by all the parties.

20. PARTIAL INVALIDITY.

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

21. 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.

22. AUDIT.

The City's duly authorized representative shall have access at all reasonable times to all reports, contract records, contract documents, contract files, and personnel necessary to audit and verify Consultant's charges to City under this Agreement.

Consultant agrees to retain reports, records, documents, and files related to charges under this Agreement for a period of four (4) years following the date of final payment for Consultant services. City's representative shall have the right to reproduce any of the aforesaid documents.

23. GOVERNING LAW.

This Agreement shall be governed according to the laws of the State of California.

24. HEADINGS NOT CONTROLLING.

Headings used in the Agreement are for reference purposes only and shall not be considered in construing this Agreement.

25. COMPLIANCE WITH LAWS.

Consultant shall insure compliance with all safety and hourly requirements for employees, in accordance with federal, state, and county safety and health regulations and laws. Consultant shall fully comply with all applicable federal, state, and local laws, ordinances, regulations and permits.

26. CITY BUSINESS LICENSE.

Consultant will have a City of Modesto business license.

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 _____, 2012, and Consultant has caused this agreement to be duly executed in duplicate as of the Effective Date.

CITY OF MODESTO,
A municipal corporation

By _____
GREG NYHOFF, City Manager

CONSULTANT,
An Oregon company

By _____
MARK SIXEL, President

ATTEST:

(Seal)

By_____
STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:
SUSANA ALCALA WOOD, City Attorney

Consultant' Federal ID #74-2800563

By_____
ROLAND STEVENS, Assistant City Attorney

** 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 require

APPROVED AS TO FORM:

By_____
MARY AKIN, Risk Manager

Exhibit A, Scope of Agreement

The Modesto City-County Airport ("Airport") and Sixel Consulting Group, Inc. ("Consultant") agree as follows:

It is the goal of the Airport to secure additional airline service in order to provide increased competition and secure additional seats and non-stop markets for the community. Consultant seeks to provide the expertise and devote the time necessary to ensure the success of this goal. The Airport also seeks to accomplish this goal in a cost effective manner, therefore, Consultant has structured a proposal to be heavily incentive laden with compensation directly tied to the success of the Consultant in achieving goals. Therefore, Consultant is assuming a large share of the financial risk. Consultant and Airport agree to the following scope of work:

1. Consultant will identify potential new and incumbent airlines that have the possibility of adding to existing service or adding new service to the Airport.
2. Consultant will produce air service case studies to be presented to targeted airlines. These case studies will include, but not be limited to, community background information, economic and demographic analyses, passenger traffic analyses and comparisons and financial projections. Consultant will accompany Airport officials, as requested, in the presentation of these materials to the airlines. Phone calls, e-mails, follow-up information requests and continued dialog with the Airport and the airlines are included.
3. Consultant will represent the Airport at all Air Service Development Conferences Consultant attends, such as Jumpstart, Network, etc. and will prepare and present material for such meetings. Consultant agrees to attend at least one of these specialized conferences each calendar year of this contract. In order to represent Airport, Airport must also register for the events at which Airport requests Consultant's assistance.

4. Consultant shall produce the *Airport Traffic Year End – Modesto City-County Airport* every three months. One printed copy will also be provided to the Airport for distribution as desired, as will unlimited digital copies.
5. Consultant can, as requested by Airport, prepare Department of Transportation Small Community Air Service Development Grant proposals in each year Airport is eligible, for the full term of this agreement.
6. Consultant can, as requested by Airport, prepare and present an air service overview for the community, the Airport Board, and/or major economic leaders. This presentation will focus on air service development, airport potential, and the current state of the airline industry.
7. Consultant can, as requested by Airport, prepare an airline recruitment video for presentation at airline/airport conferences and in one-on-one meetings with air carriers. This video will be shot by Consultant in Modesto, and edited to be between eight and ten minutes in length. Consultant will interview key leaders with respect to their need for additional air service at Airport.
8. Consultant can, as requested by Airport, develop and manage advertising and marketing campaign(s) to support any new service that is introduced.

Under this agreement, Consultant will waive standard charges and fees in lieu of a success fee/incentive program based on Consultant's success in recruiting new and additional air service to Airport. Charges and fees for the following projects will be fully waived:

1. Air Service Development Conferences
2. Airline Presentations at Airline Headquarters

In exchange for waiving fees for projects listed above: 1) For airlines that Consultant contacted, provided information, made presentations or otherwise recruited (starting with the first day of new service by a new airline currently not serving Airport), Consultant

will receive payment in the amount of $2.00 per enplaned passenger on the new service for a period of twenty-four (24) months from the initiation of service. 2) For expansion of service by an incumbent airline to a destination without scheduled service at Airport in at least nine of the previous twelve months from the date of initiation of this agreement, that Consultant contacted, provided information, made presentations or otherwise recruited, Consultant will receive payment in the amount of $2.00 per enplaned passenger on the new service, as defined above, at Airport for a period of twenty-four (24) months from the initiation of service. 3) In the event that an incumbent airline that Consultant contacted, provided information, made presentations or otherwise recruited, transfers service to another airport (eg: Skywest discontinues service to San Francisco, but "transfers" that service to Los Angeles), Consultant would receive $2.00 for enplaned passengers on the "new" route that are in excess of the last three-year monthly average from the "old" route for a period of twenty-four (24) months from the initial date the service was transferred. Compensation for enplanements is based on monthly enplanement totals and will be billed on a monthly basis.

Other projects, not directly associated with the recruitment of additional air service, but important to the overall health of the air service environment at Airport as determined by Airport management, shall be invoiced at significantly discounted rates — in most cases at least 50% of standard Consultant rates. Each of the projects listed below shall be invoiced upon completion, at the stated rates:

1. Airport Traffic Year End and access to Airport Traffic Online. Consultant will provide its *Airport Traffic Year End* reports and access to Online databases. Consultant will invoice $1,500 per quarter plus shipping costs for this product.

2. Small Community Air Service Development Grants. Consultant will prepare Grant proposals for each year Airport is eligible for the duration of this agreement. Consultant shall invoice $5,000 for each Grant proposal it prepares on behalf of Airport. $2,500 will be invoiced upon the DOT's issuance of Grant RFP. The remaining $2,500 will be invoiced upon submission of Airport's proposal.

3. Community Meetings. Consultant can, at Airport's request, deliver presentation at community meetings. Consultant will invoice $5,000 upon completion of each set of meetings. Consultant will be available for up to four meetings over a two day period in Modesto. Each additional meeting beyond four will be invoiced at $250 per meeting. Consultant will also invoice for reimbursement of applicable travel expenses (including airfare, hotel, and rental car/gas) at cost plus 10%.

4. Airline Recruitment and Social Media Video. Consultant can, at Airport's request, prepare an Airline Recruitment and Social Media Video. Consultant will invoice $15,000 for video, upon completion of video in DVD format. Consultant will also invoice for reimbursement of applicable travel expenses (including airfare, hotel, and rental car/gas) at cost plus 10%. City will be provided the opportunity to request up to two edits of video at no additional charge. Edits in excess of the two additional included herein will be charged an additional fee.

Consultant will invoice for other applicable expenses, incurred while directly working on air service development projects for Modesto and for printing charges. Specifically, Consultant will invoice for reimbursement of applicable travel expenses at cost plus 10%.

Travel fees, participation fees, etc. necessary to represent the Airport at Air Service Conferences (Jumpstart, Network, etc.) are to be allocated to all clients Consultant represents at these Conferences based on the number of individual airline meetings at which the consultant represents the Airport divided by the total number of individual airline meetings the Consultant has scheduled at these events, billed at

cost plus 10%. Applicable expenses include registration fees, airfare, reasonable and necessary hotel, car rental and gas.

Printing is billed at $1 per color page.

Other terms of this agreement:

1. Success Fee payment provisions will be valid for service begun within twenty-four (24) months after any airline presentation, beginning June 1, 2011.

3. All travel plans for which Consultant expects reimbursement shall be approved by Airport representative in advance of any expenditure.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-28

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2012 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH ROLFE CONSTRUCTION OF ATWATER, CALIFORNIA IN THE AMOUNT OF $691,290, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the 2012 Sanitary Sewer Collection System Replacement project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the 2012 Sanitary Sewer Collection System Replacement project were opened at 11:00 a.m. on December 4, 2012, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $691,290, received from Rolfe Construction of Atwater, California, be accepted as the lowest responsible bid and the contract be awarded to Rolfe Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2012 Sanitary Sewer Collection System Replacement project, accepts the bid, and approves a contract with Rolfe Construction of Atwater, California in the amount of $691,290.

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 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-29

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $69,884 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY, AND CONSTRUCTION ADMINISTRATION FOR THE 2012 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $69,884, in order to fund construction, contingency, and construction administration for the 2012 Sanitary Sewer Collection System Replacement project, and

WHEREAS, the Fiscal Year 2012-2013 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 2012-2013 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 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

Due to the increase of estimated construction, contingency, and construction administration costs for CIP Account #100664 "2012 Sanitary Sewer Collection System Replacement Project", the total project costs need to be increased by $69,884. This would be done by adjusting Construction by $73,898, Contingency by $1,087, Construction Administration by $1,587, and Engineering/Design/Administration by <$6,688>.

To fund the above account, $69,884 will be transferred from Wastewater Fund Reserves into CIP Project 100664 for the 2012 Sanitary Sewer Collection System Replacement project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-30

RESOLUTION ACCEPTING THE WORK BY CON J FRANKE, INC., FOR THE "EMERGENCY GENERATORS AT TANK 7, 8 AND WELL 100 PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $561,136

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Emergency Generators at Tank 7, 8 and Well 100 Project has been completed by Con J Franke, Inc., in accordance with the contract agreement dated August 3, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Emergency Generators at Tank 7, 8 and Well 100 Project is hereby accepted as complete from said contractor, Con J Franke, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $561,136 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-31

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PRIMARY OUTFALL REHABILITATION PROJECT - PHASE III, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH HPS MECHANICAL OF BAKERSFIELD, CALIFORNIA IN THE AMOUNT OF $2,314,670, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Primary Outfall Rehabilitation Project - Phase III, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Primary Outfall Rehabilitation Project - Phase III were opened at 11:00 a.m. on December 11, 2012, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $2,314,670 received from HPS Mechanical, Inc. of Bakersfield, California be accepted as the lowest responsible bid and the contract be awarded to HPS Mechanical, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Primary Outfall Rehabilitation Project - Phase III, accepts the bid of HPS Mechanical, Inc. of Bakersfield, California in the amount of $2,314,670, and awards HPS Mechanical, Inc. the contract with for the Primary Outfall Rehabilitation Project - Phase III.

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 8th day of January, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-32

RESOLUTION APPROVING A THIRD AMENDMENT TO AGREEMENT WITH BROWN AND CALDWELL FOR FINAL DESIGN SERVICES FOR PRIMARY OUTFALL REHABILITATION PROJECT - PHASE III PROJECT IN AN AMOUNT NOT TO EXCEED $9,542, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE THIRD AMENDMENT TO AGREEMENT

WHEREAS, the City of Modesto owns and operates approximately 6.5 miles of 60-inch diameter pipeline that transports primary effluent from the Sutter Avenue Primary Water Quality Control Plant (Primary Plant) to the Jennings Road Secondary Plant (Secondary Plant), and

WHEREAS, the existing Primary Outfall Pipeline was constructed in 1969 across mainly agricultural land, and

WHEREAS, the condition of the Primary Outfall pipe has deteriorated due to internal corrosion, and

WHEREAS, the City adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in this pipe and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the pipeline, limited construction period, and the large number of property acquisitions required to perform the work, the project was divided into three phases, and

WHEREAS, Phase III will rehabilitate the City's Primary Outfall Pipeline at the Secondary Wastewater Treatment Plant and Primary Wastewater Treatment Plant including the section under the San Joaquin River, and

WHEREAS, the project will provide a new structural lining while transforming the existing gravity pipeline to one that can accommodate projected wastewater flows and force main pressures, and

WHEREAS, the relining work will consist of CIPP, P-CIPP, and RPMP slip lining for approximately 1,059 ft, 600ft, and 2, 139 ft respectively, and

WHEREAS, additional work will include the removal of one cross connection between the Primary Outfall and Cannery Segregation Line, a new manhole with air/vacuum assembly, modifications to an existing junction box and appurtenances, and the replacement of a junction box with new air/vacuum assembly, and

WHEREAS, Brown and Caldwell (BC) is the consulting design engineer for the Primary Outfall Rehabilitation Project – Phase III, and was selected for final design services in 2011, and

WHEREAS, during the course of the Phase III design, BC provided other, unanticipated design-related tasks, which required an additional level of effort, and impacted the design schedule, including additional coordination with the state agencies, revisions to the project specifications, and coordination efforts and additional design work by BC, between the Primary Outfall Phase III Project and the Phase 2 BNR/Tertiary Treatment project contractor, and

WHEREAS, the overall result of this coordination will ultimately save the City money during construction, and

WHEREAS, as a result, approval of a third amendment to agreement of $9,542 is recommended to cover the additional work to the original scope, and

WHEREAS, staff recommends a Third Amendment to Agreement with BC, as the City does not have the staffing level or subject matter expertise to perform final design services for the Phase 2 Tertiary Project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to Agreement with Brown and Caldwell for Final Design Services for Primary Outfall Rehabilitation – Phase III for an amount not to exceed $9,542.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-33

RESOLUTION APPROVING AN AGREEMENT WITH BROWN AND CALDWELL FOR DESIGN SUPPORT DURING CONSTRUCTION FOR PRIMARY OUTFALL REHABILITATION PROJECT - PHASE III PROJECT IN AN AMOUNT NOT TO EXCEED $111,922 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $11,192 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $123,114, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owns and operates approximately 6.5 miles of 60-inch diameter pipeline that transports primary effluent from the Sutter Avenue Primary Water Quality Control Plant (Primary Plant) to the Jennings Road Secondary Plant (Secondary Plant), and

WHEREAS, the existing Primary Outfall Pipeline was constructed in 1969 across mainly agricultural land, and

WHEREAS, the condition of the Primary Outfall pipe has deteriorated due to internal corrosion, and

WHEREAS, the City adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in this pipe and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the pipeline, limited construction period, and the large number of property acquisitions required to perform the work, the project was divided into three phases, and

WHEREAS, Phase III will rehabilitate the City's Primary Outfall Pipeline at the Secondary Wastewater Treatment Plant and Primary Wastewater Treatment Plant including the section under the San Joaquin River, and

WHEREAS, the project will provide a new structural lining while transforming the existing gravity pipeline to one that can accommodate projected wastewater flows and force main pressures, and

WHEREAS, the relining work will consist of CIPP, P-CIPP, and RPMP slip lining for approximately 1,059 ft, 600ft, and 2, 139 ft respectively, and

WHEREAS, additional work will include the removal of one cross connection between the Primary Outfall and Cannery Segregation Line, a new manhole with air/vacuum assembly, modifications to an existing junction box and appurtenances, and the replacement of a junction box with new air/vacuum assembly, and

WHEREAS, due to the size and complexity of the project, construction support services are needed to facilitate 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, therefore, Engineering Services During Construction (ESDC) work is being recommended by City staff, and will cover the construction of Primary Outfall Rehabilitation Project - Phase III, and

WHEREAS, Brown and Caldwell is the consulting design engineer for the Primary Outfall Rehabilitation Project – Phase III, and was selected for final design services in 2011, and

WHEREAS, upon successful completion of the design of the project, City staff requested and received a proposal from Brown and Caldwell for ESDC services, and

WHEREAS, the scope for ESDC includes General technical oversight of project activity, including review of submittals and shop drawings, review and response to

Requests for Information (RFIs) and change order requests, as-needed technical observation of construction activities, project start-up and close-out assistance, and As-built preparation, and

WHEREAS, staff has negotiated the scope and fees with Brown and Caldwell and believes the costs are reasonable for a project of this size and complexity, and

WHEREAS, based on the City's need for these services and analysis of the proposed costs, staff is recommending approval of the agreement with Brown and Caldwell for construction support services of the Primary Outfall Rehabilitation Project – Phase III, and

WHEREAS, staff recommends an agreement with Brown and Caldwell, as the City does not have the staffing level or subject matter expertise to perform design support during construction for the Primary Outfall Rehabilitation Project – Phase III, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Brown and Caldwell for Design Support During Construction for Primary Outfall Rehabilitation Project – Phase III for an amount not to exceed $111,922 for the identified scope of services, plus $11,192 for additional services (if needed), for a maximum total amount of $123,114.

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 8th day of January, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-34

Print

RESOLUTION AUTHORIZING THE AWARD OF QUOTATION AND CONTRACT FOR THE PURCHASE AND INSTALLATION OF SYNTHETIC TURF WITH INFILL TO EMPIRE ASSOCIATES, INC., DBA SPRINTURF, ATLANTA, GA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONTRACT FOR AN ESTIMATED TOTAL COST OF $1,005,460.46

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) issued Request For Quotes (RFQ) No. 120612 Synthetic Turf at Mary E. Grogan Community Park to ten (10) prospective proposers, posted the RFQ on the City's website and PlanetBids and formally advertised as required by law, and

WHEREAS, quotations were received and opened on December 19, 2012. Eight (8) synthetic turf manufacturers chose to respond, submitting twenty-one (21) responsive and responsible quotations, and

WHEREAS, based on ranking of the synthetic turf product on cost and performance in relation to base specifications, PRND staff recommends the award of quotation and contract for the purchase and installation of approximately 286,714 S.F. of synthetic turf and "Coolfill" infill to Empire Associates, Inc., dba Sprinturf, of Atlanta, GA, 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 quotation and contract for the purchase and installation of approximately 286,714 S.F. of synthetic turf with "Coolfill" infill to Empire Associates, Inc., dba Sprinturf, of Atlanta, GA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Parks CIP Account 100288.PRN.Park Planning and Development.CON.Construction (Mary E. Grogan Community Park).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of quotation and contract for the purchase and installation of approximately 286,714 S.F. of synthetic turf with infill to Empire Associates, Inc., dba Sprinturf, of Atlanta, GA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a contract for an estimated cost of $1,005,460.46.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-35

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO TRANSFER CALIFORNIA INTEGRATED WASTE MANAGEMENT GRANT FUNDS, IN THE AMOUNT OF $150,000, INTO THE MARY E. GROGAN COMMUNITY PARK PROJECT, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO AMEND THE BUDGET

WHEREAS, the City of Modesto received a grant from the California Integrated Waste Management Board in the amount of $150,000 to purchase and use California recycled tires in the Mary E. Grogan Community Park project, and

WHEREAS, the City Council, on April 24, 2012, by Resolution No. 2012-153, awarded the construction contract for the development of Phase 1 of the Mary E. Grogan Community Park, and

WHEREAS, Mary E. Grogan Community Park will have three (3) synthetic turf soccer fields and four (4) natural turf soccer fields, and

WHEREAS, the City is now ready to purchase and have installed the synthetic turf which will utilize California recycled tires for the cushioning infill material, and

WHEREAS, the grant from the California Waste Management Board will help fund the purchase of California recycled tires to be used for this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the fiscal year 2012-2013 Operating budget and Capital Improvement Program budget in order to fund the Mary E. Grogan Community Park project.

BE IT FURTHER RESOLVED that the Finance Director, 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 8th day of January, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-36

Print

A RESOLUTION AMENDING RESOLUTION NOS. 2011-104 AND 2003-446, ADOPTING INTERIM FEES FOR OUTDOOR DINING ENCROCHMENT PERMITS, DIRECTING STAFF TO STUDY AND UPDATE THE FEES SPECIFIED IN THE OUTDOOR DINING ORDINANCE, AND RETURN TO THE CITY COUNCIL FOR CONSIDERATION

WHEREAS, the City Council of the City of Modesto has adopted various ordinances and resolutions authorizing the establishment of development user fees, and

WHEREAS, a Development User Fee Study was conducted in 2003 by Muni Financial, a Wildan Company, which recommended an update every five years, and

WHEREAS, the results and recommendations of the 2003 Development User Fee Study were adopted by Resolution No. 2003-446, and

WHEREAS, a Development User Fee Study was conducted in 2008 by Public Resource Management, and

WHEREAS, on November 23, 2009, the Finance Committee considered the 2008 Development User Fee Study and appointed a Comprehensive Fees 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 results of the 2011 Development User Fee Study and recommendations of the Comprehensive Fees Task Force were adopted by Resolution No. 2011-104, and

WHEREAS, Articles 1 and 2 of Chapter 15 of Title 4 of the Municipal Code (Outdoor Dining Ordinance) established regulations for outdoor dining in the public-right-of-way and includes fees for outdoor dining encroachment permits, and

WHEREAS, the outdoor dining fees were not updated as part of the Development User Fee Study and the Comprehensive Task force recommendations adopted by Resolution No. 2011-104, and

WHEREAS, on January 8, 2012, the City Council considered an update to Outdoor Dining Ordinance that removes all specific fee amounts from the Ordinance, and

WHEREAS, interim dining encroachment permit fees should be adopted by resolution, reviewed by staff to ensure the fees align with the goals and policies of the General Plan and Strategic Plan and reconsidered at a future date by the City Council, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the outdoor dining encroachment permits fees, **attached** as **Exhibit** A.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby directs staff to study and update the fees specified in the Outdoor Dining Ordinance and return to the City Council for consideration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

MODESTO
CALIFORNIA

Fiscal Year 2012-2013

Development Fee Schedule

Fees as of July 1, 2012

CITY OF MODESTO

Development Fee Schedule

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CITY OF MODESTO

Development Fee Schedule

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CITY OF MODESTO

Community and Economic Development Department

Planning Division Fee Schedule

(209) 577-5267

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Zoning Actions				
P-D Zone	$	5,037.00	*Application*	Time of Application
P-D Amendment (Planning Commission approval)	$	4,232.00	*Application*	Time of Application
P-D Amendment (City Council approval)	$	5,037.00	*Application*	Time of Application
Rezone	$	3,419.00	*Application*	Time of Application
Prezone	$	3,419.00	*Application*	Time of Application
Development Agreement**	$	5,000.00	*Deposit*	Time of Application
Development Agreement Amendment	$	3,956.00	*Application*	Time of Application
Precise Plan/Precise Plan Amendment	$	5,037.00	*Application*	Time of Application
Area Plan	$	4,232.00	*Application*	Time of Application
Annexation	$	4,896.00	*Application*	Time of Application
Minor Zoning Actions				
Conditional Use Permit with Development	$	4,232.00	*Application*	Time of Application
Conditional Use Permit without Development	$	1,917.00	*Application*	Time of Application
Conditional Use Permit in Single-Family Dwelling	$	815.00	*Application*	Time of Application
Conditional Use Permit, Signs and Cell Facilities	$	1,560.00	*Application*	Time of Application
Variance	$	2,076.00	*Application*	Time of Application
Variance for Single-Family Dwelling	$	815.00	*Application*	Time of Application
Exception	$	2,076.00	*Application*	Time of Application
Development Plan Review	$	2,792.00	*Application*	Time of Application
Development Plan Review, minor alterations & cell facilities	$	396.00	*Application*	Time of Application
Development Plan Review, 2nd story review & lrg. Family daycare	$	521.00	*Application*	Time of Application
Final Development Plan (Planning Commission approval)	$	4,232.00	*Application*	Time of Application
Final Development Plan (Administrative approval)	$	2,792.00	*Application*	Time of Application
Plot Plan Review (Planning Commission/BZA approval)	$	4,232.00	*Application*	Time of Application
Minor Plan Revisions	$	396.00	*Application*	Time of Application
Land Division				
Tentative Subdivision Map	$	4,232.00	*Application*	Time of Application
Tentative Parcel Map	$	2,525.00	*Application*	Time of Application
Lot Line Adjustment	$	655.00	*Application*	Time of Application
General Plan/Specific Plan				
General Plan Amendment	$	5,037.00	*Application*	Time of Application
Specific Plan Review**	$	10,000.00	*Deposit*	Time of Application
Specific Plan Amendment (City Council approval)	$	5,037.00	*Application*	Time of Application
Specific Plan Amendment (Administrative approval)	$	2,792.00	*Application*	Time of Application
Environmental Review				
Environmental Impact Report**	$	10,000.00	*Deposit*	Time of Application
Mitigated Negative Declaration**	$	5,000.00	*Deposit*	Time of Application
Initial Study	$	313.00	*Application*	Time of Application
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Initial Study/Finding of Conformance	$	57.00	*Application*	Time of Application
Mitigated Negative Declaration				
State Department of Fish & Game Fee	$	2,101.50	*Application*	Prior to Hearing Date
County Clerk Recorder Fee	$	57.00	*Application*	Prior to Hearing Date
Environmental Impact Report				
State Department of Fish & Game Fee	$	2,919.00	*Application*	Prior to Hearing Date
County Clerk Recorder Fee	$	57.00	*Application*	Prior to Hearing Date
Miscellaneous				
Street/Alley Abandonment	$	5,037.00	*Application*	Time of Application

CITY OF MODESTO

Community and Economic Development Department

Planning Division Fee Schedule

(209) 577-5267

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Time Extension (Planning Commission/BZA approval)	$	1,230.00	*Application*	Time of Application
Time Extension (Administrative approval)	$	101.00	*Application*	Time of Application
Director Determination (Administrative approval)	$	101.00	*Determination*	Time of Application
Williamson Act Cancellation	$	1,889.00	*Application*	Time of Application
Appeals of Administrative Decisions	$	354.00	*Appeal*	Time of Application
Referral of Plans to Planning Commission/BZA	$	1,033.00	*Referral*	Time of Application
Building Plan Check	$	73.00	*Plan Check*	Permit Application
Address Change	$	108.00	*Application*	Time of Application
Zoning Verification Letter	$	55.00	*Letter*	Time of Request
Copies, Maps, Subscriptions				
Documents				
Planning Commission Minutes[2]	$	30.00	*Year*	Annually (July 1st)
Planning Commission Agendas[2]	$	46.00	*Year*	Annually (July 1st)
Board of Zoning Adjustment Minutes[2]	$	20.00	*Year*	Annually (July 1st)
Board of Zoning Adjustment Agendas[2]	$	20.00	*Year*	Annually (July 1st)
Photocopies of an Official City Document and all other Reports and Documents[2]				
First Image	$	0.35	*Copy*	Upon Pick-up
Additional Images	$	0.15	*Copy*	Upon Pick-up
Maps, Zoning or Base[2]	$	9.00	*Each*	Upon Pick-up

Division Endnotes

[1] All checks for Notice of Determination Filing Fees must be made out to the Stanislaus County Clerk-Recorder.

[2] Sales tax not included.

* Inflationary Adjustment of 1.30% applies to Development User Fees only.

** Time and Materials Fees:

1. When multiple entitlement applications are filed for the same project and one or more of the applications is a time and materials fee, then the entire project shall be treated as a time and materials project for fee purposes.
2. When deposited funds drop below 50% of the initial deposit amount, then additional funds shall be required to be deposited in an amount to be determined by the Director. This requirement may be waived by the Director if it is determined that additional funds are not needed to complete the entitlements or the entitlements are inactive.
3. Once the project is completed, withdrawn or returned, the applicant shall be returned the balance of any remaining unused funds.

Concurrent Processing:

When two or more entitlement applications related to a single development proposal on the same parcel are submitted simultaneously, the application fees shall be the highest fee plus half of the fees for the remaining applications (exclusive of CEQA processing fees).

Refunds (Non Time and Materials Fees):

1. If an application is withdrawn or returned before it is deemed complete or within two weeks of submittal, whichever occurs first, then the applicant shall be entitled to a full refund.
2. If an application is withdrawn or returned after the initial period described above, but no later than six months after submittal and prior to scheduling for a hearing or an administrative decision, then the applicant shall be refunded half of the application fees submitted.
3. After six months from application submittal, or once an application has been scheduled for a public hearing or administrative decision, whichever occurs first, no refunds shall be given.

Authority to determine fee when none exists:

If an application is made for an entitlement where no fee has been established, then the Director shall determine the appropriate fee based on the adopted fees for similar entitlements requiring a similar process or amount of staff time.

CITY OF MODESTO

Community and Economic Development Department

Building Safety Division Fee Schedule

(209) 577-5232

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
RESIDENTIAL FEES				
Custom Residential Dwelling including Duplex (includes MPE)				
Small Residential Units including granny flats up to 1,300 sf	$	1,936.00	*Permit*	Time of Application
Dwellings up to 5,000 sf	$	2,837.00	*Permit*	Time of Application
Dwellings 5,000 sf or greater	$	2,837.00	*Deposit*	Time of Application
Residential Dwelling - Tract Homes (includes MPE)				
Master Plan Review per Development	$	2,068.00	*Review*	Time of Application
Production Home	$	1,908.00	*Each*	Time of Application
Residential Additions, Remodels, Minor Improvements and Repairs				
Additions less than or equal to 500 sf (includes MPE)	$	1,511.00	*Permit*	Time of Application
Additions > 500 sf (includes MPE)	$	2,029.00	*Deposit*	Time of Application
Residential Remodel - No structural review needed (includes MPE)	$	703.00	*Permit*	Time of Application
Improvements: Decks, Patio Enclosures and Covers, Carports, Covered Porch, etc.	$	395.00	*Permit*	Time of Application
Accessory Buildings: 120 to 500 sf (> 500 sf, see Garage)	$	521.00	*Permit*	Time of Application
Garage	$	760.00	*Permit*	Time of Application
Re-Roofing	$	279.00	*Permit*	Time of Application
Mobile Home Installation (Park Installation and permanent foundation)	$	531.00	*Permit*	Time of Application
COMMERCIAL FEES				
New Construction (includes MPE)				
New Building without Interior Improvements (Shell)	$	4,600.00	*Deposit*	Time of Application
New Building with Interior Improvements	$	14,693.00	*Deposit*	Time of Application
Apartment/Condo	$	4,614.00	*Deposit*	Time of Application
Hotel/Motel	$	27,448.00	*Deposit*	Time of Application
Commerical Additions				
Up to 3,000 sf (includes MPE)	$	2,140.00	*Permit*	Time of Application
Greater than 3,000 sf (includes MPE)	$	2,140.00	*Deposit*	Time of Application
Commercial Remodels, Tenant Improvements, Minor Improvements and Repairs				
Tenant Improvement 500 to 3,000 sf (includes MPE)	$	1,585.00	*Permit*	Time of Application
Tenant Improvement > 3,000 sf (includes MPE)	$	1,930.00	*Deposit*	Time of Application
Minor Improvements and Remodels: Decks, Awnings, Single interior partition and demising walls, tenant improvements up to 500 sf	$	1,061.00	*Permit*	Time of Application
Accessory Buildings less than or equal to 500 sf (> 500 sf, see Garage)	$	521.00	*Permit*	Time of Application
Garage (up to 720 sf and no occupancy)	$	1,027.00	*Permit*	Time of Application
Re-Roofing	$	445.00	*Permit*	Time of Application

CITY OF MODESTO

Community and Economic Development Department

Building Safety Division Fee Schedule

(209) 577-5232

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Accessibility Review				
ADA CBC Chapter 11 Accessibility Review	$	185.00	*Hour*	Permit Issuance
Certified Access Specialist Review and Inspection	$	91.00	*Hour*	Permit Issuance
Admin Processing Fee	$	32.00	*Review*	Permit Issuance
MISCELLANEOUS FEES				
Mechanical Plumbing Electrical				
Mechanical Plumbing Electrical - Minor[1]	$	192.00	*Permit*	Time of Application
Water Heater Replacement	$	111.00	*Permit*	Time of Application
Mechanical Plumbing Electrical - Commercial/Industrial	$	814.00	*Permit*	Time of Application
Electrical Photovoltaic - Residential	$	265.00	*Permit*	Time of Application
Electrical Photovoltaic - Commercial	$	875.00	*Deposit*	Time of Application
Miscellaneous				
Demolition	$	240.00	*Permit*	Time of Application
Signs (All types)	$	255.00	*Permit*	Time of Application
Swimming Pools (All types)	$	438.00	*Permit*	Time of Application
Vacant Building Registration (NPU)	$	206.00	*Application*	Time of Application
Minimum Fee Permit[2]	$	192.00	*Permit*	Time of Application
Hourly Rates[3]				
Inspection	$	172.00	*Hour*	Prior to Final
Plan Review (Non-Structural)	$	185.00	*Hour*	Permit Issuance
Plan Review (Structural)	$	203.00	*Hour*	Permit Issuance
General Plan Maintenance Recovery	$	0.26	*$1,000 of Valuation*	Time of Application
Green Building Standards Fee				
$1 - 25,000 Permit Valuation	$	1.00	*Permit*	Permit Issuance
$25,001 - 50,000 Permit Valuation	$	2.00	*Permit*	Permit Issuance
$50,001 - 75,000 Permit Valuation	$	3.00	*Permit*	Permit Issuance
$75,001 - 100,000 Permit Valuation	$	4.00	*Permit*	Permit Issuance
Every $25,000 or fraction thereof above $100,000 Permit Valuation	$	1.00	*Permit*	Permit Issuance
Strong Motion Tax - Commerical	$	0.00021	*Permit Valuation*	Permit Issuance
Strong Motion Tax - Residential	$	0.00010	*Permit Valuation*	Permit Issuance

Division Endnotes

[1] Mechanical Plumbing Electrial - Minor: This fee includes, but is not limited to, HVAC replacements and new systems, plumbing repairs and maintenance, electrical circuitry for new lighting and electrical outlets, service changes and similar projects in residential and small commercial applications. Large commercial systems, such as boilers and advanced mechanical systems, will be assessed at the Mechanical Plumbing Electrical - Commercial/Industrial category.

[2] Minimum Fee Permit: This fee was established to provide the Building Safety Division flexibility in assisting citizens, contractors, designers and developers with code compliance prior to issuance of a project permit and still recover the cost associated with this service. It is a non-refundable fee and includes, but is not limited to, one-stop inspection, code consultation, re-inspection fee and small projects that do not fit in the fee schedule.

[3] Per Hour Charges: At the discretion of the Chief Building Official and/or the Community and Economic Development Director, an hourly charge may be applied to provide additional service not already covered by the original permit. It is a non-refundable fee and includes, but is not limited to, Plan Review for revisions of approved plans, unscheduled or out of sequence inspections, after hours inpsections and re-inspections.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Capital Facilities Fee Schedule

(209) 577-5211

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Residential				
Single-Family	$	14,066.00	*Dwelling Unit*	Permit Issuance
Multi-Family	$	9,476.00	*Dwelling Unit*	Permit Issuance
Senior Housing	$	8,725.00	*Dwelling Unit*	Permit Issuance
Non-Residential				
Hotel/Motel	$	3,767.00	*Room*	Permit Issuance
Retail				
<50,000 square feet	$	10,305.00	*1,000 sf*	Permit Issuance
50,000 – 100,000 square feet	$	8,627.00	*1,000 sf*	Permit Issuance
100,000 – 300,000 square feet	$	7,354.00	*1,000 sf*	Permit Issuance
>300,000 square feet	$	6,887.00	*1,000 sf*	Permit Issuance
Medical Office	$	13,202.00	*1,000 sf*	Permit Issuance
General Office	$	6,744.00	*1,000 sf*	Permit Issuance
Hospital	$	9,434.00	*1,000 sf*	Permit Issuance
Daycare	$	5,544.00	*1,000 sf*	Permit Issuance
Church	$	1,776.00	*1,000 sf*	Permit Issuance
Nursing Home	$	2,248.00	*1,000 sf*	Permit Issuance
Industrial				
Manufacturing	$	2,643.00	*1,000 sf*	Permit Issuance
Warehousing	$	1,951.00	*1,000 sf*	Permit Issuance
Sphere of Influence Residential				
Single-Family	$	8,445.00	*Dwelling Unit*	Permit Issuance
Multi-Family	$	5,952.00	*Dwelling Unit*	Permit Issuance
Senior Housing	$	3,954.00	*Dwelling Unit*	Permit Issuance
Sphere of Influence Non-Residential				
Hotel/Motel	$	3,522.00	*Room*	Permit Issuance
Retail				
<50,000 square feet	$	10,048.00	*1,000 sf*	Permit Issuance
50,000 – 100,000 square feet	$	8,367.00	*1,000 sf*	Permit Issuance
100,000 – 300,000 square feet	$	7,093.00	*1,000 sf*	Permit Issuance
>300,000 square feet	$	6,627.00	*1,000 sf*	Permit Issuance
Medical Office	$	12,777.00	*1,000 sf*	Permit Issuance
General Office	$	6,257.00	*1,000 sf*	Permit Issuance
Hospital	$	8,951.00	*1,000 sf*	Permit Issuance
Daycare	$	5,050.00	*1,000 sf*	Permit Issuance
Church	$	1,215.00	*1,000 sf*	Permit Issuance
Nursing Home	$	1,709.00	*1,000 sf*	Permit Issuance
Industrial				
Manufacturing	$	2,435.00	*1,000 sf*	Permit Issuance
Warehousing	$	1,739.00	*1,000 sf*	Permit Issuance

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

(209) 577-5211

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Community Facilities Districts (In General)				
Formation of Community Facilities District*	$	64,500.00	*Deposit*	Time of Application
Annexation into Existing Community Facilities District*	$	9,500.00	*Deposit*	Time of Application
Deferral Agreements [1]				
Commercial, Industrial and Multi-Family Deferrals				
Administrative Fee	$	250.00	*Agreement*	Time of Application
Title Report Fee	$	500.00	*Title Report*	Time of Application
Release of Lien[2]	$	12.00	*Release*	Prior to Release
Wastewater Capacity Charge Deferral for Exisitng Single-Family Dwellings				
Administrative Fee	$	250.00	*Agreement*	Time of Application
Title Report Fee	$	75.00	*Title Report*	Time of Application
Release of Lien[2]	$	12.00	*Release*	Prior to Release
Existing Residential Past Paid Unconnected Sewer Charge Deferrals				
Administrative Fee	$	250.00	*Agreement*	Time of Application
Title Report Fee	$	75.00	*Title Report*	Time of Application
Release of Lien[2]	$	12.00	*Release*	Prior to Release

Division Endnotes

[1] Deferred Payment Agreements are an elective deferral of Capital Facilities Fees, Water Connection Fees and/or Wastewater Capacity Fees. Fees listed are charged fo the initiation and administration of Deferred Payment Agreements.

[2] Charged by the Stanislaus County Clerk Recorder's Office.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

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

(209) 577-5211

Description		Amount	Per	Due at
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013				
One-Time Facilities Special Tax (Annexed Properties)[1]				
Esta Estates Subdivision	$	19,705.69	*Lot*	Permit Issuance
Lawson's Twenty Subdivision	$	13,321.89	*Lot*	Permit Issuance
Villagio Subdivision	$	16,029.90	*Lot*	Permit Issuance
One-Time Facilities Special Tax (Non-Annexed Properties)[2]				
Formation				
Village Residential	$	61,386.33	*Gross Acre*	Permit Issuance
Village Low-Density Residential	$	40,905.77	*Gross Acre*	Permit Issuance
Multi-Family Residential	$	159,827.14	*Gross Acre*	Permit Issuance
Commercial	$	180,103.32	*Gross Acre*	Permit Issuance
Industrial	$	84,617.50	*Gross Acre*	Permit Issuance
Annexation # 2				
Village Residential	$	62,587.06	*Gross Acre*	Permit Issuance
Village Low-Density Residential	$	41,842.51	*Gross Acre*	Permit Issuance
Multi-Family Residential	$	162,286.08	*Gross Acre*	Permit Issuance
Commercial	$	183,756.61	*Gross Acre*	Permit Issuance
Industrial	$	86,050.29	*Gross Acre*	Permit Issuance
All Other Annexations				
Village Residential	$	62,759.50	*Gross Acre*	Permit Issuance
Village Low-Density Residential	$	41,972.37	*Gross Acre*	Permit Issuance
Multi-Family Residential	$	162,447.88	*Gross Acre*	Permit Issuance
Commercial	$	184,401.68	*Gross Acre*	Permit Issuance
Industrial	$	86,358.98	*Gross Acre*	Permit Issuance
Annual Maintenance Tax[3]				
Developed Property				
Very Low Density Residential	$	238.99	*Lot*	Annually (Dec/Apr)
Village Residential	$	238.99	*Lot*	Annually (Dec/Apr)
Multi-Family Residential	$	155.16	*Unit*	Annually (Dec/Apr)
Commercial	$	838.17	*Gross Acre*	Annually (Dec/Apr)
Industrial	$	838.17	*Gross Acre*	Annually (Dec/Apr)
Undeveloped Property				
Very Low Density Residential	$	119.51	*Lot*	Annually (Dec/Apr)
Village Residential	$	119.51	*Lot*	Annually (Dec/Apr)
Multi-Family Residential	$	77.59	*Unit*	Annually (Dec/Apr)
Commercial	$	838.17	*Gross Acre*	Annually (Dec/Apr)
Industrial	$	838.17	*Gross Acre*	Annually (Dec/Apr)

Division Endnotes

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

[2] The One-Time Facilities Special Tax shall be collected prior to building permit issuance for new construction of any residential or non-residential structure on taxable property within the CFD.

[3] The Annual Maintenance Special Tax is levied and collected at the same time as property taxes. It is a perpetual fee that pays for authorized services, administrative expenses not covered in the Annual Facilities Special Tax for the fiscal year, and cures delinquencies.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 1997-1 (North Beyer Park)

(209) 577-5211

Description		Amount	Per	Due at
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013				
One-Time Facilities Special Tax (Annexed Properties)[1]		PAID	*Unit*	-
One-Time Facilities Special Tax (Non-Annexed Properties)[2]				
Single-Family Detached Residential	$	129.99	*Unit*	Permit Issuance
Multi-Family Residential	$	83.56	*Unit*	Permit Issuance
Non- Residential	$	6,596.93	*Acre*	Permit Issuance
Annual Maintenance Tax[3]				
Very Low Density Residential	$	123.80	*Lot*	Annually (Dec/Apr)
Village Residential	$	80.47	*Unit*	Annually (Dec/Apr)
Non-Residential	$	612.80	*Gross Acre*	Annually (Dec/Apr)

Division Endnotes

[1] The One-Time Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD NO. 1997-1 and shall be immediately delinquent if not so paid.

[2] The One-Time Facilities Special Tax shall be collected prior to building permit issuance for new construction of any residential or non-residential structure on taxable property within the CFD.

[3] The Annual Maintenance Special Tax is levied and collected at the same time as property taxes. It is a perpetual fee that pays for authorized services, administrative expenses not covered in the Annual Facilities Special Tax for the fiscal year, and cures delinquencies.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 1998-2 (Carver/Bangs-Pelandale/Snyder)

(209) 577-5211

Description		Amount	Per	Due at
EFFECTIVE JANUARY 1, 2012 THROUGH DECEMBER 31, 2012				
One-Time Facilities Special Tax (Annexed Properties) [1]				
Tax Area A (Carver/Bangs)				
Calvary Chapel (APN 078-018-048)	$	26,461.68	*Lot*	Permit Issuance
Calvary Chapel (APN 078-018-047)		PAID	*Lot*	-
Calvary Chapel (APN 078-018-046)		PAID	*Lot*	-
Tax Area B (Pelandale/Snyder)				
Big Valley Grace Community Church (APN 046-003-006)	$	381,359.72	*Lot*	Permit Issuance
Big Valley Grace Community Church (APN 046-003-013)	$	761,038.35	*Lot*	Permit Issuance
Big Valley Grace Community Church (APN 046-003-014)		PAID	*Lot*	-
Happy Bees (APN 078-066-003)	$	17,062.06	*Lot*	Permit Issuance
Dale Road Professional Park (APN 078-066-013)		PAID	*Lot*	-
Dale Road Professional Park (APN 078-066-014)		PAID	*Lot*	-
Dale Road Professional Park (APN 078-066-015)		PAID	*Lot*	-
Dale Road Professional Park (APN 078-066-016)	$	26,095.13	*Lot*	Permit Issuance
One-Time Facilities Special Tax (Non-Annexed Properties) [2]				
Tax Area A (Carver/Bangs)				
APN 078-018-002	$	26,461.68	*Lot*	Permit Issuance
APN 078-018-023	$	421,910.48	*Lot*	Permit Issuance
APN 078-018-024	$	859,281.69	*Lot*	Permit Issuance
APN 078-018-014	$	671,964.00	*Lot*	Permit Issuance
APN 046-007-015	$	487,321.88	*Lot*	Permit Issuance
APN 046-007-016	$	538,462.54	*Lot*	Permit Issuance
APN 046-007-018	$	260,163.12	*Lot*	Permit Issuance
APN 046-007-019	$	573,845.35	*Lot*	Permit Issuance
APN 046-007-020	$	247,080.84	*Lot*	Permit Issuance
Tax Area B (Pelandale/Snyder)				
APN 078-018-006	$	1,490,542.52	*Lot*	Permit Issuance
APN 078-018-007	$	785,004.57	*Lot*	Permit Issuance
APN 078-018-022	$	771,549.74	*Lot*	Permit Issuance
APN 078-018-028	$	866,995.89	*Lot*	Permit Issuance
APN 078-018-012	$	1,012,475.84	*Lot*	Permit Issuance
APN 046-007-017	$	681,992.00	*Lot*	Permit Issuance
APN 046-007-011	$	754,731.21	*Lot*	Permit Issuance
APN 046-007-012	$	1,498,952.56	*Lot*	Permit Issuance
APN 046-007-022	$	548,704.53	*Lot*	Permit Issuance
APN 046-007-009	$	1,131,046.13	*Lot*	Permit Issuance
APN 046-007-007	$	584,024.22	*Lot*	Permit Issuance
APN 046-007-006	$	192,571.85	*Lot*	Permit Issuance
APN 046-007-008	$	782,903.22	*Lot*	Permit Issuance
APN 046-003-002	$	302,733.64	*Lot*	Permit Issuance
APN 046-003-006	$	381,359.72	*Lot*	Permit Issuance
APN 046-003-007	$	761,038.35	*Lot*	Permit Issuance
APN 046-003-009	$	439,838.96	*Lot*	Permit Issuance
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013				
Annual Maintenance Tax [3]				
Tax Area A (Carver/Bangs)				
Single-Family Residential	$	196.48	*Unit*	Annually (Dec/Apr)
Multi-Family Residential	$	1,573.49	*Acre*	Annually (Dec/Apr)
Non-Residential	$	1,573.49	*Acre*	Annually (Dec/Apr)
Tax Area B (Pelandale/Snyder)				
Single-Family Residential	$	153.19	*Unit*	Annually (Dec/Apr)
Multi-Family Residential	$	1,220.50	*Acre*	Annually (Dec/Apr)
Non-Residential	$	1,220.50	*Acre*	Annually (Dec/Apr)
Chateau Provence	$	25,705.42	*Subdivision*	Annually (Dec/Apr)

Division Endnotes

[1] The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure within CFD No. 1998-2 and shall be immediately delinquent if not so paid.

[2] The One-Time Facilities Special Tax shall be collected prior to building permit issuance for new construction of any residential or non-residential structure on taxable property within the CFD.

[3] Beginning January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2000-2 (Coffee-Claratina)

(209) 577-5211

Description		Amount	Per	Due at
EFFECTIVE JANUARY 1, 2012 THROUGH DECEMBER 31, 2012				
Annexation One-Time Special Tax[1]				
Arbor Lane 1 Subdivision	$	-	*Lot*	-
Arbor Lane 2 Subdivision	$	-	*Lot*	-
Claratina Estates Unit No. 1 Subdivision	$	-	*Lot*	-
Loretelli Manor Subdivision	$	-	*Lot*	-
Evergreen Subdivision	$	-	*Lot*	-
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013				
Annual Maintenance Special Tax[2]				
Properties per Acre	$	3,942.38	*Acre*	Annually (Dec/Apr)

Division Endnotes

[1] Tax calculations for new subdivisions/projects will be done at the time the parcel is annexed to the CFD.

[2] The Annual Maintenance Special Tax is levied and collected at the same time as property taxes. It is a perpetual fee that pays for authorized services, administrative expenses not covered in the Annual Facilities Special Tax for the fiscal year, and cures delinquencies.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2002-1 (NorthPointe)

(209) 577-5211

Description		Amount	Per	Due at
		EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013		
One-Time Special Tax				
Zone 1		PAID	*Acre*	-
Annual Maintenance Special Tax[1]				
ZONE 1				
Maximum Maintenance Portion	$	3,007.08	*Lot*	Annually (Dec/Apr)
Maximum Sinking Fund Portion (no escalator)	$	126.00	*Lot*	Annually (Dec/Apr)
TOTAL TAX TO BE LEVIED	$	**3,133.08**	*Lot*	Annually (Dec/Apr)
ZONE 2				
Developed Properties				
Maximum Maintenance Portion	$	3,007.08	*Lot*	Annually (Dec/Apr)
Maximum Sinking Fund Portion (no escalator)	$	80.00	*Lot*	Annually (Dec/Apr)
TOTAL TAX TO BE LEVIED	$	**3,087.08**	*Lot*	Annually (Dec/Apr)
Undeveloped Properties				
Maximum Maintenance Portion	$	3,007.08	*Lot*	Annually (Dec/Apr)
Maximum Sinking Fund Portion (no escalator)	$	126.00	*Lot*	Annually (Dec/Apr)
TOTAL TAX TO BE LEVIED	$	**3,133.08**	*Lot*	Annually (Dec/Apr)

Division Endnotes

[1] 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 Recorder 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 July 1. The sinking fund portion of the maximum Annual Special Tax shall not escalate.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2003-1 (Fairview Village)

(209) 577-5211

Description		Amount	Per	Due at
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013				
One-Time Facilities Special Tax[1]				
Galas Brothers Subdivision Unit # 1	$	-	*Lot*	-
Galas Brothers Subdivision Unit # 2	$	-	*Lot*	-
Annual Maintenance Special Tax[3]				
Developed Properties	$	420.22	*Lot*	Annually (Dec/Apr)
Undeveloped Properties	$	420.22	*Lot*	Annually (Dec/Apr)
Annual Facilities Special Tax[2]				
Developed Properties	$	1,021.12	*Lot*	Annually (Dec/Apr)
Undeveloped Properties	$	1,021.12	*Lot*	Annually (Dec/Apr)

Division Endnotes

[1] The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residentialor non-residential structure on Taxable Property within CFD No. 2003-1, and shall be immediately delinquent if not so paid.

NOTE: Upon issuance of all CFD 2003-1 (Fairview Village) building permits for new construction of any residential or non-residential structure, manually enter $0.00 for the CFD tax.

[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 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%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2004-1 (Village One #2)

(209) 577-5211

Description	Amount	Per	Due at
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013			
One-Time Facilities Special Tax (Annexed Properties)[1]			
Oakcrest Subdivision *APN 077-033-012* *(93 Residential Lots)*	PAID	*Parcel*	-
3400 Bob's Way *APN 077-033-011* *(3.05 AC Commerical)*	$ 251,868.59	*Parcel*	*Permit Issuance*
Oakdale Park Subdivision *APN 077-033-013* *(11 Residential Lots)*	$ 9,034.44	*Parcel*	*Permit Issuance*
Modesto Endoscopy Center *APN 077-033-009* *(0.93 AC Commercial)*	PAID	*Parcel*	-
3032 Merle Avenue *APN 085-034-083* *(existing home, remainder 53-PM-57)*	$ 11,638.96	*Parcel*	*Permit Issuance*
Merle Avenue Residential Lots *APNs 085-034-081, 085-034-082, 085-034 -084 and 085-034-085*	PAID	*Parcel*	-
Shadow Creek Apartments *APN 085-002-034* *(4.62 AC Multi-Family)*	PAID	*Parcel*	-
Shadow Creek Apartments *APN 085-002-035* *(4.88 AC Multi-Family)*	PAID	*Parcel*	-
Village Ranch Unit #1 Subdivision *APN 077-008-031 (portion)* *(70 Residential Lots)*	PAID	*Parcel*	-
Village Ranch Unit #2 Subdivision *APN 077-008-031 (portion)* *(68 Residential Lots)*	PAID	*Parcel*	-
Hacienda Del Sol #1 Subdivision *APN 077-008-034 (portion) and APN 077-008-035* *(86 Residenital Lots)*	PAID	*Parcel*	-
Hacienda Del Sol #2 Subdivision *APN 077-008-034 (portion) and APN 077-008-035* *(85 Residential Lots)*	PAID	*Parcel*	-
Naraghi Multi-Family (on Hillglen) *APN 077-008-034 (portion)* *(10.60 AC Multi-Family)*	$ 1,589,545.43	*Parcel*	*Permit Issuance*
Kodiak Village II Subdivision *APN 077-009-014 and APN 077-009-056* *(61 Residential Lots)*	$ 8,967.73	*Parcel*	*Permit Issuance*
Kodiak Village Subdivision *APN 077-009-057* *(201 Residenital Lots)*	$ 8,679.11	*Parcel*	*Permit Issuance*
Paramont Apartments on Merle *APN 085-013-067* *(0.57 AC Multi-Family)*	PAID	*Parcel*	-
Paramont Apartments on Merle *APN 085-013-069* *(0.57 AC Multi-Family)*	PAID	*Parcel*	-
3424 Oakdale Road *APN 077-033-002* *(1.12 AC Commerical)*	PAID	*Parcel*	-

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2004-1 (Village One #2)

(209) 577-5211

Description		Amount	Per	Due at
3837 Merle Avenue *APN 085-007-018* *(3.06 AC Residential)*	$	136,981.83	*Parcel*	*Permit Issuance*
Kodiak Village III Subdivision *APN 077-009-055* *(23 Residential Lots)*		PAID	*Parcel*	*Permit Issuance*
Burkshire Estates I Subdivision *APN 085-001-061* *(48 Residential Lots - formerly Lagos Subdivision)*	$	11,326.56	*Parcel*	*Permit Issuance*
Parcels 1 and 2 (within Burkshire Estates I Boundary) *APN 085-051-003* *(Formerly 3007 Esta Avenue)*	$	5,663.27	*Parcel*	*Permit Issuance*
Falling Leaf Subdivision *APN 085-002-079* *(314 Residential Lots)*	$	12,585.89	*Parcel*	*Permit Issuance*
Bhatti Estates Subdivision *APN 085-050-001* *(12 Residential Lots)*	$	18,992.65	*Parcel*	*Permit Issuance*
Sylvan Vet Clinic (Parcel 2) *APN 084-002-053 (3500 Roselle Avenue)* *(1.86 AC Commercial)*	$	210,202.76	*Parcel*	*Permit Issuance*
Sylvan Vet Clinic (Parcel 1) *APN 084-002-048 (3520 Roselle Avenue)* *(1.00 AC Commercial)*		PAID	*Parcel*	-
The Plaza Subdivision *APN 077-008-032 and APN 077-008-033* *(165 Residential Lots)*		PAID	*Parcel*	-
Hillglen Subdivision *APN 085-001-047* *(38 Residential Lots)*	$	14,467.02	*Parcel*	*Permit Issuance*
Burkshire Estates II Subdivision (1 of 2) *APNs 085-001-017, 085-001-045 and 085-001-046* *(52 Residential Lots)*		PAID	*Parcel*	-
Cambrooke Estates Subdivision *APN 085-018-060* *(8 Residential Lots - formerly Ramirez Estates)*	$	12,479.31	*Parcel*	*Permit Issuance*
Village One Plaza (Parcel 1) *APN 085-009-006* *(5.84 AC Commercial)*		PAID	*Parcel*	-
Village One Plaza (Parcel 2) *APN 085-009-007* *(0.74 AC Commercial)*		PAID	*Parcel*	-
Village One Plaza (Parcel 3) *APN 085-009-008* *(1.97 AC Commercial)*		PAID	*Parcel*	-
Village One Plaza (Parcel 4) *APN 085-009-009* *(1.59 AC Commercial)*		PAID	*Parcel*	-
Village One Plaza (Parcel 5) *APN 085-009-010 (portion)* *(0.5 AC Commercial)*		PAID	*Parcel*	-
Village One Town Center - Apartments *APN 085-009-005 (portion)* *(1.36 AC Multi-Family - Housing Authority Project)*		PAID	*Parcel*	-

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2004-1 (Village One #2)

(209) 577-5211

Description		Amount	Per	Due at
Village One Town Center - Single Family Homes *APN 085-009-005 (portion)* *(35 Residential Lots - Housing Authority Project)*	$	22,882.32	*Parcel*	*Permit Issuance*
Tarantella Estates Subdivision *APN 085-001-010* *(6 Residential Lots)*	$	15,533.47	*Parcel*	*Permit Issuance*
Burkshire Estates II Subdivision (2 of 2) *APN 085-001-045* *(see tax amount above)*		see Burkshire Estates II	*Parcel*	-
Hillglen/Sunrise Subdivision *APN 077-009-025* *(59 Residential Lots)*	$	10,576.46	*Parcel*	*Permit Issuance*
Graham Estates Subdivision *APNs 085-033-066, 085-033-067 and 085-033-068* *(24 Residential Lots)*	$	11,056.24	*Parcel*	*Permit Issuance*
Thomas Terrace Subdivision *APN 085-003-057* *(20 Residential Lots)*	$	10,935.82	*Parcel*	*Permit Issuance*
Village Corners (Parcel 1) *APN 085-062-001* *(0.79 AC Commercial - formerly Pimentel)*		PAID	*Parcel*	-
Village Corners (Parcel 2) *APN 085-062-002* *(0.77 AC Commercial - formerly Pimentel)*	$	86,756.63	*Parcel*	*Permit Issuance*
Village Corners (Parcel 3) *APN 085-062-003* *(0.75 AC Commercial - formerly Pimentel)*		PAID	*Parcel*	-
Village Corners (Parcel 4) *APN 085-062-004* *(0.92 AC Commercial)*		PAID	*Parcel*	-
Village Ranch Apartments *APN 077-008-030* *(10.04 AC Multi-Family)*		PAID	*Parcel*	-
Walgreens Commercial *APNs 085-050-006, 085-050-007, and 085-050-008* *(Commercial)*		PAID	*Parcel*	-
One-Time Facilities Special Tax (Non-Annexed Properties)[2]				
Tax Zone #1 (Formation – Annexation No. 5)				
Low Density Residential	$	19,723.85	*Net Taxable Acre*	*Permit Issuance*
Village Residential	$	44,765.24	*Net Taxable Acre*	*Permit Issuance*
Multi-Family Residential	$	149,957.12	*Net Taxable Acre*	*Permit Issuance*
Commercial	$	77,023.82	*Net Taxable Acre*	*Permit Issuance*
Industrial	$	19,370.53	*Net Taxable Acre*	*Permit Issuance*
Tax Zone # 2 (Annexation No. 6 Forward)				
Low Density Residential	$	28,939.74	*Net Taxable Acre*	*Permit Issuance*
Village Residential	$	65,680.62	*Net Taxable Acre*	*Permit Issuance*
Multi-Family Residential	$	220,022.45	*Net Taxable Acre*	*Permit Issuance*
Commercial	$	113,012.23	*Net Taxable Acre*	*Permit Issuance*
Industrial	$	28,420.85	*Net Taxable Acre*	*Permit Issuance*
Annual Facilities Special Tax[3]				
Low Density Residential	$	4,120.73	*Net Taxable Acre*	*Annually (Dec/Apr)*
Village Residential	$	7,504.48	*Net Taxable Acre*	*Annually (Dec/Apr)*
Multi-Family Residential	$	8,461.72	*Net Taxable Acre*	*Annually (Dec/Apr)*

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2004-1 (Village One #2)

(209) 577-5211

Description		Amount	Per	Due at
Commercial	$	4,182.82	*Net Taxable Acre*	*Annually (Dec/Apr)*
Industrial	$	2,987.73	*Net Taxable Acre*	*Annually (Dec/Apr)*
Annual Maintenance Special Tax[4]				
Very Low Density Residential	$	776.12	*Net Taxable Acre*	*Annually (Dec/Apr)*
Village Residential	$	1,822.78	*Net Taxable Acre*	*Annually (Dec/Apr)*
Multi-Family Residential	$	5,942.88	*Net Taxable Acre*	*Annually (Dec/Apr)*
Commercial	$	1,360.06	*Net Taxable Acre*	*Annually (Dec/Apr)*
Industrial	$	1,360.06	*Net Taxable Acre*	*Annually (Dec/Apr)*

Division Endnotes

[1] 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.

[2] The One-Time Facilities Special Tax shall be collected prior to building permit issuance for new construction of any residential or non-residential structure on taxable property within the CFD.

[3] The Annual Facilities Special Tax is levied and collected at the same time as property taxes until all bonds have been repaid and all facilities have been funded.

[4] The Annual Maintenance Special Tax is levied and collected at the same time as property taxes. It is a perpetual fee that pays for authorized services, administrative expenses not covered in the Annual Facilities Special Tax for the fiscal year, and cures delinquencies.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2005-1 (Hetch Hetchy)

(209) 577-5211

Description	Amount	Per	Due at
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013			
Maximum One-Time Facilities Special Tax (Annexed Properties)[1]			
Shelter Cove Community Church (APN 082-005-003)*	$ -	*Net Taxable Acre*	-
Maximum Annual Maintenance Special Tax[1]			
Shelter Cove Community Church (APN 082-005-003)*	$ -	*Net Taxable Acre*	-
Maximum Annual Facilities Special Tax[1]			
Shelter Cove Community Church (APN 082-005-003)*	$ -	*Net Taxable Acre*	-

Division Endnotes

[1] Tax calculations for new subdivisions/projects will be done at the time the parcel is annexed to the CFD.

* Per the development agreement between the City of Modesto and the Shelter Cove Community Church recorded on April 5, 2005 : "City agrees that it shall not levy any tax against Shelter Cove for construction or maintenance of the CFD Facilities until such time as any subsequent development in the CFD triggers the levy of the CFD tax."

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2007-1 (North Beyer Park #2)

(209) 577-5211

Description		Amount	Per	Due at
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013				
One-Time Facilities Special Tax (Annexed Properties)[1]				
APN 082-005-031 (Rose Villas)	$	265,244.34	*Parcel*	Permit Issuance
APN 082-025-002 (Parcel 2 of Parcel Map 55-PM-12)	$	142,785.12	*Parcel*	Permit Issuance
Annual Maintenance Special Tax (Annexed Properties)[2]				
APN 082-005-031 (Rose Villas)	$	43,912.73	*Parcel*	Annually (Dec/Apr)
APN 082-025-002 (Parcel 2 of Parcel Map 55-PM-12)	$	23,638.93	*Parcel*	Annually (Dec/Apr)

Division Endnotes

[1] The 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 within CFD No. 2007-1 and shall be immediately delinquent if not so paid.

[2] The Annual Maintenance Special Tax is levied and collected at the same time as property taxes. It is a perpetual fee that pays for authorized services, administrative expenses not covered in the Annual Facilities Special Tax for the fiscal year, and cures delinquencies.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2007-2 (Kiernan Business Park West)

(209) 577-5211

Description		Amount	Per	Due at
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013				
Maximum One-Time Facilities Special Tax (Annexed Properties)[1]				
APN 078-013-035	$	-	*Lot*	-
APN 078-069-010	$	62,206.06	*Lot*	Permit Issuance
APN 078-069-011	$	184,673.87	*Lot*	Permit Issuance
APN 078-069-012	$	6,155.05	*Lot*	Permit Issuance
APN 078-069-001	$	32,674.15	*Lot*	Permit Issuance
APN 078-069-002	$	16,675.17	*Lot*	Permit Issuance
APN 078-069-003	$	14,148.27	*Lot*	Permit Issuance
APN 078-069-004	$	28,465.00	*Lot*	Permit Issuance
APN 078-069-005	$	10,274.76	*Lot*	Permit Issuance
APN 078-069-006	$	9,432.23	*Lot*	Permit Issuance
APN 078-069-007	$	32,171.11	*Lot*	Permit Issuance
APN 078-069-008	$	15,664.40	*Lot*	Permit Issuance
APN 078-069-009	$	32,844.95	*Lot*	Permit Issuance
Annual Maintenance Special Tax[2]				
APN 078-013-035	$	117,554.17	*Lot*	Annually (Dec/Apr)
APN 078-069-010	$	2,602.57	*Lot*	Annually (Dec/Apr)
APN 078-069-011	$	7,670.25	*Lot*	Annually (Dec/Apr)
APN 078-069-012	$	246.67	*Lot*	Annually (Dec/Apr)
APN 078-069-001	$	6,023.70	*Lot*	Annually (Dec/Apr)
APN 078-069-002	$	3,073.95	*Lot*	Annually (Dec/Apr)
APN 078-069-003	$	2,608.20	*Lot*	Annually (Dec/Apr)
APN 078-069-004	$	5,247.44	*Lot*	Annually (Dec/Apr)
APN 078-069-005	$	1,894.05	*Lot*	Annually (Dec/Apr)
APN 078-069-006	$	1,738.80	*Lot*	Annually (Dec/Apr)
APN 078-069-007	$	5,930.54	*Lot*	Annually (Dec/Apr)
APN 078-069-008	$	2,887.64	*Lot*	Annually (Dec/Apr)
APN 078-069-009	$	6,054.76	*Lot*	Annually (Dec/Apr)

Division Endnotes

[1] The One-Time Facilities Special Tax shall be collected prior to a final building permit being issued for new construction of any structure on Taxable Property within CFD No. 2007-2 and shall be immediately delinquent if not so paid.

[2] Beginning in January 2008 and each January thereafter, the Maximum Annual Maintenance Special Tax assigned to each parcel shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2009-1 (Kiernan Business Park East)

(209) 577-5211

Description		Amount	Per	Due at
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013				
Maximum One-Time Facilities Special Tax (Annexed Properties)[1]				
Single-Family	$	16,472.74	*Unit*	Permit Issuance
Multi-Family	$	-	*Unit*	Permit Issuance
Business Park	$	274,489.46	*Net Taxable Acre*	Permit Issuance
Office	$	938,606.51	*Net Taxable Acre*	Permit Issuance
Retail	$	982,925.55	*Net Taxable Acre*	Permit Issuance
Hotel	$	595,365.79	*Net Taxable Acre*	Permit Issuance
Other	$	982,925.55	*Net Taxable Acre*	Permit Issuance
Annual Maintenance Special Tax				
Developed Property				
Single Family	$	334.32	*Unit*	Annually (Dec/Apr)
Multi-Family	$	245.39	*Unit*	Annually (Dec/Apr)
Business Park	$	1,360.91	*Net Taxable Acre*	Annually (Dec/Apr)
Office	$	1,360.91	*Net Taxable Acre*	Annually (Dec/Apr)
Retail	$	1,360.91	*Net Taxable Acre*	Annually (Dec/Apr)
Hotel	$	1,360.91	*Net Taxable Acre*	Annually (Dec/Apr)
Other	$	1,360.91	*Net Taxable Acre*	Annually (Dec/Apr)
Undeveloped	$	5,946.80	*Net Taxable Acre*	Annually (Dec/Apr)
Maximum Annual Facilities Special Tax[2]				
Developed Property				
Single-Family	$	1,392.30	*Unit*	Annually (Dec/Apr)
Multi-Family	$	621.87	*Unit*	Annually (Dec/Apr)
Business Park	$	6,654.84	*Net Taxable Acre*	Annually (Dec/Apr)
Office	$	19,716.18	*Net Taxable Acre*	Annually (Dec/Apr)
Retail	$	22,221.70	*Net Taxable Acre*	Annually (Dec/Apr)
Hotel	$	19,335.21	*Net Taxable Acre*	Annually (Dec/Apr)
Other	$	22,221.70	*Net Taxable Acre*	Annually (Dec/Apr)
Undeveloped Properties	$	22,221.70	*Net Taxable Acre*	Annually (Dec/Apr)

Division Endnotes

[1] The One-Time Facilities Special Tax shall be collected prior to a final building permit being issued for new construction of any structure on Taxable Property within CFD No. 2009-1 and shall be immediately delinquent if not so paid. The tax is adjusted annually per SF ENR or 4% (whichever is greater).

[2] Beginning with Fiscal Year 2010-11, and each Fiscal Year thereafter, the Maximum Annual Facilities Special Taxes shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

[3] The Annual Maintenance Special Tax is levied and collected at the same time as property taxes. It is a perpetual fee that pays for authorized services, administrative expenses not covered in the Annual Facilities Special Tax for the fiscal year, and cures delinquencies. The tax is adjusted annually per SF ENR or 4% (whichever is greater).

CITY OF MODESTO

Community and Economic Development Department

Infrastructure Financing Programs

Community Facilities District No. 2012-1 (Kiernan Business Park South)

(209) 577-5211

Description		Amount	Per	Due at
EFFECTIVE INCEPTION THROUGH DECEMBER 31, 2012				
Maximum One-Time Facilities Special Tax (Annexed Properties)[1]				
APN 078-018-021[(2)]	$	1,366,444.00	*Lot*	Permit Issuance
APN 078-018-021[(2)]	$	1,820,564.00	*Lot*	Permit Issuance
APN 078-018-027	$	2,978,303.00	*Lot*	Permit Issuance
APN 078-018-036	$	-	*Lot*	Permit Issuance
Maximum One-Time Facilities Special Tax (Non-Annexed Properties)[1]				
APN 078-018-031	$	3,065,114.00	*Lot*	Permit Issuance
APN 078-018-035	$	2,259,961.00	*Lot*	Permit Issuance
EFFECTIVE INCEPTION THROUGH JUNE 30, 2013				
Maximum Annual Maintenance Special Tax[3]				
APN 078-018-021[(2)]	$	-	*Developed Lot*	Annually (Dec/Apr)
APN 078-018-021[(2)]	$	-	*Developed Lot*	Annually (Dec/Apr)
APN 078-018-027	$	-	*Developed Lot*	Annually (Dec/Apr)
APN 078-018-031	$	-	*Developed Lot*	Annually (Dec/Apr)
APN 078-018-035	$	-	*Developed Lot*	Annually (Dec/Apr)
APN 078-018-036	$	-	*Developed Lot*	Annually (Dec/Apr)

Division Endnotes

[1] The One-Time Facilities Special Tax shall be collected prior to a final building permit being issued for new construction of any structure on Taxable Property within CFD No. 2012-1 and shall be immediately delinquent if not so paid. The tax is adjusted annually per SF ENR or 4% (whichever is greater). Beginning in January 2013 and each January thereafter, the Maximum One-Time Facilities Special Tax 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%). Each annual adjustment shall become effective on January 1 of the calendar year for which the annual adjustment was made.

[2] At the time of CFD Formation, APN 078-018-021 was anticipated to be subdivided into two separate parcels based on a preliminary parcel map submitted to the City.

[3] The Annual Maintenance Special Tax is levied and collected at the same time as property taxes. It is a perpetual fee that pays for authorized services and administrative expenses and cures delinquencies. The tax is adjusted annually per SF ENR or 4% (whichever is greater). The annual adjustment shall become effective on July 1 of the calendar year in which the adjustment was made.

CITY OF MODESTO

Community and Economic Development Department

Land Development Engineering Division Fee Schedule

(209) 571-5569

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Engineering Development				
Reversion to Acreage Check	$	912.00	*Each*	Permit Issuance
Final Parcel Map Check	$	1,641.00	*Each*	Permit Issuance
Final Subdivision Map Check				
First 10 Lots	$	2,634.00	*Each*	Permit Issuance
Each Additional Lot	$	23.00	*Each*	Permit Issuance
Improvement Plan Check**				
Cost Estimate - up to $25,000	$	2,000.00	*Deposit*	Time of Application
Cost Estimate - $25,001 - $100,000	$	4,000.00	*Deposit*	Time of Application
Cost Estimate - $100,001 - $250,000	$	6,750.00	*Deposit*	Time of Application
Cost Estimate - $250,001 - $500,000	$	11,350.00	*Deposit*	Time of Application
Cost Estimate - $500,001 - $1,000,000	$	20,550.00	*Deposit*	Time of Application
Cost Estimate - over $1,000,000[18]	$	20,550.00	*Deposit*	Time of Application
Rough Grading Review**				
Cost Estimate - up to $25,000	$	2,000.00	*Deposit*	Time of Application
Cost Estimate - $25,001 - $100,000	$	4,000.00	*Deposit*	Time of Application
Cost Estimate - $100,001 - $250,000	$	6,750.00	*Deposit*	Time of Application
Cost Estimate - $250,001 - $500,000	$	11,350.00	*Deposit*	Time of Application
Cost Estimate - $500,001 - $1,000,000	$	20,550.00	*Deposit*	Time of Application
Cost Estimate - over $1,000,000[18]	$	20,550.00	*Deposit*	Time of Application
On-Site Storm Drain Review**				
Cost Estimate - up to $25,000	$	2,000.00	*Deposit*	Time of Application
Cost Estimate - $25,001 - $100,000	$	4,000.00	*Deposit*	Time of Application
Cost Estimate - $100,001 - $250,000	$	6,750.00	*Deposit*	Time of Application
Cost Estimate - $250,001 - $500,000	$	11,350.00	*Deposit*	Time of Application
Cost Estimate - $500,001 - $1,000,000	$	20,550.00	*Deposit*	Time of Application
Cost Estimate - over $1,000,000[18]	$	20,550.00	*Deposit*	Time of Application
Property Owner's Association Document Check	$	355.00	*Each*	Permit Issuance
Certificate of Correction	$	304.00	*Each*	Permit Issuance
Summary Abandonment	$	2,269.00	*Each*	Time of Application
Monument Deposit (refundable)	$	365.00	*Monument*	Permit Issuance
Street Signs (each intersection & installed by City)	$	284.00	*Each*	Permit Issuance
Legal Description Check[1]	$	263.00	*Each*	Permit Issuance
Reciprocal Access Agreement Preparation	$	800.00	*Each*	Permit Issuance
Print Fees – Bonds (18" x 26")	$	0.43	*Each*	Permit Issuance
Water Availability Analysis**	$	1,000.00	*Deposit*	Time of Application
Water and Wastewater Capacity Analysis**	$	1,000.00	*Deposit*	Time of Application
Reimbursement Agreements	$	1,874.00	*Each*	Permit Issuance
Will-Serve Letter[2]	$	466.00	*Each*	Time of Application
Outside Service Agreement	$	203.00	*Each*	Permit Issuance
Stormwater Quality Review Fee**				
Cost Estimate - up to $25,000	$	300.00	*Deposit*	Time of Application
Cost Estimate - $25,001 - $100,000	$	550.00	*Deposit*	Time of Application
Cost Estimate - $100,001 - $250,000	$	900.00	*Deposit*	Time of Application
Cost Estimate - $250,001 - $500,000	$	1,500.00	*Deposit*	Time of Application
Cost Estimate - $500,001 - $1,000,000	$	2,700.00	*Deposit*	Time of Application
Cost Estimate - over $1,000,000[18]	$	2,700.00	*Deposit*	Time of Application
GIS Subdivision Mapping Fee	$	294.00	*Each*	Permit Issuance
Microfilm Fee	$	1.00	*Page*	Permit Issuance
As-Built Process Fee	$	172.00	*Each*	Permit Issuance
PUE and PE Dedication and Abandonment Fee[3]	$	466.00	*Each*	Time of Application
Encroachment Permit[4,8]				
Curb and Curb Cuts – Drive Approach (100 l.f. max.)[5]	$	223.00	*Lot*	Permit Issuance
Curb and Curb Cuts – Drive Approach (100 l.f.) – Staking[6]	$	5.00	*l.f.*	Permit Issuance
Curb and Curb Cuts – Drive Approach (100 l.f.) – Paving[6,7]	$	7.00	*l.f.*	Permit Issuance

CITY OF MODESTO

Community and Economic Development Department

Land Development Engineering Division Fee Schedule

(209) 571-5569

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Sidewalk (< 100 l.f.)[5]	$	223.00	*Lot*	Permit Issuance
Sewer Service from Lot to Main[9,10]	$	80.00	*Each*	Permit Issuance
Sewer Main (50 l.f.)[9,10,11]	$	80.00	*Each*	Permit Issuance
Sewer Main (50 l.f.) – Staking[6]	$	1.00	*l.f.*	Permit Issuance
Sewer Main (50 l.f.) – Paving[6,7]	$	7.00	*l.f.*	Permit Issuance
Storm Drain (through curb)	$	172.00	*Each*	Permit Issuance
Utilities – Major Construction[9,10,12]	$	80.00	*Each*	Permit Issuance
Utilities – Major Construction – Paving[6,7]	$	7.00	*l.f.*	Permit Issuance
Utilities – Service and Repair[9,12]	$	263.00	*Each*	Permit Issuance
Utilities – Service and Repair – Paving[6,7]	$	7.00	*l.f.*	Permit Issuance
Temporary Street/Right-of-Way Closures	$	294.00	*Day*	Permit Issuance
Street Lights[9]	$	537.00	*Each*	Permit Issuance
Rockwells or Storm Drain Connectors[10]	$	80.00	*Each*	Permit Issuance
Street Construction[10]	$	80.00	*Each*	Permit Issuance
Miscellaneous Improvements[10,13]	$	80.00	*Each*	Permit Issuance
Install Refractor Steel Pole	$	344.00	*Each*	Permit Issuance
Added Refractor Steel Pole	$	344.00	*Each*	Permit Issuance
Install Utility Wood Pole Mount	$	821.00	*Each*	Permit Issuance
Added Utility Wood Pole Mount	$	851.00	*Each*	Permit Issuance
Install Street Light Standard	$	314.00	*Each*	Permit Issuance
Soil Core Sample	$	263.00	*Each*	Permit Issuance
Monitoring/Extraction Well - Application Fee	$	111.00	*Each*	Permit Issuance
Monitoring/Extraction Well - Inspection Fee	$	92.00	*Each*	Permit Issuance
Application Pre-Inspection	$	96.00	*Each*	Permit Issuance
Lane Closure Traffic Control Plan Review	$	61.00	*Each*	Permit Issuance
Detour Traffic Control Plan Review	$	122.00	*Each*	Permit Issuance
Outdoor Dining Permits				
Application Fee	$	200.00	*Application*	Time of Application
Barrier Removal Deposit (fixed barrier only)	$	250.00	*Application*	Time of Application
Annual Renewal Fee	$	100.00	*Permit*	July 1st
Investigation of Site[14]		tbd.		Permit Issuance
Other Work Not Listed[15]		tbd.		Permit Issuance
Trench Restoration				
PCI Between 100 and 70[16] - Trench Depth over 4 feet		(W+4) x L = SF x $2.50		Permit Issuance
PCI Between 100 and 70[16] - Trench Depth 4 feet or less		(W+2) x L = SF x $2.50		Permit Issuance
PCI Between 69 and 26[17] - Trench Depth over 4 feet		(W=4) x L = SF x $1.25		Permit Issuance
PCI Between 69 and 26[17] - Trench Depth 4 feet or less		(W+2) x L = SF x $1.25		Permit Issuance
PCI Between 25 and 0		No Fee		Permit Issuance

Permits are required for all work done in all public right-of-way, including public utility easements.

CITY OF MODESTO

Community and Economic Development Department

Land Development Engineering Division Fee Schedule

(209) 571-5569

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Division Endnotes

** Time and Materials based fee.

[1] Land Surveyor portion of charge will be on a Time and Materials basis because this effort varies significantly.

[2] Significant additional connection fees apply.

[3] Does not include Land Surveyor review cost. Land Surveyor time will be charged on a Time and Materials basis.

[4] Additional fees charged if City employees perform paving or staking services.

[5] For lots greater than 100' frontage, each 100' or part therof is considered to be one "lot" (distance to be measured to nearest 100 feet).

[6] Where no fee is shown, the work is to be performed by others as needed.

[7] Chargeable only when paving is done by City. Developer/Owner shall repave all trenches, unless otherwise approved by the City Engineer.

[8] Costs shall be paid for emergency or other work performed by City for public health and safety in addition to the following minimum charges:

a. Cleanup or dust control $370.00 per street
b. Temporary Paving $233.00 per street
c. Temporary Barricades $142.00 each

[9] A trench restoration fee of $2.50/sf is charged in addition.

[10] Inspection to be charged on a Time and Materials basis.

[11] Applicant shall pay an additional $3.75/lf for small laterals designed and drawn by the City.

[12] Utility relocation required for City projects is not subject to a charge.

[13] Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines, etc.

[14] Uninitiated Street Work will be assessed a "double fee" penalty.

[15] To be calculated by the Public Works Director and other pertinent staff in each instance, based on the actual cost of doing the work, including overhead.

[16] $2.50 per sf of Trench Influence Area

[17] $1.25 per sf of Trench Influence Area

[18] Cost estimates over $1,000,000 will be required to place a deposit and replenish funds as they are exhausted.

NOTE: The following companies have executed Pavement Maintenance Agreements with the City of Modesto and are NOT subject to the Trench Restoration Fee:

- AT&T
- MID
- PG&E

CITY OF MODESTO

Community and Economic Development Department

Land Development Engineering Division

Water Related Fee Schedule

(209) 571-5569

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Water Connection				
5/8" Service[1]	$	2,175.00	*Connection*	Permit Issuance
1" Service	$	5,436.00	*Connection*	Permit Issuance
1 ½" Service	$	10,873.00	*Connection*	Permit Issuance
2" Service	$	17,395.00	*Connection*	Permit Issuance
3" Service	$	34,789.00	*Connection*	Permit Issuance
4" Service	$	54,359.00	*Connection*	Permit Issuance
6" Service	$	108,717.00	*Connection*	Permit Issuance
8" Service	$	173,947.00	*Connection*	Permit Issuance
10" Service	$	250,049.00	*Connection*	Permit Issuance
12" Service	$	467,482.00	*Connection*	Permit Issuance
Water Service Installation[2]				
1" Service	$	1,108.00	*Installation*	Permit Issuance
1 ½" Service	$	1,130.00	*Installation*	Permit Issuance
2" Service	$	1,156.00	*Installation*	Permit Issuance
4" Service	$	2,131.00	*Installation*	Permit Issuance
6" Service	$	2,131.00	*Installation*	Permit Issuance
8" Service	$	2,347.00	*Installation*	Permit Issuance
10" Service or Larger		At Cost		Permit Issuance
Water Main Installation - Residential, Commercial or Industrial[3]	$	18.00	*l.f.*	Permit Issuance
Water Meter[2]				
1" Meter/New Service – Pedestrian Lid	$	115.00	*Meter*	Permit Issuance
1" Meter/New Service – Traffic Lid	$	176.00	*Meter*	Permit Issuance
1" Meter/Retrofit Service – Pedestrian Lid	$	520.00	*Meter*	Permit Issuance
1" Meter/Retrofit Service – Traffic Lid	$	600.00	*Meter*	Permit Issuance
1 ½" Meter – Pedestrian Lid	$	484.00	*Meter*	Permit Issuance
1 ½" Meter – Traffic Lid	$	545.00	*Meter*	Permit Issuance
2" Meter – Pedestrian Lid	$	520.00	*Meter*	Permit Issuance
2" Meter – Traffic Lid	$	582.00	*Meter*	Permit Issuance
4" Meter	$	1,820.00	*Meter*	Permit Issuance
6" Meter	$	2,400.00	*Meter*	Permit Issuance
8" Meter	$	3,350.00	*Meter*	Permit Issuance
10" Meter or Larger		At Cost		Permit Issuance

Note – Services used ONLY for fire protection do not require a meter. All other new services require a meter.

Fire Hydrant Installation				
Hydrant Installation	$	2,635.00	*Each*	Permit Issuance
Fire Hydrant Line from Main	$	3.00	*l.f.*	Permit Issuance
Pavement Replacement (if needed)	$	445.00	*Each*	Permit Issuance
Deposit to Install Meter on Fire Hydrant for Construction Water	$	500.00	*Each*	Permit Issuance
Fire Hydrant Meter Use Deposit	$	500.00	*Each*	Permit Issuance
Fire Service Installation Inspection/Test	$	90.00	*Inspection*	Permit Issuance
Install 4" Single Check Valve	$	390.00	*Each*	Permit Issuance
Install 6" Single Check Valve	$	479.00	*Each*	Permit Issuance
Install 8" Single Check Valve	$	688.00	*Each*	Permit Issuance
Voluntary Installation of Fire Sprinklers (Apartments)		8.3% of normal charge		Permit Issuance
Voluntary Installation of Fire Sprinklers (SFD, Duplexes, Townhouses)	$	50.00	*Installation*	Permit Issuance
Fire Main Test[5]	$	90.00	*Test*	Permit Issuance
Other				
Water Connection for Main Extension[4]	$	2,820.00	*Connection*	Permit Issuance
Pavement[6]	$	445.00	*Trench*	Permit Issuance
Outside City Limits Agreement[7]	$	203.00	*Agreement*	Permit Issuance
Reimbursement Agreement Preparation[9]	$	1,874.00	*Agreement*	Permit Issuance
Construction Water Fee	$	164.04	*Permit*	Permit Issuance

CITY OF MODESTO

Community and Economic Development Department

Land Development Engineering Division

Water Related Fee Schedule

(209) 571-5569

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Division Endnotes

[1] Single-family residences qualify for the 5/8" connection fee only under the following conditions:
- Single story, single-family residences on a lot of 4,000 square feet or less.
- Two-story single-family residence on a lot of 4,000 square feet or less, provided the request for such a service is accompanied by a report from a licensed professional engineer that certifies that the 5/8" service is adequate to meet the needs of the proposed dwelling.
- A 5/8" "service" shall not be allowed for single-family dwellings of greater than 2 stories on lots less than 4,000 square feet.

[2] Pays for the time and materials required to install the water service from the city water main to the property line. This fee is charged at the time the building permit or a separate water permit is issued for the construction of the water line on the property.

[3] Pays for the construction of the specific water main that extends down a public right of way to serve a specific property. Generally, this fee is charged at the time that the building permit is issued for the property. This fee applies to the old city area (Zone 1) and in the former Del Este area (Zone 2) where the City has significantly strengthened the infrastructure. This fee may be waived if the property owner has already participated in the cost of the water main serving the property.

[4] Pays for the time required to connect a new water main to an existing "live" main for making the connection from a new subdivision to an existing water main. Generally, this fee is charged at the time the water permit is issued for the connection to an existing water main.

[5] Pays for the time and materials required to install a fire hydrant in the public right-of-way. This fee is charged when a developer requests installation of a hydrant or hydrants. This fee is not charged for hydrants necessary to meet minimum spacing requirements.

[6] Pays for the removal and replacement of pavement in the street or alley required for the installation of a water service. This fee is charged at the time that a building permit or water permit is issued for the construction of the water line on the property. This fee can be waived for dirt alleys or where the water line is located in an unimproved road or shoulder.

[7] Pays for the time required to prepare an Outside City Limits Agreement, including review of costs and administrative preparation.

[8] Pays for the time required to inspect the parcel in order to determine the square foot area to be used in determining the water connection charge. This fee is charged wher a parcel, larger than 20,000 square feet, is currently using water on only a portion of the lot. The remaining acreage would be paid for at the time that future development takes place.

[9] Pays for the time required to prepare a water reimbursement agreement, including review of costs and administrative preparation. Generally, this fee is charged immediately prior to the acceptance of the reimbursement agreement by the City Council. This fee is charged as directed by the Engineer.

CITY OF MODESTO

Community and Economic Development Department

Land Development Engineering Division

Sewer Related Fee Schedule

(209) 571-5569

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Wastewater Capacity Charge[1]				
Office Building (FLOW/BOD/TSS)				
General Office	$	1.69	*Square Foot*	Permit Issuance
Medical/Dental Office	$	3.72	*Square Foot*	Permit Issuance
Medical Clinic	$	6.26	*Square Foot*	Permit Issuance
Dental Clinic	$	3.04	*Square Foot*	Permit Issuance
Institutional (FLOW/BOD/TSS)				
Auditorium	$	2.03	*Seat*	Permit Issuance
Assembly Hall - Food Prepared Off-Site	$	3.21	*Square Foot*	Permit Issuance
Assembly Hall - Food Prepared On-Site	$	5.09	*Square Foot*	Permit Issuance
Church	$	27.40	*Seat*	Permit Issuance
Hospital	$	4,229.07	*Bed*	Permit Issuance
Institutional Residential Care Facility - 7 Beds or More[8]	$	1,691.63	*Bed*	Permit Issuance
Country Club - Non-Resident Member	$	676.65	*Capita*	Permit Issuance
County Club - Resident Member	$	1,691.63	*Capita*	Permit Issuance
Picnic Park	$	169.16	*Capita*	Permit Issuance
Pool	$	169.16	*Capita*	Permit Issuance
Tennis Courts, Outdoor with Toilets and Showers	$	1,860.79	*Capita*	Permit Issuance
Tennis Courts, Indoor with Toilets and Showers	$	4,905.72	*Capita*	Permit Issuance
Schools (FLOW/BOD/TSS)[9]				
K-8	$	84.58	*Capita*	Permit Issuance
High School/College	$	169.16	*Capita*	Permit Issuance
Warehouse/Distribution (FLOW/BOD/TSS)	$	0.51	*Square Foot*	Permit Issuance
Retail/Commercial (FLOW/BOD/TSS)[10]				
General Retail/Commercial	$	0.85	*Square Foot*	Permit Issuance
Auto Body Shop/Auto Dealers	$	1.86	*Square Foot*	Permit Issuance
Bakeries	$	10.45	*Square Foot*	Permit Issuance
Beauty Shop/Day Spa (with wash sinks)	$	4.57	*Square Foot*	Permit Issuance
Bars without Dining	$	5.92	*Square Foot*	Permit Issuance
Bowling Alley (including dining)	$	5.16	*Square Foot*	Permit Issuance
Cafeteria	$	8.31	*Square Foot*	Permit Issuance
Car Wash	$	16.41	*Square Foot*	Permit Issuance
Coffee House – No Food Prep	$	6.77	*Square Foot*	Permit Issuance
Dry Cleaner	$	0.85	*Square Foot*	Permit Issuance
Dry Goods	$	0.85	*Square Foot*	Permit Issuance
Delicatessen, Sandwich Shop, Take-N-Bake Pizza	$	11.07	*Square Foot*	Permit Issuance
Donut Shop	$	13.29	*Square Foot*	Permit Issuance
Gyms, Health Clubs	$	4.74	*Square Foot*	Permit Issuance
Health Clubs – No Showers, Pool or Spa[11]	$	3.55	*Square Foot*	Permit Issuance
Market – Grocery	$	2.37	*Square Foot*	Permit Issuance
Market – Grocery (with bakery, food prepared on-site or garbage grinder)[12]		See Footnote		
Mortuaries	$	2.27	*Square Foot*	Permit Issuance
Plant Nursery	$	1.35	*Square Foot*	Permit Issuance
Printers	$	2.37	*Square Foot*	Permit Issuance
Restaurant – Fast Food and Small Non-Franchise	$	16.08	*Square Foot*	Permit Issuance
Grease Interceptor	$	11.53	*Square Foot*	Permit Issuance
Restaurant – Full Service Franchise	$	27.87	*Square Foot*	Permit Issuance
Restaurant - Full Service Franchise with Grease Interceptor	$	19.98	*Square Foot*	Permit Issuance
Veterinary Hospital	$	3.89	*Square Foot*	Permit Issuance
Shopping Center – Up to 25% Dining	$	6.20	*Square Foot*	Permit Issuance
Shopping Center – Up to 50% Dining	$	12.24	*Square Foot*	Permit Issuance
Shopping Center – Up to 75% Dining	$	19.46	*Square Foot*	Permit Issuance
Laundries – Full Service (Dry Cleaners)	$	19.76	*Square Foot*	Permit Issuance
Laundry - Industrial	$	2,342.96	*Square Foot*	Permit Issuance
Laundries – Coin Operated	$	2,199.12	*Machine*	Permit Issuance
Laundries, Full Service Dry Cleaner	$	10.87	*Square Foot*	Permit Issuance
Hotels, Motels – Excluding bars and restaurants	$	2,199.12	*Room*	Permit Issuance
Recreational Vehicle Park	$	2,029.95	*RV Space*	Permit Issuance
Theaters	$	25.54	*Seat*	Permit Issuance
Residential (FLOW/BOS/TSS)				
Single-Family or Mobile Home on Lot	$	4,905.72	*Unit*	Permit Issuance
Multi-Family or Additional Unity or Mobile Home on Lot	$	4,212.16	*Unit*	Permit Issuance
Apartments or Mobile Home in Mobile Home Park	$	3,197.18	*Unit*	Permit Issuance

CITY OF MODESTO

Community and Economic Development Department

Land Development Engineering Division

Sewer Related Fee Schedule

(209) 571-5569

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Other				
Subtrunk Charge[2]	$	645.00	*Gross Acre*	Permit Issuance
Reimbursement Agreement Preparation[5]	$	1,874.00	*Agreement*	Permit Issuance
Outside City Limits Agreement[6]	$	203.00	*Agreement*	Permit Issuance
Lateral Charge[3]	$	33.00	*l.f. of lot frontage adjacent to sewer line*	Permit Issuance

Division Endnotes

[1] Pays towards the construction of the Wastewater Treatment Plan and the sewer trunk system throughout the City. Generally, this fee is charged at the time that the building permit is issued for the construction of the house sewer lateral on the property.

[2] Pays toward the construction and maintenance of the subtrunk lines. This fee is charged at the time the sewer service is made available to any subdivision, tract, area or lot in the Sewer District. In the case of new subdivisions or parcel maps, this charge shall be paid at the time of filing the final subdivision or parcel map. The Council may establish conditions under which the subtrunk sewer extension charges set forth in Section 5-6.803 may be spread over a period of time.

[3] Pays towards the specific sewer lateral that extends down the street or alley serving the specific property. Generally, this fee is charged at the time the building permit is issued for the house sewer line on the property. This fee may be waived if the property owner has participated in the cost of the extension of the lateral down the street or alley.

[4] Pays for the time required to inspect the parcel in order to determine the size of acreage to be used in calculating the Bond Redemption Charge and Subtrunk Fee. This fee charged when a parcel larger than 20,000 square feet is developing only a portion of the lot. The remaining acreage would be paid for at the time that the future development takes place on the remainder of the parcel.

[5] Pays for the time required to prepare a Sewer Reimbursement Agreement, including review of costs and administrative preparation. Generally, this fee is charged immediately prior to the acceptance of the reimbursement agreement by the City Council. This fee is charged as directed by the Engineer.

[6] Pays for the time required to prepare an Outside City Limits Agreement, including review of costs and administrative preparation. Generally, this fee is charged prior to the acceptance of the Agreement by the City Council.

[7] Banks and title companies are considered General Office. Barbershops, nail salons and tattoo parlors without wash sinks are considered General Office.

[8] The Wastewater Capacity charge is not applied to Residential Care Facilities of 6 or fewer beds.

[9] Schools head count is the total of staff and students.

[10] Commercial Groups Combined BOD + TSS

- Group 1 – 400 mg/l or less
- Group 2 – 401 mg/l to 900 mg/l
- Group 3 – 901 mg/l to 1,400 mg/l
- Group 4 – 14,01 mg/l or more

[11] Example: Martial Arts facilities with no showers.

[12] Estimated flow coefficient to be weighted average based on proportional square footage dedicated to each use.

CITY OF MODESTO

Fire Department

Fire Prevention Fee Schedule

(209) 571-5553

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Site Plan Review	$	102.00	*Plan*	Time of Application
Plan Check, Complete Building	$	79.00	*1,000 sf*	Time of Application
Plan Check, Shell Building	$	64.00	*1,000 sf*	Time of Application
Plan Check, Sprinkler System	$	24.00	*1,000 sf*	Time of Application
Plan Check, Tenant Improvement	$	52.00	*1,000 sf*	Time of Application
Plan Check, Fire Alarm System	$	24.00	*1,000 sf*	Time of Application
Engineered/Pre-Engineered Protection System	$	217.00	*Plan*	Time of Application
Alternate Materials/Methods Evaluation	$	306.00	*Plan*	Time of Application
Incomplete or Changed Plans	$	146.00	*Plan*	Time of Application
Fire Alarm System Test and Inspection	$	102.00	*Plan*	Time of Application
Fire Sprinkler System Test and Inspection	$	503.00	*Riser*	Time of Application
Spray Booth Installation Permit	$	48.00	*Each*	Time of Application
Underground Tank Installation (First tank)	$	38.00	*Each*	Time of Application
Underground Tank Installation (additional tanks)	$	13.00	*Each*	Time of Application
Convault Tank Installation (First tank)	$	38.00	*Each*	Time of Application
Convault Tank Installation (additional tanks)	$	9.00	*Each*	Time of Application
Field Fire Flow Test	$	40.00	*Each*	Time of Application
Hood and Duct System Installation	$	49.00	*Each*	Time of Application
Medical Gas System Installation	$	102.00	*Each*	Time of Application
On-Site Fire Main Test	$	87.00	*Each*	Time of Application

CITY OF MODESTO

Parks, Recreation and Neighborhoods Department

Landscape and Irrigation Fee Schedule

(209) 577-5344

EFFECTIVE JULY 1, 2012 - JUNE 30, 2013

Description		Amount	Per	Due at
Landscape Plan Review				
Initial Plan Check (Up to 5,000 Square Feet)	$	248.00	*Plan*	Time of Application
Re-Check (Up to 5,000 Square Feet)	$	181.00	*Each*	Time of Application
Initial Plan Check (5,001 – 10,000 Square Feet)	$	385.00	*Plan*	Time of Application
Re-Check (5,001 – 10,000 Square Feet)	$	181.00	*Each*	Time of Application
Initial Plan Check (10,001 – 15,000 Square Feet)	$	453.00	*Plan*	Time of Application
Re-Check (10,001 – 15,000 Square Feet)	$	248.00	*Each*	Time of Application
Initial Plan Check (15,001 – 25,000 Square Feet)	$	588.00	*Plan*	Time of Application
Re-Check (15,001 – 25,000 Square Feet)	$	317.00	*Each*	Time of Application
Initial Plan Check (25,001 – 50,000 Square Feet)	$	724.00	*Plan*	Time of Application
Re-Check (25,001 – 50,000 Square Feet)	$	385.00	*Each*	Time of Application
Initial Plan Check (50,001 Square Feet and over)	$	1,063.00	*Plan*	Time of Application
Re-Check (50,001 Square Feet and over)	$	453.00	*Each*	Time of Application
Landscape and Irrigation Inspections				
Initial Inspection (Up to 5,000 Square Feet)	$	181.00	*Inspection*	Time of Application
Re-Inspection (Up to 5,000 Square Feet)	$	181.00	*Inspection*	Time of Application
Initial Inspection (5,001 – 10,000 Square Feet)	$	216.00	*Inspection*	Time of Application
Re-Inspection (5,001 – 10,000Square Feet)	$	181.00	*Inspection*	Time of Application
Initial Inspection (10,001 – 15,000 Square Feet)	$	317.00	*Inspection*	Time of Application
Re-Inspection (10,001 – 15,000 Square Feet)	$	216.00	*Inspection*	Time of Application
Initial Inspection (15,001 – 25,000 Square Feet)	$	453.00	*Inspection*	Time of Application
Re-Inspection (15,001 – 25,000 Square Feet)	$	248.00	*Inspection*	Time of Application
Initial Inspection (25,001 – 50,000 Square Feet)	$	588.00	*Inspection*	Time of Application
Re-Inspection (25,001 – 50,000 Square Feet)	$	248.00	*Inspection*	Time of Application
Initial Inspection (50,001 Square Feet and over)	$	724.00	*Inspection*	Time of Application
Re-Inspection (50,001 Square Feet and over)	$	317.00	*Inspection*	Time of Application

CITY OF MODESTO

Other Development Related Fees

Description	Amount

Stanislaus County Public Facilities Fees (PFF)

Contact Stanislaus County Building Department at (209) 525-6557.

Modesto City School Fees

Contact Linda Ridenour with Modesto City Schools at (209) 576-4157 (Multi-Family and Commercial Developments only).

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-37

Print

RESOLUTION DESIGNATING COUNCILMEMBER DAVE GEER 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 Dave Geer 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 8th day of January, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-38

Print

RESOLUTION APPOINTING FRANK PLOOF TO THE CITY OF MODESTO 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, the Economic Development Committee met on November 13, 2012, and recommended appointment of Frank Ploof to the Citizens Housing and Community Development Committee.

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

SECTION 1. Frank Ploof is hereby appointed to the Citizens Housing and Community Development Committee with a term expiration of January 1, 2015.

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 Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Mayor Marsh
NOES:	Councilmembers:	Lopez
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-39

RESOLUTION APPOINTING MICAH RAPIER TO THE CITY OF MODESTO HOUSING REHABILITATION AND LOAN 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 Economic Development Committee met on January 14, 2013, and recommended appointment of Micah Rapier to the Housing Rehabilitation and Loan Committee.

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

SECTION 1. Micah Rapier is hereby appointed to the Housing Rehabilitation and Loan Committee with a term expiration of January 1, 2015.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Housing Rehabilitation and Loan Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-40

A RESOLUTION APPROVING A FOURTH AMENDMENT TO THE AGREEMENT WITH DOKKEN ENGINEERING FOR THE PREPARATION OF THE PLANS, SPECIFICATIONS, AND ESTIMATES FOR THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT, IN AN AMOUNT NOT TO EXCEED $64,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FOURTH AMENDMENT

WHEREAS, the State Route 99/Pelandale Interchange improvement project is a Caltrans project to address the traffic congestion problem at Pelandale Avenue and Highway 99 Interchange, and

WHEREAS, on March 9, 2010, the City Council, by Resolution No. 2010-90, approved an Agreement with Dokken Engineering for preparation of Plans, Specifications and Estimates (PS&E), and

WHEREAS, City staff requested a pre-award audit from the California Department of Transportation (Caltrans) and received a waiver of pre-award audit, and

WHEREAS, on February 22, 2011, the City Council, by Resolution No. 2011-044, approved an Amendment to the Agreement with Dokken Engineering, and

WHEREAS, on September 14, 2011 the City approved, a Second Amendment to the Agreement with Dokken Engineering to incorporate a Post Award Audit Clause to the Agreement, and

WHEREAS, on February 14, 2012 the City approved, a Third Amendment to the Agreement with Dokken Engineering to incorporate right of way engineering and acquisition services required in order to obtain Right of Way Certification, and

WHEREAS, City staff recommends a Fourth Amendment to the Agreement with Dokken Engineering to incorporate additional work required due to change in scope for phasing of State Route 99/Pelandale Avenue Interchange Reconstruction Project., and

NOW, THEREFORE, BE RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Agreement with Dokken Engineering for preparation of the Plans, Specifications and Estimates to include Right-of-Way engineering and acquisition services for the State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed $64,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is here by authorized to execute the Fourth Amendment to 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 January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-41

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF CISCO SMARTNET MAINTENANCE FOR THE INFORMATION TECHNOLOGY DEPARTMENT, TO NETWORK DYNAMICS, OLDSMAR, FL, FOR A THREE YEAR TERM AND AUTHORIZING THE PURCHASING MANAGER OR HIS DESIGNEE TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $110,070

WHEREAS, Cisco SmartNet Service is a technical support service that provides City staff with direct, twenty-four (24) hour access to Cisco engineers and an extensive range of technical resources. SmartNet delivers rapid issue resolution, flexible device-by-device coverage, and premium service options to help maximize operational efficiency, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Bids (RFB) for the purchase of Cisco SmartNet Hardware Maintenance for a three year term, and

WHEREAS, the Purchasing Division issued RFB No. 1213-11 Cisco SmartNet Maintenance to twenty-one (21) prospective bidders, three (3) of which were local vendors, posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's office. One company chose to respond and provided a responsive and responsible bid. No local vendors chose to submit a bid, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid for the purchase of Cisco SmartNet Maintenance to Network Dynamics, Oldsmar, FL, for a total estimated cost of $110,070, 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. The award of bid for the purchase of Cisco SmartNet Maintenance for the Information Technology Department, to Network Dynamics, Oldsmar, FL, conforms to code, and

WHEREAS, sufficient funds are budgeted annually in the following appropriation unit: 5230-07410-53100, and

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 Cisco SmartNet Maintenance for the Information Technology Department, to Network Dynamics, Oldsmar, FL, for a three year term, and

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated total cost of $110,070.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-42

RESOLUTION APPROVING AMENDMENT NO. 1 TO THE AGREEMENT WITH STORER TRANSIT SYSTEMS TO EXTEND THE MODESTO AREA DIAL-A-RIDE AGREEMENT THROUGH JUNE 27, 2014; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto entered into an agreement with Storer Transit Services (Storer) to operate the Modesto Area Dial-A-Ride transit service through June 28, 2013, and

WHEREAS, in an effort to save expenses the City wishes to procure a new operator through a joint procurement with the County of Stanislaus, and

WHEREAS, the County is currently working with the Riverbank Oakdale Transit Authority (ROTA) to consolidate both transit services and would like to study and evaluate the service changes before they incorporate the changes into the next contract procurement, and

WHEREAS, the County has asked the City of Modesto to delay the procurement for one year to accommodate the study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to the Agreement with Storer Transit Services to extend the Modesto Area Dial-A-Ride Agreement through June 27, 2014.

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 22nd day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-43

Print

RESOLUTION APPROVING AN AGREEMENT WITH ASSOCIATED RIGHT OF WAY SERVICES, INC. FOR ON-CALL APPRAISAL AND CONSULTANT SERVICES FOR CAPITAL IMPROVEMENT PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $30,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utility Planning and Projects Department (UP&P) and Community and Economic Development Department (C&EDD) undertake numerous capital improvement projects, many of which require professional appraisal opinions for the property acquisition portion of each project, and

WHEREAS, appraisal values, when approved by Council, establish just compensation, as required by law, for each property acquisition, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications and Proposals to perform on-call appraisal services was initiated, and

WHEREAS, the Request for Qualifications was sent to fourteen appraisal firms, and

WHEREAS, responses were received from nine firms who provided Qualification Statements and all responses were reviewed by a selection panel comprised of two staff members of UP&P and a third from C&EDD, and

WHEREAS, six consulting firms were selected for interviews, and

WHEREAS, the selection panel chose five firms as the most qualified and all have several years experience appraising properties for public improvement projects, and

WHEREAS, the five firms are deemed qualified to provide the requested on-call appraisal services in a timely, efficient and cost effective manner, and

WHEREAS, the selected firms are: Associated Right of Way Services, Inc., BC Valu, Inc., Bender Rosenthal, Inc., Burchard & Rinehart, and Hulberg & Associates, and

WHEREAS, Associated Right of Way Services, Inc. is based in Pleasant Hill and has over 23 years experience delivering property appraisals in Northern California, where it is one of the larger appraisal and acquisition consultant firms, and

WHEREAS, this firm has previously assisted the City of Modesto with several appraisal and acquisition projects as a firm on our recently expired on-call list, and

WHEREAS, Associated Right of Way Services, Inc. will charge the City a flat fee determined by each assignment for appraisal reports and when required, any additional consultant services based on its fee schedule, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Associated Right of Way Services, Inc. will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Associated Right of Way Services, Inc. will perform no service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Associated Right of Way Services, Inc. prior to commencement of services, and

WHEREAS, City staff recommends an On-Call Appraisal and Consultant Services Agreement with Associated Right of Way Services, Inc. be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Associated Right of Way Services, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $30,000 per year. Total cost for three years is not to exceed $90,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Associated Right of Way Services, Inc., and 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 22nd day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-44

Print

RESOLUTION APPROVING AN AGREEMENT WITH BC VALU, INC. FOR ON-CALL APPRAISAL AND CONSULTANT SERVICES FOR CAPITAL IMPROVEMENT PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $30,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utility Planning and Projects Department (UP&P) and Community and Economic Development Department (C&EDD) undertake numerous capital improvement projects, many of which require professional appraisal opinions for the property acquisition portion of each project, and

WHEREAS, appraisal values, when approved by Council, establish just compensation, as required by law, for each property acquisition, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications and Proposals to perform on-call appraisal services was initiated, and

WHEREAS, the Request for Qualifications was sent to fourteen appraisal firms, and

WHEREAS, responses were received from nine firms who provided Qualification Statements and all responses were reviewed by a selection panel comprised of two staff members of UP&P and a third from C&EDD, and

WHEREAS, six consulting firms were selected for interviews, and

WHEREAS, the selection panel chose five firms as the most qualified and all have several years experience appraising properties for public improvement projects, and

WHEREAS, the five firms are deemed qualified to provide the requested on-call appraisal services in a timely, efficient and cost effective manner, and

WHEREAS, the selected firms are: Associated Right of Way Services, Inc., BC Valu, Inc., Bender Rosenthal, Inc., Burchard & Rinehart, and Hulberg & Associates, and

WHEREAS, BC Valu, Inc. is a Modesto firm in business since 1988, and

WHEREAS, this firm and its partner, Pacific Valley Appraisals, have previously performed work for the City, with Pacific Valley being on the City's previous on-call list, and

WHEREAS, they have had a relationship with the City for approximately ten years, and their experience is broad and includes eminent domain appraisals, and

WHEREAS, BC Valu, Inc. will charge the City a flat fee determined by each assignment for appraisal reports and when required, any additional consultant services based on its fee schedule, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, BC Valu, Inc. will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, BC Valu, Inc. will perform no service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to BC Valu, Inc. prior to commencement of services, and

WHEREAS, City staff recommends an On-Call Appraisal and Consultant Services Agreement with BC Valu, Inc. be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with BC Valu, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $30,000 per year. Total cost for three years is not to exceed $90,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with BC Valu, Inc. and 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 22nd day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-45

RESOLUTION APPROVING AN AGREEMENT WITH BENDER ROSENTHAL, INC. FOR ON-CALL APPRAISAL AND CONSULTANT SERVICES FOR CAPITAL IMPROVEMENT PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $30,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utility Planning and Projects Department (UP&P) and Community and Economic Development Department (C&EDD) undertake numerous capital improvement projects, many of which require professional appraisal opinions for the property acquisition portion of each project, and

WHEREAS, appraisal values, when approved by Council, establish just compensation, as required by law, for each property acquisition, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications and Proposals to perform on-call appraisal services was initiated, and

WHEREAS, the Request for Qualifications was sent to fourteen appraisal firms, and

WHEREAS, responses were received from nine firms who provided Qualification Statements and all responses were reviewed by a selection panel comprised of two staff members of UP&P and a third from C&EDD, and

WHEREAS, six consulting firms were selected for interviews, and

WHEREAS, the selection panel chose five firms as the most qualified and all have several years experience appraising properties for public improvement projects, and

WHEREAS, the five firms are deemed qualified to provide the requested on-call appraisal services in a timely, efficient and cost effective manner, and

WHEREAS, the selected firms are: Associated Right of Way Services, Inc., BC Valu, Inc., Bender Rosenthal, Inc., Burchard & Rinehart, and Hulberg & Associates, and

WHEREAS, Bender Rosenthal, Inc. is a larger firm serving Northern California, and

WHEREAS, it is based in Sacramento and was established in 1991, and

WHEREAS, it is currently assisting the City with appraisal review and acquisition services for the Pelandale Avenue and Hwy 99 Intersection Project, and

WHEREAS, Bender Rosenthal, Inc. will charge the City a flat fee determined by each assignment for appraisal reports and when required, any additional consultant services based on its fee schedule, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Bender Rosenthal, Inc. will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Bender Rosenthal, Inc. will perform no service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Bender Rosenthal, Inc. prior to commencement of services, and

WHEREAS, City staff recommends an On-Call Appraisal and Consultant Services Agreement with Bender Rosenthal, Inc. be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Bender Rosenthal, Inc. for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $30,000 per year. Total cost for three years is not to exceed $90,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Bender Rosenthal, Inc., and 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 22nd day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-46

RESOLUTION APPROVING AN AGREEMENT WITH BURCHARD & RINEHART FOR ON-CALL APPRAISAL AND CONSULTANT SERVICES FOR CAPITAL IMPROVEMENT PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $30,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utility Planning and Projects Department (UP&P) and Community and Economic Development Department (C&EDD) undertake numerous capital improvement projects, many of which require professional appraisal opinions for the property acquisition portion of each project, and

WHEREAS, appraisal values, when approved by Council, establish just compensation, as required by law, for each property acquisition, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications and Proposals to perform on-call appraisal services was initiated, and

WHEREAS, the Request for Qualifications was sent to fourteen appraisal firms, and

WHEREAS, responses were received from nine firms who provided Qualification Statements and all responses were reviewed by a selection panel comprised of two staff members of UP&P and a third from C&EDD, and

WHEREAS, six consulting firms were selected for interviews, and

WHEREAS, the selection panel chose five firms as the most qualified and all have several years experience appraising properties for public improvement projects, and

WHEREAS, the five firms are deemed qualified to provide the requested on-call appraisal services in a timely, efficient and cost effective manner, and

WHEREAS, the selected firms are: Associated Right of Way Services, Inc., BC Valu, Inc., Bender Rosenthal, Inc., Burchard & Rinehart, and Hulberg & Associates, and

WHEREAS, Burchard & Rinehart has been established for over 28 years, and

WHEREAS, in the last 15 years this Walnut Creek firm has specialized almost exclusively in appraisals for public acquisition and litigation projects, and

WHEREAS, it has previously worked with City of Modesto eminent domain projects for outside legal firms assisting the City Attorney's Office, and

WHEREAS, Burchard & Rinehart will charge the City a flat fee determined by each assignment for appraisal reports and when required, any additional consultant services based on its fee schedule, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Burchard & Rinehart will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Burchard & Rinehart will perform no service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Burchard & Rinehart prior to commencement of services, and

WHEREAS, City staff recommends an On-Call Appraisal and Consultant Services Agreement with Burchard & Rinehart be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Burchard & Rinehart for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two, one-year extension options at the sole discretion of the City in an amount not to exceed $30,000 per year. Total cost for three years is not to exceed $90,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Burchard & Rinehart and 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 22nd day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-47

RESOLUTION APPROVING AN AGREEMENT WITH HULBERG & ASSOCIATES, INC. FOR ON-CALL APPRAISAL AND CONSULTANT SERVICES FOR CAPITAL IMPROVEMENT PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $30,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utility Planning and Projects Department (UP&P) and Community and Economic Development Department (C&EDD) undertake numerous capital improvement projects, many of which require professional appraisal opinions for the property acquisition portion of each project, and

WHEREAS, appraisal values, when approved by Council, establish just compensation, as required by law, for each property acquisition, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications and Proposals to perform on-call appraisal services was initiated, and

WHEREAS, the Request for Qualifications was sent to fourteen appraisal firms, and

WHEREAS, responses were received from nine firms who provided Qualification Statements and all responses were reviewed by a selection panel comprised of two staff members of UP&P and a third from C&EDD, and

WHEREAS, six consulting firms were selected for interviews, and

WHEREAS, the selection panel chose five firms as the most qualified and all have several years experience appraising properties for public improvement projects, and

WHEREAS, the five firms are deemed qualified to provide the requested on-call appraisal services in a timely, efficient and cost effective manner, and

WHEREAS, the selected firms are: Associated Right of Way Services, Inc., BC Valu, Inc., Bender Rosenthal, Inc., Burchard & Rinehart, and Hulberg & Associates, and

WHEREAS, Hulberg & Associates, Inc. is a Modesto firm since 1987, and

WHEREAS, it began as Sierra Valuation Consultants and merged with Hulberg of Silicon Valley in 2007, and

WHEREAS, the merger provided Hulberg an office in the Central Valley, and Sierra Valuation benefited by adding twenty appraisers to its resources, and

WHEREAS, Hulberg has extensive experience with eminent domain appraisals, and

WHEREAS, Hulberg & Associates will charge the City a flat fee determined by each assignment for appraisal reports and when required, any additional consultant services based on its fee schedule, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Hulberg & Associates will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Hulberg & Associates will perform no service until Capital Improvement Services management has approved the proposed specific task order and a

written Notice to Proceed is prepared and sent to Hulberg & Associates prior to commencement of services, and

WHEREAS, City staff recommends an On-Call Appraisal and Consultant Services Agreement with Hulberg & Associates be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Hulberg & Associates for On-Call Appraisal and Consultant Services for Capital Improvement Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $30,000 per year. Total cost for three years is not to exceed $90,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Hulberg & Associates and 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 22nd day of January, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-48

Print

RESOLUTION APPROVING 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), FOR THE CONGESTION MITIGATION AIR QUALITY (CMAQ) MANAGEMENT CML 5059 (187) – PRESCOTT ROAD AND PLAZA PARKWAY PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) Management 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, 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 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 clearance is needed and,

WHEREAS, the City requires an Agreement to Enter and Construct Improvements prior to allowing construction on subject property and,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves 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. and,

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 5th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANNA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-49

Print

RESOLUTION APPROVING 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), FOR THE CONGESTION MITIGATION AIR QUALITY (CMAQ) MANAGEMENT CML 5059 (187) – PRESCOTT ROAD AND PLAZA PARKWAY PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) Management 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, 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) owned by Patrick G. Corcoran 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 clearance is needed and,

WHEREAS, the City requires an Agreement to Enter and Construct Improvements prior to allowing construction on subject property and,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement to Enter and Construct located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036) owned by Patrick G. Corcoran and,

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 5th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-50

A RESOLUTION APPROVING 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 $ 55,000), 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. was selected as the most qualified consultant, and

WHEREAS, Self-Evaluation and Transition Plan update will be prepared primarily by the City Staff with assistance by the consultant, and

WHEREAS, the survey of city-owned facilities and buildings for ADA compliance will be done mostly by City Staff with training and guidance by the consultant, and

WHEREAS, the Parks, Recreation and Neighborhoods Department is responsible for 92 parks, facilities, buildings, and other city-owned sites, which are significantly more than any other department, determined it will be more efficient for a consultant to survey the Department's sites, and

WHEREAS, Disability Access Consultant, Inc. will survey 31 priority sites for the Parks, Recreation and Neighborhoods Department as part of this agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 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 $55,000, and

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 February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-51

RESOLUTION AFFIRMING THE CITY'S CO-SPONSORSHIP OF THE 24TH ANNUAL EARTH DAY IN THE PARK FESTIVAL AND ON AN ONGOING BASIS FOR ALL FUTURE EARTH DAY IN THE PARK FESTIVALS AS AN ANNUAL EVENT AT GRACEADA PARK, AND ALLOWING FOR THE SALE OF MERCHANDISE IN GRACEADA PARK DURING THE DESIGNATED EVENT HOURS OF THE 24TH

WHEREAS, in 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, on March 24, 1993, the City Council, by Resolution No. 92-129, acknowledged "Earth Day in the Park" as an annual event, and

WHEREAS, the City of Modesto's Solid Waste Division sponsors the event, and all subsequent annual "Earth Day in the Park" Festivals will be held on a Saturday in the month of April at Graceada Park, and

WHEREAS, the event provides a forum for merchants to display and sell their 'environmentally friendly' merchandise, and for the creation of a 'festival atmosphere', while giving the public an opportunity to make purchases that have positive benefit to the environment, and

WHEREAS, "Earth Day in the Park Festival, and approximately 8,000 attendees, and

WHEREAS, the Committee seeks ongoing Council approval for the sale of merchandise in the Park during the designated event hours of the 24th Annual Earth Day in the Park Festival at Graceada Park, and for all future Annual Earth Day in the Park Festivals co-sponsored by the City of Modesto , and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby affirms on an ongoing basis the 24th Annual Earth Day in the Park Festival and all future Annual Earth Day in the Park Festivals co-sponsored by the City of Modesto at Graceada Park.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise in the Park during the designated event hours of the 24th Annual Earth Day in the Park Festival at Graceada Park, and all future Annual Earth Day in the Park Festivals co-sponsored by the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-52

RESOLUTION IMPLEMENTING A 30-DAY SPACING POLICY FOR LIKE EVENTS BEING HELD AT MODESTO CENTRE PLAZA

WHEREAS, Modesto Centre Plaza opened as a multipurpose facility in 1988, and

WHEREAS, booking procedures regulate event booking, and

WHEREAS, said booking procedures allows Centre Plaza Management sole discretion on the spacing of like events, and

WHEREAS, recent events dictate a more specific timeframe between like events, and

WHEREAS, the Safety and Communities Committee met on January 9, 2013, and recommended a 30-day spacing policy between like events held at Modesto Centre Plaza.

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

SECTION 1. A 30-day between like events policy be adopted, and

SECTION 2. The 30-day policy be included in the Modesto Centre Plaza Booking Procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Geer, Gunderson, Lopez
NOES:	Councilmembers:	Burnside
ABSENT:	Councilmembers:	Muratore, Mayor Marsh

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-53

RESOLUTION RESCINDING A PURCHASE AGREEMENT AND ALL RELATED DOCUMENTS WITH CHANH MINH HUYNH AND SUONG TRAN, FOR A 735 SQUARE FEET PARCEL IN FEE, AND A 904 SQUARE FEET PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1013 EMPIRE AVENUE (APN 035-048-014), IN THE AMOUNT OF $1,650, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RESCIND THE AGREEMENT AND ANY RELATED DOCUMENTS

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council, by Resolution #2009-555, on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, sixteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, an offer of just compensation was presented to Chanh Minh Huynh and Suong Tran and subsequently accepted, and

WHEREAS, during a review by the title company prior to closing, certain title issues could not be resolved for the purchase of this acquisition, and

WHEREAS, City staff recommends rescinding the Purchase Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby rescinds the Purchase Agreement approved by Council Resolution 2011-344 on August 9, 2011, for a 735 square feet. parcel in fee, and a 904 square feet portion for a Temporary Construction Easement, of a parcel located at 1013 Empire Avenue, Modesto, California (APN 035-048-014), in the amount of $1,650 for the Empire Avenue Improvement Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to rescind the Purchase 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 5th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-54

RESOLUTION APPROVING A RIGHT-OF-WAY DEDICATION ON BEHALF OF THE PUBLIC BY THE CITY OF MODESTO FOR DEDICATION OF AN 882 SQUARE FEET PORTION OF A CITY-OWNED PARCEL LOCATED AT 805 EMPIRE AVENUE (APN 035-048-004) FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE RIGHT-OF-WAY DEDICATION AND ALL RELATED DOCUMENTS

WHEREAS, the City of Modesto has a project to improve Empire Avenue, between Hillside Drive and Monterey Avenue, with curbs, gutters, sidewalks and street lighting, and

WHEREAS, the project will improve pedestrian and traffic safety in a Neighborhood Revitalization Strategy Area (NRSA), and

WHEREAS, the project requires dedication of a portion of property of certain adjacent parcels to Empire Avenue, and

WHEREAS, the City parcel will be converted into the Airport Neighborhood Community Center, and

WHEREAS, the City of Modesto desires to dedicate an 882 square feet portion of the City parcel, located at 805 Empire Avenue, for the project, and

WHEREAS, City staff recommends approval of the dedication on behalf of the public for streets, public use and right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the dedication of an 882 square feet portion of the property located at 805 Empire Avenue (APN 035-048-004) for dedication to the right-of-way of Empire Avenue for the Empire Avenue Improvement Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to proceed with the dedication.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-55

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE RIGHT-OF-WAY DEDICATION ON BEHALF OF THE PUBLIC OF A PORTION OF A CITY-OWNED PARCEL, (APN 035-048-004) TO BE USED FOR THE EMPIRE AVENUE IMPROVEMENT 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 dedicate a portion of a parcel of land containing 882 square feet, for public roadway dedication, located at 805 Empire Avenue, owned by the City of Modesto (APN 035-048-004), for the Empire Avenue Improvement 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 Right of Way Dedication, located at 805 Empire Avenue, owned by the City of Modesto (APN 035-048-004) for dedication to the Empire Avenue public roadway by the City of Modesto for the Empire Avenue Improvement Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-56

RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH RMC WATER AND ENVIRONMENT FOR ADDITIONAL CONSULTANT SERVICES TO COMPLETE THE INTEGRATED REGIONAL WATER MANAGEMENT PLAN IN AN AMOUNT NOT TO EXCEED OF $151,502, PLUS $15,151 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $166,653, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, an Integrated Regional Water Management Plan (IRWMP) is a region-wide comprehensive management and planning document that identifies and focuses attention on regionally feasible projects that would make the best use of the area's water, wastewater, and storm water resources, and

WHEREAS, an IRWMP is required to receive any state and/or federal funding for these regionally identified projects, and

WHEREAS, on June 22, 2010, by Resolution 2010-277, the Modesto City Council approved an Agreement with RMC Water and Environment (RMC) for consultant services to develop an IRWMP for the Cities of Modesto, Turlock, Ceres, and Hughson in an amount not to exceed $237,138, and

WHEREAS, a number of factors have made it necessary to extend the time and effort needed to complete the IRWMP beyond RMC's original scope of work, and

WHEREAS, on December 7, 2012, RMC submitted an updated scope of work and subsequent fee estimate to complete the IRWMP in the amount of $151,502, and

WHEREAS, under a separate Council Action, the Cost Sharing Agreement between the Cities of Modesto, Turlock, Ceres, and Hughson is being amended to include the cost of the updated scope of work for completion of the IRWMP,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Agreement with RMC Water and Environment for additional consultant services to complete the Integrated Regional Water Management Plan in an amount not to exceed $151,502 plus $15,151 for additional services (if needed), for a maximum total amount of $166,653.

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 5th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-57

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE COST SHARING AGREEMENT WITH THE CITIES OF CERES, HUGHSON, MODESTO, AND TURLOCK TO DEFRAY EXPENSES ASSOCIATED WITH PREPARATION OF AN INTEGRATED REGIONAL WATER MANAGEMENT PLAN IN AN AMOUNT NOT TO EXCEED $169,683, WHICH INCLUDES A 2% ADMINISTRATIVE COST REIMBURSEMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDENT TO AGREEMENT

WHEREAS, an Integrated Regional Water Management Plan (IRWMP) is a region-wide comprehensive management and planning document that identifies and focuses attention on regionally feasible projects that would make the best use of the area's water, wastewater, and storm water resources, and

WHEREAS, an IRWMP is required to receive any state and/or federal funding for these regionally identified projects, and

WHEREAS, on June 22, 2010, by Resolution 2010-277, the Modesto City Council approved an Agreement with RMC Water and Environment (RMC) for consultant services to develop an IRWMP for the Cities of Modesto, Turlock, Ceres, and Hughson in an amount not to exceed $237,138, and

WHEREAS, also on June 22, 2010, by Resolution 2010-276, the Modesto City Council approved a Cost Sharing Agreement between these cities to share costs associated with RMC developing the IRWMP, and

WHEREAS, this Cost Sharing Agreement also stated that Modesto will front fund the project's costs based on specific time frame reimbursement conditions, and

WHEREAS, a number of factors have made it necessary to extend the time and effort needed to complete the IRWMP beyond RMC's original scope of work, and

WHEREAS, on December 7, 2012, RMC submitted an updated scope of work and subsequent fee estimate to complete the IRWMP in the amount of $151,502, and

WHEREAS, under a separate Council Action, RMC's Agreement for consultant services is being amended to include the cost of the updated scope of work for completion of the IRWMP, and

WHEREAS, this First Amendment to the Cost Sharing Agreement is necessary to cover these additional costs to complete the IRWMP, and

WHEREAS, this First Amendment will also slightly adjust the cost split for the cities based on 2010/11 water and wastewater revenues. The Original Cost Sharing Agreement cost split was based on 2008/09 water and wastewater revenues,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Cost Sharing Agreement with the Cities of Ceres, Hughson, Modesto, and Turlock to defray expenses associated with the preparation of an Integrated Regional Water Management Plan in an amount not to exceed $169,683, which includes a 2% administrative cost reimbursement to the City of Modesto.

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 5th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-58

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): AMENDMENT OF SECTION 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PROFESSIONAL OFFICE ZONE, P-O, PROPERTY LOCATED AT 3724 DALE ROAD (FRANKLIN VAN KONYNENBURG)

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, Franklin Van Konynenburg has proposed an amendment of Section 12-3-8 of the Zoning Map of the City of Modesto to rezone from Low Density Residential Zone, R-1 to Professional Office Zone, P-O, property located at 3724 Dale Road, 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 2012-26 ("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 January 16, 2013, 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 February 5, 2013, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

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

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Muratore, Mayor Marsh

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2012-26

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2012-26

For the proposed:

Dale Road Rezone from Low Density Residential, (R-1) to Professional Office, (P-O)

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

November 21, 2012

Updated: January 2012

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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 Dale Road Rezone to P-O 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: Dale Road Rezone to P-O

B. Address or Location: East side of Dale Road, opposite of Konynenburg Lane (APN 076-034-007)

C. Applicant: Franklin von Konynenburg

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development Department, Planning Division
Phone Number: 209-577-5267
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:	Professional Office (P-O) Zone, vacant undeveloped land
South:	Planned Development Zone, P-D(399), convalescent care facility
East:	Single-Family Residential Uses
West:	R-1 Low Density Zone and Planned Development Zone, P-D(333) for professional office uses, vacant undeveloped land

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 applicant proposes to rezone a 3.68-acre parcel from Low Density Residential (R-1) Zone to the Professional Office (P-O) Zone. The site is semi-vacant with one 1,839 sq. ft. residence and two accessory structures. The applicant's representative has indicated that the owner intends to market the site for development of professional office uses. A future staff level approval (Development Plan Review) for any new development will be required if the rezoned is approved.

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.

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.

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.

Project Manager	Associate Planner Title	11-19-12 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.	☒	☐

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 appropriate mitigation to be applied to this project includes none 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.	☐	☐	☐	☒

	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:

(1-7) The proposed project to rezone from R-1 Low-Density Residential to P-O Professional Office is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed traffic generation consistent with the type and intensity of uses that would be permitted by this rezoning. The site is semi-vacant with one residence and two accessory buildings; however, future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards for site access to and from adjacent streets, internal circulation and parking.

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 application is a proposal to rezone the subject property from the R-1 Zone to the P-O Zone. The appropriate mitigation to be applied to any future development of the site includes: AQ-40 and AQ-42 through AQ-56 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	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 proposed project to rezone from R-1 Low Density Residential to P-O Professional Office is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed traffic volumes and emissions consistent with the type and intensity of professional office uses that would be permitted by this rezoning.

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

(3) The proposed project to rezone from R-1 Low Density Residential to P-O Professional Office is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone.

(4-5) Any future development at the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

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 application is a proposal to rezone the subject property from R-1 Low Density Residential to the P-O Professional Office Zone. No development is proposed with the application. The appropriate mitigation to be applied to any future development of the site includes: N-1 and N-2 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) The application is a proposal to rezone the subject property from R-1 Low Density Residential to the P-O Professional Office Zone to facilitate future development of the site. No development is proposed with the application. Any future development would be required to adhere to the City's noise ordinance.

(2-4) The proposed project to rezone the subject property from R-1 Low Density Residential to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". No development is proposed with the application; however, any increase in ambient noise levels would be construction-related and temporary. Any future development would be required to adhere to the City's noise ordinance.

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 new or additional mitigation measures or alternatives are required.

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) The proposed project to rezone from R-1 Low Density Residential to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The site is surrounded by urban uses and would not result in development of land outside of the City's General Plan boundary.

(2-4) The project site is not zoned for agricultural use. There is no existing Williamson Act contract on the property. The site is surrounded by urban uses and would not cause the conversion of additional 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:

The application is a proposal to rezone the subject property from R-1 Low Density Residential to the P-O Professional Office Zone. No development is proposed with the application; however, the appropriate mitigation to be applied to any future development of the site includes: WS-11 and WS-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-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:

(1-3) The proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed water demand to be consistent with the type and intensity of development that would be permitted by this rezoning. The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

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:

The application is a proposal to rezone the subject property from R-1 Low Density Residential to the P-O Professional Office Zone. No development is proposed with the application.

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 project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed wastewater generation to be consistent with the type and intensity of development that would be permitted by this rezoning. The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

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

c. Project-Specific Effects

Section V-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 proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(2-4) The project site is located within the Baseline Developed Area of the City and is therefore completely surrounded by developed urban area. It is not 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 proposal to rezone the property 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:

The appropriate mitigation to be applied to this project includes AH-14 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the 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 project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(2-5) The site of the proposed rezone is a semi-vacant 3.65-acre parcel with one 1940-built residence and two accessory structures. The site is not within a biological resource area nor is designated as a historic landmark or resource. Buildings will be analyzed for historic relevance at the time of redevelopment. No demolition or remodel is proposed with the rezoning.

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 application is a proposal to rezone the subject property from R-1 Low Density Residential to the P-O Professional Office Zone. No development is proposed with the application; however, the appropriate mitigation to be applied to any future development of the site 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 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	☐	☐	☐	☒

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

(1-3) The proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed stormwater runoff to be consistent with the type and intensity of development that would be permitted by this rezoning. The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and 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 application is a proposal to rezone the subject property from R-1 Low Density Residential to the P-O Professional Office Zone. No development is proposed with the application; however, the appropriate mitigation to be applied to any future development of the site includes: 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.	☐	☐	☐	☒
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 project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(3-4) The proposed project is to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone. The site is outside of the 100-year flood zone as defined by the FEMA 2008 Flood Insurance Rate Maps (FIRM).

(5-8) Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

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 mitigation measures applicable to the project.

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 project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(2-3) The proposed rezone would not eliminate any parks or open spaces. The site is a semi-vacant lot that if approved for development of Professional Office uses would not cause an increase in the use of existing parks or recreational areas.

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 polcies 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 mitigation measures applicable to the project.

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) The proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

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 mitigation measures applicable to the project.

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 proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(2) The proposed rezone was referred to the City Police Department, who indicated no concerns with the project.

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 mitigation measures applicable to the project.

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 project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards, including fire safety standards.

(2-3) The proposed rezone was referred to the Modesto Regional Fire Authority, who indicated no concerns regarding need for increased services or effects upon response times.

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 are applicable to this project.

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:

(1-2) The proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

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 are applicable to this project.

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 proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(2) The area proposed for rezoning is semi-vacant with one residence and two accessory structures, and is overall surrounded by urban uses. No schools exist within one-quarter mile of the project site. However, the proposed rezone would allow for Professional Office uses only. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(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.

(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 are applicable to this project.

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 proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project.

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 are applicable to this project.

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:

(1-2) The proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

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 are applicable to this project.

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 proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(2-3) The project site is not in the vicinity of parks or riverside areas. No views into parks or riverside areas would be blocked or degraded from roadways or properties adjacent to the site.

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 are applicable to this project.

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 proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(2) The site proposed for rezoning is semi-vacant with one residence and two accessory structures, and is surrounded by urban uses. The project would not divide an established community.

(3) The proposed rezoning does not represent a conflict with any 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 rezoning is not subject to any habitat conservation plan or natural community conservation plan.

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 are applicable to this project.

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:

(1-3) The proposed project to rezone from R-1 Low Density Residential Zone to the P-O Professional Office Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Mixed Use land use designation allows for uses as permitted within the P-O Zone. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

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:

None

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 onsite 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-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

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, trackout 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 trackout.

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

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%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site

AQ-54: Install wind breaks at windward side(s) of construction areas;

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);

AQ-56: Limit the area subject to excavation, grading, and other construction activity at any one time.

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.

Effects on Agricultural Lands:

None

Increased Demand for Long-Term Water Supplies:

WS-11: During review of all proposed development, the City shall require, as a condition of approval, that all developments reduce their potable water demand. The City should refer to Table 5-1 in the Joint Urban Water Management Plan for potential techniques to reduce potable water demand, as well as those identified in the City's current UWMP.

WS-13: Individual development projects, including lot splits, are subject to review by the City's Public Works Director for adequate water supply.

Increased Demand for Sanitary Sewer Services:

None

Loss of Sensitive Wildlife and Plant Habitat:

None

Disturbance of Archaeological/Historic Sites:

AH-14: Any project that involves earth-disturbing activities shall require consultation by the applicant for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.

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.

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:

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.

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. 2013-59

RESOLUTION APPROVING UPDATED RULES AND PROCEDURES FOR THE ENTERTAINMENT COMMISSION

WHEREAS, the Entertainment Commission was formed in 2008 to review and approve entertainment establishment permits as well as special event permits, all which take place throughout the City of Modesto, and

WHEREAS, currently the Entertainment Commission Rules and Procedures authorize seven (7) Commissioners with two (2) alternates to step in to serve on a rotating basis when a Commissioner is absent, and

WHEREAS, staff recommends the composition of the Entertainment Commission consist of one (1) business permit holder, one (1) non-profit/special event 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) Cultural Commission member and two (2) alternates to be non-permit holders, and

WHEREAS, these updated Rules and Procedures are **attached** hereto and incorporated herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the updated Rules and Procedures of the Entertainment Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore, Mayor Marsh

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Rules and Procedures
Of the
Entertainment Commission

Article I
Organization

Section 1.1 Establishment. The Entertainment Commission of the City of Modesto, hereafter called "The Commission", is established pursuant to the provisions of Chapter I of Title X of the Modesto Municipal Code.

Article II
Powers and Duties

Section 2.1 Enumerated. The Commission shall have the following powers and duties:

a. Perform all of the functions assigned to the Entertainment Commission by the City of Modesto, insofar as they are not inconsistent with the provisions of the Charter of the City of Modesto.
b. Review and render decision on applications for an Entertainment Establishment Permit or Special Event Permit.
c. Approve or disapprove punitive actions on violations of the Entertainment Ordinance and/or Permit.
d. Place conditions and modifications on any Entertainment Establishment Permit or Special Event Permit prior to approval.
e. Suspend, revoke and deny Entertainment Establishment Permit or Special Event Permit.
f. Conduct appeal hearing regarding imposition of fines and/or penalties and may affirm, modify, or suspend the imposition of such fines and penalties.

g. Coordinate with relevant City departments any inspection or investigation regarding the Entertainment Establishment Permit or Special Event Permit.
h. Periodically review the Entertainment Establishment Ordinance and recommend needed changes to the City Council.

Article III
Number of Commissioners

Section 3.1 Number. The authorized number of Commissioners shall be seven (7). Each application for membership to the Commission shall be reviewed by the Safety and Communities Committee prior to being forwarded to City Council for appointment. In addition, there shall be a City staff person assigned as the Permit Administrator to the Commission.

Section 3.2 Alternates. In addition to the seven (7) Commissioners, the City Council shall also appoint two (2) alternates to step in to serve, on a rotating basis, when a Commissioner is absent. The alternate shall serve a term of four (4) years.

Section 3.3. Member Composition. Membership composition for the Entertainment Commission shall be: 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 (such as the Modesto Convention and Visitors Bureau or the Downtown Improvement District), two (2) at-large citizens (non-permit holders), one (1) Culture Commission member, and two (2) alternates to be non-permit holders.

Article IV
Designated Commissioners

Section 4.1 Designation. Seven (7) of the Commissioners shall be designated as holding office for four (4) year terms. The Commissioners shall serve at the pleasure of the City Council and shall serve until a successor has been designated and qualified. No person shall serve more than two (2) consecutive terms as a Commissioner. Commission Members are eligible for reappointment to the Commission after a two (2) year absence.

Section 4.2 Initial Term. For purposes of staggering the terms of the Commissioners, the initial appointment 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. All terms of the initial appointees to the Commission shall be one alternate shall serve for a two (2) year period and one alternate shall server for a three (3) year term as the initial one deemed to commence upon the same date, which shall be the date upon which the last of the seven (7) initial appointees assumes office. Thereafter, all appointments and reappointments shall be for a term of four (4) years.

Article V
Effective Date

Section 5.1 Effective Date. Aside from the initial term and vacancies, the term of office shall be effective as of the 1st of January. Serving any portion of an unexpired term shall not be counted as service of one term. Members not eligible for reappointment may continue to serve until their successors are appointed and meet all of the qualifications outlined in Sections 9 and 10.

Article VI
Term of Office

Section 6.1 Service. The term of office for the Commissioners will be set to coincide with the term as described in Sections 4.1 and 4.2. Each member's term shall terminate on December 31 of his or her respective year.

Article VII
Compensation

Section 7.1 Pay. The members of the Commission shall receive no compensation for the performance of their official duties.

Article VIII
Vacancy Appointments

Section 8.1 Appointments. Appointments to fill vacancies on the Commission shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such a vacancy shall be for the unexpired portion of the term. Appointments shall be made in a timely manner.

Section 8.2 Vacancy on Board.

a. Resignation – The resignation or death of any Commissioner.
b. Attendance – Unexcused absence from three (3) consecutive regular meetings or five (5) or more regular meetings in a twelve (12) month period shall result in the position being vacated. Excused absences shall include illness, medical reasons, work related conflicts, and jury duty which shall be authorized provided that notification is given to the appropriate staff member by telephone, facsimile, mail or email at least 48 hours prior to such absence. In addition, attendance shall be recorded in the minutes of monthly meetings, and such minutes shall be transmitted to the Commissioners at the Commission meeting.
c. Qualifications – The Commissioner no longer meets the qualifications set forth in Sections 9 and 10.

Article IX
Qualifications

Section 9.1 Qualifications. Commissioners shall be chosen without discrimination on the basis of race, sex, sexual preference, color, religion, age, national origin, income, marital status or handicap. Commissioners are required to complete and file Form 700 with the City Clerk's Office annually. Additionally, Commissioners shall at all times comply with all applicable conflict of interest laws.

Article X
Residency

Section 10.1 Residency. The members of the Commission shall reside in the City of Modesto at the time of appointment and must maintain residence within the City limits throughout their term(s).

Article XI
Meetings

Section 11.1 Meetings. Regular meetings of the Commission shall be held twice a month, unless cancelled. Special meetings of the Commission may be held at any time by the Chair of the Commission or by a majority of the Commissioners. The time for regular meetings and special meetings of this Commission shall be provided for by Commission resolution or, if none, by the Chair. All meetings shall be held at 1010 10th Street, City Hall in a room to be scheduled by the facilitating department.

Section 11.2 Notice. Written notice of the time and place of any regular or special meeting of the Entertainment Commission shall be delivered personally to each voting member of the respective body, or sent to each voting member by mail or other form or written delivery, charges prepaid, addressed to him or her at

his or her address as it is shown in the corporate records, or by fax or email, sent to him or her at the fax or email address shown in the corporate records. Any such notice shall be mailed, delivered, faxed or emailed at least seventy-two (72) hours before the date of a regular meeting, and at least twenty-four (24) hours before the time of a special meeting.

Article XII
Brown Act Compliance

Section 12.1 Compliance. All meetings of the Commission, or any other committee of the Commission, shall be held in conformity with the Brown Act, found at Government Code §54950 et seq. Accordingly, any and all meetings of the Commission and the Commission's committees to which the Brown Act applies, shall be open and public.

a. "Meeting" Defined. A "meeting" under the provisions of the Brown Act includes any congregation of a majority of the members of the Commission, or any other committee of the Commission to which the Brown Act applies, at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of any such body or the local agencies to which it pertains.
b. Notice. Where required by the Brown Act, the Commissioners shall:
    i. Cause mailed notice of any regular meeting to be sent at least seventy-two (72) hours prior to the date set for the meeting to any and all persons who have filed a written request for that notice with the Commissioners.
    ii. Cause mailed notice of any special meeting to be given as deemed practical, provided it otherwise complies with Brown Act requirements, where the special meeting is called less than seventy-two (72) hours prior to the date set for the meeting to any and all persons who have filed a written request for that notice with the Commissioners.

iii. Cause notice of any special meeting of the Commissions to be personally delivered or mailed to each local newspaper of general circulation, radio or television station requesting notice in writing, said notice, stating time, place and business to be transacted, to be received at least twenty-four (24) hours before the time of the meeting as specified in the notice.

iv. Cause notice of the date, time and location of any regular meeting, and an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, to be posted at least seventy-two (72) hours prior to the meeting in a location that is freely accessible to members of the public; and

v. Cause notice of the date, time, and location of any special meeting to be posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to members of the public.

c. Agenda. Every meeting agenda mailed or posted shall provide an opportunity for members of the public to directly address the Commissioners on any item of interest to the public, before or during consideration of the item.

d. Adjournment. Where a meeting is adjourned, the time and place to which it is adjourned shall be announced at the time of adjournment, and the time and place so announced shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment. Written notice of said adjournment shall be given in the same manner as provided for special meetings under Article 5, §C2, subsections b, c and e of these bylaws. Where a regular meeting or adjourned regular meeting is adjourned, the resulting adjourned meeting is a regular meeting for all purposes, including notice.

e. Cancellation of Scheduled Meetings. The Chair may cancel any scheduled meeting when in his/her opinion there is no policy matter requiring a full Commission meeting, or due to lack of quorum.

Article XIII
Meeting Quorum

Section 13.1 Quorum.

a. Meetings of the Commission. At least half of the whole number of Commissioners appointed and seated on the Commission shall constitute a quorum for the transaction of business by the Commission of the organization and every act or decision of a majority of the seated Commissioners present at a meeting at which at least a quorum is present, made or done when duly assembled, shall be valid as the act of the Commission. A majority of those present at the time and place of any stated or special meeting, although less than a quorum, may adjourn without further notice. When a quorum shall attend, any business may be transacted that might have been transacted at the meeting had the same been held on the day which the same was originally appointed or called. Should a meeting be held with less than a quorum present, any business transacted thereat may be advisory only and not valid as an act of the Commission. Every voting member or member of the Commission shall have one vote for the transaction of business of the corporation, and the use of proxy votes is prohibited.

b. Conduct of Meeting. The Chair of the Commission, or in his or her absence, the Vice-Chair, or in the absence of the Vice-Chair, a chairperson elected by the Commissioners present, shall call the meeting to order, and shall act as the presiding officer thereof.

c. Minutes. The Permit Administrator or his/her designee shall cause the minutes of all meetings to be recorded, and in his or her absence, the presiding officer may appoint any person to act as recorder. These minutes shall be promptly mailed to each member of the Commission

having met, and to each member of the Commission, and a copy shall be filed in the appropriate office in the City of Modesto.

Article XIV
Procedures, Powers, Duties and Staff

Section 14.1 Designated. The provisions of the Municipal Code of the City of Modesto pertaining to procedures, powers, duties, and staff shall prevail. The Permit Administrator or his/her designee shall serve as the Secretary to the Commission. The Secretary shall keep a written record of all business transacted by the Commission, notify Commission members of meetings, and keep the official records of the Commission.

Article XV
Rules of Order

Section 15.1 Rules. All meetings of the Commission shall be conducted in accordance with the Roberts Rules of Order and any applicable rules, procedures and policies adopted by the Commission. These rules, procedures and policies can be amended from time to time by the Commission as necessary.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-60

Print

A RESOLUTION APPOINTING MARSHALL RIDDLE 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 Economic Development Committee met on January 29, 2013, and recommended appointment of Marshall Riddle to the Modesto Planning Commission.

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

SECTION 1. Marshall Riddle is hereby appointed to the Modesto Planning Commission 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 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 12th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-61

Print

RESOLUTION AMENDING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO AMEND THE MINIMUM QUALIFICATIONS FOR CLASSIFICATION OF POLICE CAPTAIN

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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the Police Captain classification. The Police Captain job specification is being revised to change the experience requirement to better meet the needs of the position. The revised Police Captain class specification, as shown in **attached Exhibit** "A," which is made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 12, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO
APRIL 1988
NO. 2921

POLICE CAPTAIN

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

DEFINITION

To manage, direct and coordinate the activities of a major division within the Police Department; to coordinate assigned activities with other divisions within the department; and to provide highly complex staff assistance to the Chief of Police.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Chief of Police.

Exercises direct and indirect supervision over subordinate sworn and non-sworn personnel.

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

Essential Functions:

Develop and implement division policies, goals, objectives and priorities.

Direct, oversee and participate in the development of assigned division's work plan; assign work activities, projects and programs; monitors work flow; review and evaluate work products, methods and procedures.

Prepare the division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing equipment, materials, and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures) recommend employee terminations.

Conduct studies and analyze the operations of assigned division; identify areas where improvement may be achieved; maintain current on recent developments, literature and program being applied within the field.

Confer with citizens and City officials on law enforcement problems and assist in the development of innovative municipal law enforcement policies.

Essential Functions: (Continued)

Supervise enforcement of all laws and ordinances within the jurisdiction of the Department.

Personally direct major investigations; inspect major crime and accident scenes.

Supervise investigation of complaints involving Officer conduct.

Direct the provision of support services to operational activities and units of the Department; maintain data, statistics, and information necessary for police planning and management.

Supervise maintenance of departmental equipment inventory including motor vehicles, weapons, ammunition, and related supplies and material.

Formulate and disseminate departmental policies, procedures and directives; assist the Chief of Police with administrative matters.

Prepare and review disciplinary reports; make recommendations on disciplinary actions; review complaints and conduct internal investigations as assigned.

Marginal Functions

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles, practices and procedures of police administration, organization and operation.

Laws, ordinances and regulations affecting the work of the Department including those governing traffic, criminal investigation, and arrest and prosecution.

Technical and administrative phases of crime prevention and law enforcement including investigation and identification, patrol, traffic control, records management, and care and custody of property.

Recent court decisions and how they affect department and division operations.

Knowledge of: (Continued)

Use of firearms and other modern police equipment.

Principles and practices of organization and personnel management in a municipal government environment.

Budgeting procedures and techniques.

Principles and practices of supervision, training and personnel management.

Ability to:

Plan, direct, manage and coordinate the activities of a major division.

Communicate clearly and concisely, orally and in writing.

Recommend and implement sound policies and procedures.

Meet and deal tactfully and effectively with the public.

Properly interpret and make decisions in accordance with laws, regulation and policies.

Act quickly and calmly in emergencies.

Exhibit technical ability that commands respect of subordinates.

Prepare and administer a budget.

Supervise, train and evaluate personnel.

Experience and Training Guidelines

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

Experience:

Two years of supervisory experience with at least one year at the rank of Police Lieutenant~~Two years of law enforcement experience at a level~~

~~equivalent to the rank of Police Lieutenant~~.

Training:

Equivalent to an Associate of Arts degree from an accredited college or university with major course work in police science, law enforcement administration, criminal justice, public administration or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a P.O.S.T. Advanced and Management Certificate.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting.
Lifting: frequently up to 10 pounds; occasionally up to 25 pounds.
Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision.
Dexterity: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching.
Hearing/Talking: frequent hearing and talking, in person and on the phone.
Emotional/Psychological: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone.
Environmental: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Positions require occasional overtime or weekend work and the ability to travel.

Class Spec History	
Adopted	1988
Revised	02/13
BU	Pol Mgmt Unrep

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-62

Print

RESOLUTION AMENDING THE POSITION ALLOCATION IN THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO ELIMINATE ONE (1) EVENTS SUPERVISOR, ELIMINATE ONE (1) FACILITY SUPERVISOR, ELIMINATE ONE (1) .75 ADMINISTRATIVE ANALYST II, AND ADD ONE (1) CENTRE PLAZA MANAGER ALLOCATION TO COST CENTER

WHEREAS, City Council directed staff to reduce the Centre Plaza budget by $250,000 during the budget hearings for fiscal year 2012-13, and

WHEREAS, the negotiations with the Doubletree Hotel during the outsourcing-managed competition failed, and

WHEREAS, staff has begun making changes to achieve the requested reduction in budget by eliminating an Events Supervisor, a Facility Supervisor and an .75 time Administrative Analyst, and

WHEREAS, it was determined that the current Events Supervisor alone did not cover the full scope of responsibility required for successful operation of the Centre, and

WHEREAS, a new position of Centre Plaza Manager is being established, and

WHEREAS, the new position encompasses a higher level of authority and a broader scope of responsibility than the Events Supervisor position, and

WHEREAS, the above changes create a cost saving of approximately $179,000 in the Centre Plaza General Fund budget.

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

SECTION 1. A reduction in overall the position allocation at Centre Plaza includes the elimination of the Events Supervisor, Facility Supervisor and .75% of an Administrative Analyst II, and

SECTION 2. Create a Centre Plaza Manager allocation for the new classification.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-63

RESOLUTION AMENDING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE THE CLASSIFICATION OF CENTRE PLAZA MANAGER AND TO DELETE THE CLASSIFICATIONS OF EVENTS SUPERVISOR AND FACILITY 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. The Position Classification Plan of the City of Modesto is hereby amended to create the classification of Centre Plaza Manager at salary range 442. The Job specification for Centre Plaza Manager is being created to plan, organize, direct and manage the operations of the Modesto Centre Plaza within the Parks, Recreation and Neighborhoods Department, as shown in **attached Exhibit** "A," which is made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the classifications of Events Supervisor and Facility Supervisor as said classifications are no longer being used.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after February 12, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO
No. 2358

CENTRE PLAZA MANAGER

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

DEFINITION

To plan, organize, direct and manage the operations of the Modesto Centre Plaza; to develop, implement and enforce existing policies, procedures and objectives within responsibility for Centre Plaza operations including budget, facilities, capital improvements and revenues; and to provide highly responsible staff assistance to the Director of Parks, Recreation and Neighborhoods Department.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Parks, Recreation and Neighborhoods.

Exercises direct supervision over assigned supervisory and professional, technical and administrative personnel.

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

Plan and organize effective operations of the Centre Plaza by managing and directing all operations, staff, concessionaires and maintenance activities.

Develop and implement goals, objectives, policies and procedures including the development of Centre Plaza business plan, a comprehensive marketing plan and long-term strategic plan.

Act as systems administrator for the facility management system and oversight of all maintenance and building facility management issues

Monitor and oversight of the variety of facility maintenance contracts, such as: fire suppressions systems, elevator maintenance and inspection responsibilities, ground keeping contracts, and address other safety and security issues.

Inspect total facility to locate and determine the extent of repair or maintenance work to be performed.

Negotiate lease terms and rental rates, enforce rental rate structure; approve all client contracts to ensure necessary policies and procedures are followed.

Essential Functions: (Continued)

Meet with clients to evaluate operations of the facility to improve customer satisfaction; meet with appropriate City management staff and City Council as needed to explain new programs.

Compile and analyze data on user trends to improve productivity and enhance facility use.

Prepare and administer the Centre Plaza budget; forecast additional funds needed for staffing, equipment, materials and supplies.

Build and maintain positive working relationships with Senior Executive Team, Mayor, City Council, co-workers, other City employees and the public using principles of good customer service.

Recommend the appointment of personnel; provide or coordinate staff training, conduct performance evaluations; implement discipline procedures as required; maintain discipline and high standards necessary for the efficient and professional operation of the Centre Plaza.

Represent the Centre Plaza to businesses and public agencies interested in development, operation and use of the Centre Plaza; participate in outside community and professional groups and committees; provide technical assistance as necessary.

Responsible for marketing the Centre Plaza to the community and other potential business to expand the convention bookings in the Centre Plaza

Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.

Work collaboratively with groups, individuals, and corporations.

Participate in the selection of staff; provide and coordinate staff training, work with employees to correct deficiencies; implement disciplinary procedures as necessary; implement timely performance evaluations of staff and recreation programs.

Research and prepare technical and administrative reports; prepare written correspondence.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of facility management.

Principles and practices of organizational analysis and management.

Principles and practices of leadership, motivation, team dynamics, team building and conflict resolution.

Principles and practices of marketing and sales in convention centers/theatres.

Pertinent local, State and Federal rules, regulations and laws.

Practical application of modern information technology for administrative and fiscal management tasks.

Budgeting procedures and techniques.

Principles and practices of supervision, training and personnel management.

Ability to:

Plan, organize and direct the Centre Plaza operations; implement a comprehensive operations strategy to produce the greatest efficiency, service and value to the organization.

Operate a revenue producing business in a government environment.

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

Negotiate effectively and monitor contracts.

Interpret and apply applicable law, City and department policies, procedures, rules and regulations.

Prepare and administer methods and techniques of statistical analysis for the Centre Plaza budget; analyze revenue and control expenditures and effective technical report preparation and presentation (both oral and graphic).

Plan, organize, direct and evaluate the work of administrative, technical, and clerical staff; build a high performance workforce.

MINIMUM QUALIFICATIONS (continued)

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

Present ideas effectively, orally and in writing; prepare and make public presentations.

Experience and Training Guidelines

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

Experience:

Five years of increasingly responsible experience in operation and management of a convention center or similar facility; including one year providing technical and functional supervision over assigned personnel.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration, accounting, finance, economics, program or facility management, or a related field.

License or Certificate:

Possession of or ability to obtain an appropriate valid California driver's license.

PHYSICAL REQUIREMENTS & WORKING CONDITIONS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting**: frequently up to 10 pounds; occasionally up to 25 pounds. **Vision**: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity**: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking**: frequent hearing and talking, in person and on the phone. **Emotional/Psychological**: frequent decision making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental**: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Positions may require occasional overtime or weekend work and travel is rare.

Class Spec History	
Adopted	02/13
Revised	
BU	Mgt/Conf NS

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-64

RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2008-683 TO REVISE THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD THE SALARY RANGE FOR CENTRE PLAZA MANAGER TO SALARY RANGE 442 AND TO DELETE THE EVENTS SUPERVISOR FROM SALARY RANGE 441 AND FACILITY SUPERVISOR FROM SALARY RANGE 435

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2008-683, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2008-683. Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes," attached to Resolution No. 2008-683, 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 February 5, 2013," which is **attached** hereto and made a part hereof as though set forth in full herein. Said **Exhibit** "A" adds the Centre Plaza Manager to salary range 442 and deletes Events Supervisor from salary range 441 and Facility Supervisor from salary range 435.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after February 12, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **February 12, 2013**

RANGE	TITLE
407	Administrative Office Assistant II (Confidential)
411	Administrative Office Assistant III (Confidential)
412	Police Clerk II (Confidential)
414	Legal Secretary I
415	Administrative Services Technician I (Confidential) Senior Administrative Office Assistant (Confidential)
418	Legal Secretary II Systems Technician I
419	Administrative Services Technician II (Confidential) Workers' Compensation Claims Assistant
420	Deputy City Clerk Employee Benefits Coordinator Executive Assistant Senior Legal Secretary
422	Office Supervisor Systems Technician II Workers' Compensation Claims Examiner I
423	Custodian Supervisor Parking Services Supervisor
424	Buyer
425	Parking Adjudication Program Coordinator Police Facilities Coordinator
426	Assistant Planner Central Stores Supervisor Financial Analyst I Senior Systems Technician

RANGE	TITLE
427	Administrative Analyst I
	Animal Control Supervisor
	Human Resources Analyst I
	Police Civilian Supervisor
	Technology Solutions Analyst I
	Workers' Compensation Claims Examiner II
428	Assistant City Clerk
430	Associate Planner
	Financial Analyst II
	Senior Buyer
	Software Analyst I
	Systems Engineer I
431	Administrative Analyst II
	Events Coordinator
	Human Resources Analyst II
	Risk and Loss Control Coordinator
	Senior Workers' Compensation Claims Examiner
	Technology Solutions Analyst II
432	Compost Facility Supervisor
	Junior Engineer
	Neighborhood Preservation Supervisor
	Operations Supervisor
	Parks Project Coordinator
	Recreation Supervisor
	Senior Crime and Intelligence Analyst
	Wastewater Collection Systems Supervisor
	Water Quality Control Plant Maintenance Supervisor
433	Water Resources Analyst
434	Customer Services Supervisor
	Financial Analyst III
	Recycling Program Coordinator
	Senior Community Development Program Specialist
	Software Analyst II
	Systems Engineer II

RANGE	TITLE
435	Assistant Transportation Planner
	Business Analyst
	Cultural Services Program Manager
	Emergency Medical Services Coordinator
	Management Analyst
	Organizational Development Coordinator
	Public Information Coordinator
	Transit Analyst
	Weed and Seed Program Coordinator
436	Assistant Engineer
	Deputy Fire Marshal
	Electrical Supervisor
	Environmental and Water Quality Laboratory Supervisor
	Environmental Services Supervisor
	Housing Rehabilitation Supervisor
	Senior Planner
437	Senior Human Resources Analyst
438	Associate Land Surveyor
	Integrated Waste Specialist
	Property Agent
	Public Safety Business Services Analyst
	Senior Financial Analyst
	Senior Software Analyst
	Senior Systems Engineer
	Water Distribution and Production Supervisor
439	Administrative Services Officer
	Associate Transportation Planner
	Senior Business Analyst
440	Associate Engineer
	Environmental Regulatory Compliance Administrator
	Recreation Program Manager
	Water Quality Control Operations Supervisor

RANGE	TITLE
441	Housing and Urban Development Manager
	Infrastructure Financing Program Administrator
	Parks Planning and Development Manager
	Streets Manager
	Wastewater Collections Manager
442	Budget and Financial Analysis Manager
	Centre Plaza Manager
	Construction Inspection Supervisor
	Customer Services Manager
	Principal Accountant
	Principal Software Analyst
	Principal Systems Engineer
	Purchasing Manager
443	Associate Civil/Traffic Engineer
	Senior Transportation Planner
444	Airport Manager
	Building Inspection Program Coordinator
	Building Inspection Supervisor
	Fleet Manager
	Principal Planner
	Solid Waste Program Manager
	Transit Manager
446	Assistant Chief Building Official
	Information Technology Manager
	Water Quality Control Plant Manager
447	Traffic Operations Engineer
	Water Systems Manager

RANGE	TITLE
450	Business Development Manager
	Chief Building Official
	Planning Manager
	Senior Civil Engineer
451	**Parks Recreation & Neighborhoods Operations Manager**
452	City Engineer
	Traffic Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-65

RESOLUTION ACCEPTING THE DOWNTOWN PASSENGER RAIL FEASIBILITY STUDY

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 and 2012-430, copies of which are on file in the office of the City Clerk, and

WHEREAS, on January 12, 2010, the City Council of the City of Modesto approved a motion supporting high speed and regional passenger rail in downtown Modesto and directing staff to make any necessary amendments to the Urban Area General Plan, and

WHEREAS, on March 23, 2010, the City Council of the City of Modesto approved Resolution 2010-122 approving submittal of a grant application to the

California Department of Transportation (Caltrans) requesting $100,000 in Community-Based Transportation Planning Grant funds, and

WHEREAS, on December 7, 2010, the City Council of the City of Modesto adopted Resolution 2010-497, 2010-498, and 2010-499 accepting the grant funding and making appropriate budget adjustments, and

WHEREAS, on June 28, 2011, the City Council of the City of Modesto adopted Resolution 2011-254 making minor amendments to the General Plan, including a policy amendment specifically supporting a passenger rail station in downtown Modesto, and

WHEREAS, public input on a future location for a passenger rail station in downtown was sought through three public workshops addressing the criteria for selecting a site, reducing the number of sites under consideration, and ranking three sites in order of most preferred to least preferred, and

WHEREAS, the Community & Economic Development Department has analyzed the potential sites under consideration for a downtown passenger rail and identified potential policies to support a passenger rail station and collected the information into a Downtown Passenger Rail Station Feasibility Study, and

WHEREAS, on December 3, 2012, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, wherein it considered the Downtown Passenger Rail Station Feasibility Study, and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2012-16, recommending the City Council accept the Downtown Passenger Rail Station Feasibility Study, and

WHEREAS, on January 14, 2013, the Economic Development Committee of the City Council of the City of Modesto held a duly noticed public meeting in Room 2005 located at 1010 Tenth Street, Modesto, California, wherein it considered the Downtown Passenger Rail Station Feasibility Study and recommended the City Council consider the item, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 12, 2013, 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 Downtown Passenger Rail Station Feasibility Study.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed Downtown Passenger Rail Station Feasibility Study as described in **Exhibit "A", attached** hereto and incorporated herein by reference, is accepted.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the proposed Downtown Passenger Rail Station Feasibility Study is statutorily exempt from CEQA under Section 15262, Feasibility and Planning Studies.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

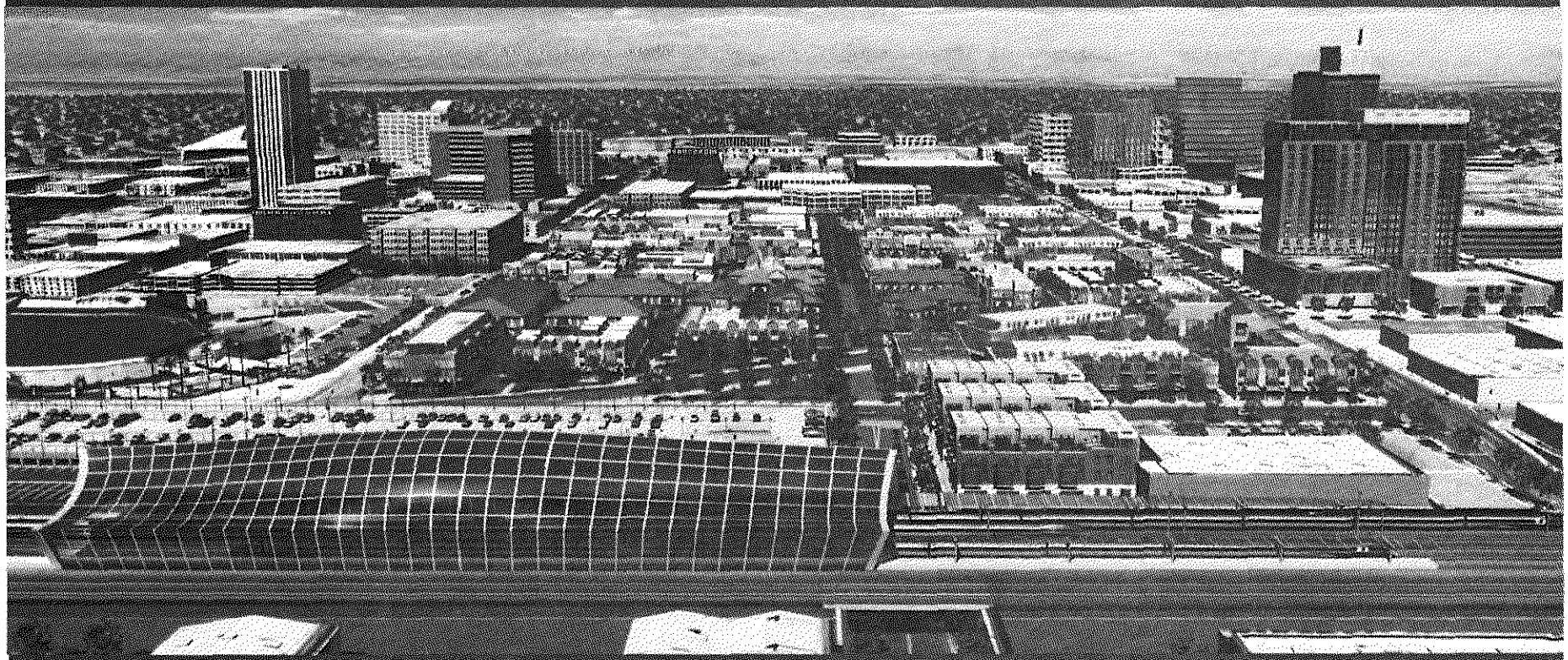
(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

Downtown Passenger Rail Station Feasibility Study



City of Modesto
Community and Economic Development Department
Planning Division

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November 2012

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City Council

Garrad Marsh, Mayor
John Gunderson, District 1
David Geer, District 2
Dave Lopez, District 3
Joseph Muratore, District 4
Stephanie Burnside, District 5
Dave Cogdill, District 6

Planning Commission

Patricia Gillum, Chair
F. Tom Berglund
Ted Brandvold
Steve Carter
Sandra Lucas
Dennis Smith
Chris Tyler

City Staff

H. Brent Sinclair, AICP, Director of Community and Economic Development
Patrick Kelly, AICP, Planning Division Manager
Brad Wall, AICP, Principal Planner
Cindy van Empel, AICP, CNU-A, Senior Planner, Project Manager
Katharine Martin, Associate Planner

With Support From:

Rick Phillips, HNTB
Stacey Mortenson, San Joaquin Regional Rail Commission
Barbara Hempstead, California Department of Transportation

Special Thanks to all Workshop Participants

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The purpose of this study is to determine the viability of a future passenger rail station for potential high speed and conventional rail service in downtown Modesto by identifying the strengths and weaknesses of the proposal. The study will help answer the question of whether Modesto should continue pursuing a passenger rail station and what additional information, policies, and resources will be needed for such an effort to be successful. Whether action should be taken, and what action, are decisions to be made by Modesto City Council and the StanCOG Policy Board. Should City Council approve this report, nothing further will occur unless City Council directs further action.

Direct public input was sought through three workshops. Workshops were held to consider (1) criteria for selecting a station site, (2) to identify several potential station sites, and (3) to identify the preferred station site of the several identified.

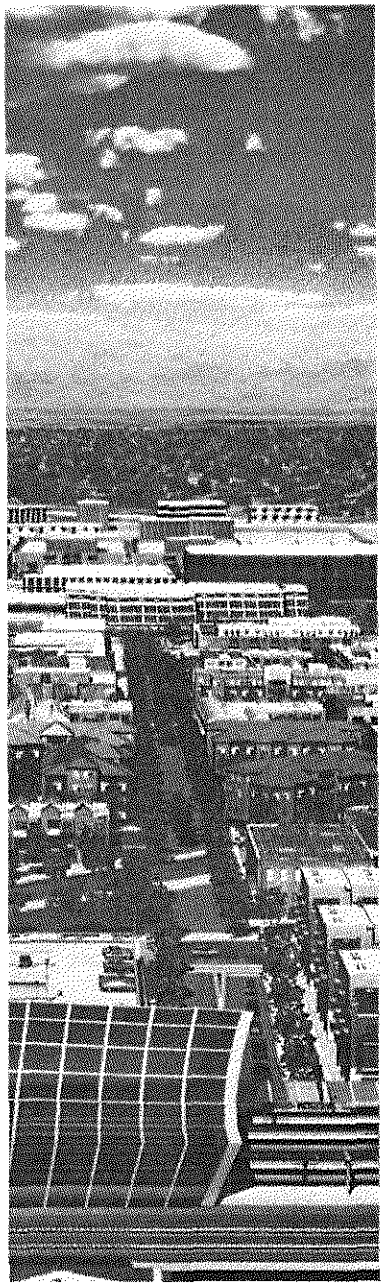
By its very nature, passenger rail, whether conventional or high speed, is a large-scale venture, requiring resources far beyond a single municipality or region. Amtrak is a national rail service; the Altamont Commuter Express is interregional and Caltrain, BART, and Metrolink (Los Angeles area) are regional services.

In 2008, California voters passed Proposition 1A, the Safe, Reliable High-Speed Passenger Train Bond Act, which is authorizes the issuance of $9.95 billion in bonds "to establish a clean, efficient high-speed train service linking Southern California, the Sacramento/San Joaquin Valley, and the San Francisco Bay Area" which is expected to reduce "air pollution, global warming greenhouse gases, and our dependence on foreign oil." This feasibility study considers a small part of this 800-mile-long statewide project.

The California High Speed Rail Authority (CHSRA) was established in 1996 to plan and implement high-speed intercity service in California. A significant part of the planning work comprises ridership projections, route selection, environmental analyses, public outreach, and engineering. While Modesto's concerns are taken into consideration, Modesto has no direct authority over the High-Speed Passenger Train project. Decision making authority for cities that may have the opportunity to a high-speed train station is limited to site selection along the route, site planning, and funding for a station. For this feasibility study, Modesto is evaluating two vertical alignment alternatives, above-grade (elevated above street level) and at-grade (at street level), consistent with the alignments being considered by the California High-Speed Rail Authority.

The CHSRA's Revised Business Plan (April 2012) includes a smaller-scale, near-term option, which is part of the "Northern California Blended Service." A station serving this option, which may be developed at-grade, could be needed within 10 years.

The high-speed train system will be developed in two phases; Modesto is part of the second phase of the project. Work on Phase 1 is well under way: an alignment has been selected for the Merced-to-Fresno segment, ridership estimates have been developed, environmental documents have been completed, and engineering of the Initial Construction Segment between Fresno and Bakersfield is

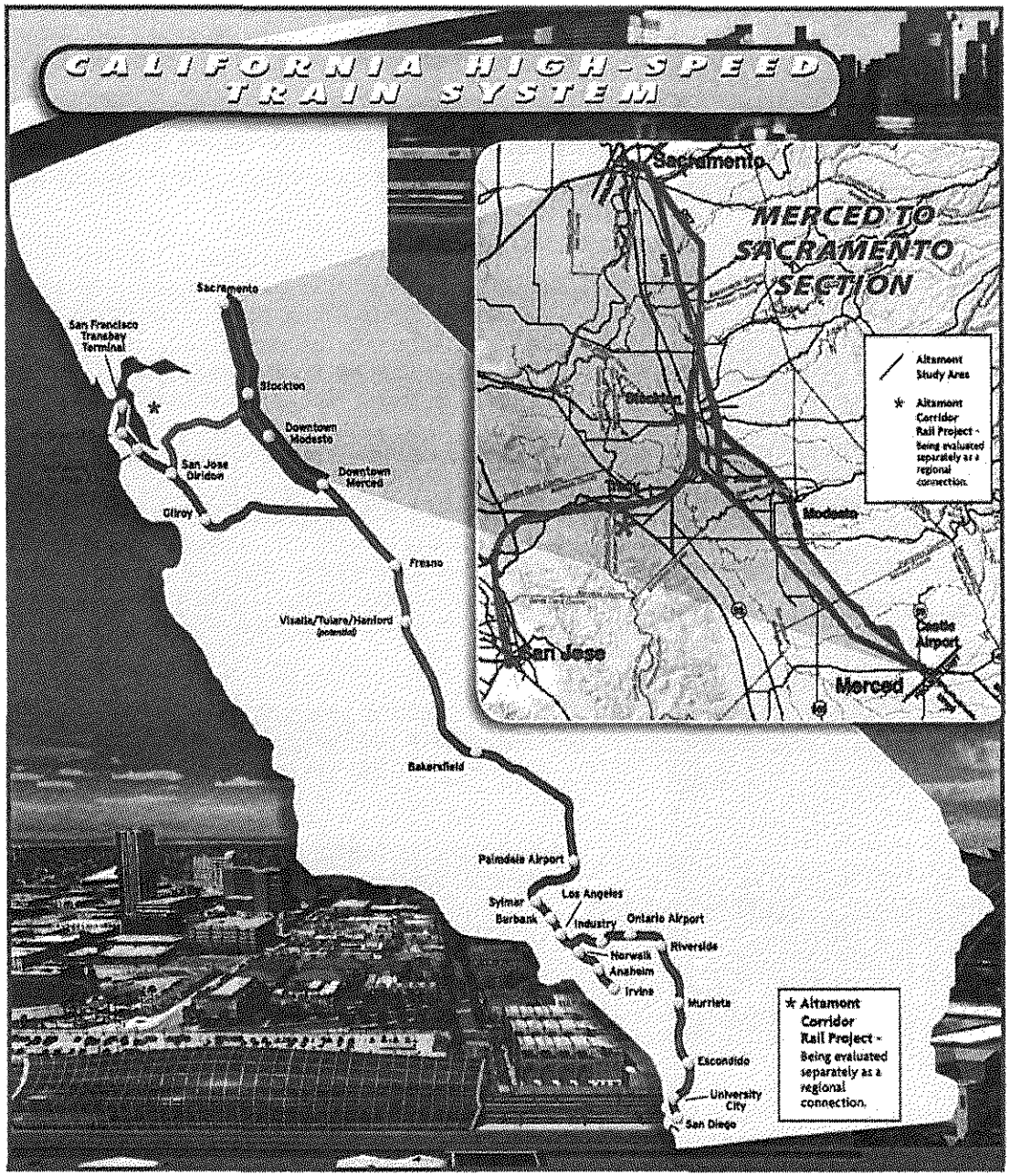


finished. Construction contracts for the Initial Construction Segment are expected to be signed in spring and fall of 2013. Planning for Phase 2 is under way, but the alignment has not yet been selected, which is critical to the development of ridership projections. The environmental documents that will eventually be prepared will consider many factors that are not part of this study: reductions in automobile trips, air quality, noise, and aesthetics, among others.

It is likely that revisions to the CHSRA's business plan will result in delayed implementation of full high speed rail for Phase 2. Instead, interim improvements to existing passenger rail service will be implemented. The complete scope of improvements to existing passenger rail has not been developed, but may include improvements to Amtrak and extension of the Altamont Commuter Express (ACE) to Modesto and Merced.

This feasibility study is limited to considering:

- Whether, where, and how a passenger rail station might fit into downtown;
- Whether necessary feeder service and parking exists or could be added;
- Right-of-way acquisition estimates for a station and for the alignment through the county;
- Whether policies are in place to support development that will support a station.



This feasibility study has five chapters:

1. Existing conditions
This chapter reviews how downtown Modesto was established and the influences that have shaped downtown and the existing resources and policies that will help make a passenger rail station successful.

2. Site selection
Different alternatives are evaluated to illustrate different scenarios. This study is not exhaustive: many other sites could have been evaluated, each with problems and benefits, and other site and circulation plans are possible for each site. Each site has been carefully considered and debated by workshop attendees; the considerations used in the site selection process are presented and are intended to be useful to City Council in its future decision making process.

3. Right of way needs
The acquisition cost of each preferred passenger rail station site is presented in 2012 dollars. Additionally, right of way estimates from the San Joaquin County line to the Merced County line are estimated on a per-acre basis.

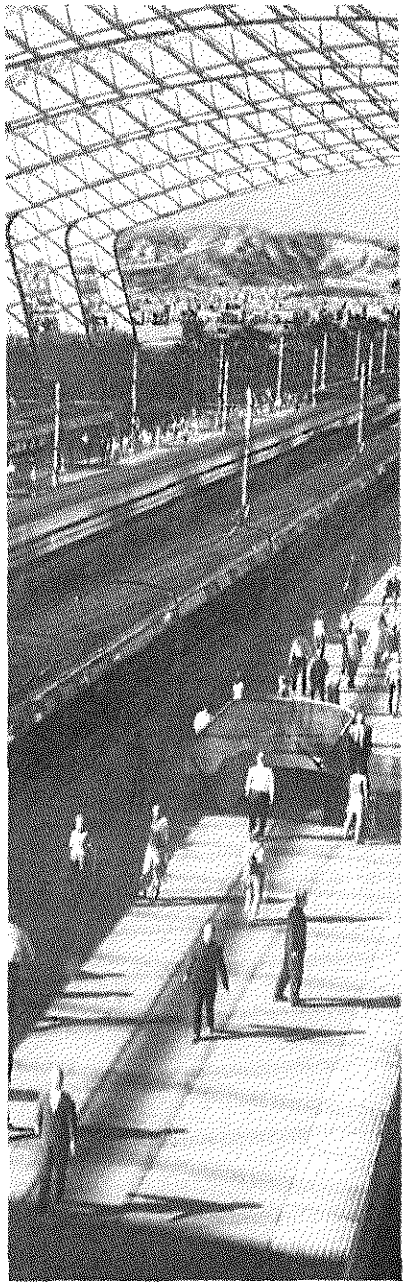
4. Funding Sources
Potential funding sources for right of way acquisition, and operating and maintenance costs for the station are considered.

5. Policy recommendations
Downtown Modesto can accommodate a passenger rail station today, but various policies should be considered in order to gain the largest benefit from a future station.

The documents used for the workshops in August 2011, November 2011, and June 2012 appear as Appendices A, B, and C, respectively.

While Workshop 3 attendees preferred Site D/E, the largest of the three sites, the City of Modesto may select any of the three sites; or another site; or may choose not to host a passenger rail station. The process used to select Site D/E as the preferred location is made as transparent as possible through the inclusion of the details of selection criteria and how each block fared with respect to those criteria and through the discussion of elements that contribute to the feasibility of various sites for a passenger rail station, such as parking and circulation.

Depending on the type of service provided, passenger rail could serve various functions. If it is a lower-speed, local and interregional service, similar to the Altamont Commuter Express, then riders would be expected to use it in place of a private automobile to travel to and from work or during the day to get to and from meetings in other cities, such as Merced or Tracy. On the other hand, if higher-speed, long-distance service is provided, riders would be expected to travel for purposes such as connecting to



airports in Sacramento, Oakland, and San Francisco; for entertainment, sporting, and cultural events in the Bay Area, or for meetings in Los Angeles, San Francisco, or San Diego. The train could be used instead of driving or flying. Furthermore, the train could serve not just as a means to connect Modestans with the rest of California, but as a means to bring the rest of California to Modesto. Modesto offers performances at the Gallo Center for the Performing Arts and major employers such as Gallo Glass and Foster Farms, and can serve as a gateway to the Sierras for visitors. Car rental services and a Yosemite Area Regional Transportation System (YARTS) stop near or at the station could provide transportation into the mountains and directly to Yosemite National Park from downtown Modesto.

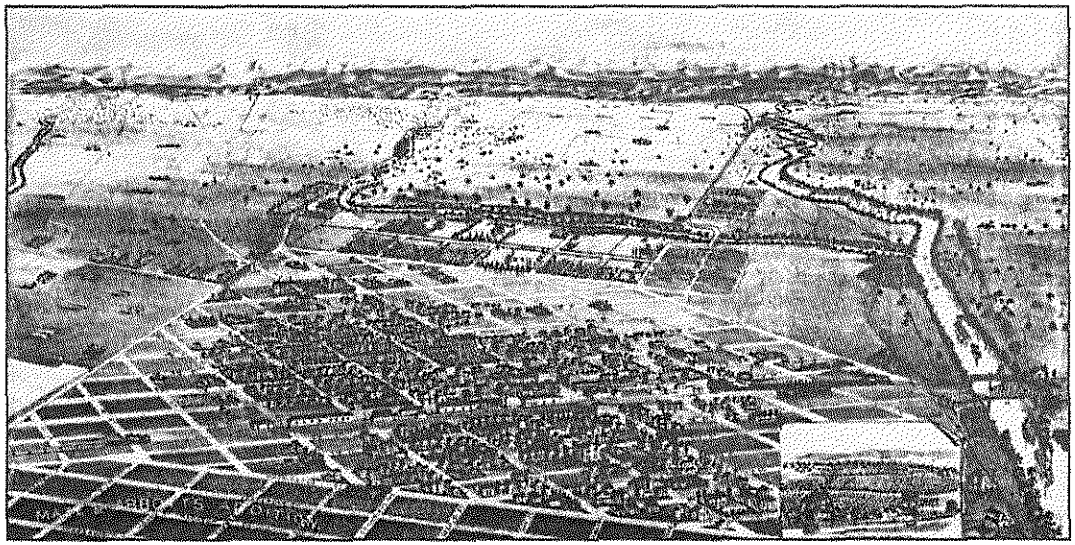
History and Development Pattern

Modesto's downtown is a former land grant given to the Central Pacific Railroad by the federal government in the 1860s and 1870s as incentive to extend rail service down the San Joaquin Valley from the main transcontinental line in Sacramento. The federal government deeded alternating sections (each 640 acres, 1 square mile) to rail companies, which were often developed by the rail companies in order to fund the extension and operation of rail service. The area comprising Modesto's commercial downtown grid today is that 640-acre land grant. Modesto incorporated as a city in 1884 with an area larger than the original land grant, approximately 1,700 acres, about 2.6 square miles.

By necessity, the land grant area and the original city were self-contained and easily traversed on foot. The land grant area originally included single-family residences and commercial and industrial businesses, including what was eventually incorporated as Modesto. Automobiles did not yet exist and horses were expensive. Most local travel occurred on foot and all daily needs were easy to reach within the city. Commercial lots were narrow, maximizing the number of businesses along a block frontage. Private automobiles began to appear in the early 20th century; they became common in the 1920s, and dominant after World War II. As Modesto grew, commercial and industrial development replaced residences, which were either demolished or slowly converted to commercial use.

The expansion of the city and development patterns reflect transportation modes: large commercial lots and frontages with large parking lots in front of the building are designed for the motoring public, while small lots and frontages with parking behind the building (if provided at all) are designed for pedestrian and bicycle traffic.

Modesto, circa 1888



Statewide Passenger Rail Planning

The CHSRA has identified two phases of development. Phase 1 is the Los Angeles-to-San Francisco segment. Phase 2 includes Merced-to-San Jose via the Altamont Pass and to Sacramento and Los Angeles to San Diego. Modesto is on part of Phase 2. Phase 1 has begun to receive construction funding; much of the alignment has been selected and environmental and engineering documents are almost complete.

The alignment for Phase 2 has not yet been selected and planning documents have not been completed. Phase 2 will approximately parallel either the Union Pacific Railroad ("western alignment" near State Route 99 through Modesto) or the Burlington Northern-Santa Fe alignment ("eastern alignment" through Riverbank, Empire, and Denair). At this early stage of work on Phase 2, Modesto has adopted a general plan policy to bring passenger rail to downtown. Modesto participates in planning meetings for Phase 2 and actively supports federal, state, and local policies (see Chapter 5) that will make passenger rail in downtown possible. Other than funding for this study, no local funding has yet been made available. This study is expected to lead to more refined planning and engineering work and to funding for passenger rail in the Regional Transportation Plan.

Station Area

The CHSRA has prepared planning-level engineering sketches of the western and eastern alignments for the northern San Joaquin Valley in order to prepare environmental analyses for the alignments. Modesto's primary interest is in the western alignment, which would route passenger rail through downtown. City staff met with consultants to the CHSRA to identify the appropriate study area for a passenger rail station to serve the western alignment. The area is generally bounded by State Route 99 on the west, 9th Street on the east, by N. Jefferson Street on the northwest, and B Street.

When planning the station area, the area of greatest concern is the half-mile radius around a major transit station because that is the distance that most people can walk in 10 minutes, a fairly comfortable travel distance on foot. The area within a five-minute walk of a major transit station is most heavily affected by the station. Less significant stations might utilize a maximum five-minute walk or even a three-minute walk. This area is known as a "pedestrian shed" or "ped shed," a concept similar to a commute shed: it is the area that may be covered by walking at a comfortable pace, usually measured in time from a center or an area of greatest influence.

Development within the half mile surrounding the study area (Figure 1-1), which encompasses most of the Central Pacific Railroad's original land grant and much of the original city, is extremely varied. In this area lie significant public buildings, such as the City-County Building (Modesto-Stanislaus County), the Gallo Center for the Arts, the County Courthouse, the Stanislaus County Public Library, the offices of Modesto City Schools, part of Modesto Junior College and Modesto High School. A public golf course, most of Tuolumne River Regional Park, and the Mistlin Art Gallery also lie within a 10-minute walk of the study area. Major businesses within that radius include Gallo Glass, Foster Farms, and the DoubleTree Hotel. In addition to these, the area houses a broad variety of

Figure 1-1

CA Passenger Rail
Downtown Modesto Station Study Area

Study Area
Study Area Half Mile Radius
Parcels
Union Pacific Railroad
Modesto & Empire Traction Railroad
Existing At-Grade Rail Crossings
N

industrial businesses (such as American Lumber and Stanislaus Foods), services (such as banking, architecture, engineering, and law offices), retail (such as shoes, clothing, and furniture stores), and restaurants. Toward the edges of the 10-minute ped shed are single family houses, duplexes, and apartment houses.

The existing development pattern is based upon Euclidean zoning, which separates land use types, based upon the idea that different activities are incompatible with one another. This represents a significant change from the original development pattern in Modesto, when activities were located in the city based upon functional relationships, and most daily needs were located within a short walk of one's home.

Furthermore, much of downtown Modesto's commercial and civic capacity has been eroded over time, along with downtown's status as the center of economic and civic life. Many of today's surface parking lots were once occupied by commercial buildings, such as:

- North corner of 10th and I Streets (former two-story G.P. Schafer Company),
- South corner of 10th and H Streets (former three-story Elks Club),
- 9th Street between I and J Street (former D.T. Bunker's Garage),
- South corner of 9th and I Streets (former two-story Swan Building),
- 9th Street between G and H Streets (former Modesto Bank)
- South corner of 9th and K Streets, parking structure (former Stanislaus Lumber Company),
- North corner of 9th and I Streets, McDonald's (former Chamber of Commerce)

The proliferation of parking lots, especially surface parking lots, indicates economic decline, because the land is no longer of great enough value to make a building worthwhile. Put another way, parking generates little or no revenue for the property owner or the government (in property taxes). The same principle applies to larger buildings that are replaced by smaller buildings.

Additionally, the vast majority of the residences once located in downtown are gone. Lacking residences nearby to walk from and lacking passenger rail service, foot traffic has declined and fewer businesses that depend on foot traffic are located in downtown. The net effect of this is reduced foot traffic in downtown, accompanied by reductions in commerce and in personal safety.

Downtown Core Zone

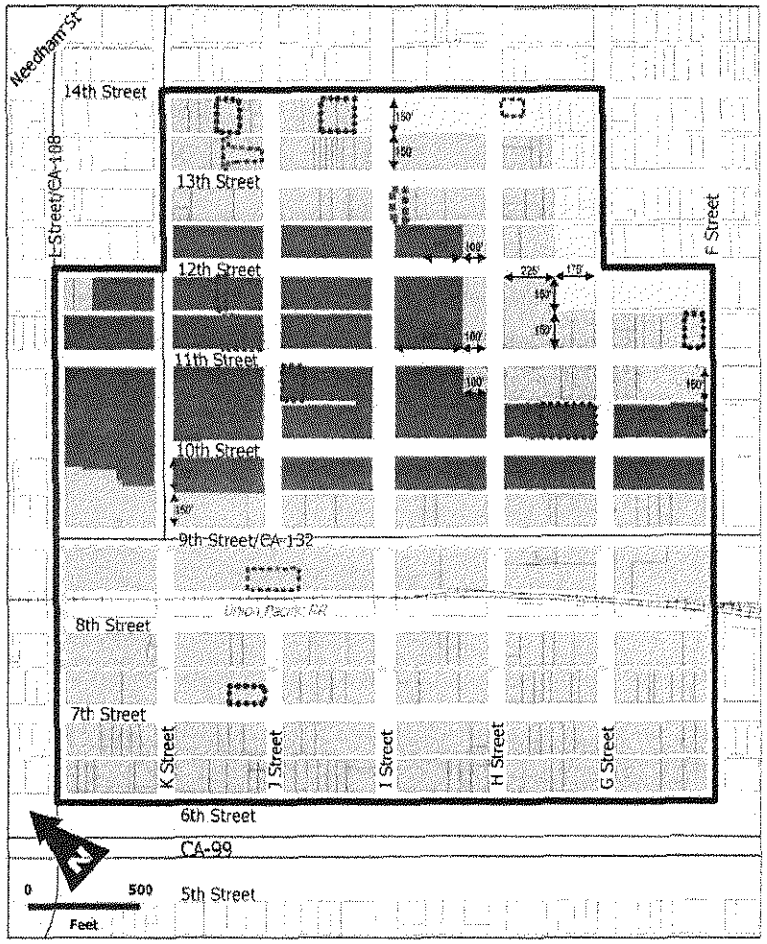
In 2010, Modesto City Council approved a new development code for 42 blocks in the downtown area, about 180 acres of the original 640-acre land grant. Figure 1-2 shows the Downtown Core zone and the planning districts within it. Unlike use-based zoning, which characterizes the predominant development code for Modesto, the Downtown Core Zone is a form-based code, which emphasizes the regulation of building form and location on the lot (disposition) over the activity that occurs inside the buildings. As it is currently configured, the area planned for highest density is located around 10th, 11th, and 12th Streets, and I, J, and K Streets.

It is the City's intention to add significant new housing opportunities in the downtown area, and to expand the Downtown Core Zone to encompass an area slightly larger than the original land grant. Adding new housing will create a close-in market for retail and office space, complementing a passenger rail station and bringing more origins and destinations closer to a future passenger rail station. By focusing development in the downtown area, the City expects to reduce automobile trips and increase pedestrian and bicycle traffic and catalyze development in downtown.

A portion of the passenger rail station study area lies within the Central District of the Downtown Core zone, which is the highest-density area in the Downtown Core. The portion of the study area that is in the Downtown Core zone lies within the Transition District, which allows more moderate density than the Central District.

For a major transit facility in a developing mixed-use, downtown core, such as a passenger rail station, it is important to minimize the amount of parking that is immediately adjacent to the station in order to allow businesses to make the most productive use possible of the high-value land around the station, and for the city to encourage revenue-producing uses in the area benefiting most from station access and proximity. In order to achieve the goal of creating high-value real estate, the station area must be planned to make walking useful, easy, and interesting.

Figure 1-2



Planning District Map

Central District
Transition District
Buffer District
High Speed Rail Corridor
Historic Preservation Sites
Historic Resource Sites

Transportation Access

When it was first established as a stop along the Central Pacific Railroad, Modesto could be reached from other cities by rail or by wagon on the few existing roads. Today, automobile traffic dominates transportation in Modesto, even in downtown. According to the 2006-2010 American Community Survey of work trips, 81.8 percent of Modestans drive alone to work (an increase from 78.9 percent in 2000), 9.2 percent carpool (a decrease from 13.7 percent in 2000), 1.3 percent took transit (no change from 2000), 1.4 percent walked (a decrease from 1.7 percent in 2000), 2.4 percent used other modes to get to work (an increase from 1.5 percent in 2000), and 3.8 percent worked from home (an increase from 2.9 percent in 2000).

Parking

The City of Modesto currently owns and/or operates three parking garages and seven surface parking lots in the downtown area. These are shown on Figure 1-3 and listed below, with the number of spaces in each. These facilities provide approximately 2,600 off-street parking spaces in the downtown area. Of these, the library lot is located outside the 5-minute pedestrian shed for the three study sites (see below) and has therefore been excluded from further discussion, leaving almost 2,500 off-street parking spaces in the entire study area for all three sites.

Table 1: City-Operated Off-Street Parking in Downtown

Facility	Location	Spaces	City-Owned	Within Five Minutes of Study Area?
11th Street Garage	Between I and J Streets	339	Yes	Yes
10th Street Place Garage	South corner of 11th and K Streets	727	Yes	Yes
9th Street Garage	Between K and L Streets	775	Yes	Yes
Centre Plaza Parking Lot	11th Street, between K and L Streets	144	Yes	Yes
9th and I Street	South corner of 9th and I Streets	55	Yes	Yes
8th Street	Between K and I Streets	121	No	Yes
10th and H Street	South corner of 10th and H Streets	110	Yes	Yes
Library Lot	H Street, between 15th and 16th Streets	131	Yes	No
10th and G Street	Behind and for Police Department offices	157	Yes	Yes
9th Street	Between I and J Streets	42	Yes	Yes
Total		2,601	2,480	2,470

Most blocks in the downtown area are about 300 feet by 400 feet. Using a generous estimate of 22 feet per parked car and allowing for alleys and driveways, there is space for about 12 parallel-parked cars along the short sides of each block (24 total) and for about 14 parallel-parked cars along the long sides of each block (28 total) for about 52 parking spaces around each typical block. There are 61 blocks within the five-minute pedestrian sheds for the three study sites providing enough curb space for approximately 3,200 on-street parallel parking spaces.

City owned or operated off-street parking and city-owned on-street parking totals approximately 5,800 spaces within the five-minute pedestrian sheds of the three study sites. At this time, one lot is used exclusively by City staff (10th and G Street lot), a part of one structure is under contract with the DoubleTree Hotel (9th Street Garage), and one structure provides parking for City and County staff and is partly under contract to 10th Street Place tenants (10th Street Place Garage). These arrangements are expected to change over time, but must be considered as part of the parking situation in the station area.

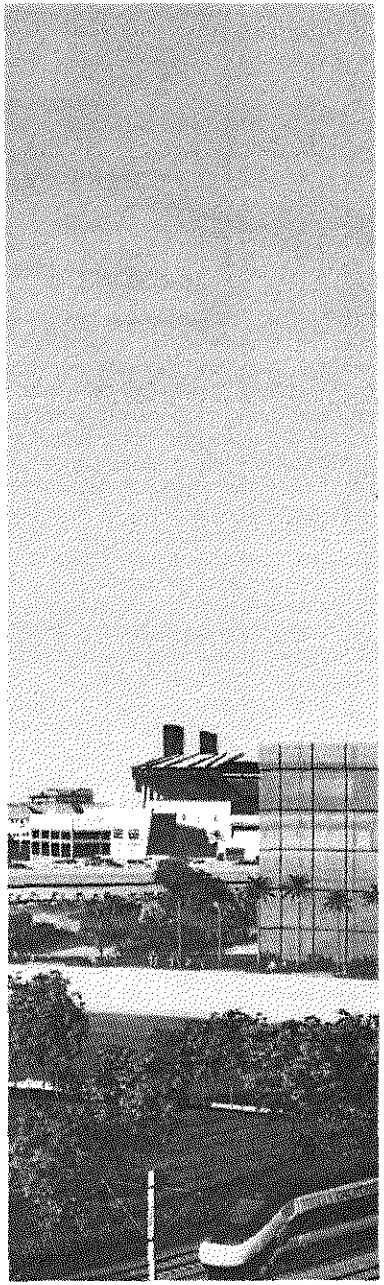
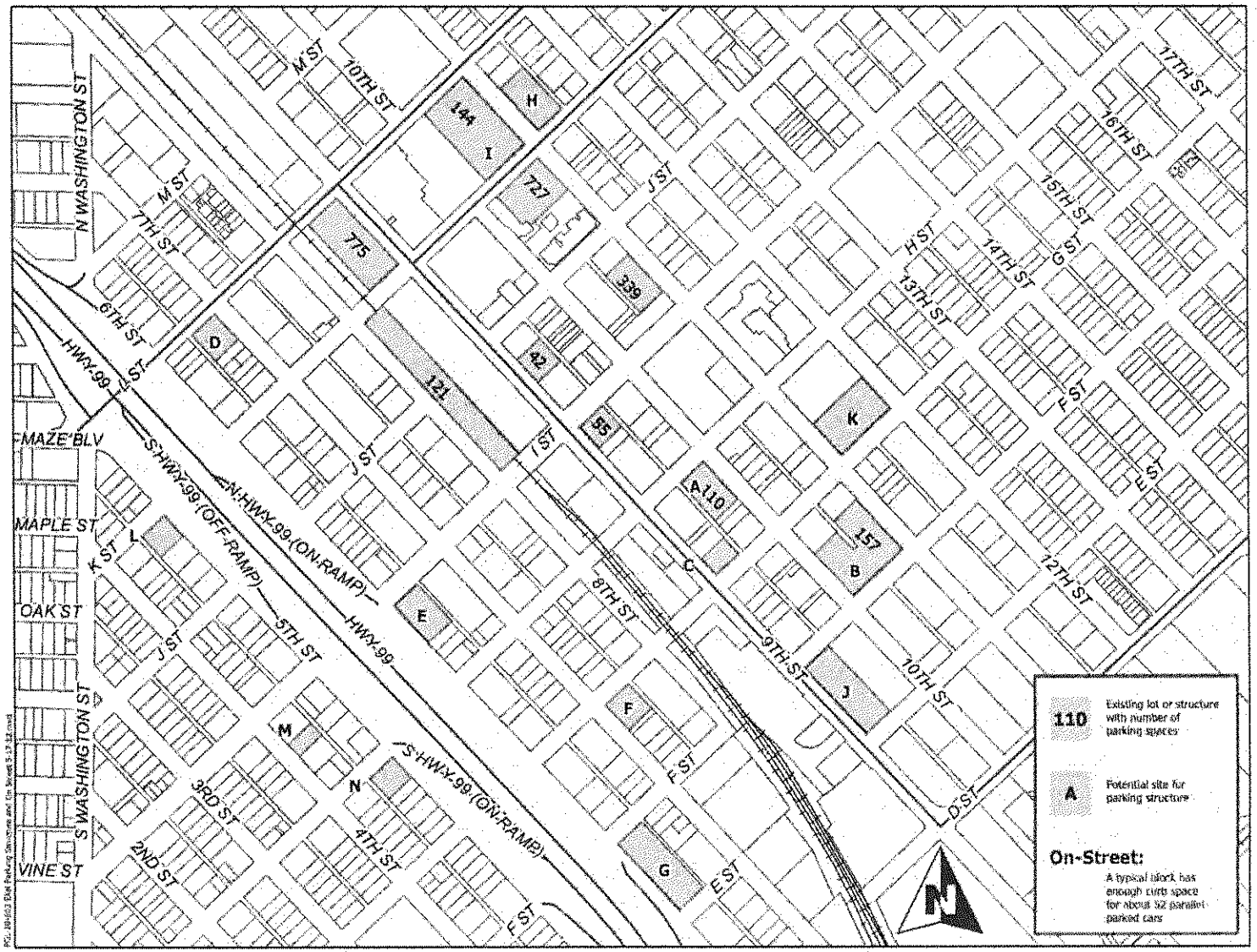


Figure 1-3



Existing and Potential Off-Street and On-Street Parking

Historic Buildings and Landmarks

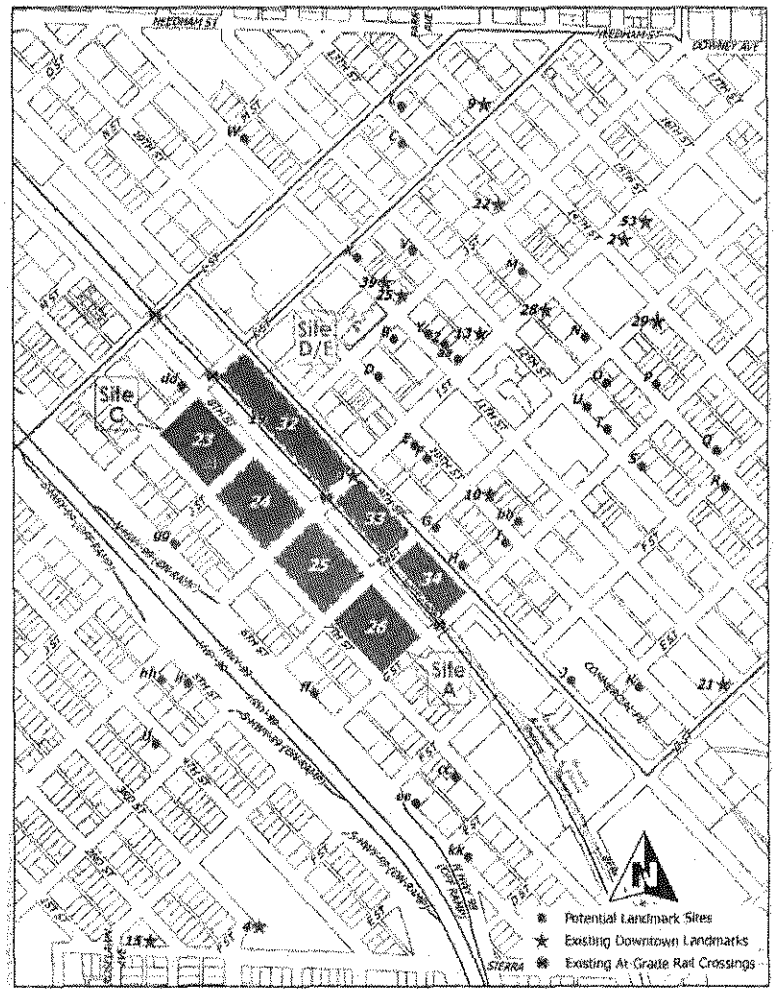
Downtown is Modesto's richest environment for historic buildings and other historic landmarks, primarily because it is the oldest part of the city. Virtually all of Modesto's historic properties are located within the original (1884) incorporated city limits. Historic buildings and landmarks provide a physical link with the past and provide context for a city. Buildings and landmarks are often privately owned, but they constitute a public resource. Well-preserved historic buildings often command high rent, in addition to making a city more beautiful.

Modesto has a program for designating local landmarks, but it is entirely voluntary and requires the consent of the property owner. Consistent with State guidelines, Modesto's Municipal Code [Title 9, Chapter 10, Section 9-10.04(b)] requires the Landmark Preservation Committee to determine that a site under consideration possesses historic, architectural, cultural, archaeological, or engineering significance, as defined.

The California Environmental Quality Act (Government Code Section 15064.5) goes further, requiring an evaluation of significant impacts on properties. Determining whether a site is historic should be done consistent with Public Resources Code Sections 5020 et seq and 5024 et seq.

Modesto's Landmark Preservation Committee has established several landmarks in the commercial downtown area, as shown on Figure 1-4. Other buildings that might be considered for preservation are also identified.

Figure 1-4



Existing and Potential Landmark Sites in the Vicinity of Preferred Station Sites

Evaluating Preferred Sites

The first of three public workshops was held on August 10, 2011. The goal of Workshop 1 was to present the various criteria established by the California High-Speed Rail Authority and the City of Modesto for selecting a location for a passenger rail station. Workshop attendees were asked to consider whether they wanted to add other criteria, which would subsequently be used to evaluate potential sites in the study area. Appendix A contains the list as it was presented at Workshop 1.

Using the criteria established at the first workshop, staff then evaluated each of the 36 blocks in the study area and gave each block an average rating. The purpose of this was to create a quick way to compare one block to another. The rating sheets were to be used by the attendees of the second workshop.

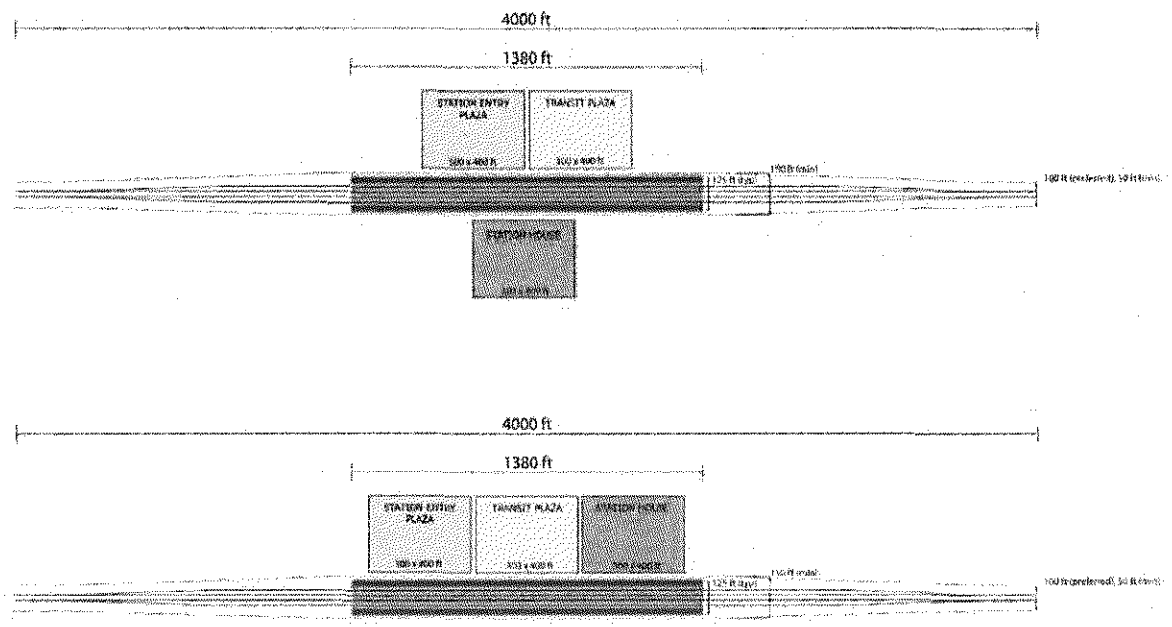


Figure 2-1
(Credit: HNTB)

Attendees at Workshop 2, held on November 16, 2011, defined the preferred sites, shown on Figure 2-2 and identified in the next section (Evaluating Preferred Sites) for developing a passenger rail station on blocks within the study area. The preferred sites were not prioritized by attendees; lettering of sites does not denote ranking. Please see "Block-by-Block Evaluation of Passenger Rail Station Study Area" (Appendix B) for more information about the prioritization process.

Conceptual station plans provided by HNTB, an engineering and design firm under contract to the California High Speed Rail Authority (Figure 2-1), suggest that adequate space for a passenger rail station is a minimum of three 300-foot by 400-foot blocks (2.75 acres), the typical block size in downtown Modesto. By extension, the total minimum station site is about 8.25 acres excluding streets, needed to accommodate the station entry plaza, station house, and transit plaza. These rail station functions are described below.

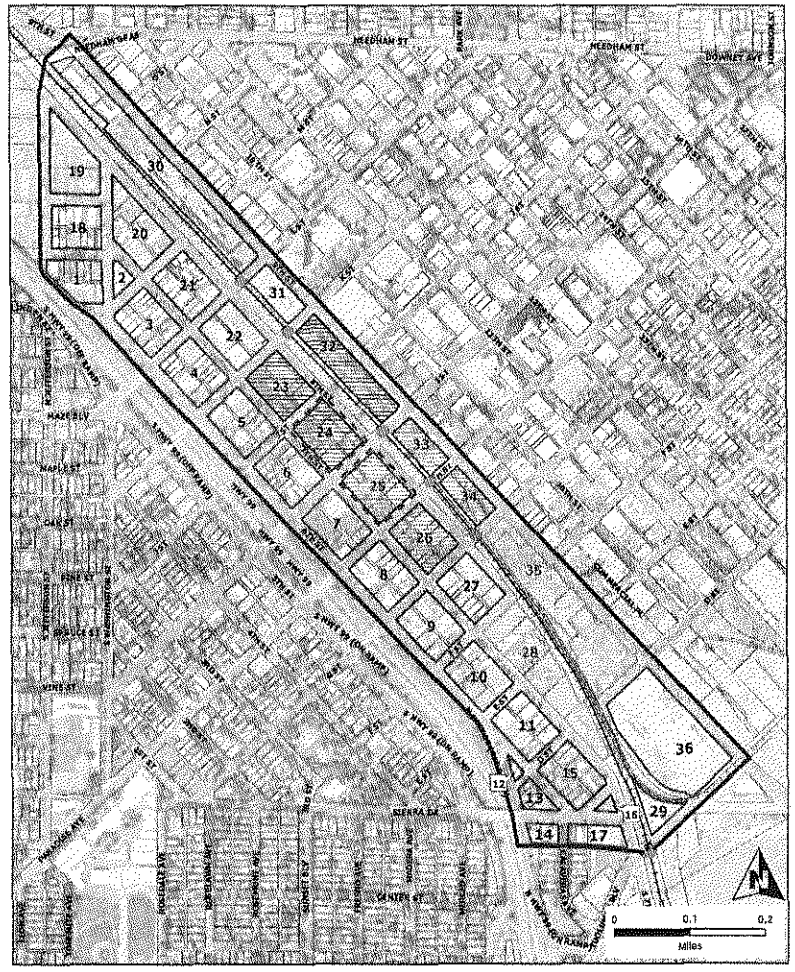
Station Entry Plaza: The entry plaza includes most of the functions for pre-boarding and departure, excepting functions in the transit plaza. Ticketing, taxi stand, curbside passenger drop-off, bicycle parking, and entry lobby, are all included.

Station House: This area accommodates train arrivals and departures and trains passing by the station; it also has platforms for passengers.

Transit Plaza: Buses arrive and depart with passengers here.

For illustrative purposes, conceptual aerial views of stations for an at-grade alignment and for an above-grade alignment are shown on Figures 2-3 and 2-4. Figure 2-5 shows a diagram of a passenger rail station in cross section.

Figure 2-2



CA Passenger Rail

Downtown Modesto Station Study Area

Preferred Station Sites

Site A
Site B
Site C
Site D
Site E
Parcels
Block Areas
Study Area
Union Pacific Railroad
Modesto & Empire Traction Railroad
Existing At-Grade Rail Crossings

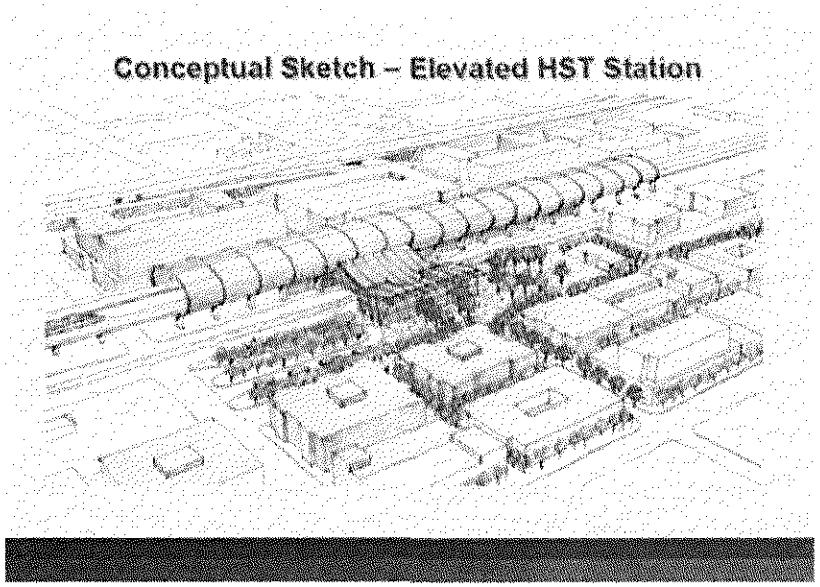


Figure 2-3
(Credit: HNTB)

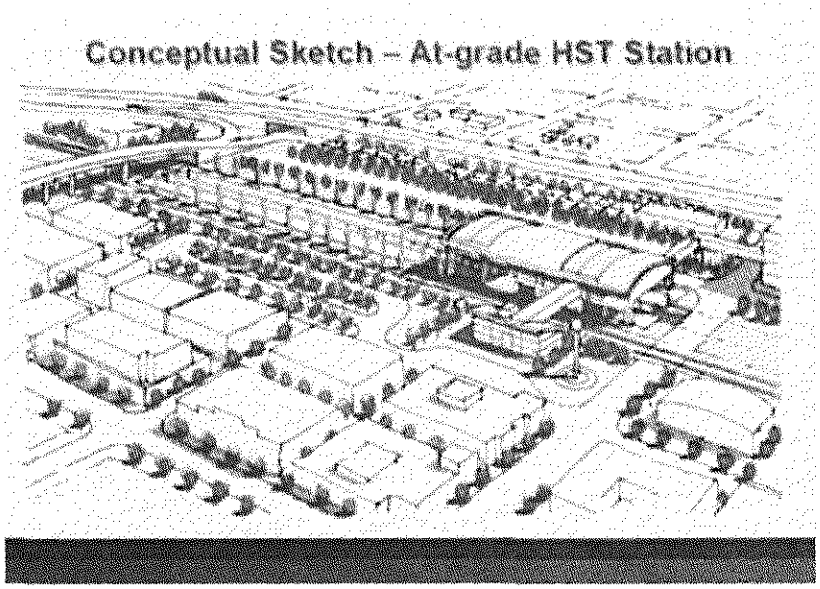


Figure 2-4
(Credit: HNTB)

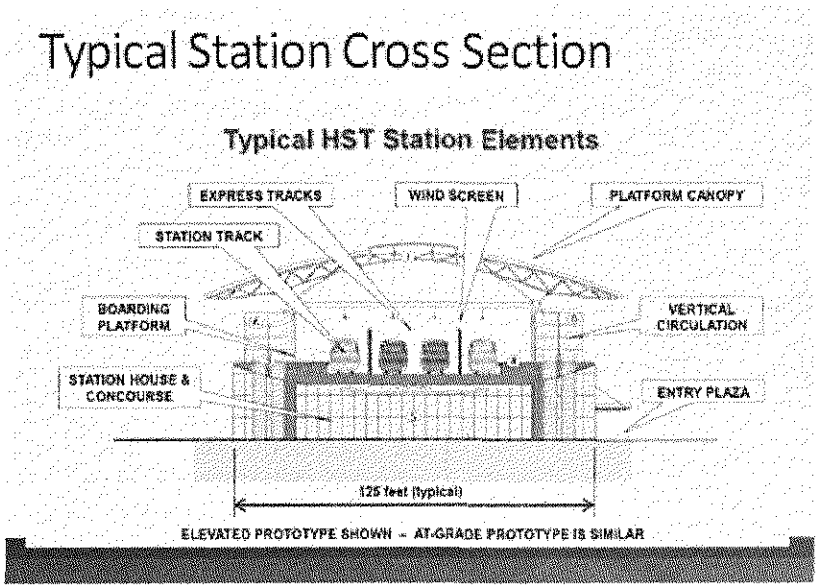
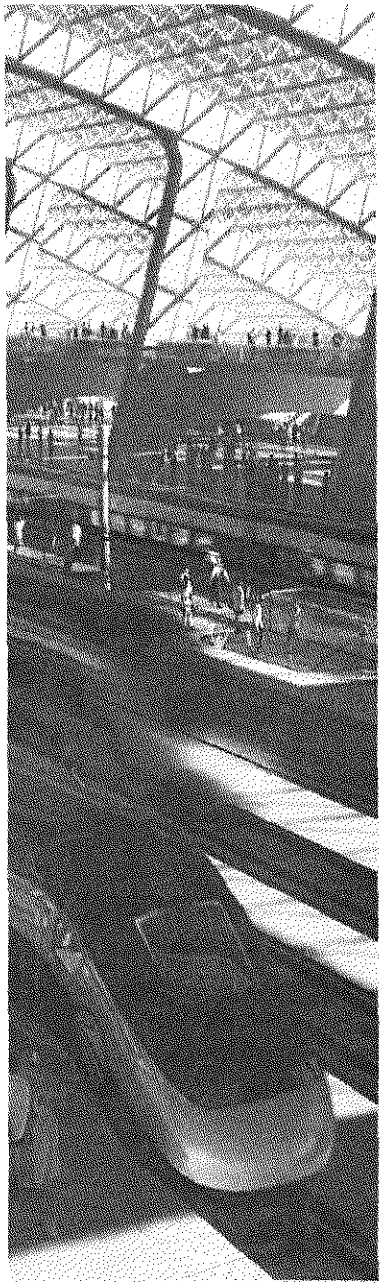


Figure 2-5
(Credit: HNTB)

Of the blocks preferred for locating a passenger rail station, the minimum rating from the Block-by-Block Evaluation exercise (Appendix B) was 2.17 and the maximum rating was 2.78. Not all of the blocks receiving ratings in this range were preferred; eight were not identified as preferred locations, including one block, Block 31, which tied Block 32 for the highest rating (2.78). (The rating sheet for each of the preferred blocks is in Appendix A.) In essence, each of the preferred sites discussed below received at least one "vote." Four blocks, 24, 25, 32, and 33, received two "votes" each. Figure 2-2 shows the station sites preferred by the attendees of Workshop 2, which were evaluated in greater depth by City staff before being ranked in order of preference at Workshop 3. For more information on the workshops, see Appendices A, B, and C.



Evaluating Preferred Sites

As detailed in Appendix B, five sites were identified for further study by participants in Workshop 2. The five sites are identified in no particular order as A, B, C, D, and E and are illustrated on Figures 2-6 through 2-10 and on Figure 2-11.

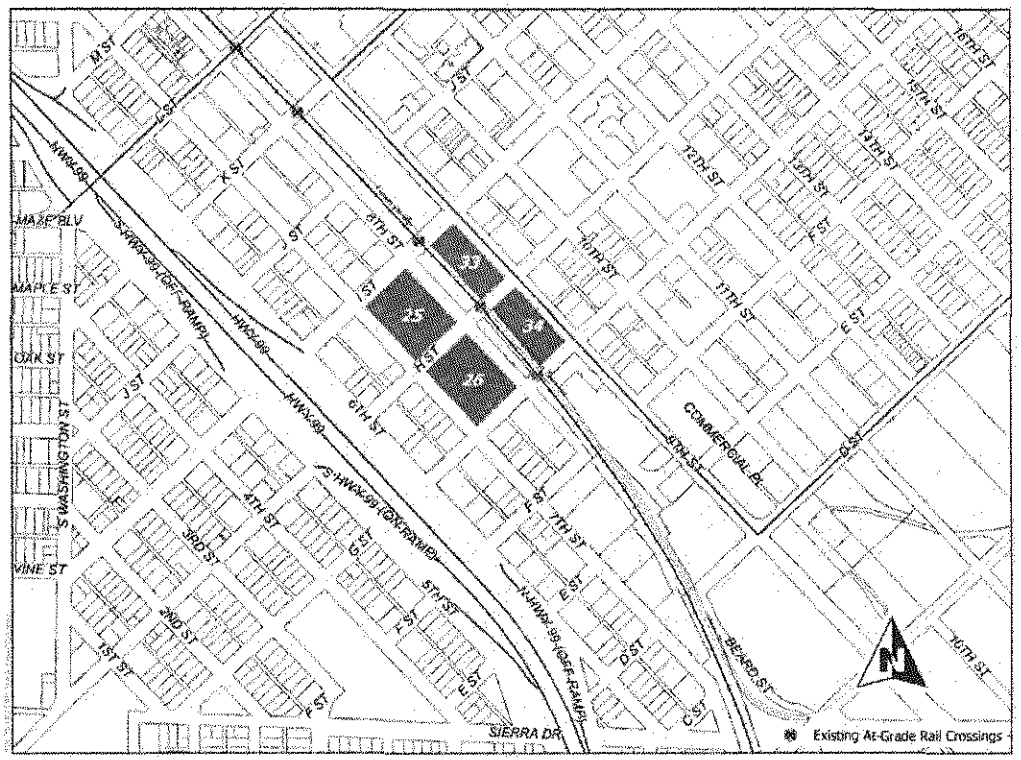
Rating sheets for each city block that is included in a preferred station site are summarized below. Sites A through E are evaluated individually, as a collection of the blocks they contain. Each site has benefits (pros) and drawbacks (cons), as described below.

Site A: Blocks 25, 26, 33, and 34

Pros
- Adequate size: four blocks, 8.73 acres, excluding streets
- Gridded streets, good for bus, pedestrian, bicycle, and automobile traffic
- In the Downtown Core zone (Transitional District)
- Uses within a half mile of the site: single and multi-family residential, commercial, civic, entertainment, and industrial

Cons
- Not in Central District of Downtown Core zone
- H Street may be closed
- Right of way acquisition costs will be negatively affected by private ownership
- Slightly higher cost of infrastructure relocation (sewer, water, storm water) than Sites C and D

Figure 2-6



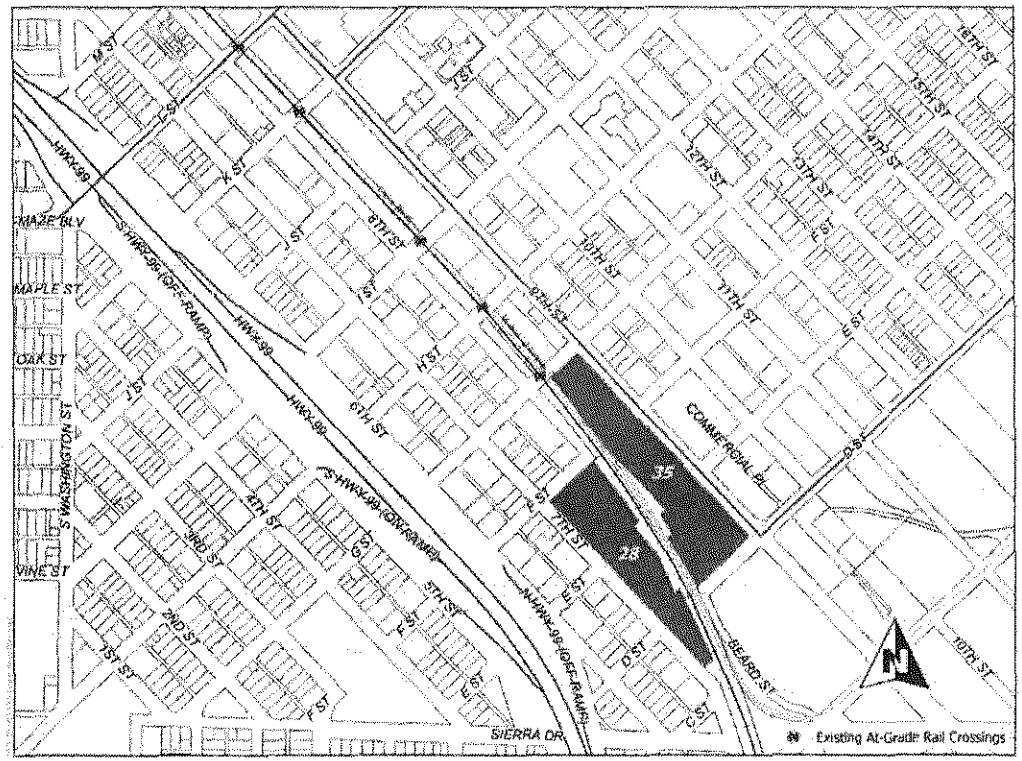
Site A

Site B: Blocks 28 and 35

Pros
- Adequate size: two large blocks, 13.91 acres excluding streets
- Gridded streets north and east
- Uses within a half mile of the site: single and multi-family residential, commercial, civic, entertainment, and industrial
- Streets are peripheral to site

Cons
- A portion of the site is in the Transition District of the Downtown Core zone, rather than in the Central District
- Nearby industrial uses and Tuolumne River Regional Park reduce development potential
- Not well connected across State Route 99, reducing station area development potential
- Slightly higher cost of infrastructure relocation (sewer, water, storm water) than Sites C and D

Figure 2-7



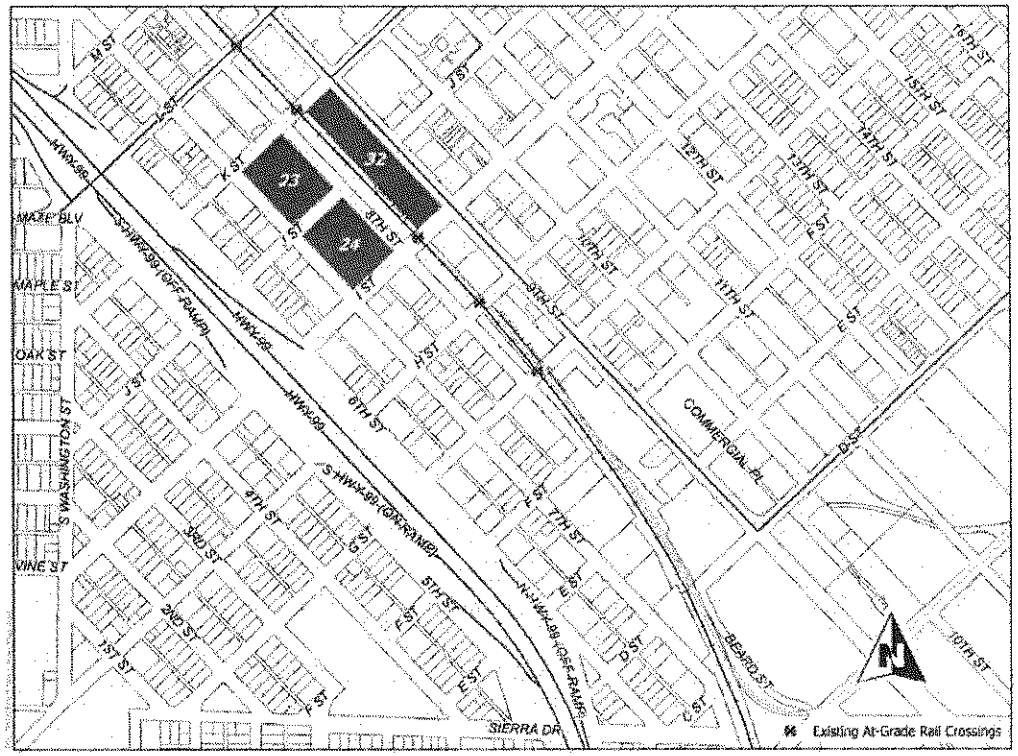
Site B

Site C: Blocks 23, 24, and 32

Pros
- Adequate size: two standard and one large block, 9.04 acres excluding streets
- Gridded streets, good for bus, pedestrian, bicycle, and automobile traffic
- In the Downtown Core zone, Transitional District
- Somewhat lower cost for infrastructure relocation (sewer, water, and storm water) and acquisition than Sites A, B, and E

Cons
- Right of way acquisition costs will be negatively affected by private ownership.
- St. Stanislaus Cathedral, built in 1910, occupies 1.29 acres of Block 23; excluding St. Stanislaus reduces the usable area of Site C to 7.75 acres.

Figure 2-8



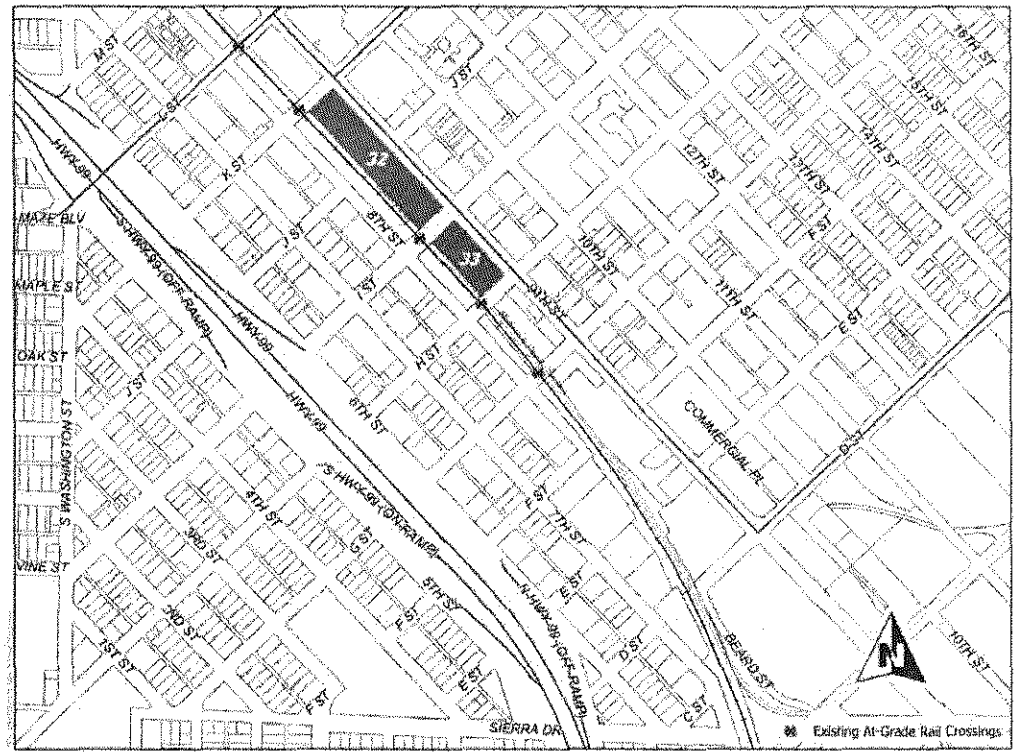
Site C

Site D: Blocks 32 and 33

Pros
- Gridded streets, good for bus, pedestrian, bicycle, and automobile traffic
- In the Downtown Core zone, Transitional District
- Uses within a half mile of the site: single and multi-family residential, commercial, civic, entertainment, and industrial
- Somewhat lower cost for infrastructure relocation (sewer, water, and storm water) and acquisition than Sites A, B, and E

Cons
- Inadequate size: two standard blocks, 5.11 acres excluding streets
- Weak connection to western downtown Modesto due to Union Pacific Railroad

Figure 2-9



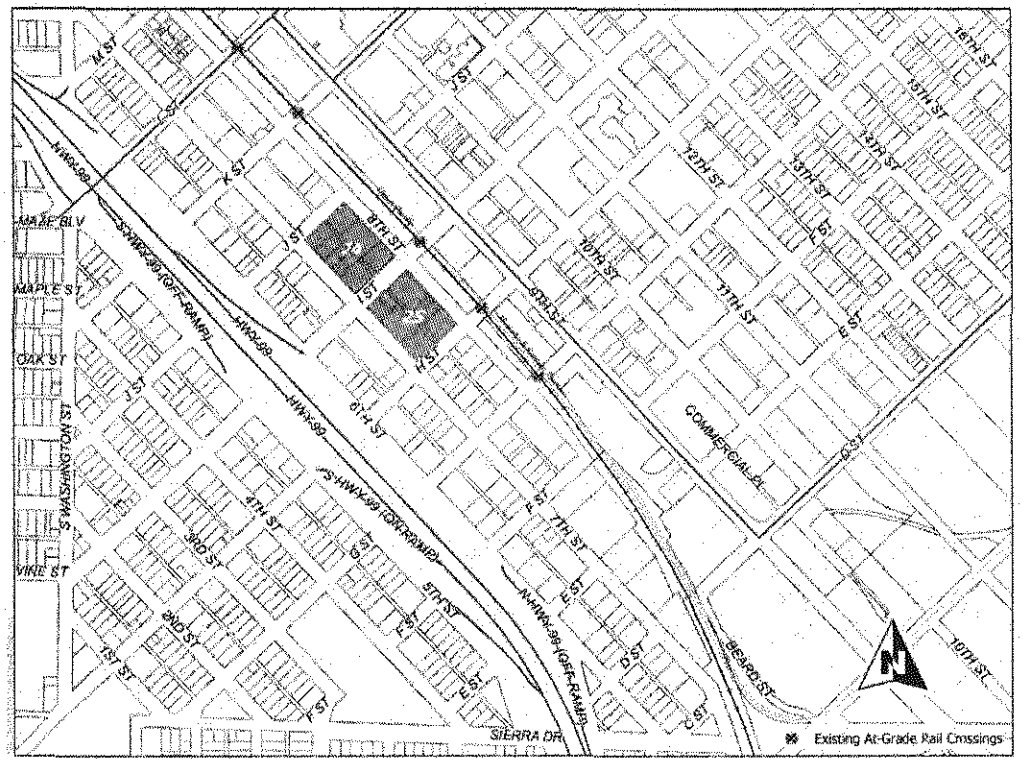
Site D

Site E: Blocks 24 and 25

Pros
- Gridded streets, good for bus, pedestrian, bicycle, and automobile traffic
- In the Downtown Core zone, Transitional District
- Uses within a half mile of the site: single and multi-family residential, commercial, civic, entertainment, and industrial

Cons
- Inadequate size: two standard blocks, 5.57 acres excluding streets
- Weak connection to western downtown Modesto due to Union Pacific Railroad
- Slightly higher cost of infrastructure relocation (sewer, water, storm water) than Sites C and D

Figure 2-10



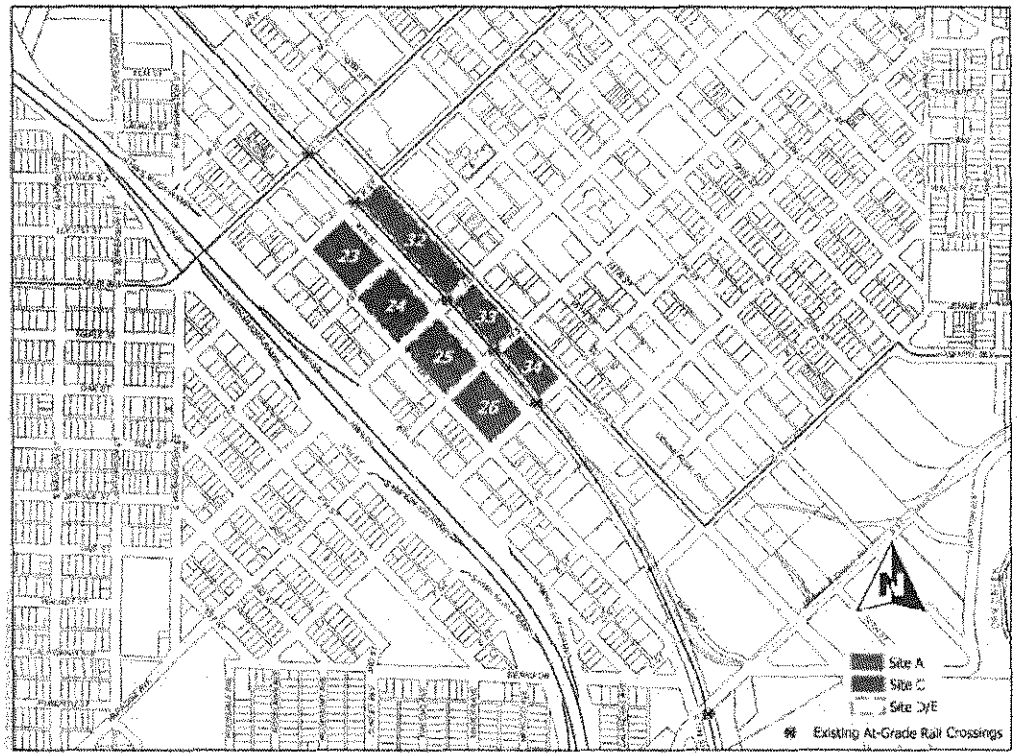
Site E

The desired outcome of Workshop 2 was to identify three preferred sites. However, the attendees selected five preferred sites. While all potential sites have drawbacks, staff decided after Workshop 2 that there were too many sites to evaluate thoroughly, and then present at Workshop 3, and that three of the sites had drawbacks significant enough to warrant elimination from further consideration.

Although Site B (Blocks 28 and 35) is the largest of the sites, its location away from bridges crossing State Route 99 and the Union Pacific Railroad right of way limits the ability of Site B to stimulate investment on the west side of State Route 99 within a five-minute walk of the potential station site. Therefore, Site B was eliminated from further consideration by City staff.

Sites D (Blocks 32 and 33) and E (Blocks 24 and 25) are the smallest sites; both comprise two city blocks, rather than the minimum three blocks needed. Rather than eliminate these sites, staff decided to combine these two sites into a single large site comprising 10.68 acres and referred to as Site D/E. The result is three potential station sites for further evaluation: Site A, Site C, and Site D/E.

Figure 2-11



Sites A, C and D/E

Conceptual Area Planning

With the selection of three sites for further evaluation (Site A, Site C, Site D/E), the work of planning the sites and the area around them can begin. Several components must be considered: pedestrian sheds or area of greatest influence, transportation access, parking, historic and potential historic buildings, development types and densities, and street-rail interface for at-grade tracks.

Pedestrian Sheds

A pedestrian shed or "ped shed" is the area that may be covered by walking at a comfortable pace, usually measured in time from a place of origin. Intuitively, the area in which a person can easily walk from a center within a short period of time is likely to receive the highest volume of pedestrian traffic. The ped shed is also an area of greatest influence for the passenger rail station that has implications for parking, property values, and business locations. For this study, we have used the most common ped shed of five minutes. Most people can comfortably walk about a quarter mile in five minutes. Five-minute ped sheds for Sites A, C, and D/E are shown in Figures 2-12, 2-13 and 2-14. Distance is measured using actual walking paths, rather than using a simple circular radius, providing a better sense of which properties can be reached within a five-minute walk of the station study sites.

Transportation Access

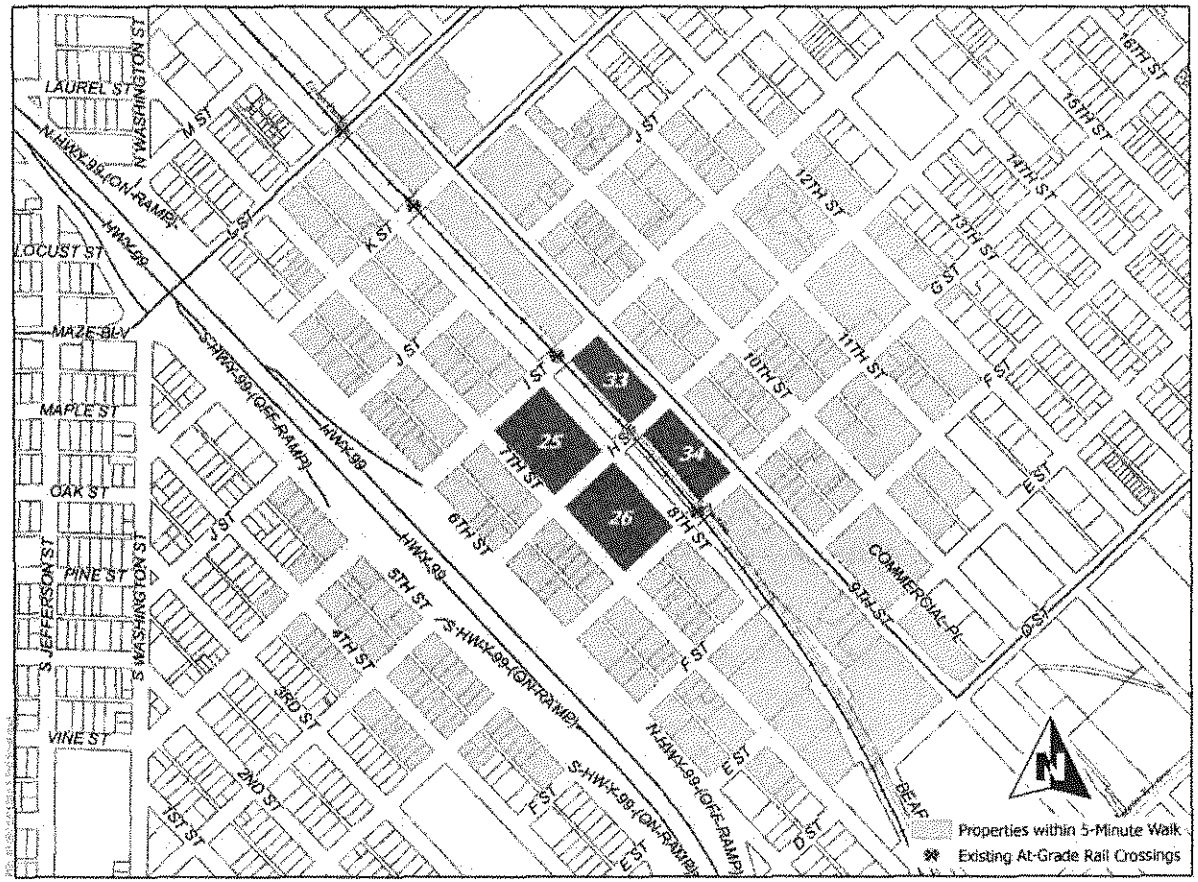
Today most travel in and around Modesto occurs by automobile, but automobile use requires significant public investment for construction, maintenance, and policing (roads) and private investment for purchase, maintenance, insurance, and gasoline (automobile). As the lane-miles of roadway increase, maintenance costs also increase. Other costs associated with automobile use include loss of farmland, noise, poor air quality, poor health and rising health care costs, and life and property loss. For these and other reasons, it is in the public interest to make walking, bicycling, bus, and train facilities readily available and convenient to use.

A new passenger rail station will bring travelers and businesses to downtown Modesto and change the existing circulation patterns. The passenger rail station will result in an increase in pedestrian traffic in the station area (California High-Speed Rail Authority, 2011). Ninth Street between D to L Streets is designated State Route 132, which is a truck route. Pedestrian crossing distances should be reduced, especially across 9th Street and bicycle facilities will be needed on through streets. Pedestrian safety must be considered with respect to all at-grade rail crossings. A taxi stand and a curbside passenger drop-off location for cars ("kiss-and-ride") will be needed near the entry plaza.

Site A

Selecting Site A would likely result in the closure of H Street across the site and eliminate the G-H one-way couplet, returning both G and H Streets to two-way traffic. Automobile traffic would flow around the site. Bus traffic would be staged either on the east side of the site (at-grade option) or the west side (above-grade option). Pedestrian and bicycle traffic would flow around and penetrate the site. An above-grade walkway across the railroad tracks is recommended for the at-grade option to provide pedestrian access to both sides of the site. (See Figures A-1 and A-2 at Appendix C.)

Figure 2-12

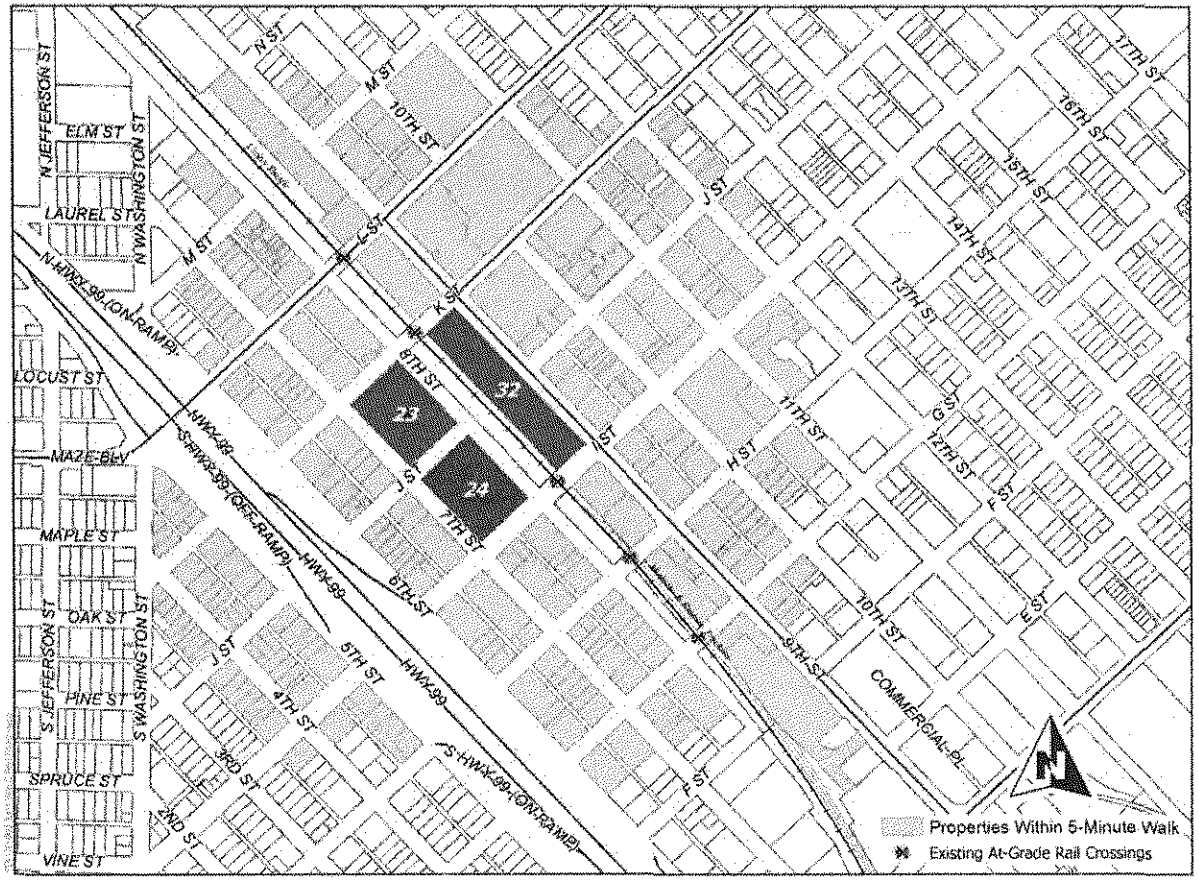


Site A: Pedestrian Shed

Site C

This site encompasses the existing Transportation Center, as well as an additional block-and-a-half west of the Union Pacific Railroad, with a half-block set aside for St. Stanislaus parish church. For the at-grade option, bus traffic would be staged at the existing Transportation Center, but buses would use the larger west side of the site for the above-grade option. Pedestrian and bicycle traffic would penetrate the site and an above-grade walkway is recommended for the at-grade option for pedestrian safety. Site C would not result in changes to the existing street circulation pattern and automobile traffic would flow around the site. (See Figures C-1 and C-2 at Appendix C.)

Figure 2-13

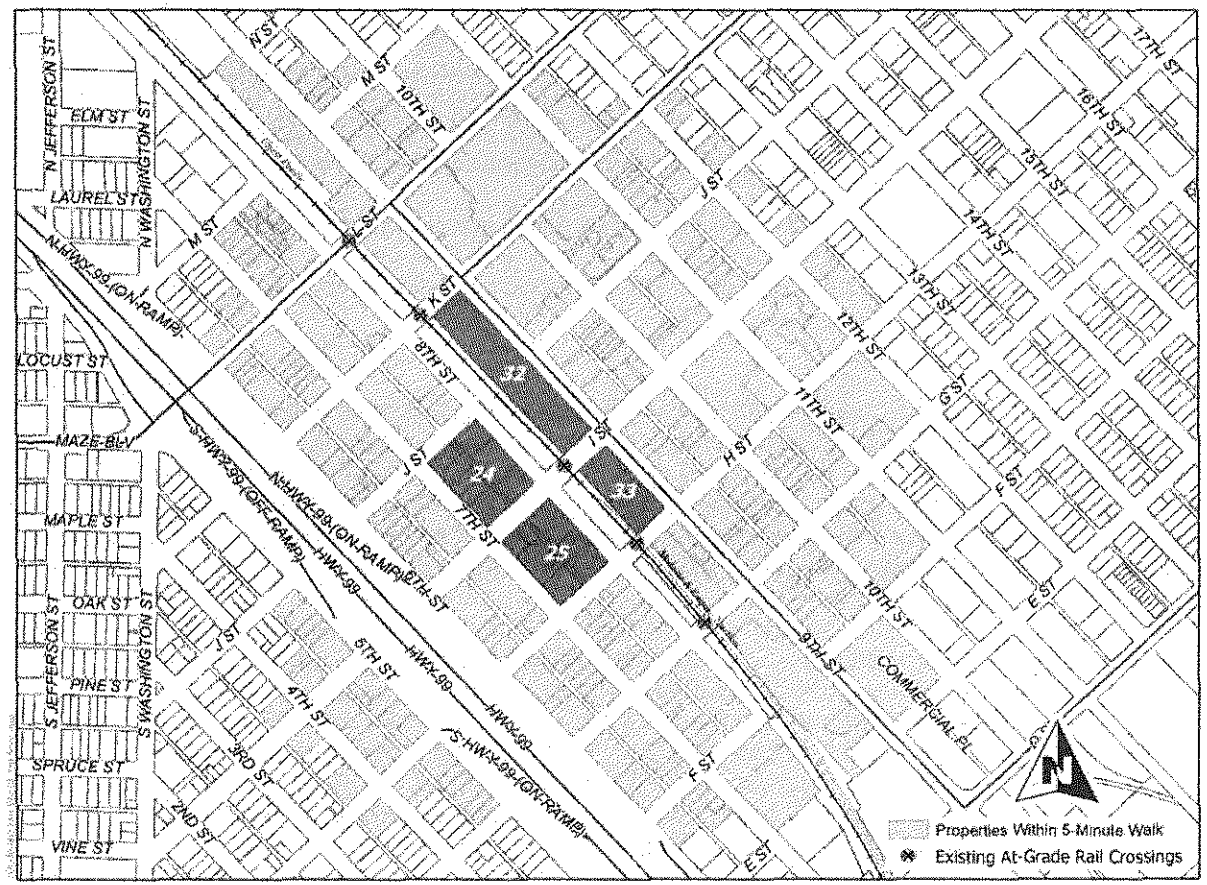


Site C: Pedestrian Shed

Site D/E

Site D/E is the largest of the three preferred sites. Because it straddles I Street, closure to automobile traffic is recommended for safety, although bus, bicycle, and pedestrian traffic could continue to use I Street. As with the other two sites, the at-grade option would allow bus access from the east side, changing to the west side for the above-grade option. Bus, bicycle, and pedestrian traffic would all penetrate the site and an above-grade pedestrian walkway is recommended for the at-grade option. To promote bus access around the site, the G-H one-way couplet could be eliminated, reopening both streets to two-way traffic. (See Figures D/E-1 and D/E-2 at Appendix C.)

Figure 2-14



Site D/E: Pedestrian Shed

Parking

As shown on Figure 2-15, there is a substantial amount of parking in the study area. As noted previously, the City of Modesto currently owns or operates approximately 2,600 off-street parking spaces and owns enough curb space to park approximately 3,200 cars on street, for a total of approximately 5,800 spaces within five minutes of the three-site study area. Parking is an important resource, but because very little revenue is derived from parking as compared to commercial buildings, and because space devoted to parking cannot be used for high-revenue-producing activities, it is equally important not to provide too much. This feasibility study does not attempt to estimate parking demand, only to describe the elements affecting parking demand.

Parking demand varies substantially over the course of a day. During business hours, long-term parking is needed for employees and short-term parking for customers and visitors. Weekday evenings, parking for shopping and entertainment dominates demand, while at night the greatest demand for parking is residential. On weekends, parking demand is dominated by shopping, entertainment, and residential uses. Parking not tied to a specific building (public parking on or off street) can be used flexibly to satisfy all of these needs. On-street parking is most commonly used for short-term automobile storage, while off-street parking is most commonly used for long-term storage.

Important considerations:

- Demand for stand-alone parking will vary over time with changing use and intensity, and travel modes used in downtown Modesto. For example, Modesto's form-based code allows intensification of development with minimal parking requirements, so as new development occurs, the parking ratio will decline if parking structures are not constructed.

- New development downtown is expected to comprise substantial residential units, more fully utilizing parking capacity during evening and night hours.

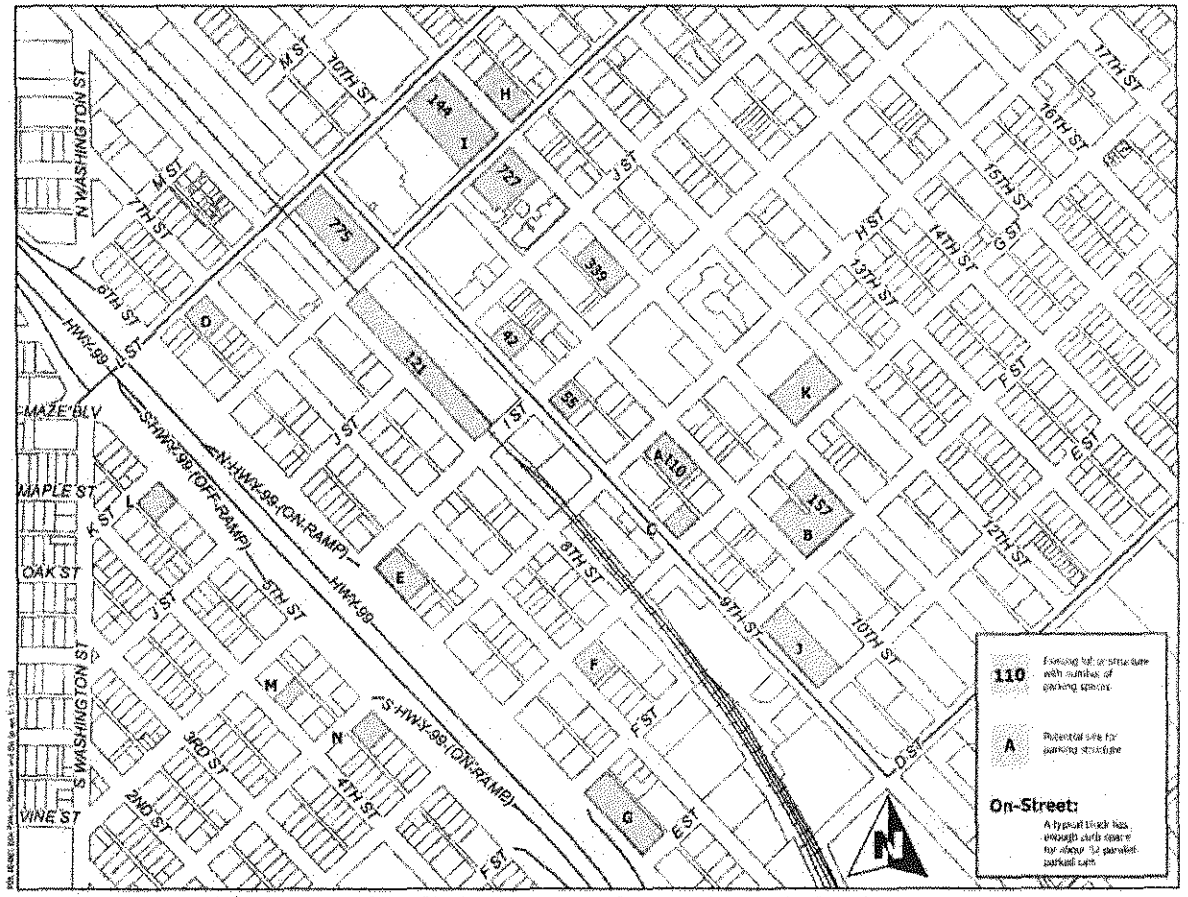
- As rail ridership increases, parking demand in the station area will also increase if transit does not provide convenient access to the station with short headways. It is possible that ridership will increase more rapidly than parking and transit service. As demand becomes more predictable transit service to the station will become more frequent and convenient, reducing the need for passenger rail parking. Parking originally built to accommodate rail riders can be repurposed to serve other downtown users as parking demand declines, if parking is well distributed throughout the study area.

- Modern parking management will be necessary to reduce parking demand. At this time, much of the off-street parking within five minutes of the study sites is contracted for use by specific downtown users, who may or may not fully utilize these spaces and who do not pay the full cost (opportunity, capital, and maintenance) for parking.

- On-street parking is typically free of charge and is limited to one or two hours. Reducing the number of people driving downtown alone will require a long-range strategy that includes metered parking, flexible market-rate prices for parking, high-frequency transit service, reduced parking ratios, and other strategies to level the playing field between driving alone and other travel modes.

- On-street parking along the station frontages would probably be removed, for both security and access. A curb-side passenger drop-off location will be needed near the entry plaza as well as a taxi stand; bicycle lanes will be needed along 9th Street and along lettered streets; and sidewalk extensions will be needed at intersections to facilitate pedestrian travel. Removing on-street parking in select areas would allow the addition of needed non-automobile facilities.

Figure 2-15

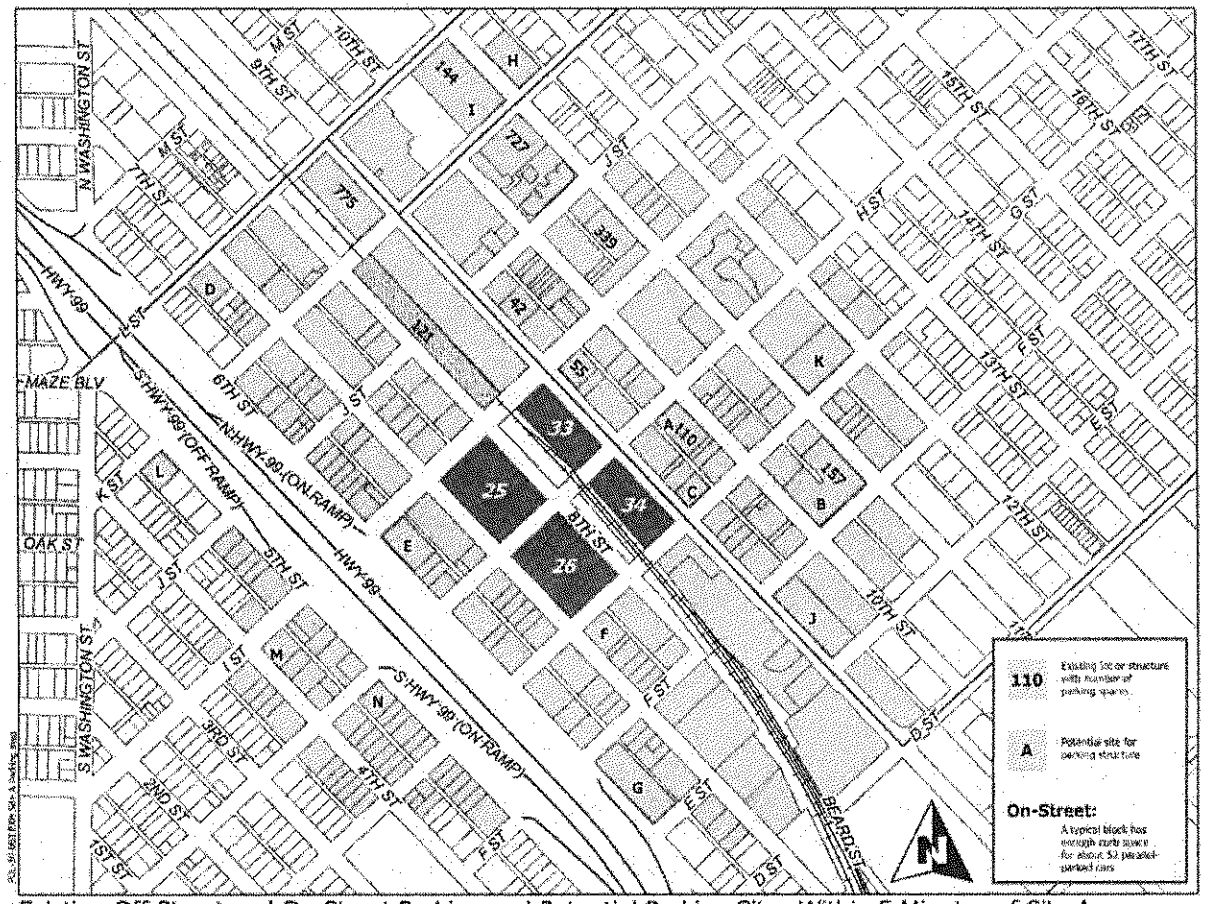


Existing and Potential Off-Street and On-Street Parking

Site A

As shown on Figure 2-16, there are approximately 2,300 off-street parking spaces and approximately 1,700 on-street parking spaces within a five-minute walk of Site A, for about 4,000 spaces. Surface parking lots within a five-minute walk of Site A, accounting for 485 spaces, would likely be removed when a passenger rail station is established, for a net of approximately 3,500 spaces if no additional parking is constructed.

Figure 2-16

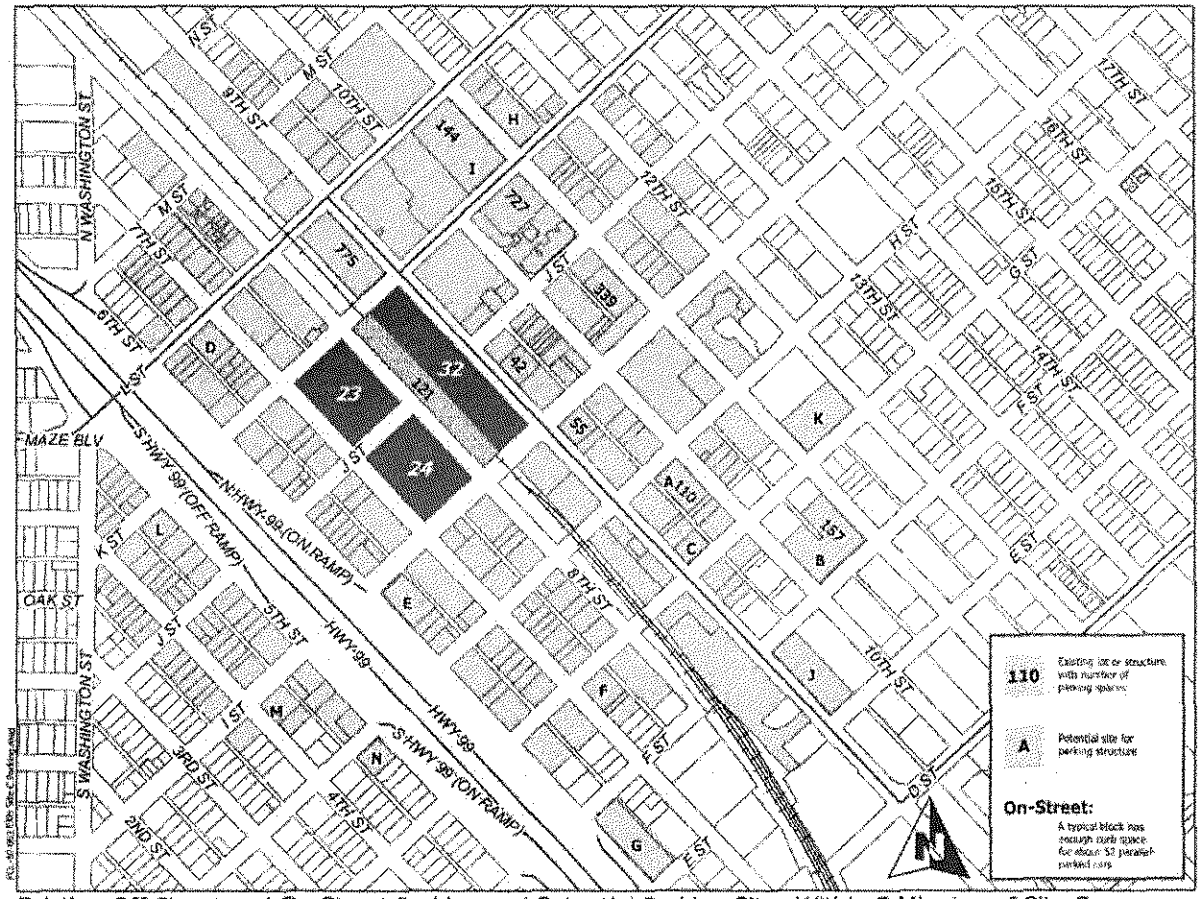


Existing Off-Street and On-Street Parking and Potential Parking Sites Within 5 Minutes of Site A

Site C

Figure 2-17 indicates there are approximately 2,300 off-street parking spaces and approximately 1,600 on-street parking spaces within a five-minute walk of Site C for about of 3,900 spaces. Approximately 470 surface parking spaces would likely be removed when a passenger rail station is established, for a net of approximately 3,400 spaces if no additional parking is constructed.

Figure 2-17

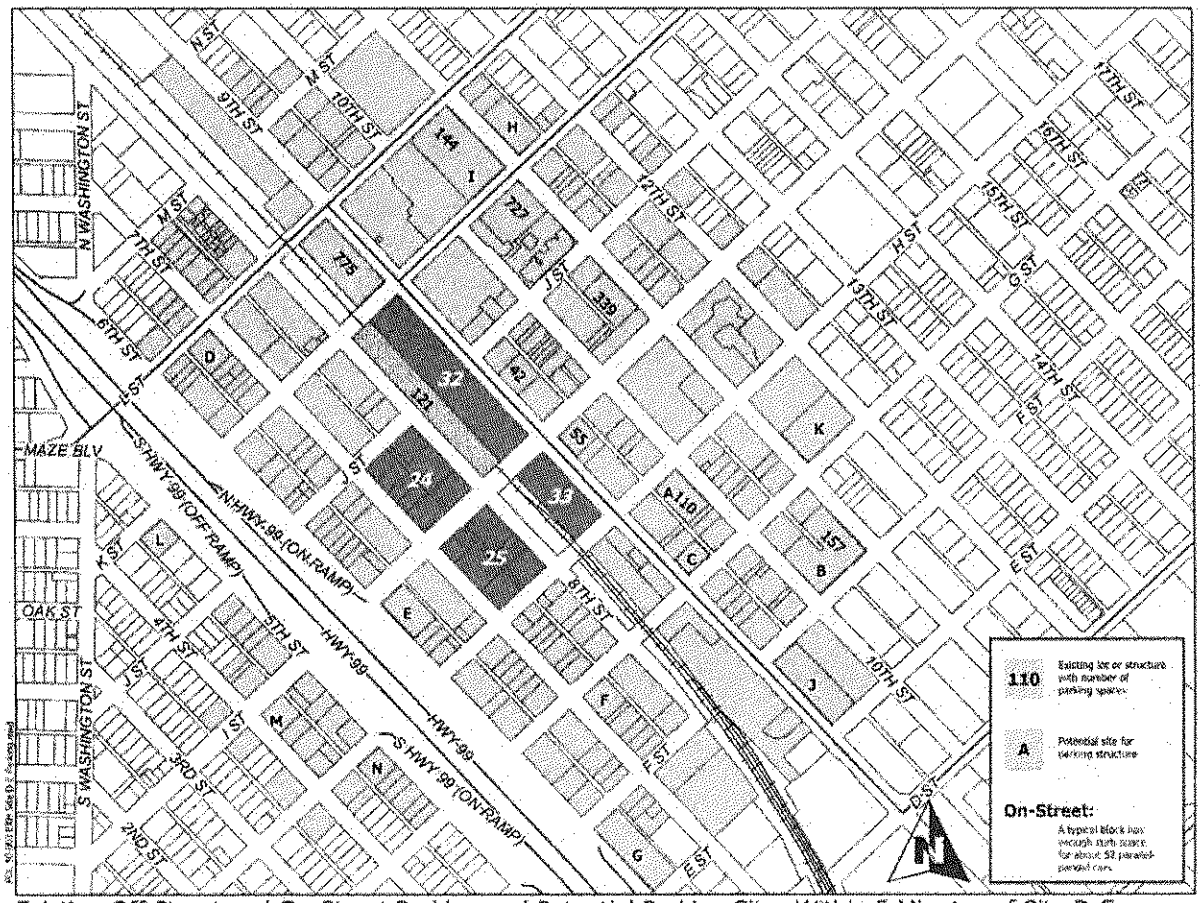


Existing Off-Street and On-Street Parking and Potential Parking Sites Within 5 Minutes of Site C

Site D/E

This site has approximately 2,500 off-street parking spaces and approximately 1,800 on-street spaces within a five-minute walk of the site, as shown on Figure 2-18 for about 4,300 spaces. Approximately 630 surface parking spaces are likely to be removed when passenger rail service is established for a net of approximately 3,700 spaces if no additional parking is constructed.

Figure 2-18

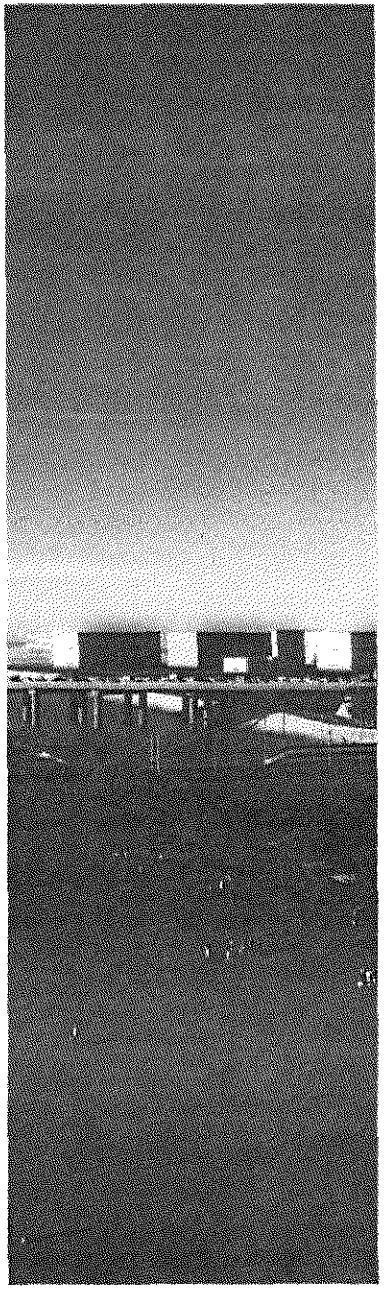


Existing Off-Street and On-Street Parking and Potential Parking Sites Within 5 Minutes of Site D-E

Choosing appropriate locations for future parking structures requires a certain amount of experience and planning to maximize developable property while avoiding unnecessary expenditures. Structures that serve the passenger rail station in the short term may be repurposed to serve other downtown development in the long term, when transit service improves. Parking serving the passenger rail station should be near the station, but not so near that it is inconvenient for other new development in downtown.

Properties that are now and could be developed for parking are shown on Figures 2-16, 2-17 and 2-18. All potential parking sites are lettered; these properties are vacant and could be purchased at relatively low cost to construct new parking structures. The number of parking spaces that could be provided at each lettered site depends upon the layout of the site and how much of the building would be occupied with leasable space.

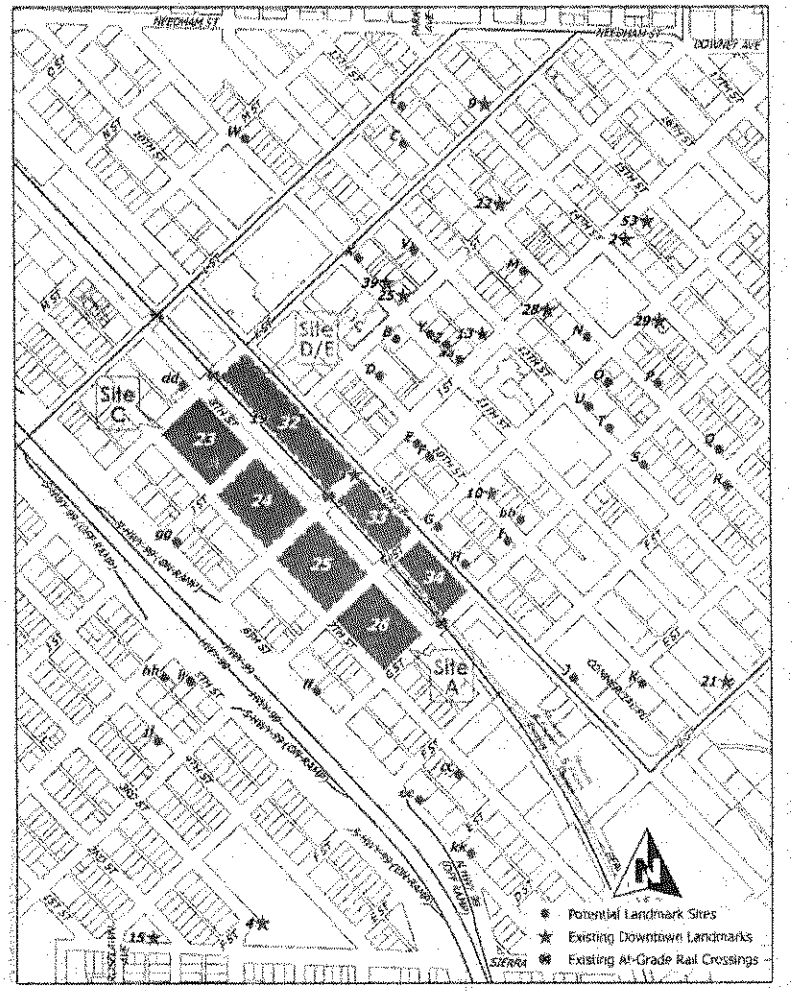
Modesto is part of Phase 2 of the California High Speed Rail project. Ridership projections, which vary with development patterns and economic conditions, have not yet been prepared for Phase 2. However, at this time it is reasonable to assume additional parking in downtown near the passenger rail station will be needed to support rail ridership. Cabral Station in Stockton has 205 off-street paring spaces dedicated for Altamont Commuter Express (ACE) riders. While not a perfect comparison, Cabral Station suggests how many spaces may be needed for a northern San Joaquin Valley commuter rail system. It should also be noted that demand for ACE is high (San Joaquin Regional Rail Commission, 2012) and its use is constrained by the rail lease agreement with Union Pacific Railroad. Nevertheless, ACE added a new train in October of 2012, for a total of four (pers. comm. Thomas Reeves, San Joaquin Regional Rail Commission). If ACE were to run on its own tracks and provide service throughout the day, ridership and parking demand would certainly be higher than it is today.



Historic and Potentially Historic Buildings

Modesto has lost a significant portion of its historic commercial and residential buildings. Great care must be exercised to ensure that remaining identified and unidentified historically significant buildings are preserved in some manner. To date, Modesto has addressed historic buildings on a site-by-site basis, which has further eroded the stock of remaining buildings. Historic buildings add character to a city and remind us of our history and the city's context. Preserving historic buildings may reduce the development capacity of a site, but if repurposed and restored, historic buildings can command higher rents than similar, modern buildings. Figure 2-19 illustrates existing local historic landmarks and potentially historic buildings in downtown.

Figure 2-19



Existing and Potential Landmark Sites in the Vicinity of Preferred Station Sites

Station Area Development

Typically, investments of public money in transportation improvements attract development in proportion to the size and concentration of the investment. Therefore, large, concentrated public transportation investments support and attract private investment. Passenger rail is a desirable amenity in most downtowns. However, rail is not a fully compatible neighbor for all potential land uses.

Under most circumstances, property values and leasing rates will determine which uses and tenants will be closest to the passenger rail station. However, noise from the Union Pacific Railroad and possibly also from passenger trains—especially if the rail line is at grade because horns would be used—as well as noise from transit feeder service, would have a negative impact on residential uses. Therefore, a building buffer should be created between the rail lines and transit center and any new residential development. As new buildings arise adjacent to the rail lines and station, they will create a noise barrier for residences.

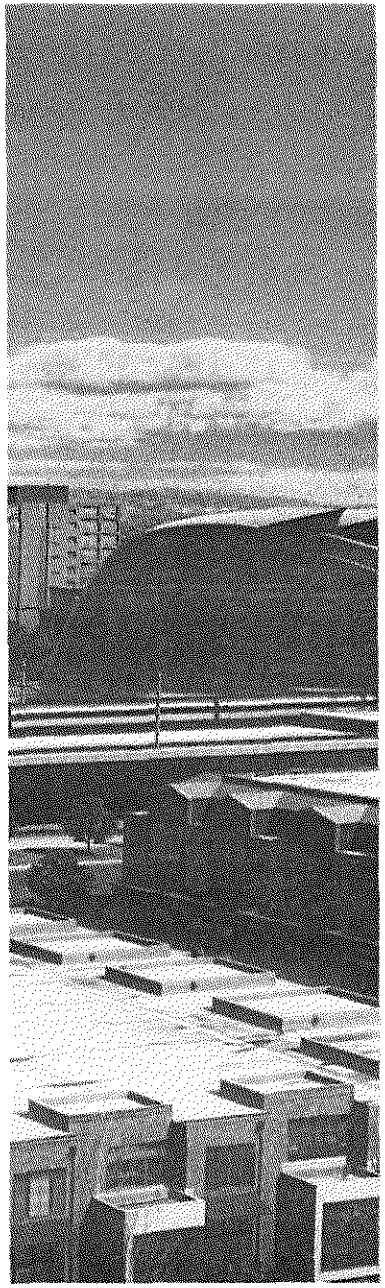
Street-Rail Interface

Conventional passenger rail service, such as the existing ACE and Amtrak serves, can cross streets and sidewalks at grade in developed areas, similar to the current freight service, without significantly changing the safety environment. However, full high-speed service must be grade-separated from local traffic, either by elevating the tracks or by putting local streets on overcrossings or undercrossings. For this feasibility study, Modesto is evaluating two vertical alignment alternatives for passenger rail: above-grade and at-grade, consistent with the alignments being considered by the California High-Speed Rail Authority.

Above-Grade Alignment An above-grade alignment would raise passenger rail tracks above street level on a series of columns in order to avoid conflicts with traffic using streets and sidewalks. Passengers would reach the station entry plaza at street level and rise to the platform level via stairs or elevators.

This alignment has the advantage of allowing traffic to cross the passenger rail alignment without stopping, even as trains arrive and depart. Potential conflicts between roadway users and trains would not exist. Additionally, trains can travel at higher speeds because the risk of collision is essentially zero, which also virtually eliminates the need for train horns to be sounded. The primary disadvantage of the above-grade alternative is its greater expense.

At-Grade Alignment An at-grade alignment would result in passenger rail tracks crossing roadways at street level, just as the existing freight rail lines do. This has the benefit of being less costly than the above-grade alignment, but does not allow full high-speed service. Depending upon the station design, the Union Pacific Railroad tracks could create a barrier to movement of passengers through the station. Modesto evaluated this alternative as a low-cost interim solution for extending passenger rail service to Modesto and Merced from Stockton.



Figures 2-20 and 2-21 show the Transportation Center, which could continue to operate in its current location on 9th Street between K and I Streets. The existing unused passenger rail platform is located immediately adjacent to the Transportation Center on the east side of the Union Pacific Railroad tracks. Whether the passenger rail tracks are east or west of the Union Pacific Railroad tracks passengers approaching from the opposite side will have difficulty reaching the platform. This problem could be solved by adding a pedestrian overcrossing or undercrossing to move passengers safely from one side of the Union Pacific Railroad to the other.

Another approach would be to move the Transportation Center and passenger rail platform from the east side of the Union Pacific Railroad tracks to the west side of the Union Pacific tracks. The disadvantage of this approach is that it would increase the number of people needing to cross two sets of at-grade railroad tracks (Union Pacific and the passenger tracks) in order to reach the station. Because more downtown development lies east of the railroad tracks and the larger portion of Modesto also lies east of the tracks, the amount of pedestrian, bicycle, bus, and car traffic crossing the tracks to reach the station would be expected to increase substantially, resulting in increased safety risks.

Conceptual Site Planning

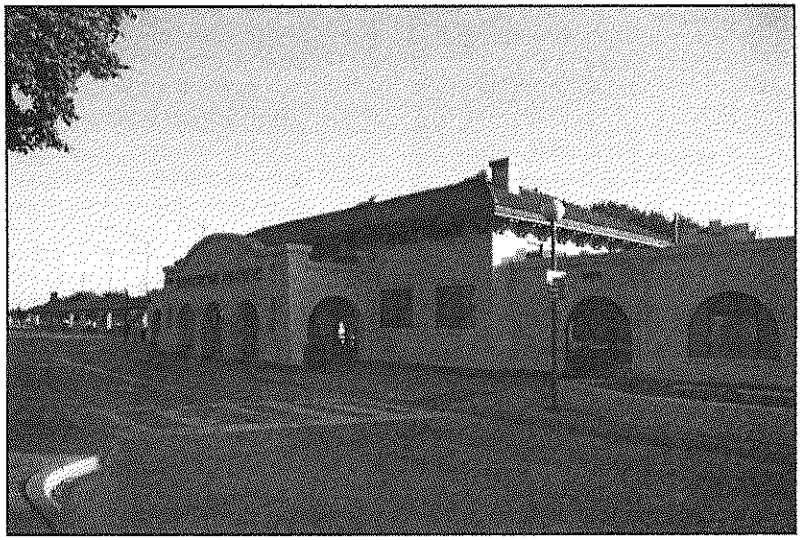
Preparing conceptual site plans requires first determining the minimum area needed for each major activity. Following the pattern established by other passenger rail station planning efforts in the San Joaquin Valley, the major activity areas are:

(1) Entry Plaza

The entry plaza includes most of the functions for pre-boarding and departure, excepting functions in the transit plaza. Ticketing, curbside drop off (kiss-and-ride), bicycle parking, and entry lobby are all included. The entry plaza must have easy access to the station house. According to the CHSRA, at least one block is needed to accommodate each of the various functions.

Figure 2-20
Southern Pacific Depot, West Facade, facing rail line

Figure 2-21
Southern Pacific Depot, East Facade, facing 9th Street

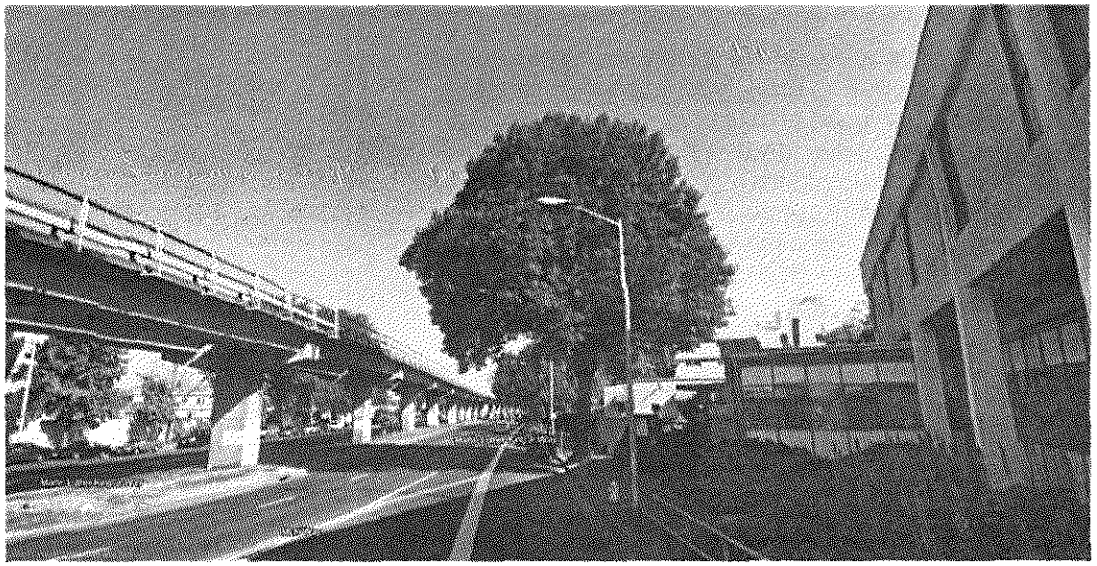


(2) Station House
This area accommodates train arrivals and departures on platforms for passenger arrivals and departures. Through-train traffic also passes through the station house without stopping. Convenient access to both the entry plaza and the transit plaza must be available to the station house. The station house will be two to three blocks long and at least 150 feet wide to accommodate the four sets of passenger rail tracks (for north- and southbound boarding and north- and southbound through trains). Any station near the Union Pacific Railroad would need to accommodate the freight rail right of way.

(3) Transit Plaza
In this area, buses arrive and depart with passengers. Safe and convenient access to the station house must be available. The transit plaza must be at least the same size as the current transit plaza, approximately one block, but room to expand will make the site more useful. In order to provide good access for bus traffic to and from the transit plaza, adjacent streets should be two-way.

At minimum, about three city blocks including streets will be needed for all the station components. How those components are laid out will be decided at a later date. For illustrative purposes, a different conceptual site plan was used for each of the preferred sites. The CHSRA has not yet determined whether passenger rail service in the northern San Joaquin Valley will be at-grade or above-grade. Therefore, a conceptual site plan and circulation plans were prepared for at-grade and above-grade options for each preferred site. For scale, Figure 2-22 illustrates BART's above-grade alignment along Martin Luther King Jr. Boulevard in Oakland.

Figure 2-22
Photo credit
Google Street View



Site A

Figure 2-23

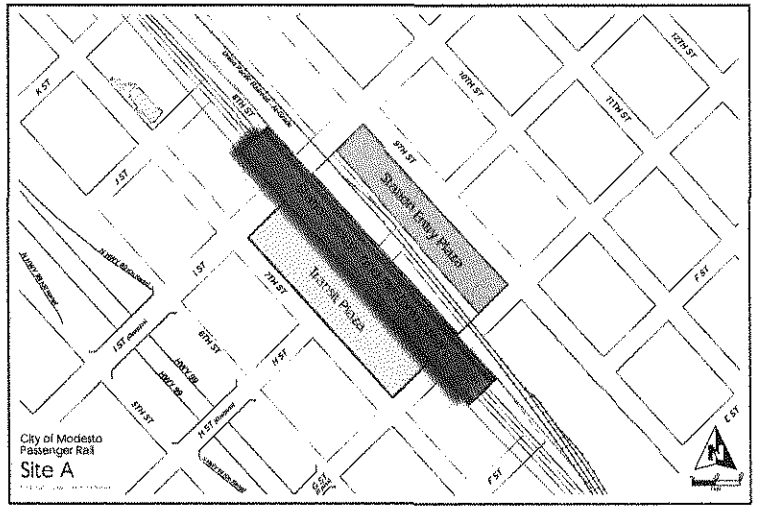


Figure A-1: Conceptual Site Plan, Above-Grade Passenger Rail, Lower Level Plazas

Above-grade alignment As shown on Figure 2-23, the station entry plaza extends along 9th Street, from G Street to I Street. The transit plaza also extends from G Street to I Street, but lies along 7th Street. The station house is above grade, roughly parallel to and west of the Union Pacific Railroad right of way, leaving the area below for station uses. The station house would be accessible by elevator or stairs from the entry plaza and transit plaza. Street closures would likely include 8th Street in the station area and H Street between 9th Street and 7th Street. (For more detail, see Figure A-1, Appendix C.) As shown on Figure 2-25, cars would be routed around the station. If H Street were closed, G Street would probably be returned to two-way traffic. Downtown freeway on- and off-ramps would still be readily accessible from G and I Streets, as well as from L Street. (For more detail, see Figure A-1, Appendix C.)

Figure 2-24

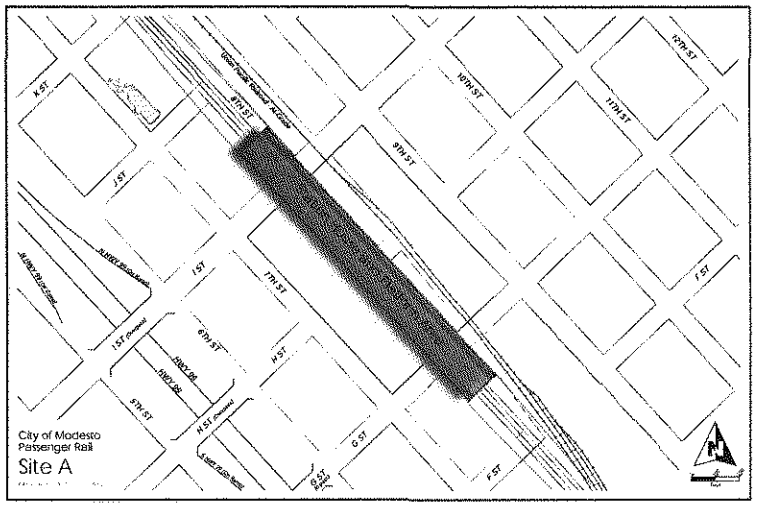


Figure A-1: Conceptual Site Plan, Above-Grade Passenger Rail, Upper Level Station House

Figure 2-25

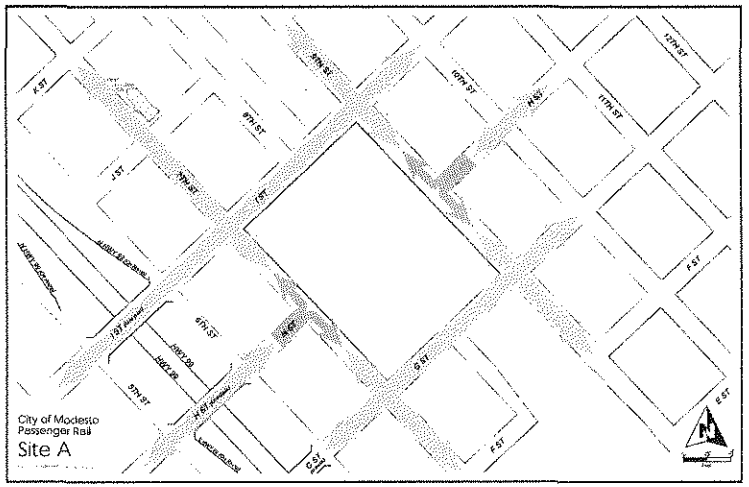


Figure A-1: Conceptual Automobile Circulation, Above-Grade Passenger Rail

Site A (continued)

At-grade alignment As shown on Figure 2-26 the station for the at-grade alignment is almost the reverse of the above-grade alignment: the transit plaza extends along 9th Street from G Street to I Street, while the station entry plaza extends along 7th Street from G Street to I Street. The station house would lie adjacent to the entry plaza on the west side of the Union Pacific Railroad right of way, on the opposite side from the transit plaza. A walkway would be necessary in order to safely and conveniently transport transit riders, pedestrians, and bicyclists across the Union Pacific Railroad. (For more detail, see Figure A-2, Appendix C.)

Figure 2-26

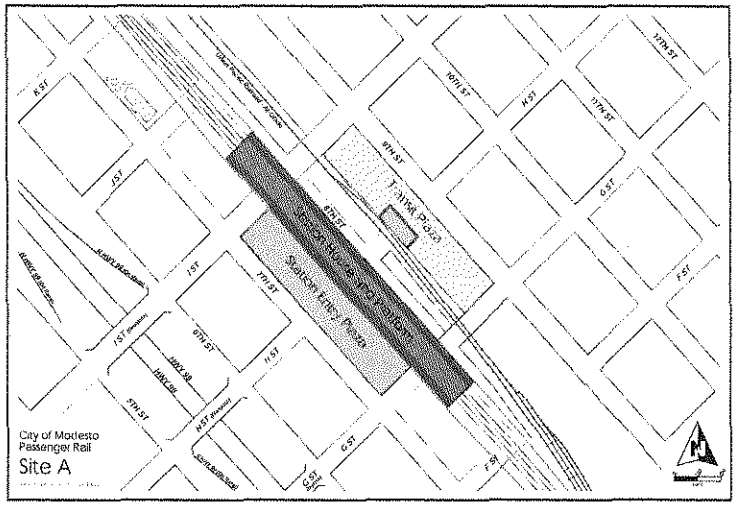


Figure A-2: Conceptual Site Plan, At-Grade Passenger Rail Service

Figure 2-27

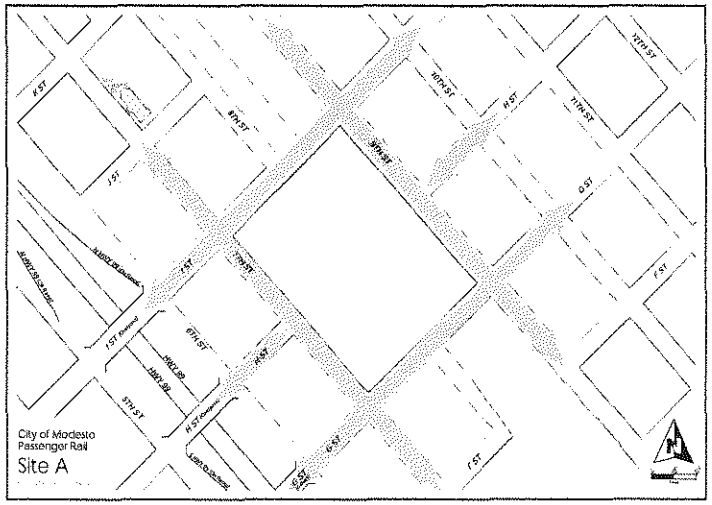


Figure A-2: Conceptual Automobile Circulation, At-Grade Passenger Rail

Site C

Above-grade alignment As shown on Figure 2-28, the station entry plaza would lie along 9th Street, from I Street to K Street, where the Transportation Center is today, and the transit plaza would lie along part of 7th Street, from I Street to J Street. This site plan would have a smaller transit plaza in order to preserve St. Stanislaus Church. The station house would lie west of the Union Pacific Railroad right of way and would be accessible by elevator or stairs from the entry and transit plazas, leaving the area below for other station uses. (For more detail, see Figure C-1, Appendix C.) As shown on Figure 30, automobile traffic would be routed around the passenger rail station. The circulation pattern would be similar to today's circulation pattern. (For more detail, see Figure C-2, Appendix C.)

Figure 2-28

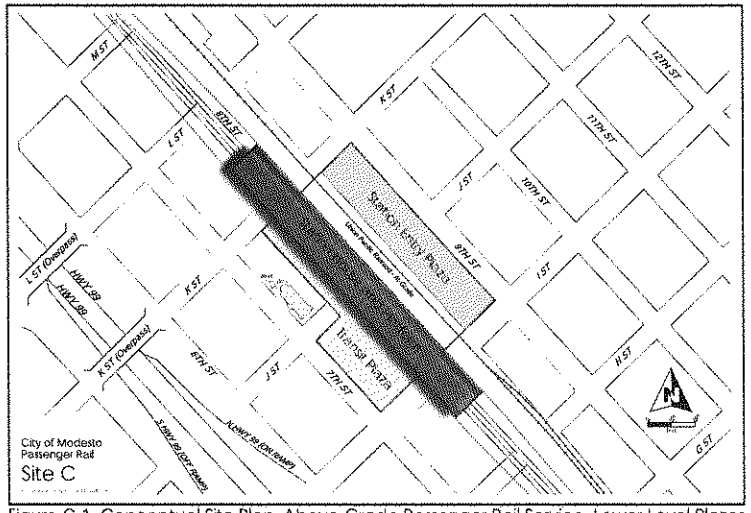


Figure C-1: Conceptual Site Plan, Above-Grade Passenger Rail Service, Lower Level Plazas

Figure 2-29

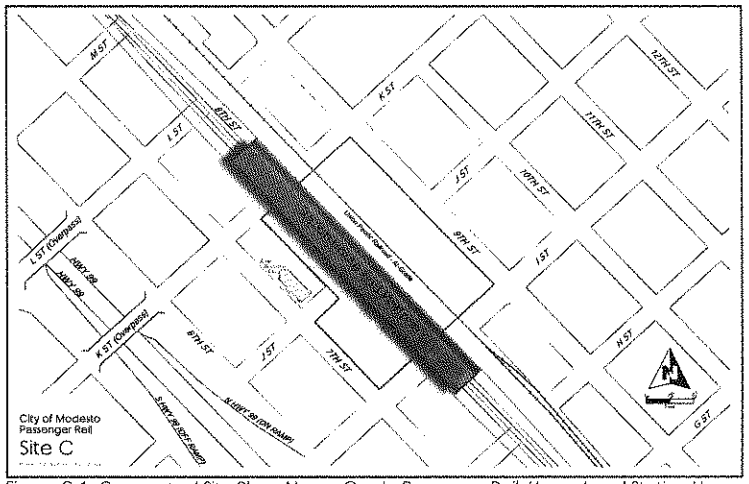


Figure C-1: Conceptual Site Plan, Above-Grade Passenger Rail, Upper Level Station House

Figure 2-30

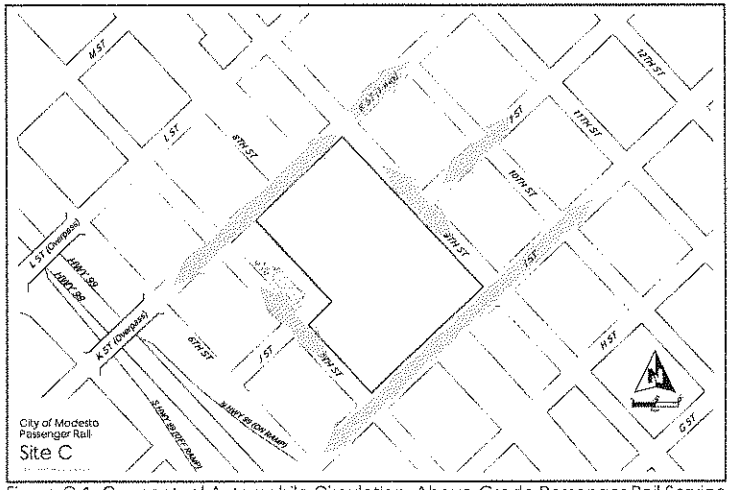


Figure C-1: Conceptual Automobile Circulation, Above-Grade Passenger Rail Service

Site C (continued)

At-grade alignment As shown on Figure 2-31, the at-grade station concept is the reverse of the above-grade concept. In this scenario, the transit plaza is located at the site of today's Transportation Center and the station entry plaza lies on the west side of the Union Pacific Railroad right of way between I Street and K Street; St. Stanislaus Church would be preserved in its current location. (For more detail, see Figure C-2, Appendix C.) As shown on Figure 2-32, the circulation pattern would be very similar to the pattern used today. (For more detail, see Figure C-2, Appendix C.)

Figure 2-31

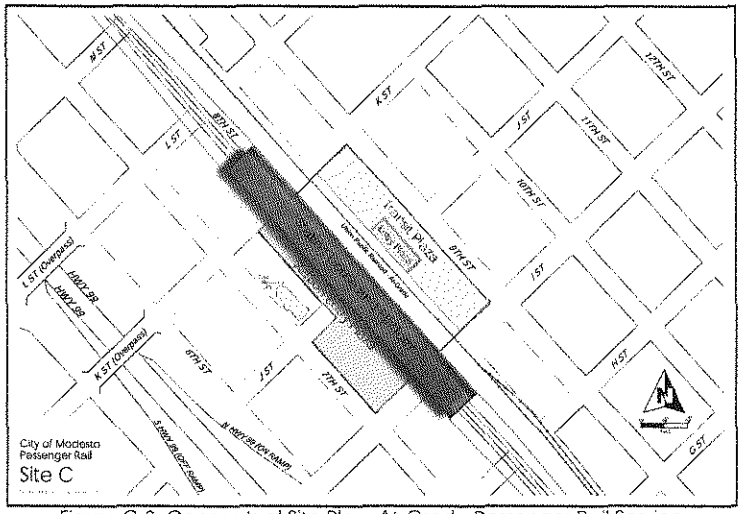


Figure C-2: Conceptual Site Plan, At-Grade Passenger Rail Service

Figure 2-32

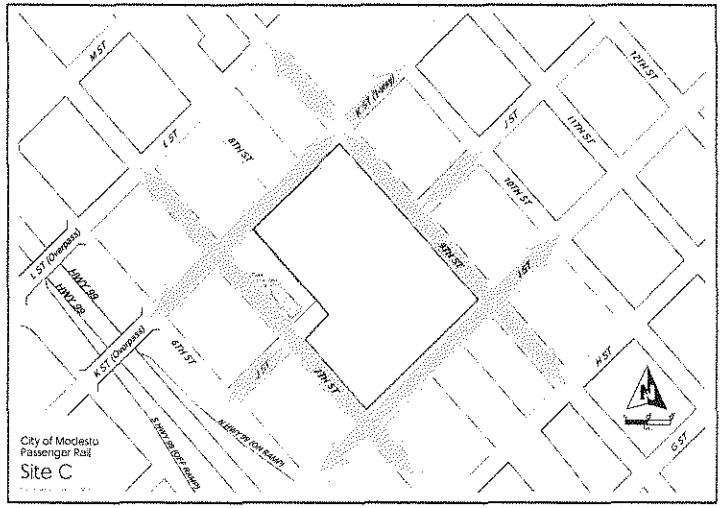


Figure C-2: Conceptual Automobile Circulation, At-Grade Passenger Rail Service

Site D/E

Above-grade alignment As shown on Figure 2-33, the layout of this site is similar to Site A, but with the addition of a half block along 9th Street, taking advantage of city-owned property. The station entry plaza lies along 9th Street between H Street and K Street and the transit plaza lies along 7th Street between H Street and J Street. The station house is roughly parallel to and west of the Union Pacific Railroad right of way; because it is above-grade, the area below the station house can be used for other station purposes. The station house would be accessible from the entry and transit plazas by elevator or stairs. (For more detail, see Figure D/E-1, Appendix C.) As shown on Figure 2-35, I Street between 9th Street and 7th Street and 8th Street in the station area would be closed. (For more detail, see Figure D/E-1, Appendix C.)

Figure 2-33

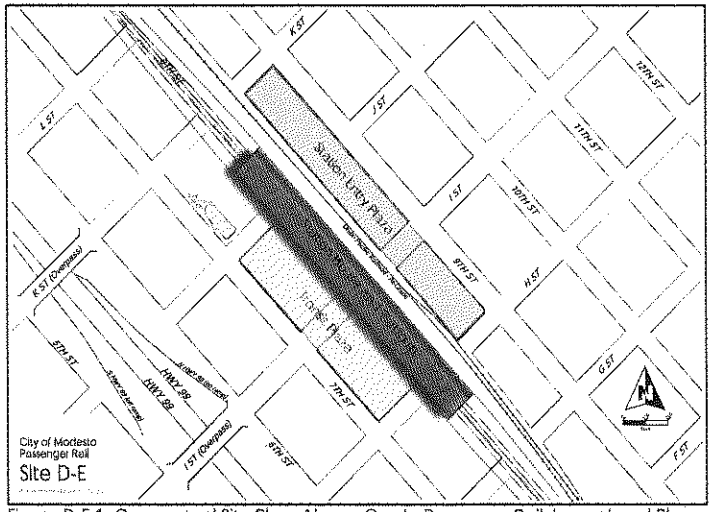


Figure D-E 1: Conceptual Site Plan, Above-Grade Passenger Rail, Lower Level Plazas

Figure 2-34

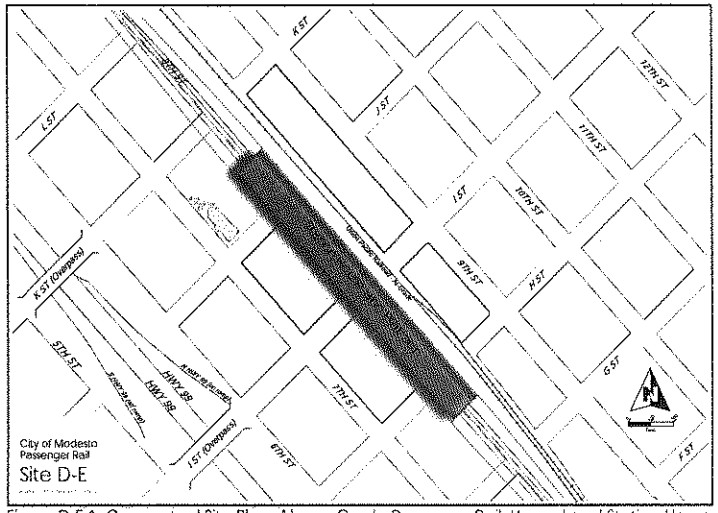


Figure D-E 1: Conceptual Site Plan, Above-Grade Passenger Rail, Upper Level Station House

Figure 2-35

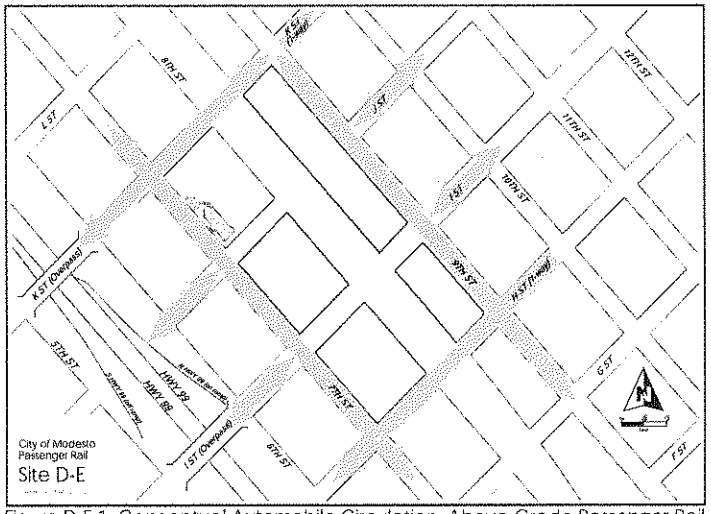


Figure D-E 1: Conceptual Automobile Circulation, Above-Grade Passenger Rail

Site D/E (continued)

At-grade alignment As shown on Figure 2-36, the at-grade option could be configured using a smaller site that could be expanded to the southeast. In this option, the station house would likely be shorter than depicted, but could be moved northerly or southerly along the alignment as needed. The transit plaza occupies the same location as today's Transportation Center and the entry plaza lies on 7th Street between I and J Streets. (For more detail, see Figure D/E-2, Appendix C.)

I Street could remain open to automobile traffic until the expansion site is needed. When the expansion site is used, H Street would then be adjacent to the station and might need to be returned to two-way traffic in order to facilitate bus access to the transit plaza. If that were to occur, then G Street would likely also be returned to two-way traffic; 8th Street would be closed in the station area.

Conclusion

After discussing the various alternatives and considering options, Workshop 3 attendees ranked the sites in order of preference. Site D/E was ranked first, Site C was second, and Site A was third. This order of preference is not binding, but if the City Council should decide to further pursue a passenger rail station, the issues weighed by the workshop attendees should be considered.

Figure 2-36

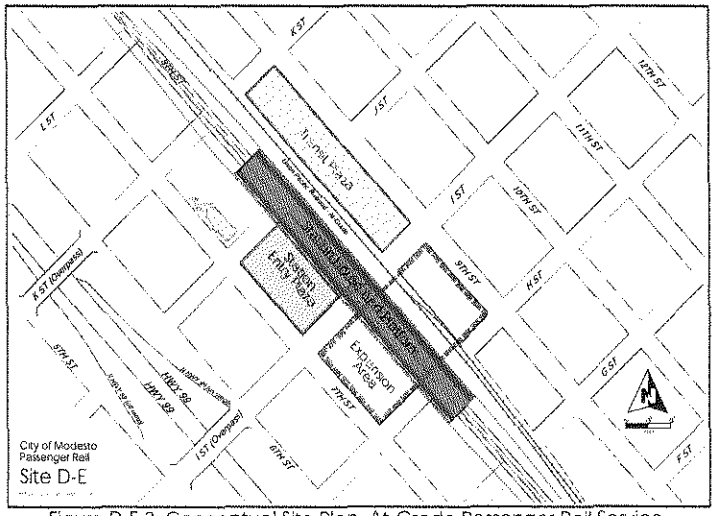


Figure D-E 2: Conceptual Site Plan, At-Grade Passenger Rail Service

Figure 2-37

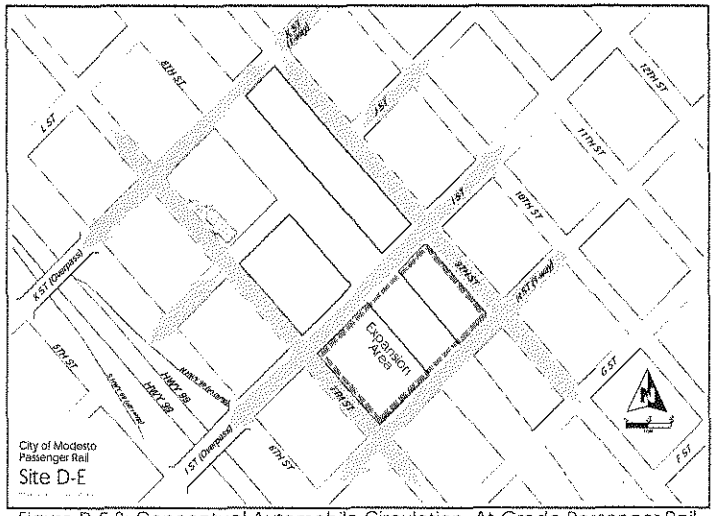


Figure D-E 2: Conceptual Automobile Circulation, At-Grade Passenger Rail

Land will be needed for both the passenger rail station and for the right of way to accommodate the tracks as they pass through Stanislaus County.

The Stanislaus County Assessor's office provided the assessment values needed to estimate the cost of purchasing the three study sites. The conceptual cost estimates are on Table B, below, ranked from the most preferred site (Site D-E) to the least preferred site (Site A), as ranked by participants in Workshop 3.

Table 2: Estimated Cost to Acquire Station Site (August 2012)

Station Site	Study Area Blocks	Acreage*	Cost per Acre	Total Cost
Site D-E	23, 24, 25, 32, 33	10.68	$820,035	$8,575,970
Site C	23, 24, 32	9.04	$286,285	$2,588,018
Site A	25, 36, 33, 34	8.73	$1,164,952	$10,170,034
Average		9.48	$756,275	$2,470

*Acreage and acquisition costs exclude streets and assumes downtown alignment will preserve street access for properties that are not part of the station.

Estimating the cost of right-of-way acquisition for the travel corridor through Stanislaus County required an analysis that sampled the types of properties that will need to be purchased. The right of way needed to accommodate two sets of passenger rail tracks will vary, but is unlikely to exceed 150 feet in width. Due to the current economic situation, property values in Stanislaus County are difficult to ascertain. Comparable values are skewed by foreclosures; property owners under no pressure to sell appear to be waiting for prices to recover before putting their properties on the market. While tax assessments tend to lag comparables, assessed value is a reasonable estimate of potential purchase price at this time. The generous estimate of 150 feet of right of way may balance using assessed values until such time as reliable comparable values become available. For the purpose of estimating right-of-way costs, it was assumed that the passenger rail tracks will lie west of the Union Pacific Railroad throughout Stanislaus County.

Property adjacent to the Union Pacific Railroad is zoned for agriculture, commercial, industrial, residential, and civic/utility uses. Forty percent of the land that would need to be acquired is zoned for agriculture use, while less than 15 percent of the land that would need to be acquired is zoned for residential use. For the purpose of evaluating the cost of right of way acquisition, properties along the possible right of way were sampled and sorted by zone. The data were then sorted into price groups by zone and a weighted average price per acre was estimated, which was applied to the estimated acreage needed for right of way by zone. The results are on Table 3 (next page). This analysis excludes roadways and the station area.

Table 3: Estimated Cost to Acquire Travel Corridor (August 2012)

Value Group	Price per Acre	Proportion of Corridor	Acreage Needed	Cost Estimate
Agriculture, Low	$25,000 and less	32.1%	125.02	$2,150,344
Agriculture, High	$150,000 to $150,000	6.9%	26.89	$1,686,003
Commercial, Low	$250,000 and less	5.7%	22.30	$2,408,400
Commercial, High	$400,000 to $850,000	11.5%	44.63	$30,317,159
Industrial, Low	$90,000 to $550,000	16.8%	65.24	$17,392,984
Industrial, High	$800,000 to $3,000,000	7%	27.39	$49,981,272
Residential, Low	$300,000 and less	3.9%	15.17	$3,624,113
Residential, High	$400,000 to $1,400,000	10.8%	42.23	$53,066,218
Tax exempt, no comparables	$0	5.3%	20.45	$0
Total	---	100%	389.32	$160,626,493

At current prices, land for the preferred passenger rail station site (Site D-E) would cost approximately $8.8 million. Land for a travel corridor 150 feet wide would cost approximately $160.6 million.

Large transportation projects, such as major roadways and transit capital projects, are typically funded through a variety of sources over multiple years. The Interstate Highway System is a good example of a large multi-decade project, similar to the construction of a new passenger rail system. The Federal Aid Highway Act of 1956 (also known as the National Interstate and Defense Highways Act), authorized the construction of a national system of highways. Construction of the initial system took 35 years. A federal gas tax was established as the initial source of construction funding (Highway Revenue Act of 1956), which was eventually supplemented with motor vehicle taxes, highway tolls, general fund receipts, bonds, property taxes, and other taxes. The initial cost estimate was $25 billion over 12 years, which was revised to $114 billion over 35 years ($425 billion in 2006 dollars). Since its authorization in 1956, the Interstate Highway System has been expanded and construction costs have increased.

The Altamont Commuter Express (ACE) is an existing passenger rail service operating on the Union Pacific Railroad between Stockton and San Jose. Capital expenditures are funded by the Transportation Development Act, Proposition 1B, Alameda County Transportation Commission Measure B, San Joaquin County's transportation sales tax (Measure K), Federal Transit Administration 5307 and 5309, Build America bonds (issued jointly by the San Joaquin Council of Governments and the San Joaquin Regional Rail Commission), Federal Emergency Management Agency, Santa Clara Valley Transit Authority, Regional Transportation Impact Fees, and Caltrans' Interregional Transportation Improvement Program. Operating expenditures are funded by farebox revenue, San Joaquin County's transportation sales tax (Measure K), the Transportation Development Act, Federal Transit Authority 5307, Alameda County Transportation Commission Measure B, Santa Clara Valley Transit Authority, employer cost-sharing with shuttle services, and the Bay Area Air Quality Management District's Transportation Fund for Clean Air.

Similarly, the proposed High-Speed Train System will be funded through a variety of sources. Much of the engineering and environmental work on Phase 1 has been funded through state transportation planning funds. Additionally, the Initial Construction Segment, from Borden (Madera County) to Corcoran (Kings County) has received State Proposition 1A bond funds and $765 million in federal American Recovery and Reinvestment Act (ARRA 2009) funds.

Regionally-Controlled Funds

In order to receive and apportion federal and state funds, StanCOG must prepare a Regional Transportation Plan that identifies regional priorities for transportation. StanCOG's 2011 Regional Transportation Plan identifies the various federal and state funds available for transportation projects. Federal funds are allocated to the State of California by the federal government. The State of California allocates both federal and state funds to each regional government, of which StanCOG is one. StanCOG's Policy Board, a body composed of 16 elected officials from the member agencies in Stanislaus County, apportions funding to regionally important projects.

StanCOG's 2011 Regional Transportation Plan identifies $5 million for planning and technical studies in support of rail service. Funding sources are identified as unspecified grants from the Federal Railroad Administration, the Federal Transit Administration, and a Caltrans Community-Based Transportation Planning Grant. Of these funds, only the Caltrans Community-Based Transportation Planning Grant has been secured by the City of Modesto for the preparation of this passenger rail station feasibility study. Although the earliest possible build year for passenger rail through Stanislaus County is 2015, no funding is apportioned for planning or other purposes in the 2013 Federal Transportation Improvement Program (FTIP) at this time. However, the FTIP can be amended as needed by the StanCOG Policy Board, so regional funding for this project is not precluded.

Funding sources for which a passenger rail station may be eligible are described below.

Congestion Mitigation and Air Quality

The purpose of the Congestion Mitigation and Air Quality (CMAQ) Program is to fund transportation projects or programs that will contribute to attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) for ozone and carbon monoxide. Rail and bus capital costs are eligible for funding. This fund is managed by StanCOG, the Metropolitan Planning Organization.

Federal Transit Administration Section 5307 Program

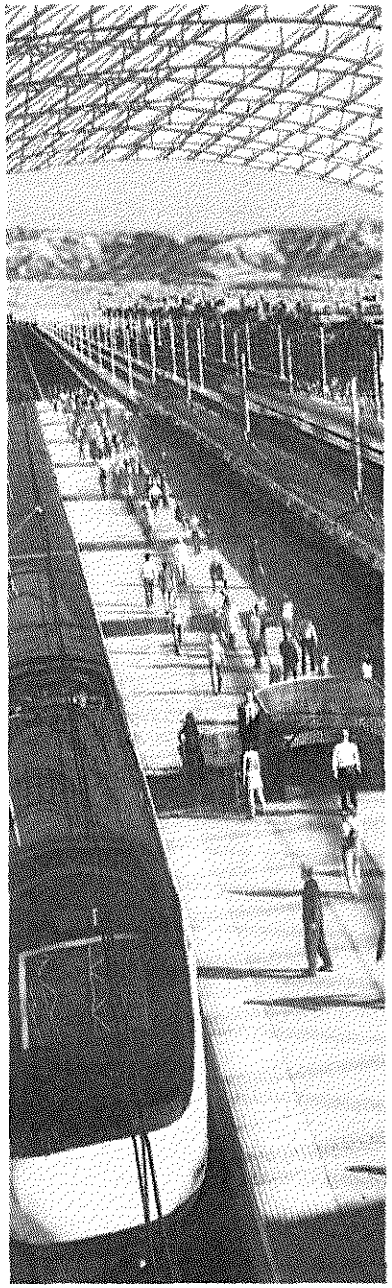
The Federal Transit Administration (FTA) Urbanized Area Formula Program, Section 5307 provides funds for public transit in areas having a population greater than 50,000. Eligible projects include planning, engineering design, technical transportation-related studies, capital investments in buses and bus facilities, capital investments in new and existing rail systems. Modesto Area Express is currently the recipient of most FTA 5307 money apportioned in Stanislaus County, which is managed by the Metropolitan Planning Organization.

Federal Transit Administration Section 5309(b) Program

This program provides funds for major transit capital investments, new rail projects, new and replacement buses and facilities, and modernization of existing rail projects. This money is managed by Metropolitan Planning Organizations.

High-Priority Projects/Federal Demonstration

A demonstration project is established and funded by Congress through federal law. Demonstration projects are part of the periodic transportation authorization acts or the annual transportation appropriations acts. The designated funding can only be used for projects as described in the law; however, demonstration projects may be any type of transportation project.



Interregional Transportation Improvement Program (ITIP)

State-authorized funding may be provided for intercity rail, interregional road or rail expansion projects outside urban areas, or projects of statewide significance. These funds are administered by the California Transportation Commission through Metropolitan Planning Organizations.

Passenger Rail Investment and Improvement Act of 2008 (PRIIA)

PRIIA is administered by the Federal Railroad Administration and the U.S. Department of Transportation. The bill reauthorizes Amtrak and focuses on intercity passenger rail, including high-speed rail corridors. Both capital and operating costs are eligible. These funds are administered through Metropolitan Planning Organizations.

Proposition 1A (Safe, Reliable High-Speed Passenger Train Bond Act of 2008) bonds

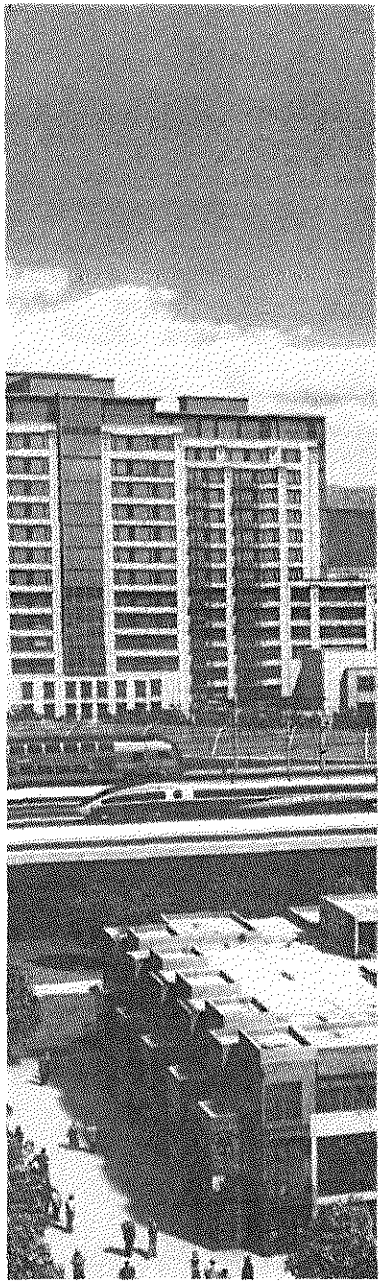
Provides $9 billion for construction of Phase 1 of the High Speed Train (Los Angeles to San Francisco). The remaining $950 million will be spent on improvements to local systems that connect locations away from the high speed rail mainline track to the high speed system. These funds will most likely be utilized directly by the State of California, but could be allocated to some Metropolitan Transportation Organizations.

Regional Surface Transportation Program (RSTP)

The Surface Transportation Program (STP) was established by the 1991 Federal Intermodal Surface Transportation Efficiency Act (ISTEA) and continued with the passage of the Transportation Equity Act for the 21st Century (TEA-21) and the TEA-21 Restoration Act in 1998. Capital costs for transit projects eligible for assistance under the Federal Transit Act and publicly-owned intra- or intercity bus facilities are eligible for RSTP funds. This fund is administered by the Metropolitan Planning Organization.

Transportation Development Act (TDA)

The Transportation Development Act, established in 1971, created a statewide 1/4 cent sales tax, referred to as the Local Transportation Fund (LTF) set aside for transit purposes and administered by Metropolitan Planning Organizations. It also created the State Transit Assistance fund (STA), which comes from a portion of the statewide sales tax on diesel fuel. LTF includes a small set-aside for bicycle and pedestrian projects and for regional transportation planning purposes. Both operating and capital expenses are eligible for TDA funding. Transit operators are the primary recipients of these funds.



Transportation Enhancement Program

The Transportation Enhancement Program funds are used to improve the transportation experience. Rather than funding capital investments or maintenance, the Transportation Enhancement Program funds aesthetic improvements to make the transportation more pleasant, rather than just adequate. This fund is administered by the Metropolitan Planning Organization.

Transportation Sales Tax

The State of California's sales tax rate is 7.25 percent. Local governments have the authority to tax up to an additional 2 percent, for a total of 9.25 percent, by public vote. A sales tax dedicated to a specific purpose must receive a 2/3 affirmative vote to pass. Stanislaus County has added a 1/8 cent tax for libraries for a total sales tax rate of 7.375 percent. Ceres and Oakdale have added a ½ cent tax to their local rates, for a total of 7.875 percent. The maximum additional countywide sales tax capacity is 1.375 percent. Should the County vote to levy a transportation sales tax, the funds could be spent on both construction and operations activities.

Locally-Controlled Funds

The City of Modesto controls infrastructure funds that are raised locally. These funds can be used for a variety of purposes, including capital and operating costs. Local funding sources are described below.

Capital Improvement Program (CIP)

The CIP reflects the goals and policies of the Urban Area General Plan by planning, scheduling, and financing public improvement projects citywide. Projects are evaluated and prioritized annually by the CIP Task Force.

Legislative Earmarks

Lobbying efforts can be rewarded by state or federal transportation funding earmarks. This type of funding is usually available for capital improvements, but can also be available for planning work. Modesto has successfully pursued earmarks for the Virginia Avenue Corridor and for the Tuolumne River Regional Park.

Local Benefit District or Surcharge

Modesto may establish a local benefit district for properties most directly benefitted by passenger rail. Similar to other kinds of infrastructure, the City would be required to prepare a study demonstrating the benefit (nexus) and relative size of the benefit, as required by Assembly Bill 1600 (1988). In order for fees of this type to yield the greatest financial benefit, development should be focused on the area of benefit. The City could also establish a surcharge on parking, for example, to help fund capital or operational costs.

Public-Private Partnership

The City of Modesto may enter into a contractual arrangement with one or more private entities to share some of the cost of development in exchange for sharing the financial gain associated with the development.

Transportation Sales Tax

Similar to a countywide transportation sales tax, the City of Modesto may enact a local transportation sales tax to fund both capital and operating costs. As noted above, local agencies have the authority to add up to 2 percent sales tax to the state's 7.25 percent sales tax. Modesto currently is subject to a countywide sales tax of 1/8 cent, leaving a capacity of up to 1.875 percent. A tax of this nature is subject to a 2/3 affirmative vote.

Establishing and operating a successful passenger rail system will require realignment of Modesto's and the region's planning priorities and policy efforts.

Existing Policies and Ordinances That Support Downtown Passenger Rail

The Modesto General Plan contains policies that support the development of a downtown passenger rail station. These policies are below.

- Policy III.A.5.c, page III-7. [Goals from the 2007 Modesto Redevelopment Master Plan]

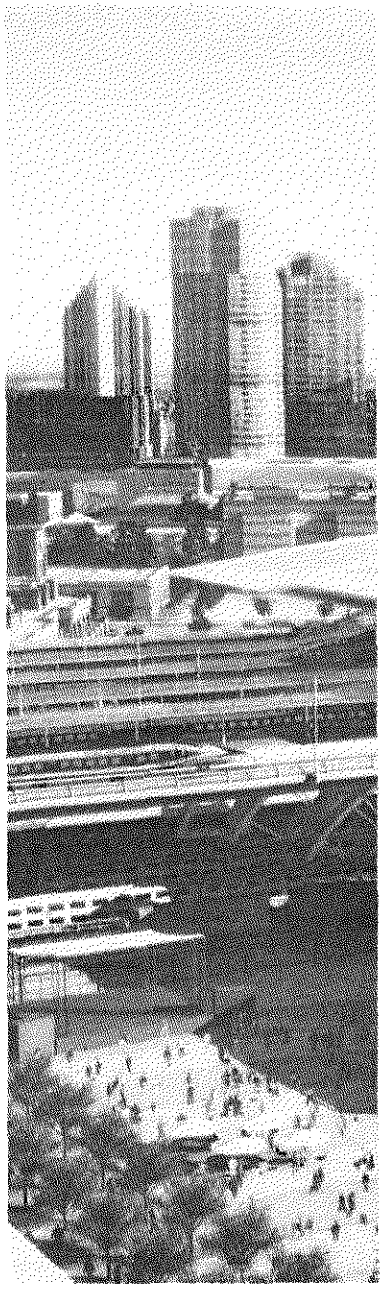
  Goal 3: Implement higher density, mixed-use development to create a balanced, vibrant downtown and active neighborhood centers.

  Goal 8: Promote efficient automobile, bicycle, and pedestrian circulation and linkages into and through the Redevelopment Area.

- Policy V.B.6.k(2), page V-10. Inter-regional Rail Service. The City supports the extension of the Altamont Commuter Express (ACE) through the northern San Joaquin Valley and advocates its routing through and a station in downtown Modesto. The City also support the rerouting of San Joaquin rail service to provide service to the downtown area and the intermodal facilities and creation of passenger commuter rail service from Modesto to San Joaquin County, to Sacramento, and over the Altamont Pass to the Bay Area.

- Policy V.B.6.k(4), page V-10. High Speed Rail. The City supports and advocates the development of high speed rail through the San Joaquin Valley and the development of a high speed rail station in downtown.

The Modesto Municipal Code also provides some support for development of a downtown passenger rail station. Title X, Chapter 5, Article 1 limits the applicability of parking regulations to older buildings. Title X, Chapter 7, Article 5 describes a downtown form-based code that will improve conditions for pedestrians in the central portion of downtown. Title X, Chapter 7, Article 5, Section 509, further limits parking requirements in the area regulated by the form-based code. The Municipal Code also provides greater flexibility for the location of parking in downtown than in the rest of Modesto.



Additional Policy Recommendations to Support Downtown Passenger Rail

Below are several policy recommendations to provide even greater support for passenger rail.

Funding Recommendations

- Build support for passenger rail within the StanCOG Policy Board.
- Ensure that passenger rail is included in StanCOG's Sustainable Communities Strategy.
- In consultation with the California High-Speed Rail Authority and the San Joaquin Regional Rail Commission, ensure that StanCOG's constrained funding includes capital for right of way acquisition and construction of a passenger rail station and appurtenant improvements that support ground transportation alternatives to the automobile.
- Identify local funding for a passenger rail station and planning studies.

Land Use Recommendations

- Development around the passenger rail station should follow the principles of transit-oriented development: a diverse and complementary mix of uses, pedestrian-oriented site design, good street design, and parking management.

  The passenger rail station will be the center of activity in downtown and the land use and zoning should be reevaluated when the site is selected.

- Develop a comprehensive strategy for addressing historic and potentially historic landmarks.

  Focusing development downtown will put many landmarks and potential landmarks at risk for demolition. A comprehensive strategy will add predictability to the development review process, streamline environmental review, and preserve landmarks for future generations.

Transportation Recommendations

- Comprehensively reconsider the function and transportation priorities of streets around and near the passenger rail station.

- Consider Rerouting SR 132 for truck traffic from 9th Street to 5th Street.

  9th Street will experience a large increase in pedestrian and bicycle traffic. For safety, truck traffic should be routed away from 9th Street. StanCOG can facilitate this effort.

- All streets adjacent to the transit center should be two-way streets for transit access.

  Transit traffic can more easily enter and exit the site from two-way streets. Two-way traffic also tends to reduce average speeds, improving safety.

- Revise the Circulation Element with respect to non-motorized transportation in and around downtown to establish good bicycle connections to and from the station and to facilitate pedestrian access through curb extensions and generous sidewalks.

  Bicycle traffic to, from, and around the station should be facilitated by adding bicycle lanes and bicycle-actuated traffic signals. Pedestrian traffic will increase, particularly around the perimeter of the station and within a five-minute walk of it. Crossing distances should be minimized and sidewalks maximized to promote safety for pedestrians.

- Consider preparing a Transportation Demand Management Plan for downtown.

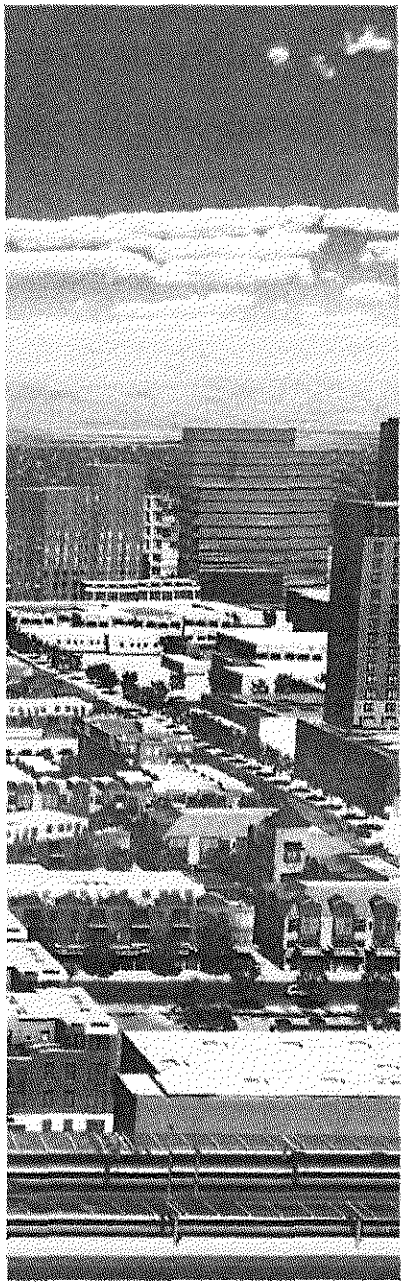
  Transportation Demand Management (TDM) is the application of strategies to reduce travel demand, specifically for single-occupant private vehicles. TDM can be a cost-effective alternative to increasing roadway capacity.

- Consider reorienting local and regional trasnit service to feed the train station.

  More routes, suburban park-and-ride lots, and downtown circulators will help get travelers to and from the station in a timely and convenient manner, without using a car.

- Consider upgrades to bus facilities, such as arrival/departure boards and mobile phone applications such as NextBus.

  Increasing the predictability of transit service will give the public more confidence to take the bus downtown instead of driving. These technologies are available and in use today by many transit agencies.



- Eliminate adjacent on-street parking for security and to allow sidewalks to be widened, curbside access for passenger loading and unloading and safer turning movements for transit vehicles.

Eliminating on-street parking on streets along the perimeter of the station will increase the right of way available for non-automobile uses, which will facilitate access by bus, bicycle, foot, and taxi.

Parking Recommendations

- Minimize automobile traffic arriving at passenger rail station and needing to park. Develop a parking management strategy including smart meters, parking restrictions, carpool parking, car rental, car sharing, and electric vehicle parking using Redwood City, San Francisco, Oakland, Berkeley, and Pasadena as examples.

Reducing the demand for parking will increase the development potential in the vicinity of the passenger rail station, reduce traffic congestion, and improve safety for people not traveling by car. All-day parkers use space that would otherwise be available to patrons of local businesses. Daytime on-street parking downtown is currently time-limited (30 minutes, 1 hour, 2 hours), which makes it unusable for train riders. Daytime off-street parking is typically used by downtown employees. A parking strategy that supports passenger rail should seek to make short-term parking available for downtown visitors and reduce the number of people who drive downtown and park all day.

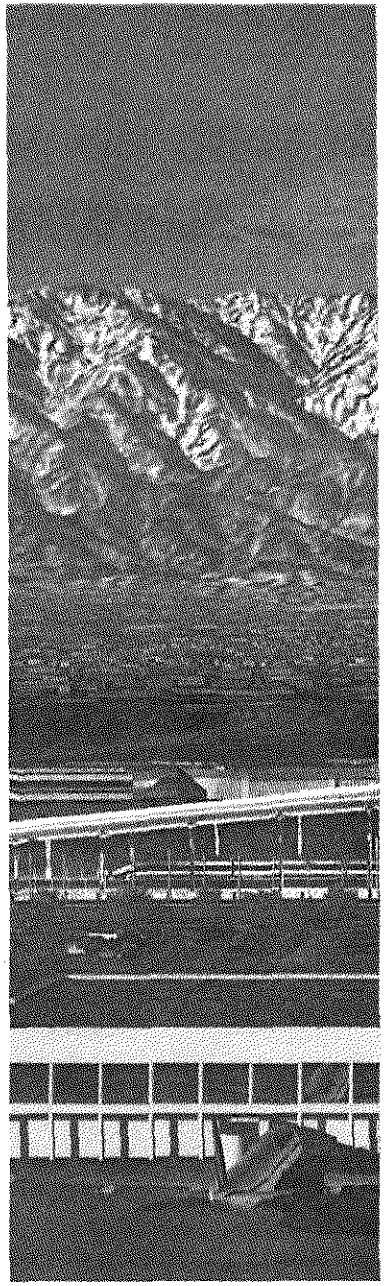
- There should be no free public parking downtown; all parking should be provided at the market rate.

Free parking creates an incentive to drive and increases the demand for parking. Conversely, charging the market rate for parking reduces the demand for parking, reduces public and private expenditures for parking, and increases development potential.

- Locations of parking structures should be such that they can serve not just the passenger rail station, but also future downtown development, as travel patterns change.

Parking structures are a significant real estate and financial investment that should be managed to provide the greatest benefit to the largest number of people.

Next Steps: Issues to be Resolved for Phase 2



The State Legislature has decided not to pursue a full high speed train option at this time for Phase 2 and instead wants the California High-Speed Rail Authority to pursue upgrades to existing commuter rail systems that can be linked together. In furtherance of that goal, Assembly Bill 1779 (2012) has granted San Joaquin Valley transportation planning agencies the authority to create a San Joaquin Corridor Joint Powers Authority for the purpose of operating a passenger rail line in the San Joaquin Valley. Currently, this service is provided by Amtrak on the Burlington Northern-Santa Fe Railroad, which connects the east side of Stanislaus County to the East Bay via Antioch and Martinez.

The governing board of the Joint Powers Authority would make decisions about where, when, and how passenger rail service would operate. Should a governing board be established, it would enable the flexibility to establish a passenger rail line on the Union Pacific Railroad, if an agreement can be reached with the railroad.

The CHSRA has not yet selected an alignment and design (at grade or above grade) for the northern San Joaquin Valley. The timing of these decisions is uncertain, but may be anticipated within one or two years. If a San Joaquin Corridor Joint Powers Authority and governing board were established prior to the California High-Speed Rail Authority's decisions on alignment and design, the Joint Powers Authority may be in a position to make decisions about passenger rail service that may influence the CHSRA's decisions.

Modesto should closely monitor the actions of these two groups through continued participation in the Phase 2 Technical Working Group. Modesto's decisions and the timing of investments should be responsive to the CHSRA and Joint Powers Authority. Due to the pending legislation on the Joint Powers Authority and interest in establishing a governing board, it is entirely possible that the Joint Powers Authority will take the lead on passenger rail service. The time frame for the critical decisions affecting passenger rail service in Modesto is probably within the next 12 to 24 months; Modesto should be ready to act.

<u>California High-Speed Rail Authority and San Joaquin Regional Rail Commission</u>

Ridership projections can be developed by CHSRA or SJRRC after decisions have been made regarding the northern San Joaquin Valley alignment and design. This information will allow Modesto to make decisions about station development, station area development, circulation, transit service, and parking.

Depending upon the timing of decisions made by the CHSRA and the San Joaquin Regional Rail Commission, the City of Modesto should consider a course of action that responds to decisions made by those agencies.

Modesto, 1 to 2 years (prior to decision and action by CHSRA and/or SJRRC):

- Build support for passenger rail station at the StanCOG Policy Board
- Ensure that passenger rail is part of the Sustainable Communities Strategy
- Ensure that passenger rail receives Tier I funding in the Regional Transportation Plan
- Work with StanCOG to study and plan for the rerouting of State Route 132 away from 9th Street

Modesto, 2 to 3 years (after decision by CHSRA and/or SJRRC):

- Identify infrastructure needs
- Select a station site and begin the process of right of way acquisition
- Initiate a parking management study using ridership projections with implementation strategies and policies
- Initiate a transit study using ridership projections to plan for feeder service and an improved Transportation Center, improve communications with patrons
- Initiate a historic resources strategy and policies

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Passenger Rail Station Siting Criteria

High Speed Rail Authority/Altamont Commuter Express	+	O	--
1. Higher density within 1/2 mile of station, minimum density requirements			
2. Mix of land uses and housing types within 1/2 mile of station			
3. Grid street pattern, pedestrian-oriented design, multi-modal access			
4. Context-sensitive building design			
5. Limits on parking for new development; market-rate parking structures			

Modesto	+	O	--
6. Minimize utility relocation costs			
7. Maximize maintenance of existing street connections			
8. Minimize right of way costs			
9. Facilitate access by bus/transit, bicycle, foot traffic			
10.			

Workshop	+	O	--
11. What does Modesto want to become? What/where will development be?			
12. Avoid large parking lots; improve feeder service			
13. Have a plan to relocate transitional industrial development			
14. Address walkability under and around tracks			
15. Locate sensitive uses appropriately with respect to acceleration/deceleration areas			
16. Learn lessons from a similar city outside CA			
17.			

City of Modesto, Community and Economic Development Department

Block-by-Block Evaluation of Passenger Rail Station Study Area
A Report for Workshop 2, November 16, 2011

Introduction

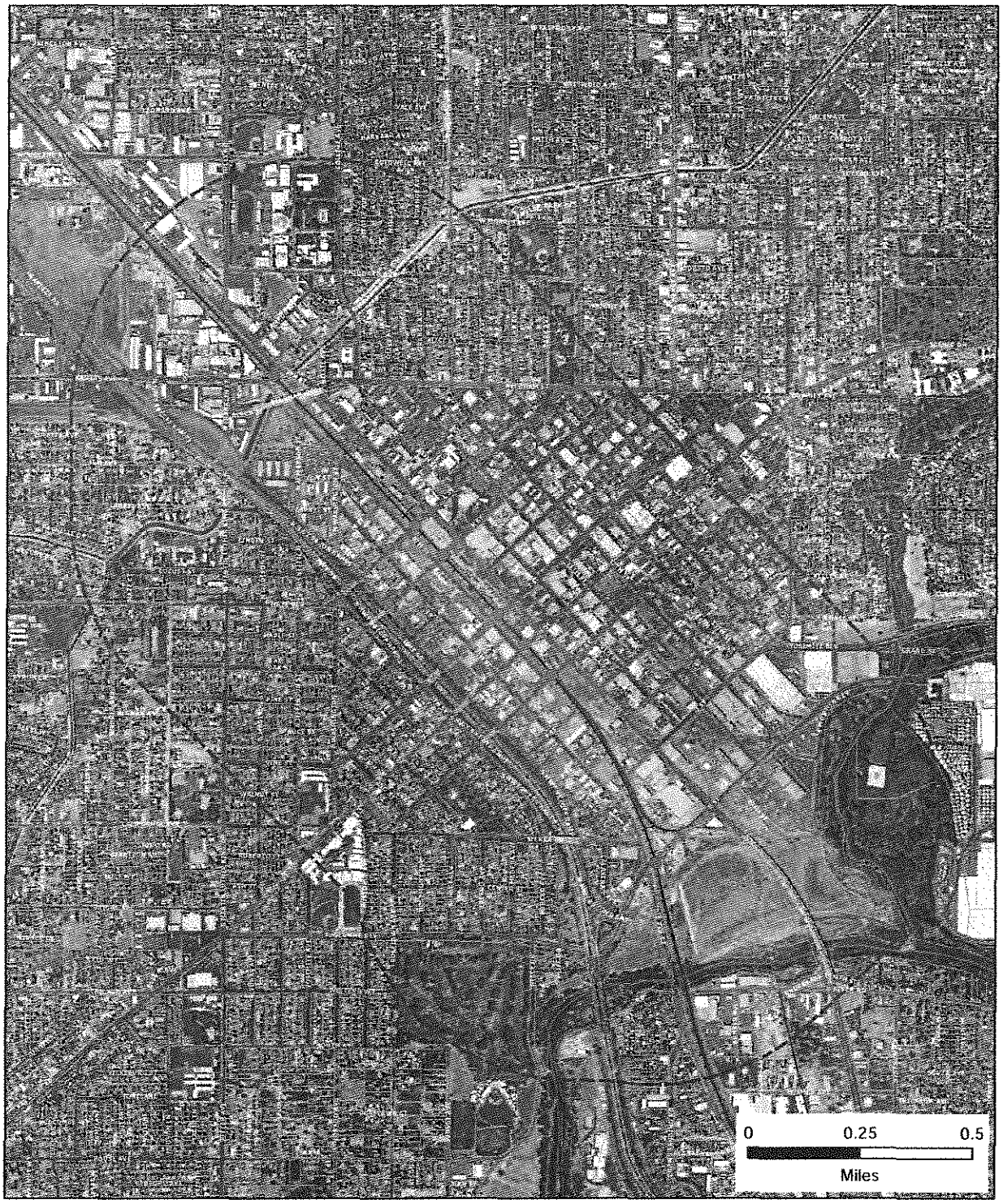
This Passenger Rail Station Feasibility Study is Modesto's initial consideration of where to locate a station in downtown. Transportation infrastructure of all types represents a tremendous investment of public money—StanCOG's 2011 Regional Transportation Plan (Table 3.1, page 66) estimates that the region will receive approximately $1.8 billion from 2012 to 2021 ($180 million annually) and approximately $2.5 billion from 2022 to 2036 ($167 million annually) from all known sources of revenue. Because the expenditures are substantial, planning must begin by developing generalized studies that become more detailed at every stage of the process. Thus, this effort is fairly general, and is being conducted for the purpose of narrowing options and identifying subsequent steps in the station selection and planning process. This process will also help secure additional funding for the project.

Modesto's Urban Area General Plan includes a policy to locate a passenger rail station in downtown, but does not identify a specific site (Policy V.B.6.k.4, page V-10). Modesto has limited ability to identify the location of a future passenger rail station, contingent on such variables as the selection of an alignment for a passenger rail system, which is the discretion of the State of California and the California High Speed Rail Authority, with participation from the San Joaquin Regional Rail Authority.

Modesto is located on Phase 2 of the High Speed Rail system, which includes the Altamont Commuter Express. Phase 2 comprises the Los Angeles to San Diego leg, the Merced to Sacramento leg, and upgrading and extending the existing Altamont Commuter Express service. City staff actively participates in regional (Phase 2) rail planning meetings and workshops.

The study area was established in conjunction with the California High Speed Rail Authority. As it is currently conceived, high speed trains will operate at speeds of up to 220 miles per hour. To ensure passenger comfort, a train traveling at such a high rate of speed must run on tracks with very gentle curves. It is this feature that constrains the passenger rail station study area to the 36 blocks that lie roughly between the Union Pacific Railroad and State Route 99. A map of the study area is shown as **Figure 1**.

On August 10, 2011, the City of Modesto conducted the first workshop for the Passenger Rail Station Feasibility Study. The purpose of this workshop was to present an overview of the project with an emphasis on that portion of the project that will affect Modesto, then to discuss criteria for selecting a location ("siting criteria") for a future passenger rail station.



CA Passenger Rail

Downtown Modesto Station Study Area

Study Area
Study Area Half Mile Radius
Parcels
Union Pacific Railroad
Modesto & Empire Traction Railroad
Existing At-Grade Rail Crossings

The California High Speed Rail Authority has established siting criteria for passenger rail stations. These are identified as criteria 1 through 5 on **Figure 2** and on the tables following the narrative report. Modesto has additional criteria for siting a passenger rail station, criteria 6 through 9 on **Figure 2** and on the tables following the narrative report.

These criteria were introduced to the public at the first workshop, on August 10. Additional siting criteria were solicited from attendees. The attendees' remarks seemed to suggest that the siting criteria are essentially adequate, but that there are larger policy issues the city should consider regarding where future development in Modesto should occur, "feeder" transit service, parking lots, relocating land uses, walkability of areas that cross the future rail alignment, station area development and sensitive uses, and comparable situations outside California. These concerns are identified as 11 through 16 on **Figure 2**. Because they do not specifically assist in evaluating candidate station sites in the study area, they have not been used to evaluate sites, but will be reserved for subsequent discussion of policy.

Station Area Concept

For the purpose of evaluating candidate sites, city blocks that lie within the study area, shown as **Figure 3**, have been numbered. Each block was evaluated individually, however, three or four blocks will need to be assembled for the station. Between 50 feet (minimum) and 100 feet (preferred) of right of way will be required to accommodate northbound and southbound tracks, except in the station area, where four sets of tracks will be required to allow a train to dwell at the platform. Along the 1,400 feet of the platform area, required right of way for trackage is a minimum of 125 feet, with 150 feet preferred; including acceleration and deceleration zones, station-area trackage will extend approximately 4,000 linear feet.

For planning purposes, the estimated minimum station area includes three areas of approximately 300 x 400 feet (one city block) each for a station entry plaza, station house, and transit plaza. Two conceptual station plans are shown on **Figure 4**. Of course, there are many possible configurations that could have a larger or a smaller footprint, but this provides a point of departure for further planning efforts.

Passenger Rail Station Siting Criteria

High Speed Rail Authority/Altamont Commuter Express	+	O	--
1. Higher density within 1/2 mile of station, min. density req.			
2. Mix of land uses and housing types within 1/2 mile of station			
3. Grid street pattern, pedestrian-oriented design, multi-modal access			
4. Context-sensitive building design			
5. Limits on parking for new development; market-rate parking structures			

Modesto	+	O	--
6. Minimize utility relocation costs			
7. Maximize maintenance of existing street connections			
8. Minimize right of way costs			
9. Facilitate access by bus/transit, bicycle, foot traffic			
10.			

Workshop	+	O	--
11. What does Modesto want to become? What/where will development be?			
12. Avoid large parking lots; improve feeder service			
13. Have a plan to relocate transitional industrial development			
14. Address walkability under and around tracks			
15. Locate sensitive uses appropriately with respect to acceleration/deceleration areas			
16. Learn lessons from a similar city outside CA			
17.			

CA Passenger Rail

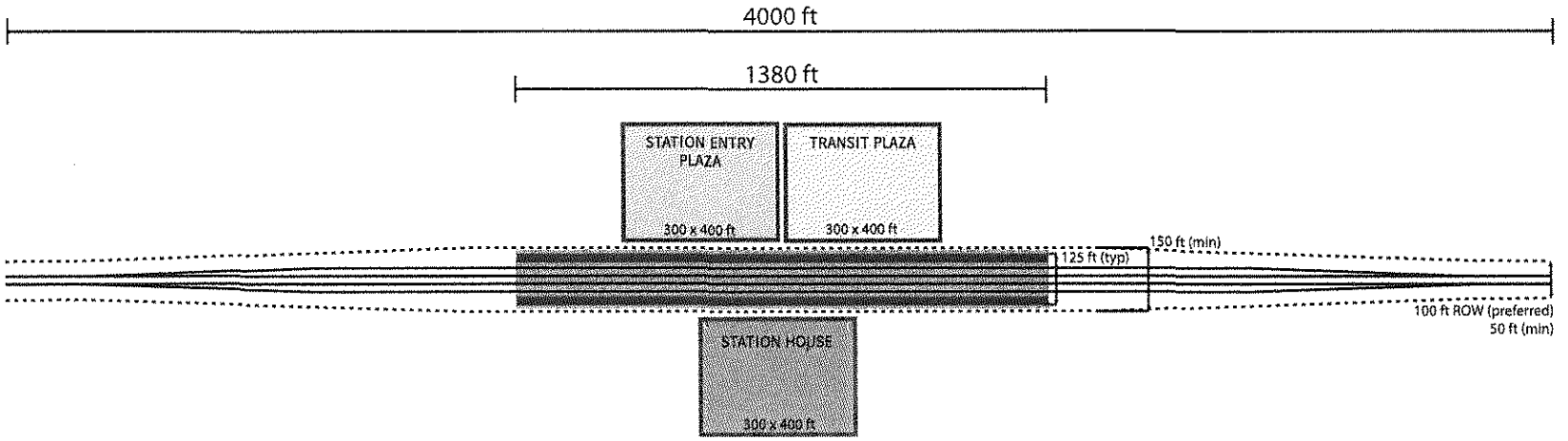
Downtown Modesto Station Study Area

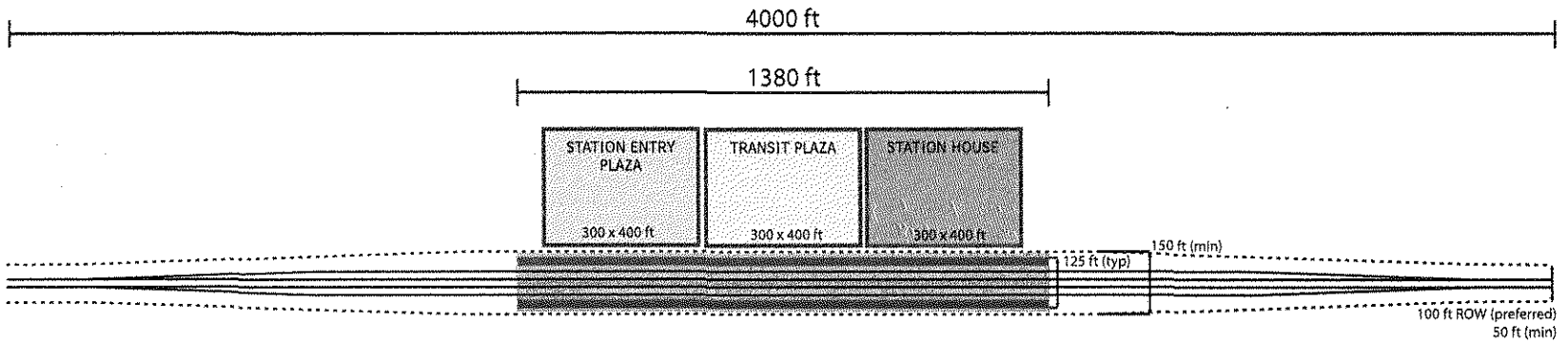
Numbered Blocks

Parcels
Block Areas
Study Area

Union Pacific Railroad
Modesto & Empire Traction Railroad
Existing At-Grade Rail Crossings

CA Passenger Rail
Conceptual Station Plans





Site Evaluation Process

For each block, every criterion was compared to an ideal situation and to the other 35 blocks in the study area. The table that accompanies the list of criteria uses a simple "+," "O," "-- " to rate each criterion, representing "better than typical," "typical," and "worse than typical" ratings. An average rating for the block appears in parentheses just above the table; to develop this number, "+" was assigned 3, "O" was assigned 2, and "—" was assigned 1. The score from each criterion was added up and the total divided by 9. The average score provides a snapshot of staff's evaluation of the site, but it should not preempt the ratings of workshop attendees.

Criterion 1: Higher density within ½ mile of station, minimum density requirements
Conventional single-use zoning generally avoids establishing a minimum density, but instead often indirectly establishes maximum density through either parking requirements or floor area ratio. The Downtown Core zone (a form-based code, which regulates the form and disposition of buildings and streets) allows a broad range of uses in a single building and establishes minimum development densities.

Blocks were rated on the basis of whether they lay well within the Downtown Core (DC) zone, on the perimeter of the DC zone, or outside of the DC zone. All of the blocks in the DC zone are in the Transition District, which is the moderate density portion of the DC zone. The DC zone and the Central District may need to be extended to the eventual station area in order to capture as much value from passenger rail as possible.

Criterion 2: Mix of land use and housing types within ½ mile of station
Both conventional zoning and form-based codes can create a fine-grained mix of land uses. However, form-based codes, like the City's Downtown Core (DC) zone allow different uses to occur in a single building, creating a market-based fine-grained mix of uses. Mixed development can be created with conventional zoning if different zones lie in close proximity to each other and apply to a small area. Nevertheless, conventional zoning restricts uses more than does a form-based code.

Blocks were rated on whether they lay in or near the Downtown Core zone and whether they lay in or near a relatively good mix of conventional zones.

Criterion 3: Grid street pattern, pedestrian orientation, multi-modal access
Modesto's downtown is laid out in a grid, but the grid is interrupted primarily by State Route 99 (SR 99) and the Union Pacific Railroad (UPRR) right of way, which limit access across those facilities. To a lesser extent, connectivity is reduced by the Modesto & Empire Traction line and by the Tuolumne River, which generally limit access to downtown from south of downtown.

Providing good access to a future station site across SR 99 and UPRR was considered most important, since these facilities divide west and east Modesto. As the largest city in the region and having the highest density population and the best potential for even higher density, Modesto is the principal city of concern in this study.

Criterion 4: Context-sensitive building design
Form-based codes, such as the Downtown Core zone, emphasize regulating building form, disposition, and design, rather than use, resulting in context sensitivity. Conventional zoning regulates the use inside the building, rather than the building's context. Blocks were evaluated based up their location in or near the DC zone.

Criterion 5: Limits on parking for new development, market-rate parking
Modesto does not charge market rates for off-street or on-street parking in downtown, all parking is subsidized at this time. However, in downtown, buildings that are being reused need not provide more parking than is currently provided and shared parking is allowed. Each block received the same rating.

Criterion 6: Minimize utility relocation costs
Most blocks are served by or are adjacent to similar utilities: sewer, water, and stormwater pipes, utility holes, and catchbasins, so utility relocation costs would be similar from one block to another. A few blocks are not adjacent to some utilities and so relocation costs would be lower than for other blocks. Some blocks are adjacent to infrastructure that would be very costly to relocate and are rated accordingly.

Criterion 7: Maximize maintenance of existing street connections
This criterion is related to 3 and 9. Access to the eventual passenger rail station is critical, and the development of passenger rail or a passenger rail station may result in a street closure. Blocks in much of the study area are adjacent to streets that provide access from all sides to the external roadway network, but many have more limited access. If the eventual station is sited on blocks that have more limited access, then consideration should be given to establishing new access points across the UPRR and SR 99, which would be difficult and costly. Higher ratings were given to blocks with good access, lower ratings to blocks with poor access, knowing the difficulty of creating new access points.

Criterion 8: Minimize right of way costs
Some land will need to be purchased in order to construct a passenger rail station and rails. Keeping land costs down will help control project costs. Blocks were rated based on the amount of land in public ownership and the relative values of land and improvements. Where land is vacant, acquisition costs are low. Where land value is higher than the value of improvements (underdeveloped), acquisition costs are moderate. Where the value of improvements exceeds land value, the cost of acquisition is high. **Figure 5** shows these relative values.

Criterion 9: Facilitate access by bus/transit, bike, foot traffic
This criterion is related to 7 and was evaluated in a manner very similar to criteron 3. Modesto has limited transit service (30- to 60-minute headways, limited weekend service) and bicycle facilities (there are none in downtown). Some downtown streets, such as 6th and 9th Streets, are wide, have relatively narrow sidewalks, and carry substantial truck traffic. Instead of considering the availability or density of transit, bicycle facilities, and walkability, which are currently limited, roadway connectivity was considered the most important measure of access to a passenger rail site by means other than automobiles, because a dense grid allows good access and appropriate facilities can be added to it as needed.

CA Passenger Rail

Downtown Modesto Station Study Area

Vacant and Underutilized Parcels

Properties in Study Area

- Vacant
- Underdeveloped
- Other

- Study Area
- Union Pacific Railroad
- Modesto & Empire Traction Railroad
- Existing At-Grade Rail Crossings

Workshop 2: Prioritizing Block Groups

Because the exact passenger rail alignment has not yet been selected by the California High Speed Rail Authority, workshop attendees will prioritize blocks in such a way that creates a variety of possible choices, depending upon where passenger rail tracks cross downtown Modesto.

Using average ratings and specific information about each block that has been compiled and evaluated by staff and applying their own preferences, attendees will select groups of three contiguous blocks for the blocks that run between numbered streets:

- Best three contiguous blocks between 9th and 8th Streets
  Blocks 30, 31, 32, 33, 34, 35, 36

- Best three contiguous blocks between 8th and 7th Streets
  Blocks 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29

- Best three contiguous blocks between 7th and 6th Streets
  Blocks 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18

Workshop 2: Report on Results

Approximately one dozen people attended the November 16, 2011, workshop. Following the introduction, including an overview of the entire high speed rail project, the attendees were split into three groups and given the instruction above. Staff assisted each group through the prioritization process, particularly by answering questions about site selection criteria and about the rating sheets for each block that follow the body of this report.

Of the three tables, one table declined to prioritize potential station sites. The remaining two tables set priorities. The first of these identified its top three sites as:

1. Blocks 25, 26, 33, and 34 ("Site A")
2. Blocks 28 and 35 ("Site B")
3. Blocks 23, 24, and 32 ("Site C")

The second group identified its priorities as

1. Blocks 32 and 33 ("Site D")
2. Blocks 24 and 25 ("Site E")

This group identified a larger area, including Blocks 22, 23, 24, 25, 26, 31, 32, and 33, as generally good, excepting St. Stanislaus Catholic Church, and so shared some priorities with the first group (Blocks 23, 24, 25, 26, 32, 33). All of the attendees seemed to prefer locating a station away from State Route 99: no group prioritized blocks between 6th and 7th Streets. All of the prioritized blocks avoid the northerly and southerly edges of the study area, as well.

CA Passenger Rail

Downtown Modesto Station Study Area

Preferred Station Sites

Site A
Site B
Site C
Site D
Site E

Parcels
Block Areas
Study Area

Union Pacific Railroad
Modesto & Empire Traction Railroad
Existing At-Grade Rail Crossings

Block 1: Laurel, N. Washington, N. Jefferson, State Route 99 (1.22)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements			X
2 Mix of land uses and housing types within 1/2 mile of station			X
3 Grid street pattern, pedestrian-oriented design, multi-modal access			X
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic			X

Block 1 is privately owned, is divided into eight lots comprising 2.1 acres, and is currently occupied with both houses and commercial buildings. One lot is vacant and one is underdeveloped.

1. Block 1 and adjacent blocks (2, 3, 18, 20) lie near but outside of Modesto's recently adopted form-based code, which focuses denser development into a 42-block area of downtown. A zone change would be required over a fairly large area.
2. Block 1 is zoned for Commercial-Manufacturing uses and lies in an area surrounded by similar uses and bounded by State Route 99, whose right of way is about 225 feet at that point. Low-density residential development and zoning lie west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. Both of these transportation facilities limit access to Block 1; the only nearby crossing of both facilities is L Street/Maze Boulevard, one block south.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line extends down the alley of Block 1 and an 18-inch line lies in N. Jefferson. Four utility holes are adjacent to the block. There is a 12-inch stormwater line in N. Jefferson and partway down the alley. This line has two catchbasins, four utility holes, and one junction in the bounding streets. Block 1 is served with 8-inch water lines in N. Jefferson, N. Washington, and in the alley. In turn, these lines have two valves and two hydrants on the streets adjoining Block 1.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is poor at this location.
8. Right of way acquisition would be relatively expensive, as the value of buildings on most of the block exceeds the value of the land.
9. Due to poor connectivity to the external roadway network, multi-modal access will also be poor.

Block 2: N. Washington, M, 7th

(1.22)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements			X
2 Mix of land uses and housing types within 1/2 mile of station			X
3 Grid street pattern, pedestrian-oriented design, multi-modal access			X
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic			X

Block 2 is privately owned, is a single lot of 0.49 acres, and is currently occupied with commercial buildings.

1. Block 2 and adjacent blocks (1, 3, 18, 20, 21) lie near but outside of Modesto's recently adopted form-based code, which focuses denser development into a 42-block area of downtown. A zone change to allow denser development would be required over a fairly large area.
2. Block 2 is zoned for Commercial-Manufacturing uses and lies in an area surrounded by similar uses and is one block from State Route 99, whose right of way is about 250 feet at that point. Low-density residential development and zoning lie west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. Both of these transportation facilities limit access to Block 2; the only nearby crossing of both facilities is adjacent L Street/Maze Boulevard.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. Sewer service to Block 2 is provided via a 4-inch pipe that extends across N. Washington Street from the alley immediately west of Block 2. Three sewer utility holes are adjacent to the block. Block 2 is served with an 8-inch water line in N. Washington and there is another 8-inch line in M Street. These lines have five valves and three hydrants on the adjacent streets.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is poor at this location.
8. Right of way acquisition would be relatively expensive, as the value of buildings on the block exceeds the value of the land.
9. Due to poor connectivity to the external roadway network, multi-modal access will also be poor.

Block 3: M, 6th, L, 7th

(1.44)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access			X
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic			X

Block 3 is privately owned and is divided into 14 lots comprising 2.72 acres. Two lots are vacant and one is occupied with a house; 11 lots are occupied with commercial buildings.

1. Block 3 and some adjacent blocks (2, 20, 21) lie near but outside of Modesto's recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Blocks 4 and 22, also adjacent to Block 3, lie within the Transition District of the city's form-based code, an area that allows moderate density. A zone change to allow denser development would be required over a fairly large area.
2. Block 3 is zoned for Commercial-Manufacturing uses and lies in an area surrounded by similar uses, but is also adjacent to property in the form-based code, which can be developed with a variety of uses. State Route 99, whose right of way is about 300 feet at this point, lies adjacent to 6th Street. Low-density residential and commercial zoning lie west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. Both of these transportation facilities limit access to Block 3; the only nearby crossing of both facilities is adjacent L Street/Maze Boulevard.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 3 from the alley and an 8-inch line is in L Street. There are three utility holes adjacent to the site. A 12-inch stormwater pipe serves 6th Street and an 18-inch pipe serves L Street. There are three stormwater utility holes and four catchbasins adjacent to Block 3. Eight-inch water lines lie in the alley, M and L Streets, and 7th Street, which include four valves and three hydrants adjacent to the property.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is poor at this location.
8. Right of way acquisition would be relatively expensive, as the value of buildings on most of the block exceeds the value of the land.
9. Due to poor connectivity to the external roadway network, multi-modal access will also be poor.

Block 4: L, 6th, K, 7th

(2.22)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections		X	
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 4 is privately owned and is divided into 12 lots comprising 2.72 acres. Three lots are vacant and one is occupied with a house; seven lots are occupied with commercial buildings.

1. Block 4 and some adjacent blocks (5, 22, 23) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Blocks 3 and 21, also adjacent to Block 4, are in the Commercial Manufacturing zone. Expanding the form-based code and changing the station area to Central District, which allows the highest density, is desirable.
2. Block 4 is regulated by a form-based code, which allows a wide variety of uses, including residential. The area north of the site is zoned Commercial Manufacturing and Industrial. State Route 99, whose right of way is about 300 feet at this point, lies adjacent to 6th Street and limits the surrounding development potential. The area west of SR 99 is zoned for commercial and high density residential development.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. L and K Streets crosses both SR 99 and the Union Pacific.
4. This block lies within the area regulated by the city's form-based code, which focuses on context sensitivity.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 4 from the alley and there is an 8-inch line in L and 6th Streets. There are four sewer utility holes adjacent to the site. An 18-inch stormwater pipe serves L Street and there are two stormwater utility holes and three catchbasins adjacent to Block 4. There is a 4-inch water line in the alley and 8- and 12-inch lines in L Street, which include six valves and two hydrants adjacent to the property.
7. Street connectivity to this block is good and must be maintained.
8. Right of way acquisition would be relatively expensive, as the value of buildings on most of the block exceeds the value of the land.
9. Good connectivity to the external roadway network will facilitate good multi-modal access.

Block 5: K, 6th, J, 7th

(2.44)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs	X		
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 5 is privately owned and is divided into 11 lots comprising 2.75 acres. One lot is vacant and six are occupied with houses; four lots are occupied with commercial buildings.

1. Block 5 and the adjacent blocks (4, 6, 22, 23, 24) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Changing the station area to Central District, which allows the highest density, is desirable.
2. Block 5 is regulated by a form-based code, which allows a wide variety of uses, including residential. The area north of the site is zoned Commercial Manufacturing and Industrial. State Route 99, whose right of way is about 325 feet at this point, lies adjacent to 6th Street and limits the surrounding development potential. Land west of SR 99 is zoned for commercial and high density residential use.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. L, K, and I Streets cross both SR 99 and the Union Pacific.
4. This block lies within the area regulated by the city's form-based code, which focuses on context sensitivity.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 5 from the alley; there are 8-inch lines in J and 6th Streets and an 18-inch line in J Street. There are seven sewer utility holes adjacent to the site. There is no stormwater infrastructure on or adjacent to this block. There is a 4-inch water line in the alley, which includes three valves and two hydrants adjacent to the property.
7. Street connectivity to this block is good and must be maintained.
8. Right of way acquisition would be relatively expensive, as the value of buildings on most of the block exceeds the value of the land.
9. Good connectivity to the external roadway network will facilitate good multi-modal access.

Block 6: J, 6th, I, 7th

(2.44)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs	X		
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 6 is privately owned and is divided into 11 lots comprising 2.75 acres. One lot is vacant and five are occupied with houses; five lots are occupied with commercial buildings.

1. Block 6 and the adjacent blocks (5, 7, 23, 24, 25) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Changing the station area to Central District, which allows the highest density, is desirable.
2. Block 6 is regulated by a form-based code, which allows a wide variety of uses, including residential. State Route 99, whose right of way is about 325 feet at this point, lies adjacent to 6th Street and limits the surrounding development potential. Land west of SR 99 is zoned for commercial and high density residential use.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. L, K, and I Streets cross both SR 99 and the Union Pacific.
4. This block lies within the area regulated by the city's form-based code, which focuses on context sensitivity.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 6 from the alley; there are an 8- and an 18-inch line in J Street, a 21-inch line in 6th Street, and a 27-inch line in 7th Street. There are seven sewer utility holes adjacent to the site. There is limited stormwater infrastructure adjacent to this block in I Street, including a pipe of unknown or variable diameter in I Street with three catchbasins and two utility holes. There is a 4-inch water line in the alley, which includes two hydrants adjacent to the property, and a water main of undefined size in I Street.
7. Street connectivity to this block is good and must be maintained.
8. Right of way acquisition would be relatively expensive, as the value of buildings on most of the block exceeds the value of the land.
9. Good connectivity to the external roadway network will facilitate good multi-modal access.

Block 7: I, 6th, H, 7th

(2.33)

Passenger Rail Station Siting Criteria

		+	O	--
High Speed Rail Authority/Altamont Commuter Express				
1	Higher density within 1/2 mile of station, minimum density requirements		X	
2	Mix of land uses and housing types within 1/2 mile of station		X	
3	Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4	Context-sensitive building design	X		
5	Limits on parking for new development; market-rate parking structures		X	
		+	O	--
Modesto				
6	Minimize utility relocation costs		X	
7	Maximize maintenance of existing street connections	X		
8	Minimize right of way costs			X
9	Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 7 is privately owned and is divided into eight lots comprising 2.78 acres. Two lots are vacant and two are occupied with houses; four lots are occupied with commercial buildings.

1. Block 7 and the adjacent blocks (6, 8, 24, 25, 26) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Changing the station area to Central District, which allows the highest density, is desirable.
2. Block 7 is regulated by a form-based code, which allows a wide variety of uses, including residential. State Route 99, whose right of way is about 300 feet at this point, lies adjacent to 6th Street and limits the surrounding development potential. Land west of SR 99 is zoned for commercial use.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. I, H, and G Streets cross both SR 99 and the Union Pacific Railroad.
4. This block lies within the area regulated by the city's form-based code, which focuses on context sensitivity.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 7 from the alley; there is a 10-inch line in H Street, a 21-inch line in 6th Street, and a 27-inch line in 7th Street. There are six sewer utility holes adjacent to the site. There are 12-inch stormwater lines in H, I, and 7th Streets fed by 15 catchbasins and served by five utility holes. There is a 4-inch water line in the alley, a main line of undefined size in I Street, and an 8-inch line in H Street. There are three hydrants adjacent to the property.
7. Street connectivity to this block is good and must be maintained.
8. Right of way acquisition would be relatively expensive, as the value of buildings on most of the block exceeds the value of the land.
9. Good connectivity to the external roadway network will facilitate good multi-modal access.

Block 8: H, 6th, G, 7th

(2.33)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 8 is privately owned and is divided into nine lots comprising 2.74 acres. One lot is occupied with a house; the remaining seven lots are occupied with commercial buildings.

1. Block 8 and the adjacent blocks (7, 9, 25, 26, 27) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Changing the station area to Central District, which allows the highest density, is desirable.
2. Block 8 is regulated by a form-based code, which allows a wide variety of uses, including residential. State Route 99, whose right of way is about 310 feet at this point, lies adjacent to 6th Street and limits the surrounding development potential. Land west of SR 99 is zoned for commercial and higher-density residential use.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. I, H, and G Streets cross both SR 99 and the Union Pacific Railroad.
4. This block lies within the area regulated by the city's form-based code, which focuses on context sensitivity.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 8 from the alley; there is a 10-inch line in H Street, a 21-inch line in 6th Street, and a 27-inch line in 7th Street. There are six sewer utility holes adjacent to the site. There are 12-inch stormwater lines in G, H, and 7th Streets fed by 12 catchbasins and served by four utility holes. There is a 4-inch water line in the alley, a 12-inch line in G Street, and an 8-inch line in G and 6th Streets. There are three hydrants adjacent to the property.
7. Street connectivity to this block is good and must be maintained.
8. Right of way acquisition would be relatively expensive, as the value of buildings on most of the block exceeds the value of the land.
9. Good connectivity to the external roadway network will facilitate good multi-modal access.

Block 9: G, 6th, F, 7th

(2.00)

Passenger Rail Station Siting Criteria

		+	O	--
High Speed Rail Authority/Altamont Commuter Express				
1	Higher density within 1/2 mile of station, minimum density requirements		X	
2	Mix of land uses and housing types within 1/2 mile of station		X	
3	Grid street pattern, pedestrian-oriented design, multi-modal access		X	
4	Context-sensitive building design		X	
5	Limits on parking for new development; market-rate parking structures		X	
		+	O	--
Modesto				
6	Minimize utility relocation costs		X	
7	Maximize maintenance of existing street connections		X	
8	Minimize right of way costs		X	
9	Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 9 is privately owned and is divided into seven lots comprising 2.72 acres. One lot is vacant; the remaining six lots are occupied with commercial buildings.

1. Block 9 and the adjacent blocks (8, 10, 26, 27, 28) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Changing the station area to Central District, which allows the highest density, is desirable.
2. Block 9 is regulated by a form-based code, which allows a wide variety of uses, including residential. State Route 99, whose right of way is about 300 feet at this point, lies adjacent to 6th Street and limits the surrounding development potential. Land west of SR 99 is zoned for commercial and medium and medium-high density residential use.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. H and G Streets cross both SR 99 and the Union Pacific Railroad.
4. This block lies within the area regulated by the city's form-based code, which focuses on context sensitivity.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 9 from the alley; there is a 15-inch line in F Street, a 21-inch line in 6th Street, and a 27-inch line in 7th Street. There are six sewer utility holes adjacent to the site. There is a 12-inch stormwater lines in G Street and a 14-inch line in 7th Street fed by four catchbasins and served by three utility holes. There is a 4-inch water line in the alley, a 12-inch line in G Street, and main lines in 7th and F Streets of undefined size. There are five hydrants adjacent to the property.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is poor at this location.
8. Right of way acquisition would be relatively expensive, as the value of buildings on most of the block exceeds the value of the land.
9. Due to modest connectivity to the external roadway network, multi-modal access will also be modest.

Block 10: F, 6th, E, 7th

(1.67)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access			X
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs	X		
9 Facilitate access by bus/transit, bicycle, foot traffic			X

Block 10 is privately owned and is divided into eight lots comprising 2.75 acres. One lot is occupied with a house and two lots are vacant; the remaining five lots are occupied with commercial buildings.

1. Block 10 and adjacent Blocks 11 and 28 are regulated by conventional zoning, which does not establish minimum densities. Development on adjacent Blocks 9 and 27 lie within the Transition District of the Downtown Core zone, which establishes minimum densities. A zone change to allow denser development would be required over a fairly large area.
2. Block 10 is zoned for commercial and industrial uses and lies in an area surrounded by similar uses, but is also adjacent to property in the form-based code, which can be developed with a variety of uses. State Route 99, whose right of way is about 310 feet at this point, lies adjacent to 6th Street. Medium-density residential and commercial zoning lie west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. G Street crosses both SR 99 and the Union Pacific.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 10 from the alley; there is a 15-inch line in F Street, a 21-inch line in 6th Street, and a 30-inch line in 7th Street. There are six sewer utility holes adjacent to the site. There is a 12-inch stormwater line in E Street and a 16-inch line in 7th Street fed by four catchbasins and served by four utility holes. There is a 4-inch water line in the alley and main lines in 7th, F, and E Streets of undefined size. There are five hydrants and five water valves adjacent to the property.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is poor at this location.
8. Right of way acquisition would be relatively inexpensive, as the value of improvements on most of the block is lower than the land value.
9. Due to poor connectivity to the external roadway network, multi-modal access will also be poor.

Block 11: E, 6th, D, 7th

(1.33)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements			X
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access			X
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic			X

Block 11 is privately owned and is divided into nine lots comprising 2.75 acres. One lot is occupied with a house; the remaining eight lots are occupied with commercial buildings.

1. Block 11 is zoned for higher-density residential and industrial use. Adjacent blocks (10, 12, 13, 15, 28) are zoned for commercial use, in addition to higher-density residential and industrial use. Changing the station area to a form-based code to encourage a mix of uses throughout the area is desirable.
2. Block 11 is zoned for higher-density residential and industrial uses and is surrounded by a reasonable variety of zoning. State Route 99, whose right of way is about 400 feet at this point, lies adjacent to 6th Street. Medium-density residential zoning lies west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 11 from the alley; there is a 21-inch line in 6th Street, a 30-inch line in 7th Street, and a 10-inch line in D Street. There are six sewer utility holes adjacent to the site. There is a 12-inch stormwater line in E Street and a 16-inch line in 7th Street fed by five catchbasins and served by four utility holes. There is a 6-inch water line in the alley and a main in E Street. There are three hydrants and one valve adjacent to the property.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is poor at this location.
8. Right of way acquisition would be relatively expensive, as the value of buildings on most of the block exceeds the value of the land.
9. Due to poor connectivity to the external roadway network, multi-modal access will also be poor.

Block 12: D, 6th, State Route 99

(1.44)

Passenger Rail Station Siting Criteria

		+	O	--
High Speed Rail Authority/Altamont Commuter Express				
1	Higher density within 1/2 mile of station, minimum density requirements			X
2	Mix of land uses and housing types within 1/2 mile of station		X	
3	Grid street pattern, pedestrian-oriented design, multi-modal access			X
4	Context-sensitive building design			X
5	Limits on parking for new development; market-rate parking structures		X	
		+	O	--
Modesto				
6	Minimize utility relocation costs	X		
7	Maximize maintenance of existing street connections			X
8	Minimize right of way costs			X
9	Facilitate access by bus/transit, bicycle, foot traffic			X

Block 12 is privately owned and comprises a single 0.19-acre lot occupied with a commercial building.

1. Block 12 is zoned for higher-density residential use. Adjacent blocks (11, 13, 15, 28) are zoned for residential and industrial use. Changing the station area to a form-based code to encourage a mix of uses throughout the area is desirable.
2. Block 12 is zoned for higher-density residential use and is surrounded by a variety of zoning. State Route 99, whose right of way is about 370 feet at this point, lies adjacent to Block 12. Medium-density residential zoning lies west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 12 from D Street; there is also a 21-inch line in 6th Street. There are two sewer utility holes adjacent to the site. There is no stormwater infrastructure adjacent to the site. Water infrastructure is very limited in the vicinity of the site.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is poor at this location.
8. Right of way acquisition would be relatively expensive, as the value of buildings on most of the block exceeds the value of the land.
9. Due to poor connectivity to the external roadway network, multi-modal access will also be poor.

Block 13: D, 6th, Sierra, State Route 99

(1.67)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements			X
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access		X	
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs	X		
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 13 is privately owned and is divided into four lots comprising 0.75 acres. Three lots are occupied with houses; the remaining lot is occupied with a church.

1. Block 13 is zoned for higher-density residential use. Adjacent blocks (11, 12, 14, 15, 16, 17) are zoned for commercial manufacturing, industrial, and residential use. Changing the station area to a form-based code to encourage a mix of uses throughout the area is desirable.
2. Block 13 is zoned for higher-density residential and industrial uses and is surrounded by a reasonable variety of zoning that favors industrial use. State Route 99, whose right of way is about 375 feet at this point, lies adjacent to 6th Street. Residential zoning lies west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. B Street crosses the railroad near Block 13 and crosses SR 99 at a more distant location. Sierra Drive also crosses SR 99.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 13 from the alley; there is a 10-inch line in D Street and a 21-inch line in 6th Street. There are five sewer utility holes adjacent to the site. There is no stormwater infrastructure adjacent to Block 13. There is an 8-inch water line in Sierra Drive and there is one hydrant adjacent to the property.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is moderately good at this location.
8. Right of way acquisition would be relatively expensive, as the value of buildings on the block exceeds the value of the land.
9. Due to moderately good connectivity to the external roadway network, multi-modal access will also be moderately good.

Block 14: Sierra, Calaveras, State Route 99

(1.56)

Passenger Rail Station Siting Criteria

		+	O	--
High Speed Rail Authority/Altamont Commuter Express				
1	Higher density within 1/2 mile of station, minimum density requirements			X
2	Mix of land uses and housing types within 1/2 mile of station			X
3	Grid street pattern, pedestrian-oriented design, multi-modal access		X	
4	Context-sensitive building design			X
5	Limits on parking for new development; market-rate parking structures		X	
		+	O	--
Modesto				
6	Minimize utility relocation costs	X		
7	Maximize maintenance of existing street connections			X
8	Minimize right of way costs			X
9	Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 14 is privately owned and is divided into three lots comprising 0.63 acres. All three lots are occupied with houses.

1. Block 14 is zoned for higher-density residential use. Adjacent blocks (13, 15, 16, 17) are zoned for industrial and residential use. Changing the station area to a form-based code to encourage a mix of uses throughout the area is desirable.
2. Block 14 is zoned for higher-density residential and industrial uses and is surrounded by similar uses. State Route 99, whose right of way is about 300 feet at this point, lies adjacent to the site. Residential zoning lies west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad, State Route 99, and the Tuolumne River, which constrain access to this area. B Street crosses the railroad near Block 14 and crosses SR 99 at a more distant location. 7th Street, near the site, crosses the Tuolumne River. Sierra Drive also crosses SR 99.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 14 from the alley and there is a 21-inch line in Calaveras Street. There are three sewer utility holes adjacent to the site. There is no stormwater infrastructure adjacent to Block 14. There is a water line in the alley and an 8-inch line in Sierra Drive and there is one hydrant adjacent to the property.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is moderate at this location.
8. Right of way acquisition would be relatively expensive, as the value of buildings on the block exceeds the value of the land.
9. Due to moderately good connectivity to the external roadway network, multi-modal access will also be moderately good.

Block 15: D, 6th, C, 7th

(1.56)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements			X
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access		X	
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 15 is privately owned and is divided into 11 lots comprising 2.73 acres. Six lots are occupied with houses and five are occupied with commercial buildings.

1. Block 15 is zoned for higher-density residential and industrial use. Adjacent blocks (11, 12, 13, 14, 15, 16, 17) are zoned for industrial, commercial-manufacturing, and residential use. Changing the station area to a form-based code to encourage a mix of uses throughout the area is desirable.
2. Block 15 is zoned for higher-density residential and industrial uses and is surrounded by similar uses. State Route 99, whose right of way is about 300 feet at this point, is just a block away. Residential zoning lies west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. B Street crosses the railroad near Block 15 and crosses SR 99 at a more distant location. Sierra Drive also crosses SR 99.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 15 from the alley. There is also a 10-inch line in D Street, a 21-inch line in 6th Street, and a 33-inch line in 7th Street. There are six sewer utility holes adjacent to the site. There is a 42-inch stormwater line in 7th Street and one utility hole. There is a 6-inch water line in the alley and there are two hydrants adjacent to the site.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is moderate at this location.
8. Right of way acquisition would be relatively expensive, as the value of most improvements on the block exceeds the value of the land.
9. Due to moderate connectivity to the external roadway network, multi-modal access will also be moderate.

Block 16: C, 7th, Sierra

(1.56)

Passenger Rail Station Siting Criteria

		+	O	--
High Speed Rail Authority/Altamont Commuter Express				
1	Higher density within 1/2 mile of station, minimum density requirements			X
2	Mix of land uses and housing types within 1/2 mile of station		X	
3	Grid street pattern, pedestrian-oriented design, multi-modal access		X	
4	Context-sensitive building design			X
5	Limits on parking for new development; market-rate parking structures		X	
		+	O	--
Modesto				
6	Minimize utility relocation costs		X	
7	Maximize maintenance of existing street connections			X
8	Minimize right of way costs			X
9	Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 16 is privately owned, comprising one 0.21 acre-lot, which is occupied with commercial buildings.

1. Block 16 is zoned for commercial manufacturing use. Adjacent blocks (14, 15, 17, 29) are zoned for industrial, commercial-manufacturing, and residential use. Changing the station area to a form-based code to encourage a mix of uses throughout the area is desirable.
2. Block 16 is zoned for commercial manufacturing use and is surrounded by residential and industrially zoned land. State Route 99, whose right of way is about 375 feet at this point, is just a block away. Residential zoning lies west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. B Street crosses the railroad near Block 15 and crosses SR 99 at a more distant location. Sierra Drive also crosses SR 99.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 15 from the alley. There is also a 10-inch line in D Street, a 21-inch line in 6th Street, and a 33-inch line in 7th Street. There are six sewer utility holes adjacent to the site. There is a 42-inch stormwater line in 7th Street and one utility hole. There is a 6-inch water line in the alley and there are two hydrants adjacent to the site.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is moderate at this location.
8. Right of way acquisition would be relatively expensive, as the value of most improvements on the block exceeds the value of the land.
9. Due to moderately good connectivity to the external roadway network, multi-modal access will also be moderately good.

Block 17: Calaveras, 7th, Sierra

(1.67)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements			X
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access		X	
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections		X	
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 17 is privately owned, comprising 1.23 acres in two lots and part of a second lot. One lot is occupied with a house, while the other two are occupied with commercial buildings. The configuration of this "block" is an artifact of the study area boundary.

1. Block 17 is zoned for office and commercial manufacturing. Adjacent blocks (13, 14, 15, 16, 29) are zoned for industrial, commercial-manufacturing, and residential use. Changing the station area to a form-based code to encourage a mix of uses throughout the area is desirable.
2. Block 17 is zoned for office and commercial manufacturing use and is surrounded by residential and industrially zoned land. State Route 99, whose right of way is about 310 feet at this point, is just a block away. Residential zoning lies west of SR 99.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad, State Route 99, and the Tuolumne River, which constrain access to this area. B Street crosses the railroad near Block 15 and crosses SR 99 at a more distant location. Sierra Drive also crosses SR 99 and 7th Street crosses the Tuolumne River.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. An 8-inch sewer line serves Block 17 from the alley and a 6-inch line crosses part of the block. There is also a 21-inch line in Calaveras Street and a 33-inch line in 7th Street. There are four sewer utility holes adjacent to the site. There is a 42-inch stormwater line in 7th Street, including two catchbasins and two utility holes. There is a water line in the alley and an 8-inch line in Sierra Drive; there is one hydrant adjacent to the site.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is moderate at this location.
8. Right of way acquisition would be relatively expensive, as the value of most improvements on the block exceeds the value of the land.
9. Due to moderately good connectivity to the external roadway network, multi-modal access will also be moderately good.

Block 18: Elm, N. Washington, Laurel, N. Jefferson (1.56)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements			X
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access			X
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs		X	
9 Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 18 comprises 2.39 acres in nine lots. Two lots are owned by the City of Modesto and the rest are privately owned. Four lots are occupied by houses and one is vacant; the other four lots are occupied with commercial buildings.

1. Block 18 is zoned for commercial manufacturing. Adjacent blocks (1, 2, 19, 20) are zoned for industrial and commercial-manufacturing use. Changing the station area to a form-based code to encourage a mix of uses throughout the area is desirable.
2. The immediate area of Block 18 is zoned for commercial manufacturing and industrial use; residentially zoned land lies west of State Route 99 and commercial land lies east of the Union Pacific Railroad.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. The closest crossing is L Street, two blocks south.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 18 from the alley and a 18-inch line lies in N. Jefferson. There are four sewer utility holes adjacent to the site. There is a 12-inch stormwater line in N. Jefferson Street, including three catchbasins and two utility holes. There is a water line in the alley and in Elm Street, as well as an 8-inch line in N. Washington Street; there are six valves, and two hydrants adjacent to the site.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is poor at this location.
8. Right of way acquisition would be relatively expensive, as the value of most improvements on the block exceeds the value of the land, although two properties are publicly-owned.
9. Due to poor connectivity to the external roadway network, multi-modal access will also be poor.

Block 19: Elm, N. Washington, 8th, N. Jefferson (1.44)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements			X
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access			X
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs			X
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs	X		
9 Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 19 comprises 3.25 acres in two lots owned by the City of Modesto. The site is part of the city's corporation yard and is occupied by industrial buildings.

1. Block 19 is zoned for commercial manufacturing. Adjacent blocks (18, 20) are zoned for industrial and commercial-manufacturing use. Changing the station area to a form-based code to encourage a mix of uses throughout the area is desirable.
2. The immediate area of Block 19 is zoned for commercial manufacturing and industrial use; residentially zoned land lies west of State Route 99 and commercial land lies east of the Union Pacific Railroad.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. The closest crossing is L Street, two blocks south.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 16-inch sewer line serves Block 19 from N. Jefferson and there is a lift station located on the site. There are four sewer utility holes adjacent to the site. There are 12-inch stormwater lines in N. Jefferson and 8th Streets. There are seven catchbasins and five stormwater utility holes. There are water lines in N. Jefferson and Elm Streets and an 8-inch line in 8th Street. There are three valves and two hydrants adjacent to the site.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is poor at this location.
8. Right of way acquisition would be relatively inexpensive, as the entire block is publicly owned and the buildings are relatively low-value structures.
9. Due to poor connectivity to the external roadway network, multi-modal access will also be poor.

Block 20: 7th, N. Washington, 8th, M

(1.44)

Passenger Rail Station Siting Criteria

		+	O	--
High Speed Rail Authority/Altamont Commuter Express				
1	Higher density within 1/2 mile of station, minimum density requirements			X
2	Mix of land uses and housing types within 1/2 mile of station		X	
3	Grid street pattern, pedestrian-oriented design, multi-modal access			X
4	Context-sensitive building design			X
5	Limits on parking for new development; market-rate parking structures		X	
		+	O	--
Modesto				
6	Minimize utility relocation costs		X	
7	Maximize maintenance of existing street connections			X
8	Minimize right of way costs			X
9	Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 20 comprises 3.31 acres in seven lots. One lot is owned by the Modesto Irrigation District, which has an electrical substation there; the other six are privately owned.

1. Block 20 is zoned for industrial and commercial manufacturing uses. Adjacent blocks (2, 3, 18, 19, 21) are zoned similarly. Changing the station area to a form-based code to encourage a mix of uses throughout the area is desirable.
2. The immediate area of Block 20 is zoned for commercial manufacturing and industrial use; residentially zoned land lies west of State Route 99 and commercial land lies east of the Union Pacific Railroad.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. The closest crossing is L Street, one block south.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 20 from the alley; another 6-inch line serves the block from 7th Street. There are six sewer utility holes adjacent to the site. There is a 12-inch stormwater line in M Street and a 15-inch stormwater line in 8th Street. There are three catchbasins and five stormwater utility holes. The block is served by a 4-inch line from the alley and there are 8-inch lines in N. Washington and M Streets. There are two hydrants adjacent to the site.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is poor at this location.
8. Right of way acquisition would be relatively expensive, as most of block is privately held and the publicly-owned piece is occupied by an electrical substation.
9. Due to poor connectivity to the external roadway network, multi-modal access will also be poor.

Block 21: L, 7th, M, 8th

(1.56)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access			X
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 21 comprises 2.73 acres in 25 privately-held lots, including an 18-unit commercial condominium. Three vacant lots are the former site of Modesto Steam; the remaining lots are occupied with commercial buildings.

1. Block 21 is zoned for industrial and commercial manufacturing uses. Adjacent blocks (2, 3, 20) are zoned similarly, however blocks 4 and 22 lie within the Transitional District of Modesto's form-based code. Changing the station area to a form-based code to facilitate a mix of uses throughout the area is desirable.
2. The immediate area of Block 21 is zoned for commercial manufacturing and industrial use; residentially zoned land lies west of State Route 99 and commercial land lies east of the Union Pacific Railroad.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. The closest crossing of these facilities is adjacent L Street.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 21 from the alley and there is an 8-inch line in L Street. There are four sewer utility holes adjacent to the site. There is a 12-inch stormwater line in M Street, a 15-inch stormwater line in 8th Street, and an 18-inch line in L Street. There are seven catchbasins and four stormwater utility holes. The block is served by a 4-inch line from the alley and there are 8-inch lines in L, M, and 7th Streets, as well as another 12-inch line in L Street. There are two hydrants and four valves adjacent to the site.
7. In order for this block to be used for a passenger rail station, maintenance and enhancement of street connectivity would be the highest priority, as existing connectivity is moderately good at this location.
8. Right of way acquisition would be relatively expensive, as the entire block is privately held.
9. Due to moderately good connectivity to the external roadway network, multi-modal access will also be moderately good.

Block 22: K, 7th, L, 8th

(2.33)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 22 comprises 2.77 acres in five lots. Two small lots are owned by the City of Modesto and three large lots are privately held. Modesto operates a well (#3) at this site, however, the well has been contaminated by PCE from Modesto Steam and is not currently operating. The City plans to remediate the well. The privately-owned lots are occupied with commercial buildings.

1. Block 22 and some adjacent blocks (4, 5, 23, 31) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Blocks 3, 21, and 30, also adjacent to Block 22, are in the commercial manufacturing and industrial zones. Changing the station area to Central District, which allows the highest density, is desirable.
2. The immediate vicinity of Block 22 allows a variety of uses, although the single-use zones north of the site are more restrictive than is the form-based code. Residentially-zoned land lies west of State Route 99. The high-density Central District two blocks west of the site.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. Both L and K Streets cross both facilities, providing good connectivity.
4. Block 22 is regulated by the city's form-based code, which focuses on context sensitivity. The form-based code could be expanded to nearby areas to allow better station-area development.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 22 from the alley and there is an 8-inch line in L Street, as well as a 27-inch line in K Street. There are five sewer utility holes adjacent to the site. There is an 18-inch line in L Street and a 12-inch line in the alley. There are four catchbasins and three stormwater utility holes adjacent to the block. The block is served by a 12-inch water line from the alley and there are 8- and 12-inch water lines in L Street, as well as 6- and 12-inch lines in K Street. There are eight valves adjacent to the site.
7. Street connectivity is good and must be maintained.
8. Right of way acquisition would be relatively expensive, as most of the block is privately held.
9. Good connectivity to the external roadway network will result in good multi-modal access.

Block 23: K, 7th, J, 8th

(2.44)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs	X		
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 23 comprises 2.75 acres in four privately-owned lots. One lot is occupied by historic St. Stanislaus Cathedral (1910) and the remaining lots are occupied with commercial buildings.

1. Block 23 and adjacent blocks (4, 5, 6, 22, 24, 31, 32) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Changing the station area to Central District, which allows the highest density, is desirable.
2. The immediate vicinity of Block 23 allows a variety of uses, although the single-use zones north of the site are more restrictive than is the form-based code. Commercial and residentially-zoned land lies west of State Route 99. The high-density Central District is two blocks west of the site.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. L, K, and I Streets cross both facilities, providing good connectivity.
4. Block 23 is regulated by the city's form-based code, which focuses on context sensitivity. The form-based code could be expanded to nearby areas to allow better station-area development.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 23 from the alley. There are also a 27-inch line in K Street, an 8- and an 18-inch line in J Street, and a 27-inch line in 7th Street and seven sewer utility holes adjacent to the site. There is no stormwater infrastructure adjacent to the site. The block is served by a 12-inch water line from the alley and there are 6- and 12-inch lines in K Street. There are six valves and one hydrant adjacent to Block 23.
7. Street connectivity is good and must be maintained.
8. Right of way acquisition would be relatively expensive, as most of the block is privately held.
9. Good connectivity to the external roadway network will result in good multi-modal access.

Block 24: J, 7th, I, 8th

(2.56)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station	X		
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs	X		
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 24 comprises 2.75 acres in eight privately-owned lots. Two lots are vacant, one is occupied with a house, and five are occupied with commercial buildings.

1. Block 24 and adjacent blocks (5, 6, 7, 23, 25, 31, 32) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Changing the station area to Central District, which allows the highest density, is desirable.
2. The immediate vicinity of Block 24 allows a variety of uses, although the single-use zones north of the site are more restrictive than is the form-based code. Commercial and residentially-zoned land lies west of State Route 99. The high-density Central District is two blocks west of the site.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. Nearby K, I, and H Streets cross both facilities, providing good connectivity.
4. Block 24 is regulated by the city's form-based code, which focuses on context sensitivity. The form-based code could be expanded to nearby areas to allow better station-area development.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 24 from the alley. There is also a 27-inch line in 7th Street, a 10-inch line in 8th Street, and 8- and 18-inch lines in J Street, as well as six sewer utility holes adjacent to the site. There is minimal stormwater infrastructure adjacent to the site, in the form of a line of unknown diameter in I Street served by three adjacent catchbasins and two utility holes. The block is served by a 12-inch water line from the alley and a main in I Street. There is one adjacent valve and one adjacent hydrant.
7. Street connectivity is good and must be maintained.
8. Right of way acquisition would be relatively expensive, as the block is privately held.
9. Good connectivity to the external roadway network will result in good multi-modal access.

Block 25: I, 7th, H, 8th

(2.44)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station	X		
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 25 comprises 2.82 acres in eight privately-owned lots. One lot is vacant and seven are occupied with commercial buildings.

1. Block 25 and adjacent blocks (6, 7, 8, 24, 26, 32, 33, 34) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Changing the station area to Central District, which allows the highest density, is desirable.
2. The immediate vicinity of Block 25 allows a variety of uses. Commercially-zoned land lies west of State Route 99. The high-density Central District is two blocks west of the site.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. Nearby I, H, and G Streets cross both facilities, providing good connectivity.
4. Block 25 is regulated by the city's form-based code, which focuses on context sensitivity. The form-based code could be expanded to nearby areas to allow better station-area development.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 25 from the alley. There is also a 27-inch line in 7th Street, a 10-inch line in 8th Street, and a 10-inch line in H Street, as well as four sewer utility holes adjacent to the site. There is a 12-inch stormwater collection pipe in 7th Street served by three adjacent catchbasins and two utility holes. The block is served by a 12-inch water line from the alley and an 8-inch water line in H Street. There are four adjacent valves and three adjacent hydrants.
7. Street connectivity is good and must be maintained.
8. Right of way acquisition would be relatively expensive, as the block is privately held.
9. Good connectivity to the external roadway network will result in good multi-modal access.

Block 26: H, 7th, G, 8th

(2.44)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs		X	
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 26 comprises 2.72 acres in 14 privately-owned lots. Four lots are vacant, two are occupied by houses, and eight are occupied with commercial buildings.

1. Block 26 and adjacent blocks (7, 8, 9, 25, 27, 33, 34, 35) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Changing the station area to Central District, which allows the highest density, is desirable.
2. The immediate vicinity of Block 26 allows a variety of uses. Commercial and residentially-zoned land lies west of State Route 99. The high-density Central District is two blocks west of the site.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. Nearby I, H, and G Streets cross both facilities, providing good connectivity.
4. Block 26 is regulated by the city's form-based code, which focuses on context sensitivity. The form-based code could be expanded to nearby areas to allow better station-area development.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 26 from the alley. There is also a 27-inch line in 7th Street, a 10-inch line in H Street, as well as four sewer utility holes adjacent to the site. There is a 12-inch stormwater collection pipe in 7th Street fed by two adjacent catchbasins and two utility holes. The block is served by a 12-inch water line from the alley. There is also a 12-inch water line in G Street and an 8-inch line in H Street. There are four adjacent valves and one adjacent hydrant.
7. Street connectivity is good and must be maintained.
8. Right of way acquisition would be relatively inexpensive, as the value of buildings on the block is generally less than the value of the land.
9. Good connectivity to the external roadway network will result in good multi-modal access.

Block 27: G, 7th, F, 8th

(2.33)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 27 comprises 2.75 acres in nine privately-owned lots. Two lots are vacant and seven are occupied with commercial buildings.

1. Block 27 and adjacent blocks (8, 9, 26, 34, 35) lie within the moderate-density Transition District of the recently adopted form-based code, which focuses denser development into a 42-block area of downtown. Blocks 10 and 28 are zoned for industrial use. Changing the station area to Central District, which allows the highest density, is desirable.
2. The immediate vicinity of Block 27 allows a variety of uses, including industrial development adjacent and commercial and residentially-zoned land west of State Route 99. The high-density Central District is two blocks west of the site.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99, which constrain access to this area. Nearby H and G Streets cross both facilities, providing good connectivity.
4. Block 27 is regulated by the city's form-based code, which focuses on context sensitivity. The form-based code could be expanded to nearby areas to allow better station-area development.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. A 6-inch sewer line serves Block 27 from the alley. There is also a 27-inch line in 7th Street and a 15-inch line in F Street, as well as five sewer utility holes adjacent to the site. There is a 14-inch stormwater collection pipe in 7th Street fed by two adjacent catchbasins and two utility holes. The block is served by a 4-inch water line from the alley. There is also a 12-inch water line in G Street and a main line in F Street. There are four adjacent valves and three adjacent hydrants.
7. Street connectivity is good and must be maintained.
8. Right of way acquisition would be relatively expensive, as the block is privately held and the value of buildings on most lots exceeds the value of the land.
9. Good connectivity to the external roadway network will result in good multi-modal access.

Block 28: F, 7th, Union Pacific

(2.11)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station	X		
3 Grid street pattern, pedestrian-oriented design, multi-modal access		X	
4 Context-sensitive building design		X	
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections		X	
8 Minimize right of way costs		X	
9 Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 28 comprises 5.86 acres in five privately-owned lots. One lot is vacant and four are occupied with commercial buildings.

1. Block 28 and adjacent blocks (10, 11, 15, 29, 35, 26) lie outside the form-based code. Adjacent Blocks 9 and 27 are included in the moderate density Transition District of the Downtown Core zone, which has minimum density requirements. Changing the station area to Central District, which allows the highest density, is desirable.
2. The immediate vicinity of Block 28 allows a variety of uses, including industrial development adjacent and commercial and residentially-zoned land west of State Route 99. The Downtown Core zone, which allows a variety of uses, lies north of and adjacent to the site.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad, State Route 99, and the Tuolumne River. G Street crosses both SR 99 and the Union Pacific Railroad. Sierra Drive also crosses SR 99, providing good connectivity. 7th and 9th Streets cross the Tuolumne River.
4. This block lies outside of, but adjacent to, the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area to allow better station-area development.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. Sewer lines adjacent to Block 28 include a 30-33-inch line in 7th Street, a 15-inch line in F Street, and 10-inch and 27-inch sewer lines crossing midblock. There are eight sewer utility holes adjacent to or on the site. There is a 16-to-42-inch stormwater collection pipe in 7th Street and a 42-inch pipe crossing midblock. These lines are fed by one adjacent catchbasin and one utility hole. There are water lines in 7th Street and in F Street. There are three adjacent valves and two adjacent hydrants.
7. Street connectivity is moderately good and must be maintained.
8. Right of way acquisition would be relatively inexpensive, as the value of buildings on most lots is less than the value of the land.
9. Moderately good connectivity to the external roadway network will result in moderately good multi-modal access.

Block 29: Union Pacific, B, M&ET, Beard

(1.78)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station	X		
3 Grid street pattern, pedestrian-oriented design, multi-modal access			X
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
Modesto	+	O	--
6 Minimize utility relocation costs	X		
7 Maximize maintenance of existing street connections			X
8 Minimize right of way costs		X	
9 Facilitate access by bus/transit, bicycle, foot traffic			X

Block 29 comprises a single 1.06-acre, privately-owned lot, that is occupied by commercial buildings.

1. Block 29 and adjacent blocks (15, 16, 28, 36) lie outside the Downtown Core zone, which has minimum density requirements. This block is zoned for industrial use; areas nearby include various residential densities, commercial, and commercial manufacturing uses. Changing the station area to Central District, which allows the highest density and has minimum density requirements, is desirable.
2. The immediate vicinity of Block 29 allows a variety of uses, as noted above. The Downtown Core zone, which allows a variety of uses in a single building, lies north of F Street.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad, Modesto & Empire Traction, State Route 99, and the Tuolumne River. B Street crosses both SR 99 and the Union Pacific Railroad. Sierra Drive also crosses SR 99 and 7th Street crosses the Tuolumne River. Because of this block's adjacency to two railroad rights of way, it is particularly difficult to access.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area to allow better station-area development.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. Sewer lines adjacent to Block 29 include 4-inch lines in B Street and an 8-inch line in Beard Street. There are two sewer utility holes adjacent to the site. There is no stormwater infrastructure adjacent to Block 29. There is a 6-inch water line in Beard Street and a water main in B Street. There is one hydrant adjacent to the block.
7. Street connectivity is poor. This site could be included in the station, but access must be improved.
8. Right of way acquisition would be relatively inexpensive, as the block is privately held and the land value exceeds the value of buildings.
9. Poor connectivity to the external roadway network will result in poor multi-modal access.

Block 30: Union Pacific, Needham overpass, 9th, L (2.00)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station		X	
3 Grid street pattern, pedestrian-oriented design, multi-modal access		X	
4 Context-sensitive building design			X
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs	X		
7 Maximize maintenance of existing street connections		X	
8 Minimize right of way costs		X	
9 Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 30 is a 6.68-acre block that is divided into seven lots, of which six are privately owned and one is owned by the City of Modesto. There is one vacant lot, the rest are occupied by commercial buildings.

1. Block 30 and adjacent blocks (19, 20, 21) lie outside the Downtown Core zone, which has minimum density requirements. This block is zoned for industrial use; areas nearby also allow commercial manufacturing and commercial uses. Adjacent Blocks 22 and 31 are in the Transitional District of the Downtown Core zone, which has minimum density requirements. Changing the station area to Central District, which allows the highest density, is desirable.
2. The immediate vicinity of Block 30 allows a variety of uses, as noted above. The Downtown Core zone, which allows a variety of uses in a single building, lies south of L Street.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. Adjacent L Street crosses both of these facilities. The block's adjacency to the Union Pacific right of way generally limits access, however, the long frontage of the block could be used to good advantage.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area to allow better station-area development.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. Sewer lines adjacent to Block 30 include 16-inch line that crosses midblock, a 27-inch line and an 8-inch line in 9th Street, and an 8-inch line in L Street. There are 15 sewer utility holes adjacent to the site. There is a 36-42-inch stormwater collection pipe in 9th Street, served by five catchbasins and eight utility holes. There is an 8-inch water line in 9th Street and a 12-inch line in L Street. There are one valve and four hydrants adjacent to the block.
7. Street connectivity is moderately good.
8. Right of way acquisition would be relatively inexpensive, as the block is privately held and the land value often exceeds the value of buildings on a particular lot.
9. Moderately good connectivity to the external roadway network will result in moderately good multi-modal access.

Block 31: Union Pacific, L, 9th, K

(2.78)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements	X		
2 Mix of land uses and housing types within 1/2 mile of station	X		
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs	X		
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 31 is a single-lot, 1.63-acre block that is currently owned by the City of Modesto and is developed with a parking structure. The City has a contract with the Doubletree Hotel that authorizes joint use of the City-owned structure, but which surrenders use to the Doubletree Hotel around 2020.

1. Block 31 and adjacent blocks (22, 23, 32) lie within the Transition District of the Downtown Core zone, which has minimum density requirements. Adjacent blocks 30 and 21 are zoned for industrial and commercial manufacturing uses. Extending the Central District to the station, just a block away, which allows the highest density, is desirable. Alternatively, this structure could be used by patrons of passenger rail if changes were made to the existing contract with the Doubletree Hotel.
2. The immediate vicinity of Block 31 allows a variety of uses, as noted above. The Downtown Core zone, which allows a variety of uses in a single building, regulates the area south of L Street.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. Adjacent L and K Streets cross both of these facilities.
4. This block lies in the Transition District of the Downtown Core zone, which focuses on context sensitivity.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. Sewer lines adjacent to Block 31 include 8-inch lines in L and 9th Streets and a 27-inch line in K Street. There are five sewer utility holes adjacent to the site. There is an 18-inch stormwater collection pipe in L Street and a 42-inch pipe in 9th Street, as well as a pipe in K Street, which are served by two adjacent catchbasins and six adjacent utility holes. There is a 12-inch line in L Street, another water line in 9th Street and two water mains in K Street. There are three valves and two hydrants adjacent to the block.
7. Street connectivity is good.
8. Right of way acquisition would be relatively inexpensive, as the block is owned entirely by the City of Modesto and the value of the parking structure is less than the value of the land.
9. Good connectivity to the external roadway network will result in good multi-modal access.

Block 32: Union Pacific, K, 9th, I

(2.78)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements	X		
2 Mix of land uses and housing types within 1/2 mile of station	X		
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs	X		
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 32 is a single-lot 3.54-acre block that is currently owned by the City of Modesto and is the site of the City's transit center. The site is occupied in part by the historically significant Southern Pacific Railroad Depot (1915), which is on the City's Landmark Preservation list (#19).

1. Block 32 and adjacent blocks (22, 23, 24, 25, 31, 33) lie within the Transition District of the Downtown Core zone, which has minimum density requirements. Extending the Central District to the station, just a block away, which allows the highest density, is desirable.
2. The immediate vicinity of Block 32 allows a variety of uses. The Downtown Core zone, which allows a variety of uses in a single building, regulates development in the area.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. Adjacent K and I Streets cross both of these facilities.
4. This block lies in the Transition District of the Downtown Core zone, which focuses on context sensitivity.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. Sewer lines adjacent to Block 32 include 27-inch line in K Street, 8- and 12-inch lines in 9th Street, 8- and 18-inch lines crossing the site, and a 4-inch line serving the site from I Street. There are nine sewer utility holes adjacent to the site. There is a 42-inch stormwater collection pipe in 9th Street, as well as a pipe stubs in K and I Streets, which are served by five adjacent catchbasins and four adjacent utility holes. There are two water mains in K Street, a main in I Street, and a main in 9th Street. Another main traverses the site parallel to 9th Street. There are eight valves and five hydrants adjacent to or on Block 32.
7. Street connectivity is good.
8. Right of way acquisition would be relatively inexpensive, as the block is owned entirely by the City of Modesto.
9. Good connectivity to the external roadway network will result in good multi-modal access.

Block 33: Union Pacific, I, 9th, H

(2.67)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements	X		
2 Mix of land uses and housing types within 1/2 mile of station	X		
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs		X	
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 33 is a privately-owned 1.57-acre block divided into two lots. Each lot is occupied by a commercial building.

1. Block 33 and adjacent blocks (24, 25, 26, 32, 34) lie within the Transition District of the Downtown Core zone, which has minimum density requirements. Extending the Central District to the station, just a block away, which allows the highest density, is desirable.
2. The immediate vicinity of Block 33 allows a variety of uses. The Downtown Core zone, which allows a variety of uses in a single building, regulates development in the area.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. Adjacent I and H Streets cross both of these facilities.
4. This block lies in the Transition District of the Downtown Core zone, which focuses on context sensitivity.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. Sewer lines adjacent to Block 33 include a 12-inch line in 9th Street and a 12-inch line in H Street. There are three sewer utility holes adjacent to the site. There is a 42-inch stormwater collection pipe in 9th Street, as well as 12-inch pipe stubs in I and H Streets, which are served by two adjacent catchbasins and three adjacent utility holes. There is a water main in I Street and one in 9th Street. There are two hydrants adjacent to Block 33.
7. Street connectivity is good.
8. Right of way acquisition would be relatively expensive, as the block is privately-owned and building values are roughly equal to land values.
9. Good connectivity to the external roadway network will result in good multi-modal access.

Block 34: Union Pacific, H, 9th, G

(2.56)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements	X		
2 Mix of land uses and housing types within 1/2 mile of station	X		
3 Grid street pattern, pedestrian-oriented design, multi-modal access	X		
4 Context-sensitive building design	X		
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections	X		
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic	X		

Block 34 is a privately-owned 1.62-acre block divided into four lots. Each lot is occupied by a commercial building.

1. Block 34 and adjacent blocks (25, 26, 27, 33, 35) lie within the Transition District of the Downtown Core zone, which has minimum density requirements. Extending the Central District to the station, just a block away, which allows the highest density, is desirable.
2. The immediate vicinity of Block 34 allows a variety of uses. The Downtown Core zone, which allows a variety of uses in a single building, regulates development in the area.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. Adjacent I and H Streets cross both of these facilities.
4. This block lies in the Transition District of the Downtown Core zone, which focuses on context sensitivity.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. Sewer lines adjacent to Block 34 include a 12-inch line in H Street and a 14-inch line in 9th Street Street. There are four sewer utility holes adjacent to the site. There is a 42-inch stormwater collection pipe in 9th Street, as well as a 12-inch pipe in H Street, which are served by three adjacent catchbasins and three adjacent utility holes. There is a water main in 9th Street and a 12-inch water line in G Street. There is one hydrant adjacent to Block 34.
7. Street connectivity is good.
8. Right of way acquisition would be relatively expensive, as the block is privately-owned and building values are roughly equal to land values.
9. Good connectivity to the external roadway network will result in good multi-modal access.

Block 35: Union Pacific, G, 9th, D

(2.17)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station	X		
3 Grid street pattern, pedestrian-oriented design, multi-modal access		X	
4 Context-sensitive building design		X+	
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections		X	
8 Minimize right of way costs		X	
9 Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 35 is a privately-owned 8.05-acre block divided into five lots. Three lots are vacant and two are occupied by commercial buildings.

1. One-third of Block 35 and adjacent blocks (26, 27, 34) lie within the Transition District of the Downtown Core zone, which has minimum density requirements. Two-thirds of Block 35 and adjacent Blocks 28 and 36 lie outside the Downtown Core zone and are regulated by conventional zoning, which does not establish minimum densities. Extending the Central District to the station, just a block away, which allows the highest density, is desirable.
2. The immediate vicinity of Block 35 allows a variety of uses. One-third of the block allows various uses in a single building, as do surrounding blocks to the north, west, and east, all of which lie in the Downtown Core zone. Two-thirds of Block 35 and the blocks to the south are zoned for industrial use.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad and State Route 99. Adjacent I and H Streets cross both of these facilities.
4. One-third of this block lies in the Transition District of the Downtown Core zone, which focuses on context sensitivity, hence the hybrid rating for this criterion.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. Sewer lines adjacent to Block 35 include a 14-16-inch line in 9th Street, a 10-inch and a 27-inch sewer line in D Street, and a 15-inch line crossing the site midblock. There are 15 sewer utility holes adjacent to the site. There is a 42-inch stormwater collection pipe in 9th Street and a 42-inch pipe in D Street, which are served by three adjacent catchbasins and five adjacent utility holes. There is a 12-inch water line in G Street, and water mains in both 9th and D Streets. There are three hydrants adjacent to Block 35.
7. Street connectivity is moderately good.
8. Right of way acquisition would be relatively inexpensive; although the block is privately-owned, improvement values are generally less than land values.
9. Moderately good connectivity to the external roadway network will result in moderately good multi-modal access.

Block 36: M&ET/Beard, D, 9th, B

(2.00)

Passenger Rail Station Siting Criteria

	+	O	--
High Speed Rail Authority/Altamont Commuter Express			
1 Higher density within 1/2 mile of station, minimum density requirements		X	
2 Mix of land uses and housing types within 1/2 mile of station	X		
3 Grid street pattern, pedestrian-oriented design, multi-modal access		X	
4 Context-sensitive building design		X	
5 Limits on parking for new development; market-rate parking structures		X	
	+	O	--
Modesto			
6 Minimize utility relocation costs		X	
7 Maximize maintenance of existing street connections		X	
8 Minimize right of way costs			X
9 Facilitate access by bus/transit, bicycle, foot traffic		X	

Block 36 is a single-lot, privately-owned 9.1-acre block that is occupied by commercial buildings.

1. Block 36 and adjacent blocks (15, 16, 19, 35) lie outside the Downtown Core zone, which establishes minimum density requirements, and are instead regulated by conventional zoning, which does not establish minimum densities. Extending the Central District to the station is desirable.
2. The immediate vicinity of Block 36 allows a variety of uses in limited-use zones. Most properties are zoned for industrial use, but areas nearby are also zoned for commercial manufacturing, commercial, higher density residential, and low density residential uses.
3. Downtown Modesto has a gridded street pattern. However, the grid is interrupted by the Union Pacific Railroad, Modesto & Empire Traction, State Route 99, and the Tuolumne River. Adjacent B Street crosses the Union Pacific and SR 99; Sierra Drive also crosses SR 99. Both 9th and 7th Streets cross the Tuolumne River.
4. This block lies outside of the area regulated by the city's form-based code, which focuses on context sensitivity. A form-based code could be prepared for this area to allow better station-area development.
5. At this time, Modesto does not limit parking or charge market rates. In downtown, parking can be shared to reduce the total supply. Adaptive reuse of existing buildings does not require compliance with parking ratios that apply outside of downtown.
6. Sewer lines adjacent to Block 36 include a 10-inch and a 27-inch sewer line in D Street, an 8-inch line in Beard Street, a 6-inch sewer line in D Street, a 16-inch line in 9th Street, and a 6-inch line on that extends onto the site. There are 12 sewer utility holes adjacent to the site. There is a 42-inch stormwater collection pipe in D Street, which is served by four adjacent catchbasins and three adjacent utility holes. There are several water lines adjacent to Block 36, including water mains in 9th, D, and B Streets and a 6-inch line in Beard Street. Three hydrants are adjacent to the site.
7. Street connectivity is moderately good.
8. Right of way acquisition would be relatively expensive because the block is privately-owned and improvement values are higher than land values.
9. Moderately good connectivity to the external roadway network will result in moderately good multi-modal access.

City of Modesto, Community and Economic Development Department

Passenger Rail Feasibility Study
Ranking Preferred Station Locations: Site and Circulation Plans
A Report for Workshop 3, June 20, 2012

Background

This Passenger Rail Station Feasibility Study is Modesto's initial consideration of where to locate a station in downtown. Transportation infrastructure of all types represents a tremendous investment of public money—StanCOG's 2011 Regional Transportation Plan (Table 3.1, page 66) estimates that the region will receive approximately $1.8 billion from 2012 to 2021 ($180 million annually) and approximately $2.5 billion from 2022 to 2036 ($167 million annually) from all known sources of revenue. Virtually all of this money is planned for road construction at this time; none of the money is currently allocated for passenger rail.

Because transportation expenditures are substantial, planning must begin by developing generalized studies that become more detailed at every stage of the process. Thus, this effort is fairly general, and is being conducted for the purpose of narrowing options and identifying subsequent steps in the station selection and planning process.

Modesto's Urban Area General Plan includes a policy to locate a passenger rail station in downtown, but does not identify a specific site (Policy V.B.6.k.4, page V-10). Modesto has limited ability to identify the location of a future passenger rail station, contingent on such variables as the selection of an alignment for a passenger rail system, which is the discretion of the State of California and the California High Speed Rail Authority, with participation from the San Joaquin Regional Rail Authority.

Modesto is located on Phase 2 of the High Speed Rail system, which includes the Altamont Commuter Express. Phase 2 comprises the Los Angeles to San Diego leg, the Merced to Sacramento leg, and upgrading and extending the existing Altamont Commuter Express service. City staff actively participates in regional (Phase 2) rail planning meetings and workshops.

On August 10, 2011, the City of Modesto conducted the first workshop for the Passenger Rail Station Feasibility Study. The purpose of this workshop was to present an overview of the project with an emphasis on that portion of the project that will affect Modesto, then to discuss criteria for selecting a location ("siting criteria") for a future passenger rail station.

Attendees at Workshop 2, held on November 16, 2011, identified five sites preferred for a passenger rail station, shown on Figure 1. Subsequent review of these sites by staff eliminated Site B from further review and combined Sites D and E into Site D/E, for a total of three sites.

CA Passenger Rail

Downtown Modesto Station Study Area

Preferred Station Sites

Site A
Site B
Site C
Site D
Site E

Parcels
Block Areas
Study Area

Union Pacific Railroad
Modesto & Empire Traction Railroad
Existing At-Grade Rail Crossings

Introduction

The purpose of Workshop 3 is to rank the potential passenger rail station sites from most preferred to least preferred.

There are currently two vertical alignments under consideration for the northern San Joaquin Valley, in accordance with the California High Speed Rail Authority's revised business plan. The term "vertical alignment" refers to the elevation of the rail line: "above grade" is raised above street level, "at grade" is at street level, and "below grade" is in a trench or tunnel underground. In the northern San Joaquin Valley, passenger rail is expected to be either at grade or above grade, so both situations must be considered.

The revised business plan considers lower-cost alternatives to the immediate full implementation of High Speed Rail, focusing on interim upgrades to existing passenger rail service in California, which includes Altamont Commuter Express and Amtrak in the northern San Joaquin Valley. An interim upgrade may result in at-grade passenger rail service through Modesto, using either track space leased from Union Pacific Railroad or on dedicated parallel right of way. The completion of high speed train service in California may include an above-grade alignment, which would allow for higher speed service on a dedicated right of way.

Station Elements

The selected site must accommodate a Station Entry Plaza, Station House, and Transit Plaza, which include the following functions:

Station Entry Plaza The entry plaza includes most of the functions for pre-boarding and departure, excepting functions in the transit plaza. Ticketing, curbside drop off (kiss-and-ride), bicycle parking, and entry lobby are all included.

Station House This area accommodates train arrivals and departures on platforms for passenger arrivals and departures. Through train traffic also passes through the station house.

Transit Plaza In this area, buses arrive and depart with passengers.

Evaluating Preferred Sites

Five sites were identified for further study by participants in Workshop 2 (November 16, 2011). The five sites are identified in no particular order as A, B, C, D, and E. The sites are illustrated on Figure 1. Each site has benefits (pros) and drawbacks (cons), as described below.

Site A: Blocks 25, 26, 33, and 34

Site A forms a rectangular area bounded by 7th , 9th , G, and I Streets, spanning the Union Pacific Railroad right of way, 8th Street, and H Street. Site A has a minimum area of 8.73 acres.

Pros
- gridded streets, connections across SR 99
- Downtown Core zone
- adequately sized and centrally located
- wide variety of uses within a half mile of the site (residential, civic, industrial, entertainment, restaurants, shopping)

Cons
- straddles H Street, which might need to be closed at site
- acquisition costs relatively high, compared to other sites

Site B: Blocks 28 and 35

This site is an irregular polygon bounded by 9th, D, 7th, F, 8th, and G Streets, spanning the Union Pacific Railroad right of way. Site B is a minimum of 13.91 acres.

Pros
- edge of the downtown industrial area
- wide variety of uses within a half mile of the site (residential, commercial, civic, entertainment, and industrial uses)
- large site not crossed by streets

Cons
- blocks are large and streets are poorly connected locally and across SR 99
- uses within a half mile of the site are weighted toward industrial and park
- lower development potential in vicinity due to a large-scale food processing plant

Site C: Blocks 23, 24, and 32

This site forms a rectangle bounded by K, 9th, I, and 7th Streets and spanning the Union Pacific Railroad right of way. Site C has a minimum area of 9.04 acres.

Pros
- Downtown Core zone
- Relatively low utility relocation costs
- gridded streets, connections across SR 99
- wide variety of uses within a half mile of the site (residential, civic, industrial, entertainment, restaurants, shopping)

Cons
- acquisition costs relatively high, compared to other sites
- part of Block 23 is occupied by St. Stanislaus church, reducing usable area

Site D: Blocks 32 and 33

This site is bounded by 9th, H, and K Streets and the Union Pacific Railroad right of way. Site D has a minimum area of 5.11 acres.

Pros
- gridded streets, connections across SR 99
- Downtown Core zone
- wide variety of uses within a half mile of the site (residential, civic, industrial, entertainment, restaurants, shopping)
- lower acquisition costs, compared to other sites

Cons
- small site
- straddles I Street, which may need to be closed at the site

Site E: Blocks 24 and 25

Site E is bounded by 7th, J, 8th, and H Streets. Site E has a minimum area of 5.57 acres.

Pros
- gridded streets, connections across SR 99
- Downtown Core zone
- wide variety of uses within a half mile of the site (residential, civic, industrial, entertainment, restaurants, shopping)

Cons
- small site
- straddles I Street, which may need to be closed at the site
- relatively high acquisition costs, compared to other sites

Although Site B (Blocks 28 and 35) is the largest of the sites, its location away from bridges crossing State Route 99 and the Union Pacific Railroad right of way, limited the ability of Site B to stimulate investment on the west side of State Route 99 within a five-minute walk of the site. Therefore, Site B was eliminated from further consideration.

Sites D (Blocks 32 and 33) and E (Blocks 24 and 25) are the smallest sites: both comprise two city blocks, rather than the minimum three blocks needed. Rather than eliminate these sites, staff decided to combine these two sites into a single large site comprising 10.68 acres and referred to as Site D/E.

Three sites, Site A, Site C, and Site D/E, will be evaluated further.

Conceptual Site and Area Planning

With the selection of three sites for further evaluation (Site A, Site C, Site D/E), the work of planning the area around the sites can begin. Several components must be considered: pedestrian sheds or area of greatest influence, transportation access, parking, historic and potential historic buildings, development types and densities, and street-rail interface for at-grade tracks.

Pedestrian Sheds

A pedestrian shed or "ped shed" is a concept similar to a commute shed: it is the area that may be covered by walking at a comfortable pace, usually measured in time from a center or an area of greatest influence. Intuitively, the area in which a person can easily walk from a center within a short period of time is likely to receive the highest volume of pedestrian traffic. The ped shed is also an area of greatest influence for the passenger rail station that has implications for parking, property values, and business locations. For this study, we have used the most common ped shed of five minutes. Most people can comfortably walk about a quarter mile in five minutes. Five-minute ped sheds for Sites A, C, and D/E are shown below (Figures 2, 3, and 4)

Parking

As shown on Figure 5, there is a substantial amount of parking in the study area. The City of Modesto currently owns or operates approximately 2,600 off-street parking spaces and owns enough curb space to park approximately 3,200 cars on street, for a total of approximately 5,800 spaces within the three-site study area.

Parking demand varies substantially over the course of a day. During business hours, long-term parking is needed for employees and short-term parking for customers and visitors. On-street parking is most commonly used for short-term automobile storage, while off-street parking is most commonly used for long-term storage. Public parking, both on- and off-street, can be used flexibly to satisfy all of these needs.

<u>Important considerations</u>:

Demand for stand-alone parking changes with use, development intensity, and travel mode.

- Modesto's form-based code allows intensification of development with minimal parking requirements.
- New development is expected to comprise substantial residential development which will allow better utilization of existing parking.
- As rail ridership increases, parking demand in the station area will also increase if transit does not provide convenient access to the station with short headways.

Site A Walk Map

Figure 2

Site C Walk Map

Figure 3

Site D/E Walk Map

Figure 4

- Parking built to accommodate rail riders can eventually be repurposed to serve other downtown users as parking demand declines.

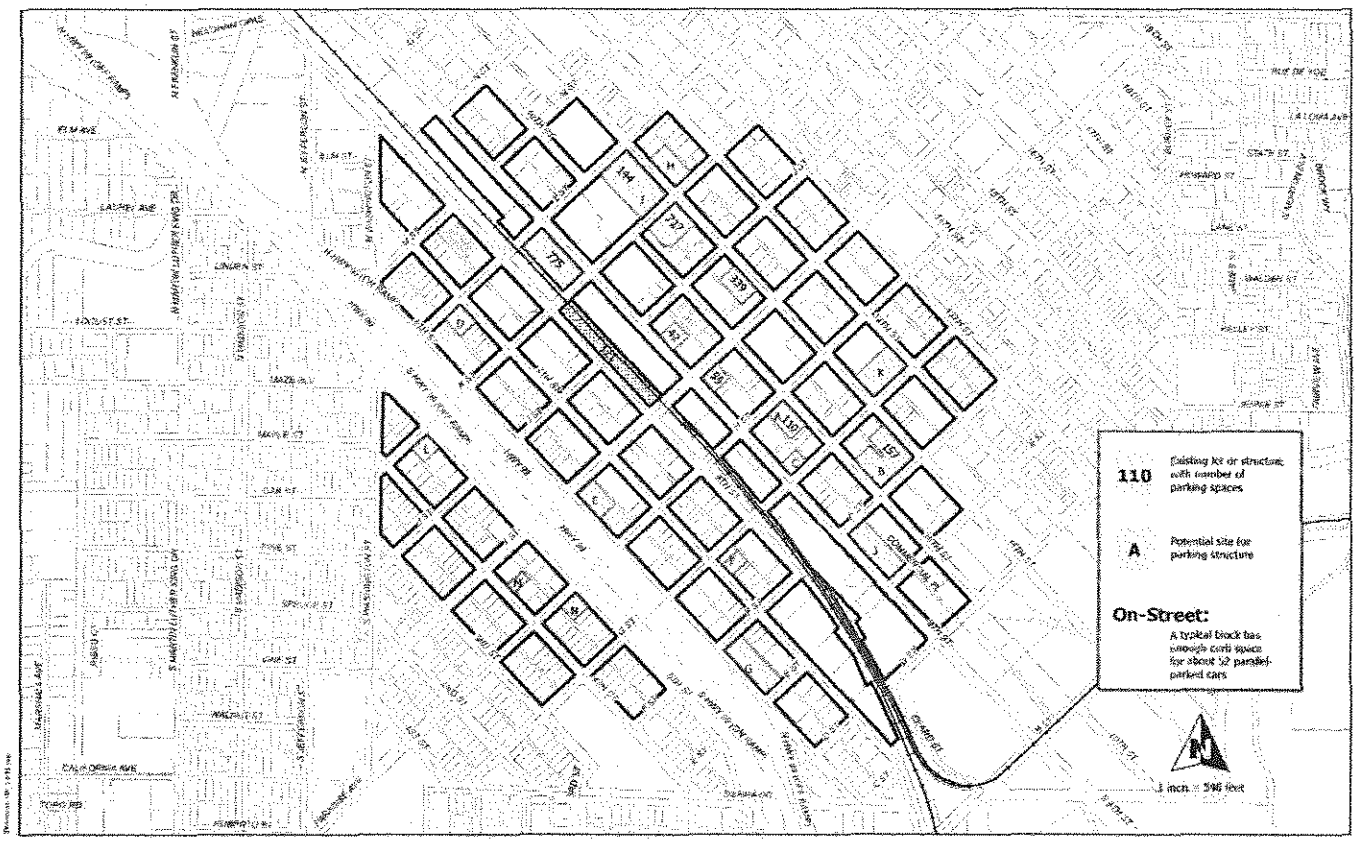
- Modern parking management will be necessary to reduce parking demand. Reducing the number of people driving downtown alone will require a long-range strategy that includes metered parking, flexible market-rate prices for parking, high-frequency transit service, reduced parking ratios, and other strategies.

Site A As shown on Figure 6, there are approximately 2,300 off-street parking spaces and approximately 1,700 on-street parking spaces within a five-minute walk of Site A, for a conservative estimate of 4,000 spaces. Surface parking lots within a five-minute walk of Site A, accounting for 485 spaces, would certainly be removed when passenger rail is established, for a net of approximately 3,500 spaces if no additional parking is constructed.

Site C Figure 7 indicates there are approximately 2,300 off-street parking spaces and approximately 1,600 on-street parking spaces within a five-minute walk of Site C for an estimate of 3,900 spaces. Approximately 470 surface parking spaces would likely be removed when passenger rail service is established for a net of approximately 3,400 spaces if no additional parking is constructed.

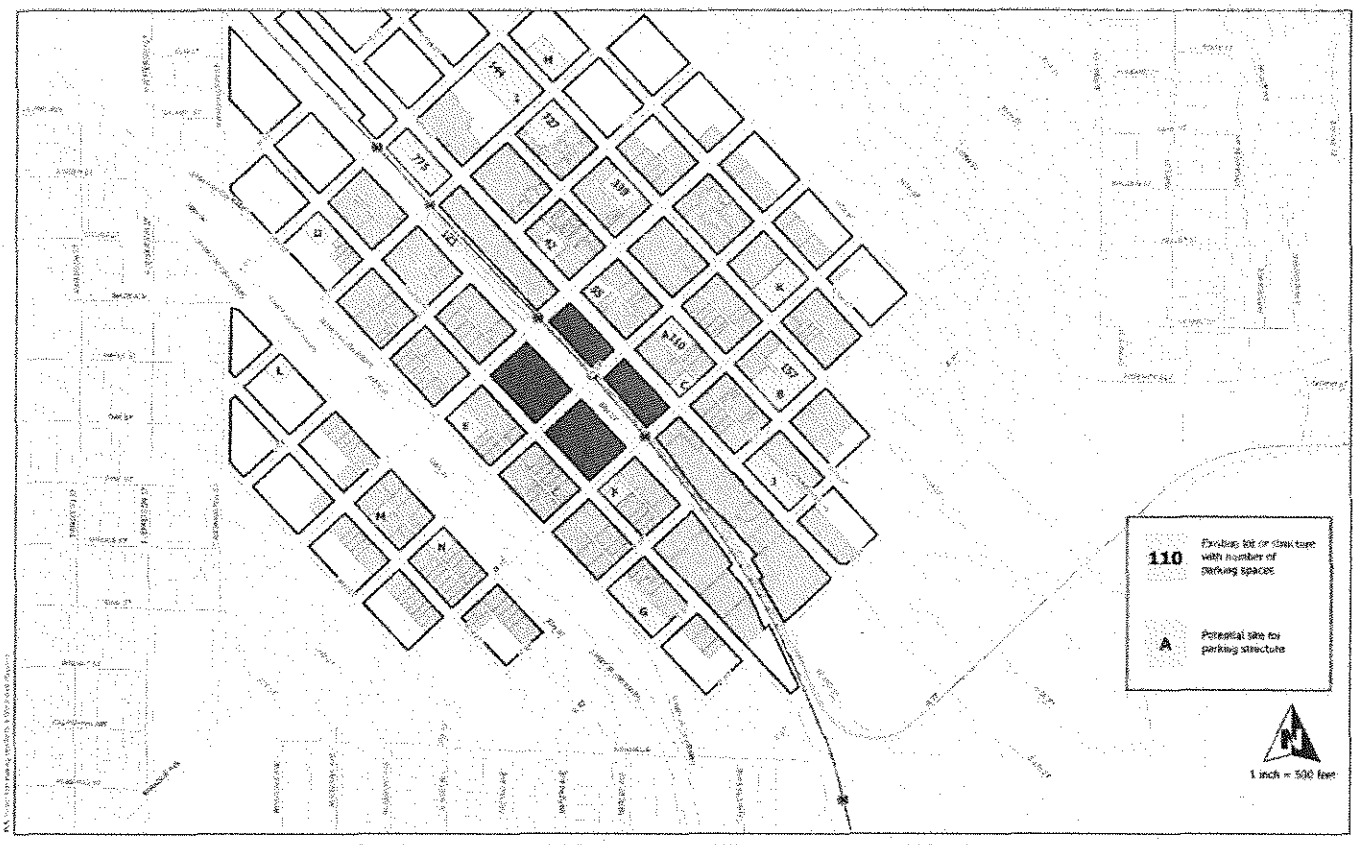
Site D/E This site has approximately 2,500 off-street parking spaces and approximately 1,800 on-street spaces within a five-minute walk of the site, as shown on Figure 8, for an estimate of 4,300 spaces. Approximately 630 surface parking spaces are likely to be removed when passenger rail service is established for a net of approximately 3,700 spaces if no additional parking is constructed.

Modesto is part of Phase 2 of the California High Speed Rail project. Ridership projections, which vary with development patterns and economic conditions, have not yet been prepared for Phase 2. However, it is reasonable to assume additional parking in downtown near the passenger rail station will be needed to support rail ridership.



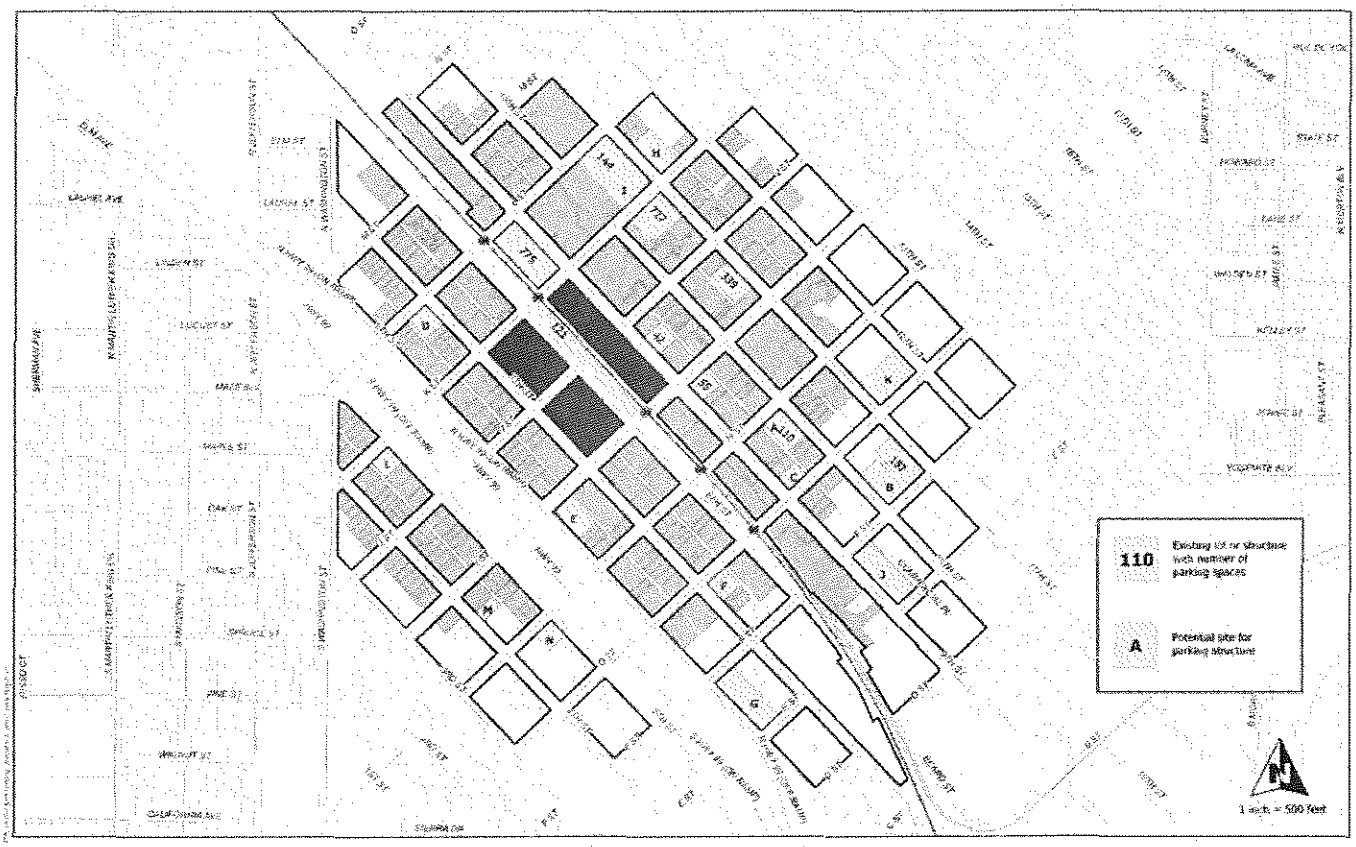
Existing Off-Street and On-Street Parking and Potential Parking Sites

Figure No. 5



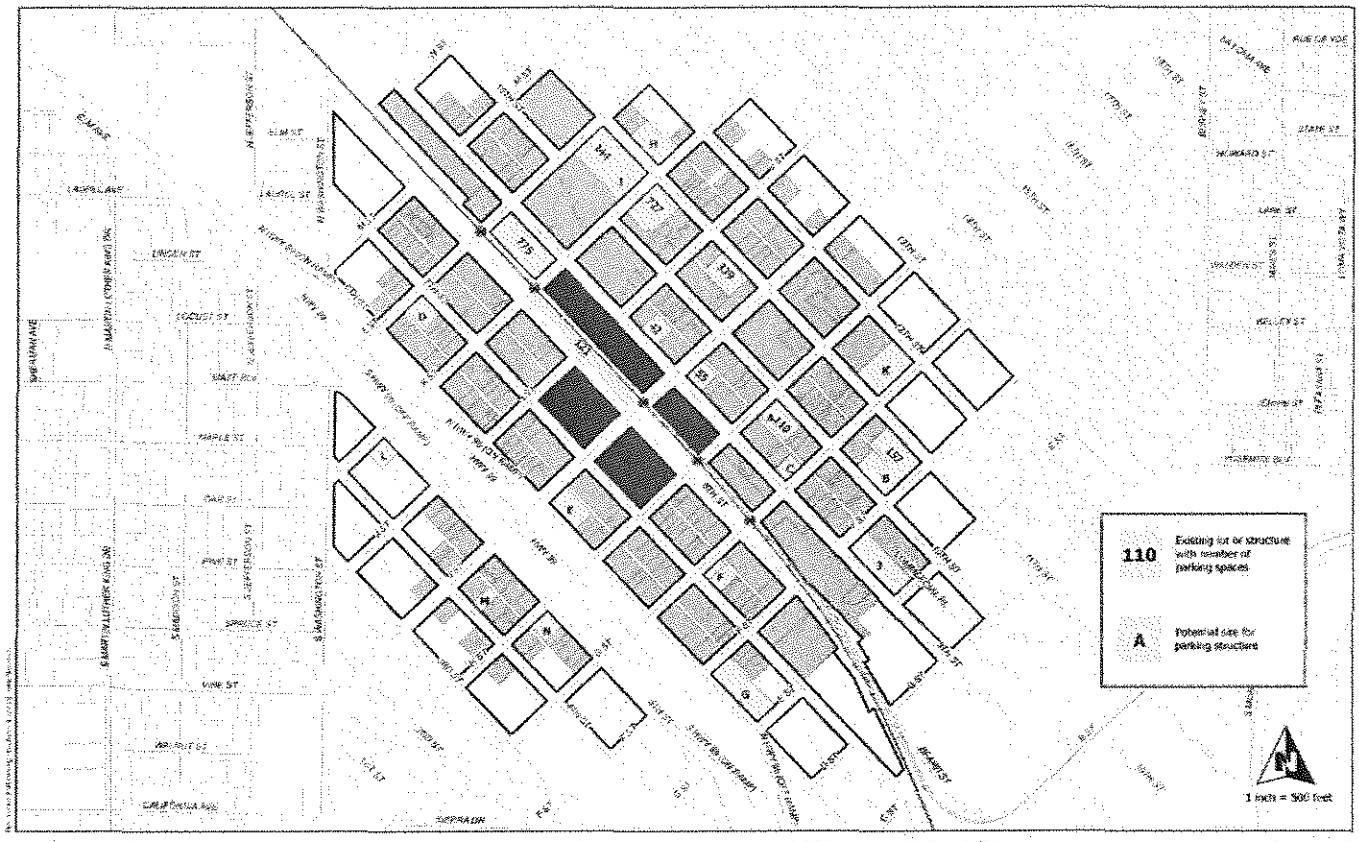
Existing Off-Street and On-Street Parking and Potential Parking Sites Within 5 Minutes of Site A

Figure 6



Existing Off-Street and On-Street Parking and Potential Parking Sites Within 5 Minutes of Site C

Figure 7



Existing Off-Street and On-Street Parking and Potential Parking Sites Within 5 Minutes of Site D/E

Figure 8

Site and Circulation Plans

For many reasons, it is in the public interest to make walking, bicycling, bus, and train facilities as readily available and convenient to use for work and non-work purposes, as are private automobiles.

Each site has two sets of site and circulation plans. The first set illustrates conceptual site and circulation plans for the above-grade rail option and the second set illustrates conceptual site and circulation plans for the at-grade rail option. Generally speaking, the above-grade option utilizes space more efficiently by allowing two levels for the station. The at-grade option presents safety concerns by radically increasing the width of railroad right of way crossing streets and sidewalks.

Site A Selecting Site A would likely result in the closure of H Street across the site and eliminate the G-H one-way couplet. Automobile traffic would flow around the site. Bus traffic would be staged either on the east side of the site (at-grade option) or the west side (above-grade option). Pedestrian and bicycle traffic would flow around and penetrate the site. An above-grade walkway across the railroad tracks is recommended for the at-grade option to provide pedestrian access to both sides of the site. (See Figures A-1 and A-2.)

Site C This site encompasses the existing Transportation Center, as well as an additional block-and-a-half west of the Union Pacific Railroad, with a half-block set aside for St. Stanislaus parish church. For the at-grade option, bus traffic would be staged at the existing Transportation Center, but would use the larger west side of the site for the above-grade option. Pedestrian and bicycle traffic would penetrate the site and an above-grade walkway is recommended for the at-grade option for pedestrian safety. Site C would not result in changes to the existing street circulation pattern and automobile traffic would flow around the site. (See Figures C-1 and C-2.)

Site D/E Site D/E is the largest site. Less demand for rail travel is assumed for the at-grade option, as the train would likely provide primarily lower speed, interregional (rather than statewide) service. Because it straddles I Street, closure to through automobile traffic is recommended for safety, although bus, bicycle, and pedestrian traffic could continue to use I Street. As with the other two sites, the at-grade option would allow bus access from the east side, changing to the west side for the above-grade option. Bus, bicycle, and pedestrian traffic would all penetrate the site and an above-grade pedestrian walkway is recommended for the at-grade option. To promote bus access around the site, the G-H one-way couplet could be eliminated. (See Figures D/E-1 and D/E-2.)

Discuss station options and rank Sites A, C, and D/E in order of preference.

Workshop 3: Report on Results

About two dozen members of the public attended the June 20, 2012, workshop. After the introduction and project background describing how the three preferred sites were selected, the conceptual site plans and circulation plans for each of the three sites (A, C, and D/E) was discussed extensively amongst the room. The conceptual nature of the plans was emphasized.

A number of comments, concerns, and questions were raised by the attendees. In no particular order, they are:

- Where was the original station?
- Don't close H Street.
- The above grade option will leave usable space below the tracks.
- How will the station be designed around the Union Pacific rail line?
- When asked, citizen groups like the signal timing on G and H Streets.
- Why isn't a below grade option being considered?
- Do the plans call for the relocation of the historic Southern Pacific depot?
- Are there any plans to buy and demolish St. Stanislaus church?
- How far out of town would the line remain above grade?
- The expansion area for Site D/E could also be used for Site C.
- I can't imagine closing I Street.
- Why not consider the area between L and K and 7th and 8th?
- Are there options to closing I Street?
- What would be the impact on the Save Mart on Downey of closing I Street at 9th Street?
- What would be the impact on the west side (Paradise Road) traffic into downtown of closing I Street at 9th Street?
- I Street closure concept should go to City Council.
- Any station plan that closes I Street gives momentum to that concept.
- If you close I Street, you need parking to accommodate increased pedestrian traffic.
- G and H are commuter streets, it's OK to close I Street, there's not as much traffic.
- An at-grade crossing for passenger rail is too dangerous.
- Block 25 is good.
- What is the noise impact of passenger rail on St. Stanislaus?
- For Site C, why not take another half block between I and H Streets?
- Why wasn't the area of 7th and I Street considered?

Each of these points was discussed during the workshop. Below, we respond to the questions and concerns identified above in order to represent the content of Workshop 3 as completely as possible.

Where was the original station?
The original stop seems to have been approximately one block south of the existing 1915 Southern Pacific Depot on what is now 9th Street.

Will historic buildings be relocated or demolished?
No decisions have been made yet regarding if, when, or how a passenger rail station will be built in downtown Modesto. It is unknown at this time whether the rail line will pass through downtown Modesto (near the Union Pacific Railroad) or on the east side of Modesto (near the Burlington Northern-Santa Fe Railroad).

However, assuming the alignment will pass through downtown Modesto, staff believes that incorporating the 1915 Southern Pacific Railroad Depot into the station design would provide context for a new station, while preserving an important part of Modesto's history. There are no plans to demolish or move St. Stanislaus Church, which would be expensive and would destroy an important part of the city's history. These issues will be considered further if Modesto and the region decide to host a passenger rail station.

Discussion of study area sites and configurations other than Sites A, C, and D/E
The study area for a possible passenger rail station was broadly delineated through discussions with consultants to the California High Speed Rail Authority. The study area was thus bounded roughly by State Route 99 and Jefferson Street on the west, the Union Pacific Railroad on the east, Sierra Drive and B Street on the south, and the Needham Overpass on the north.

Each block in the study area was evaluated using the criteria established at Workshop 1. Attendees at Workshop 2 identified groups of blocks they considered preferable for a station using the criteria and their knowledge of Modesto.

Discussion of different vertical alignments
The physical characteristics of travel on a high-speed rail system limit track curvature. Whether curves are up and down or side to side, curves must be very long and gentle to minimize passenger discomfort. Some portions of the larger system will travel through tunnels to minimize curves, while most portions will either be at-grade or above-grade for long stretches. Finally, tunneling is the most expensive option for the vertical alignment, although it might be feasible in some areas.

Both above-grade and below-grade alignments would make more space available for use at street level. Both of those options also eliminate at-grade street crossings, which would occur with the at-grade alignment. Safety for roadway users and pedestrians is a concern with the at-grade option. A below-grade option is not being considered by the City of Modesto because Modesto is not responsible for engineering the system. Modesto may express preferences for the alignment, but does not control the decision.

What about street closures and changing one-way streets to two-way streets?
Each of the site plans represents a single possibility for utilizing each site. There are many possible configurations which will be explored should the city elect to host a passenger rail station. Using more than a single block for a passenger rail station requires consideration of how people will move across the station and around the perimeter of the site. Passenger safety in particular is complicated if a street runs through a passenger rail station. The simplest approach,

but not the only approach, is to close streets that would run through the station and route traffic around the station perimeter.

One-way streets present a challenge to bus traffic. Because a passenger rail station will incorporate a bus station to facilitate passenger traffic to and from the station, buses will enter and leave the station site. To speed bus traffic to and from the site, buses need two-way street access on all sides of the station. Once again, this is not a requirement, but makes bus access to the site easier. Decisions about street closures and one-way or two-way streets will be made if Modesto decides to host a station and after design options are elaborated.

Final Tally

After discussing the pros and cons of each site, votes were tallied as:

Site D/E:	23
Site C:	16
Site A:	3

Site D/E is the clear preference of those attending Workshop 3, many of whom attended more than one workshop, some of whom attended all three workshops.

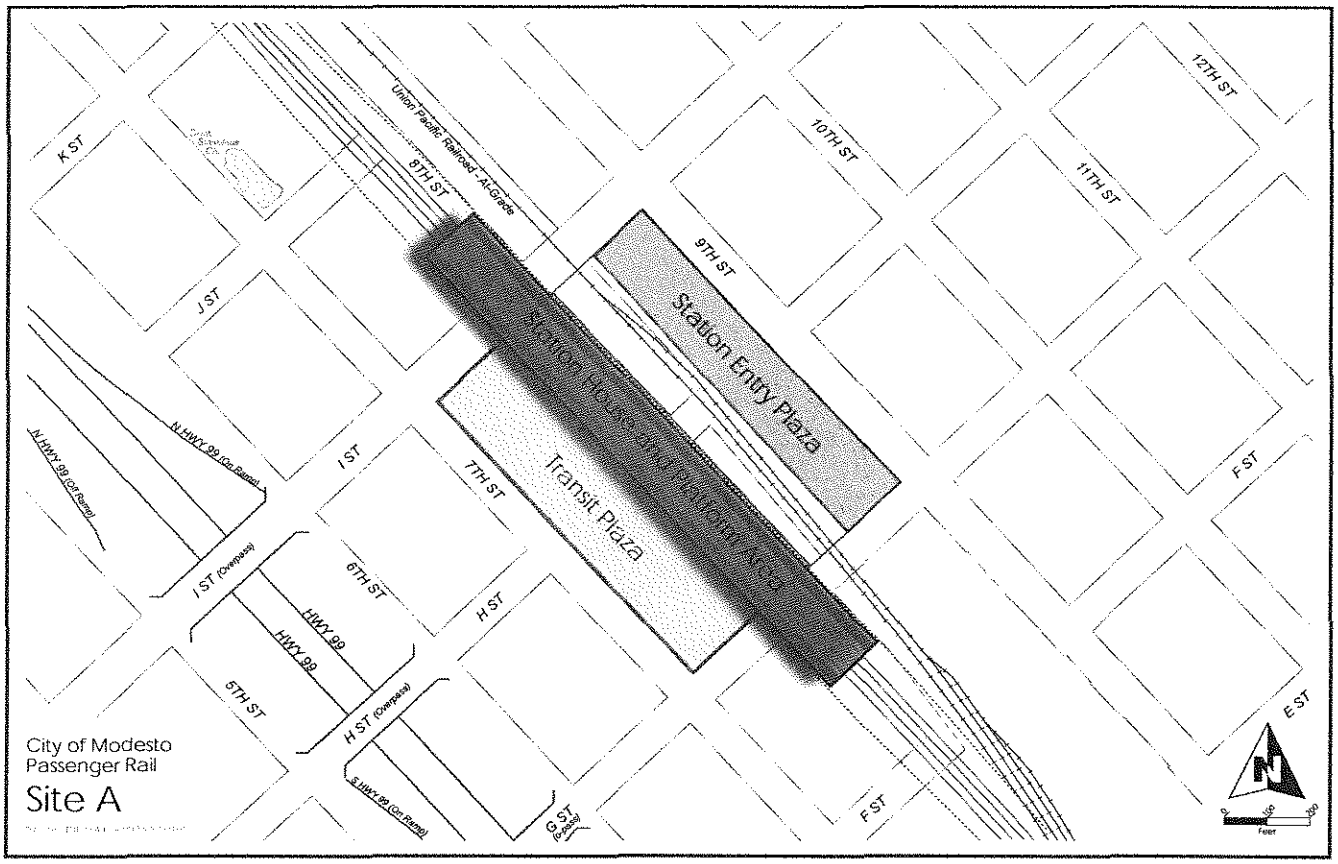


Figure A-1: Conceptual Site Plan, Above-Grade Passenger Rail, Lower Level Plazas

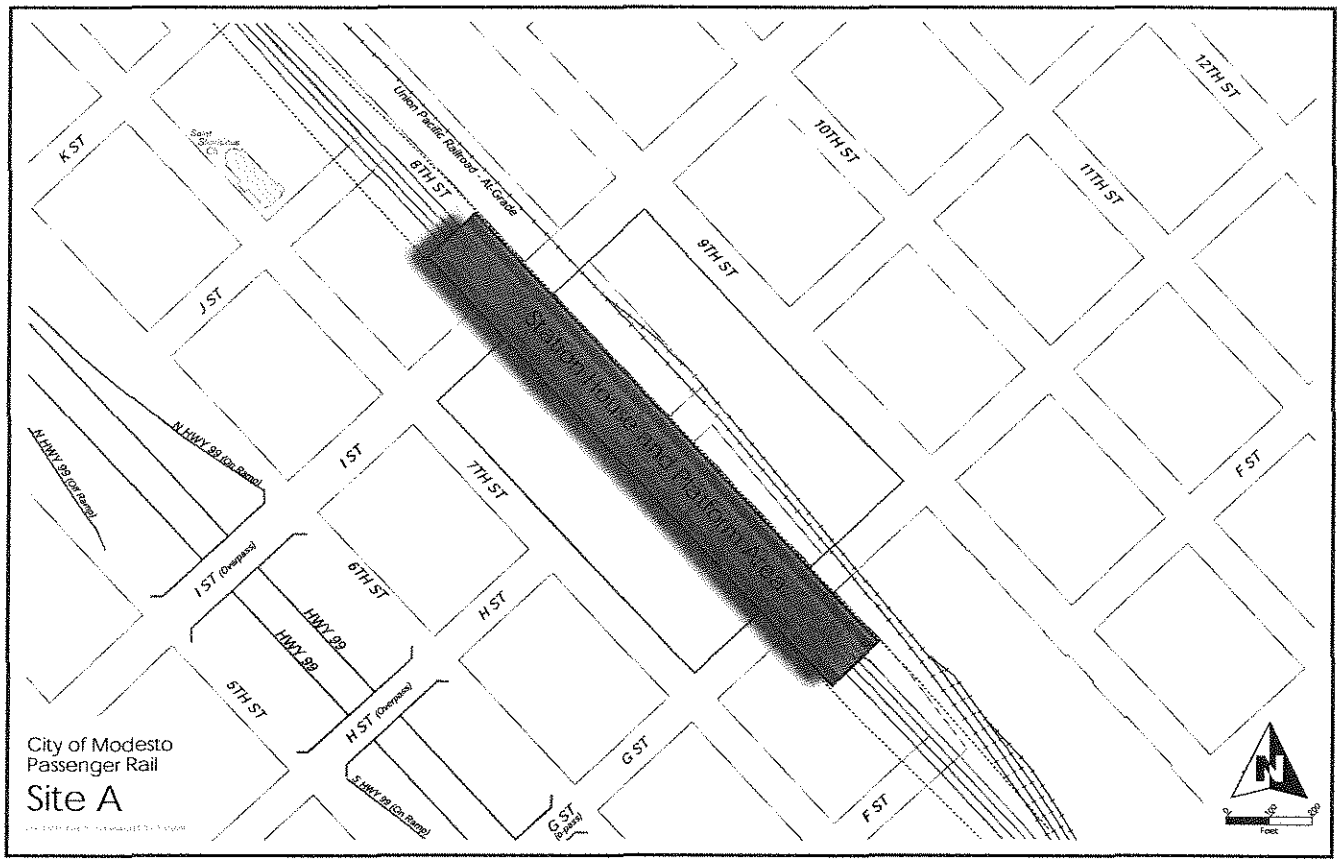


Figure A-1: Conceptual Site Plan, Above-Grade Passenger Rail, Upper Level Station House

Figure A-1: Conceptual Train Circulation, Above-Grade Passenger Rail

Figure A-1: Conceptual Automobile Circulation, Above-Grade Passenger Rail

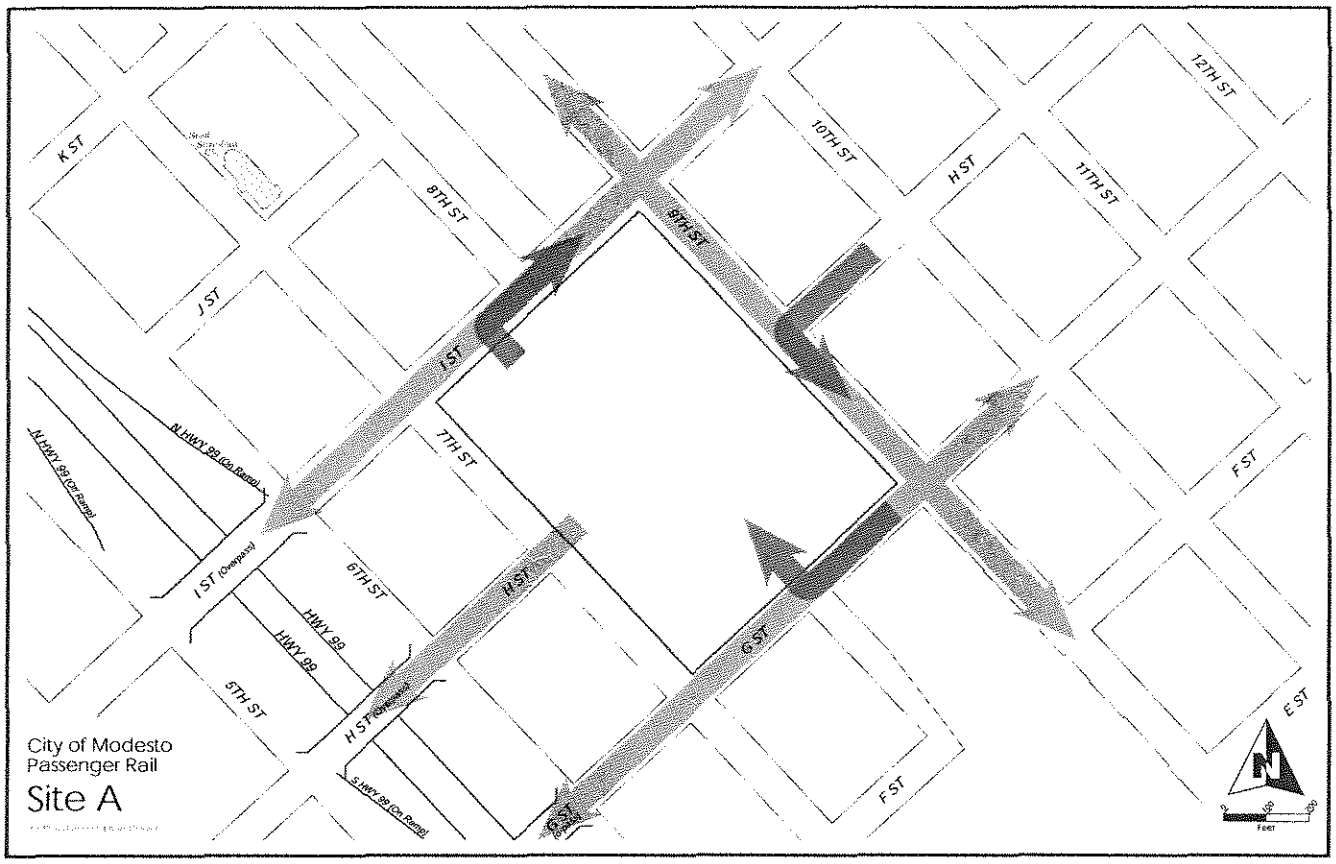


Figure A-1: Conceptual Bus Circulation, Above-Grade Passenger Rail

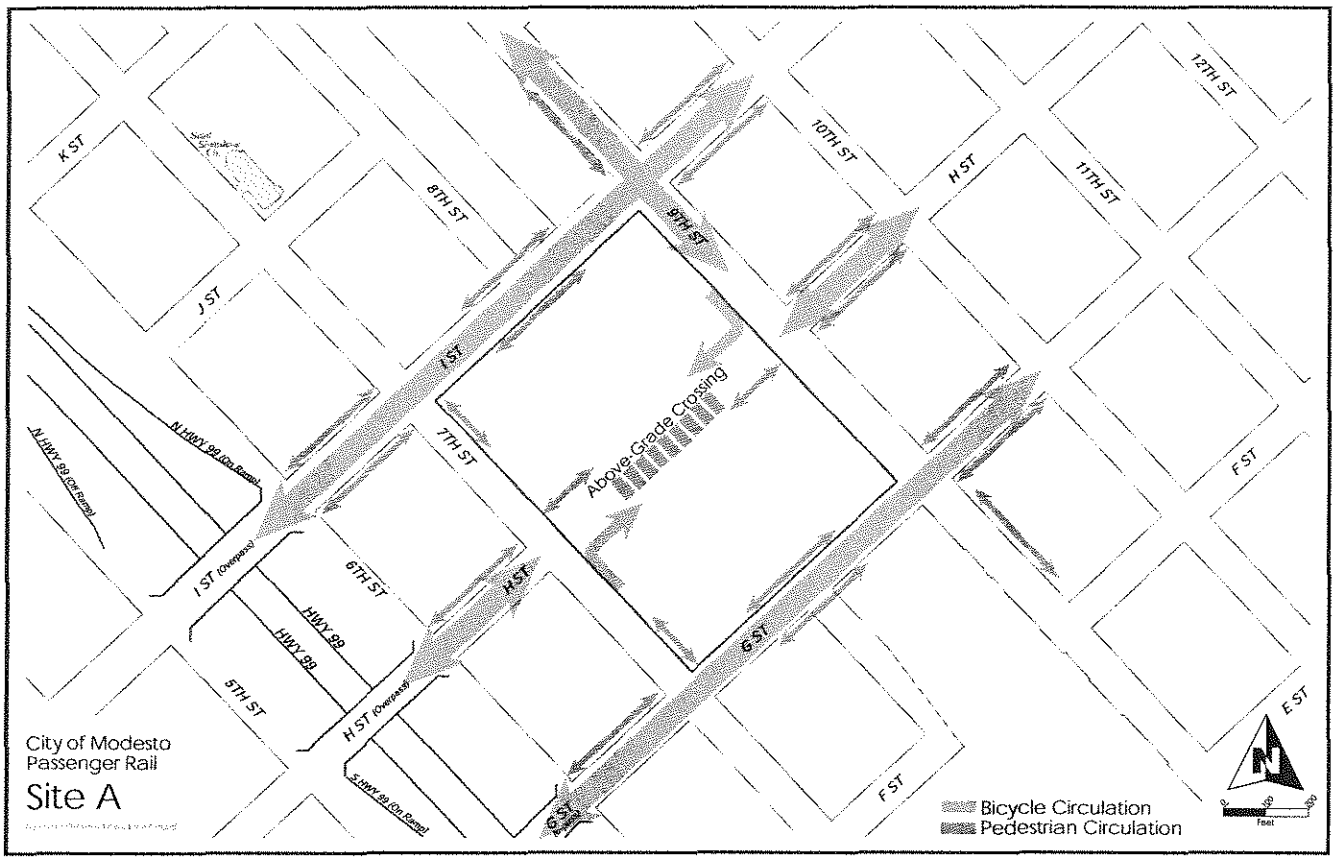


Figure A-1: Conceptual Bicycle & Pedestrian Circulation, Above-Grade Passenger Rail

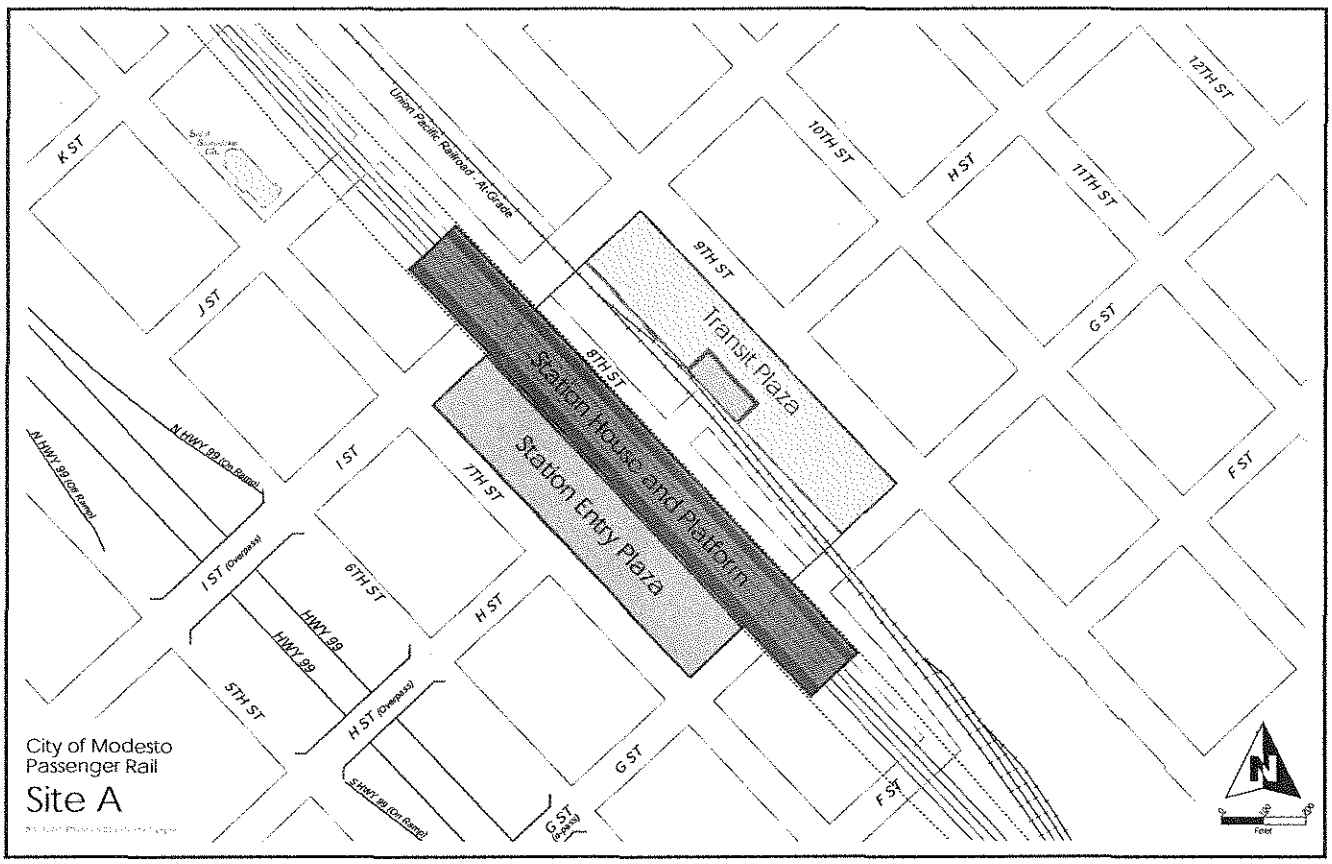


Figure A-2: Conceptual Site Plan, At-Grade Passenger Rail Service

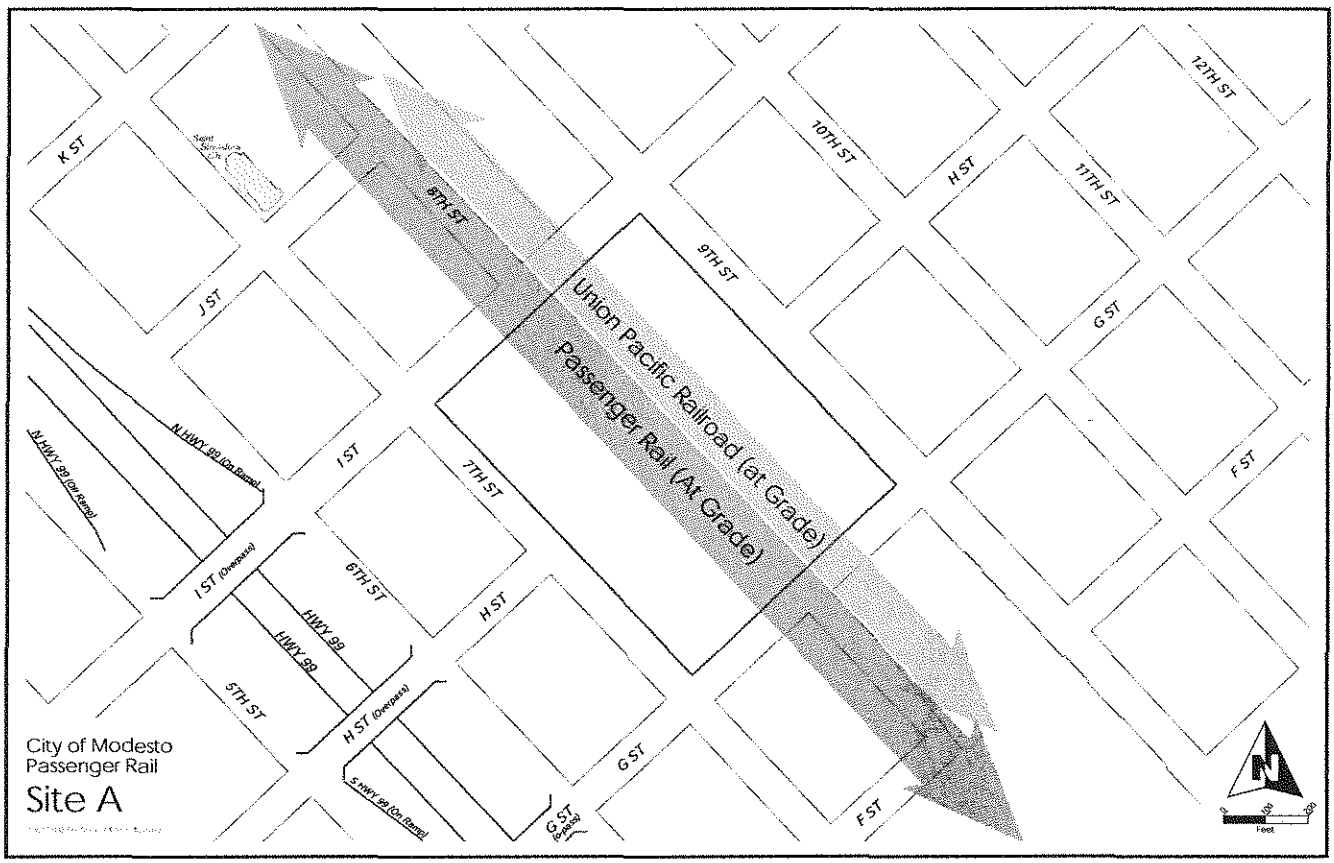


Figure A-2: Conceptual Train Circulation, At-Grade Passenger Rail

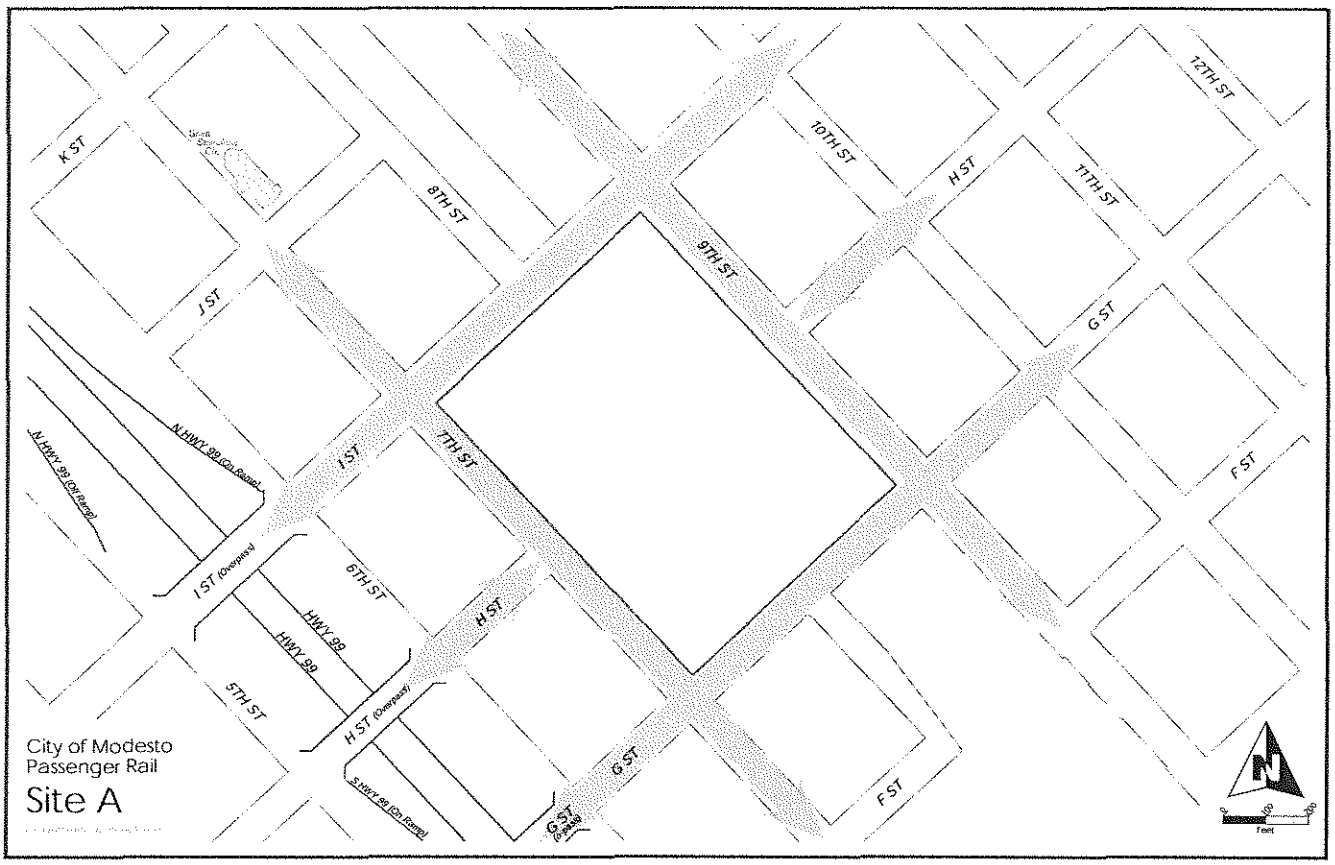


Figure A-2: Conceptual Automobile Circulation, At-Grade Passenger Rail

Figure A-2: Conceptual Bus Circulation, At-Grade Passenger Rail

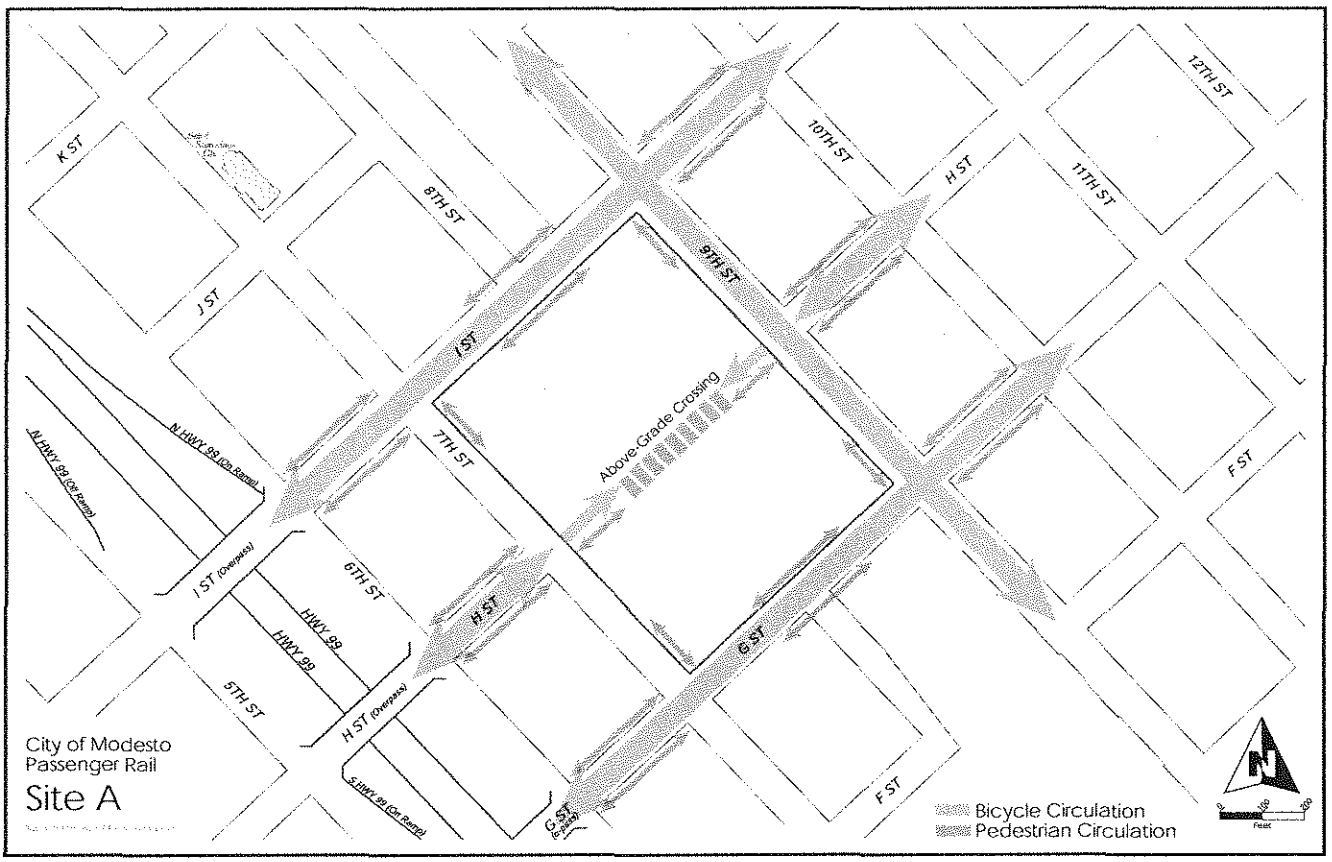


Figure A-2: Conceptual Bicycle & Pedestrian Circulation, At-Grade Passenger Rail

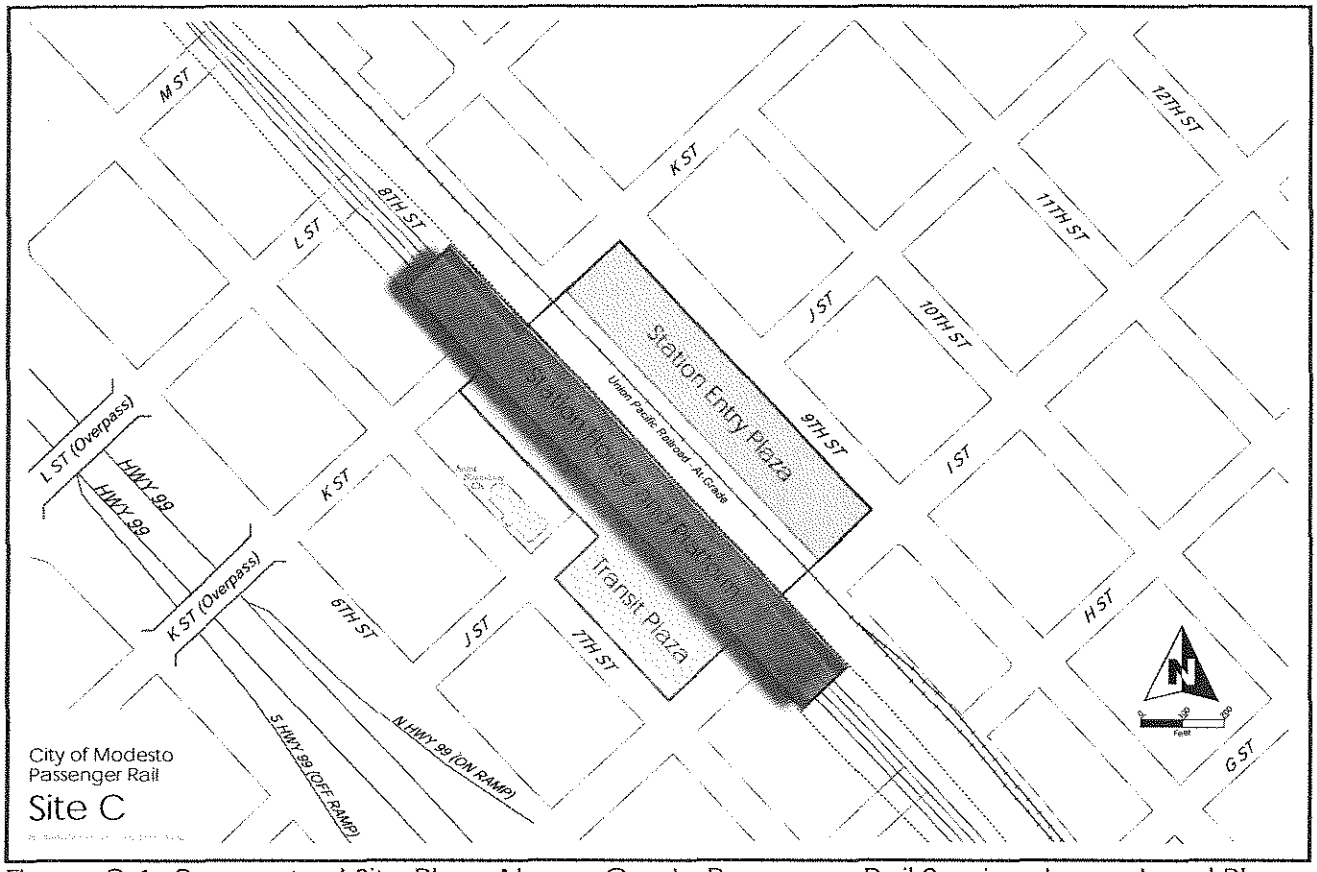


Figure C-1: Conceptual Site Plan, Above-Grade Passenger Rail Service, Lower Level Plazas

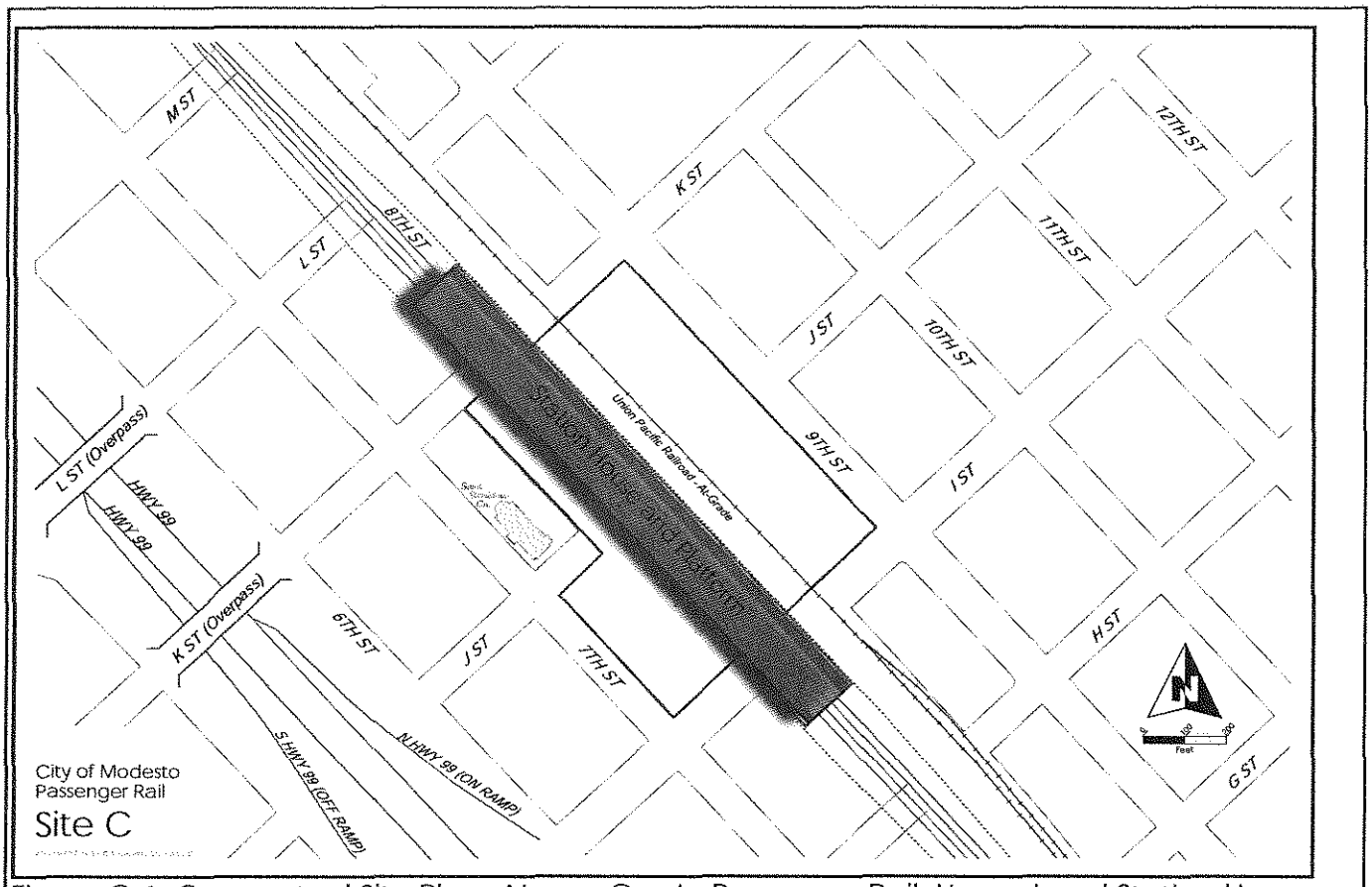


Figure C-1: Conceptual Site Plan, Above-Grade Passenger Rail, Upper Level Station House

Figure C-1: Conceptual Site Plan, Train Circulation, Above-Grade Passenger Rail Service

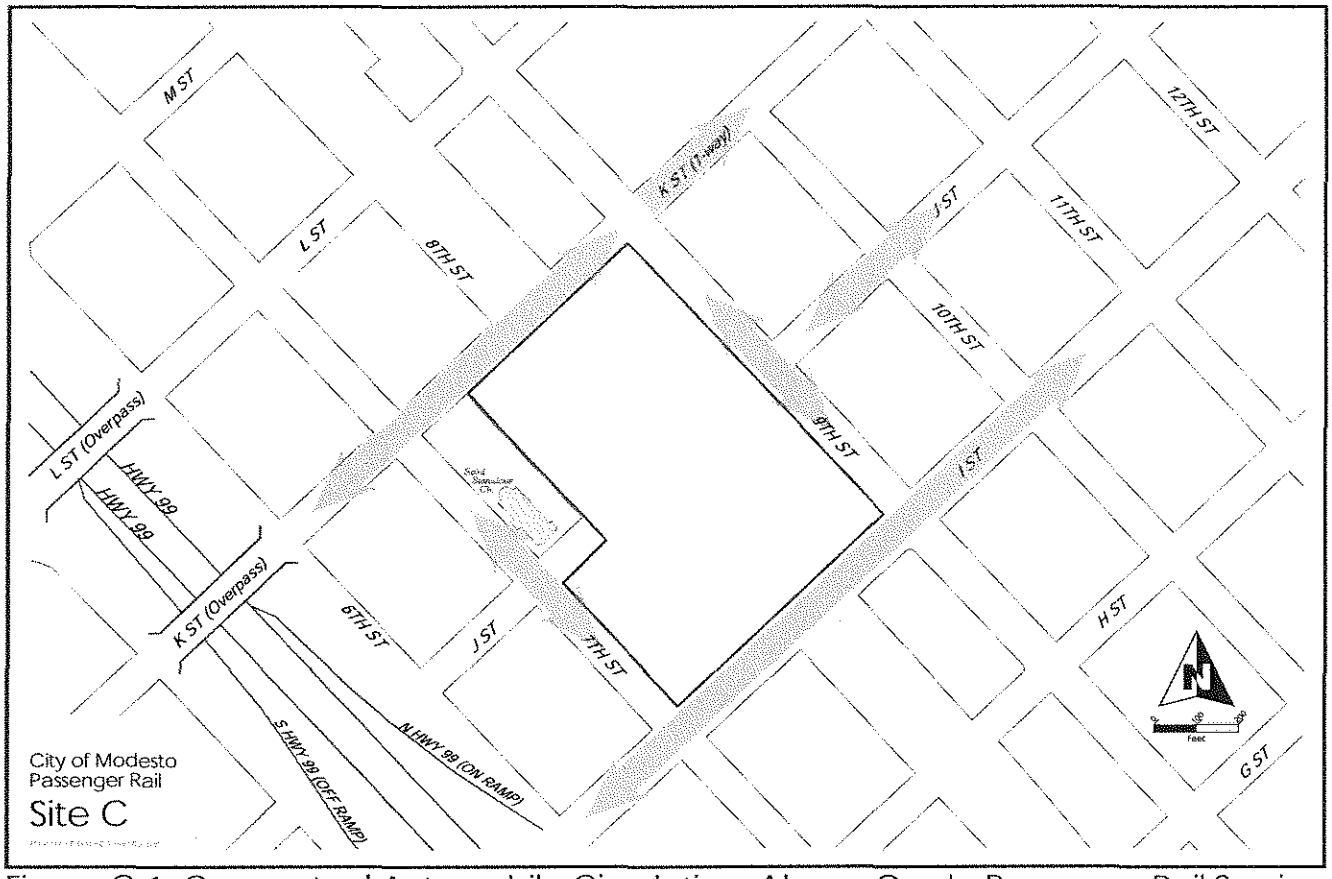


Figure C-1: Conceptual Automobile Circulation, Above-Grade Passenger Rail Service

Figure C-1: Conceptual Bus Circulation, Above-Grade Passenger Rail Service

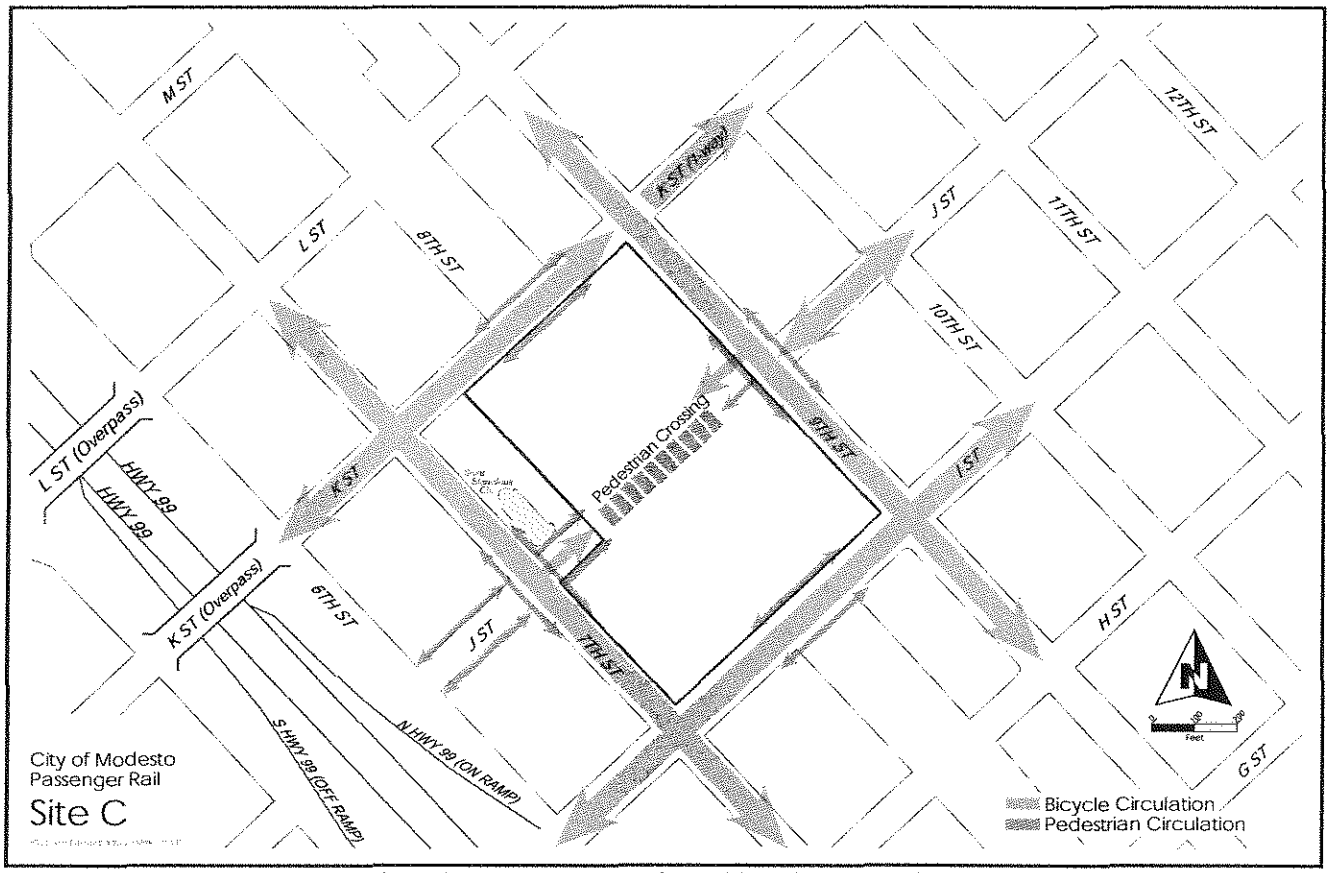


Figure C-1: Conceptual Bicycle and Pedestrian Circulation, Above-Grade Passenger Rail

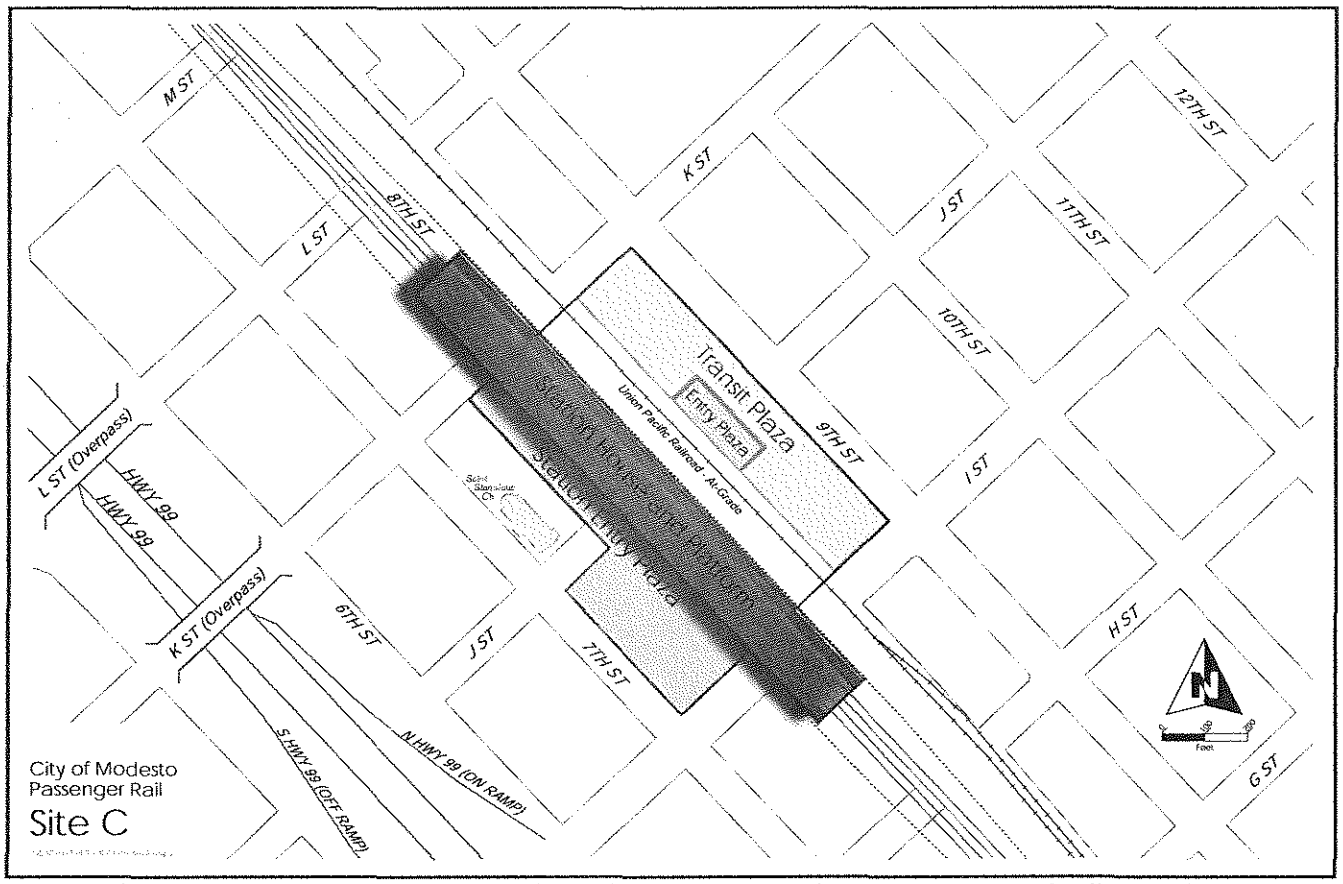


Figure C-2: Conceptual Site Plan, At-Grade Passenger Rail Service

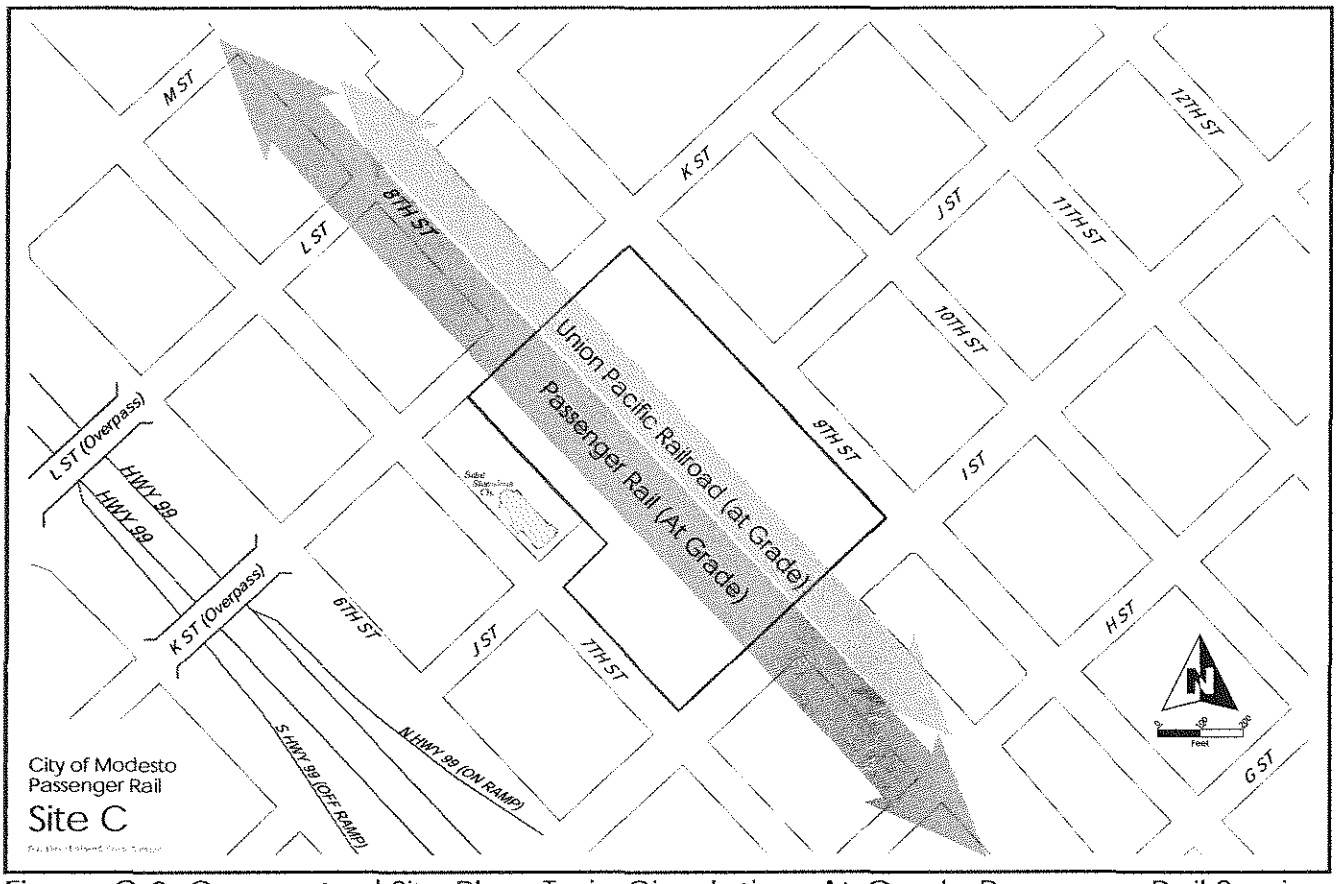


Figure C-2: Conceptual Site Plan, Train Circulation, At-Grade Passenger Rail Service

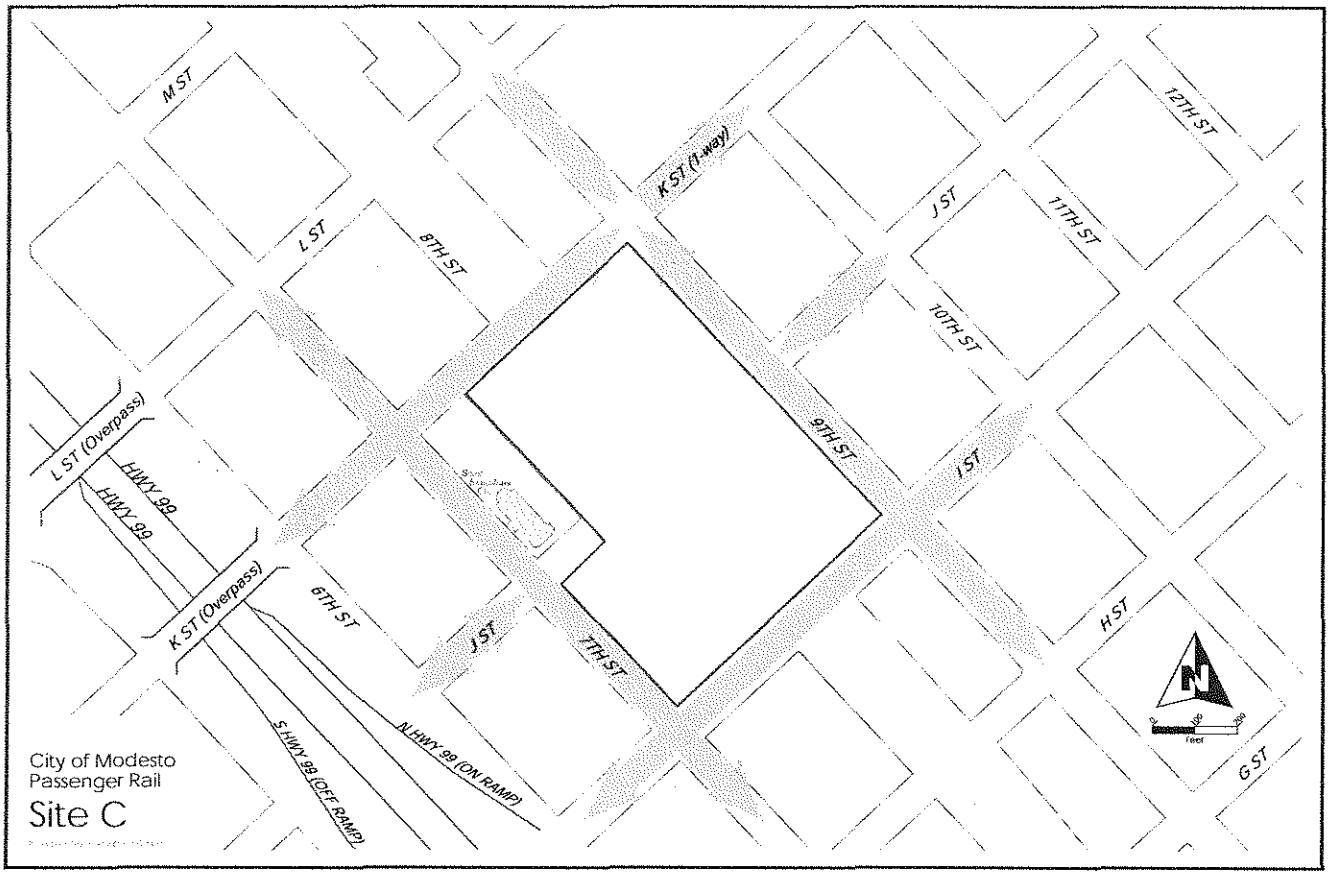
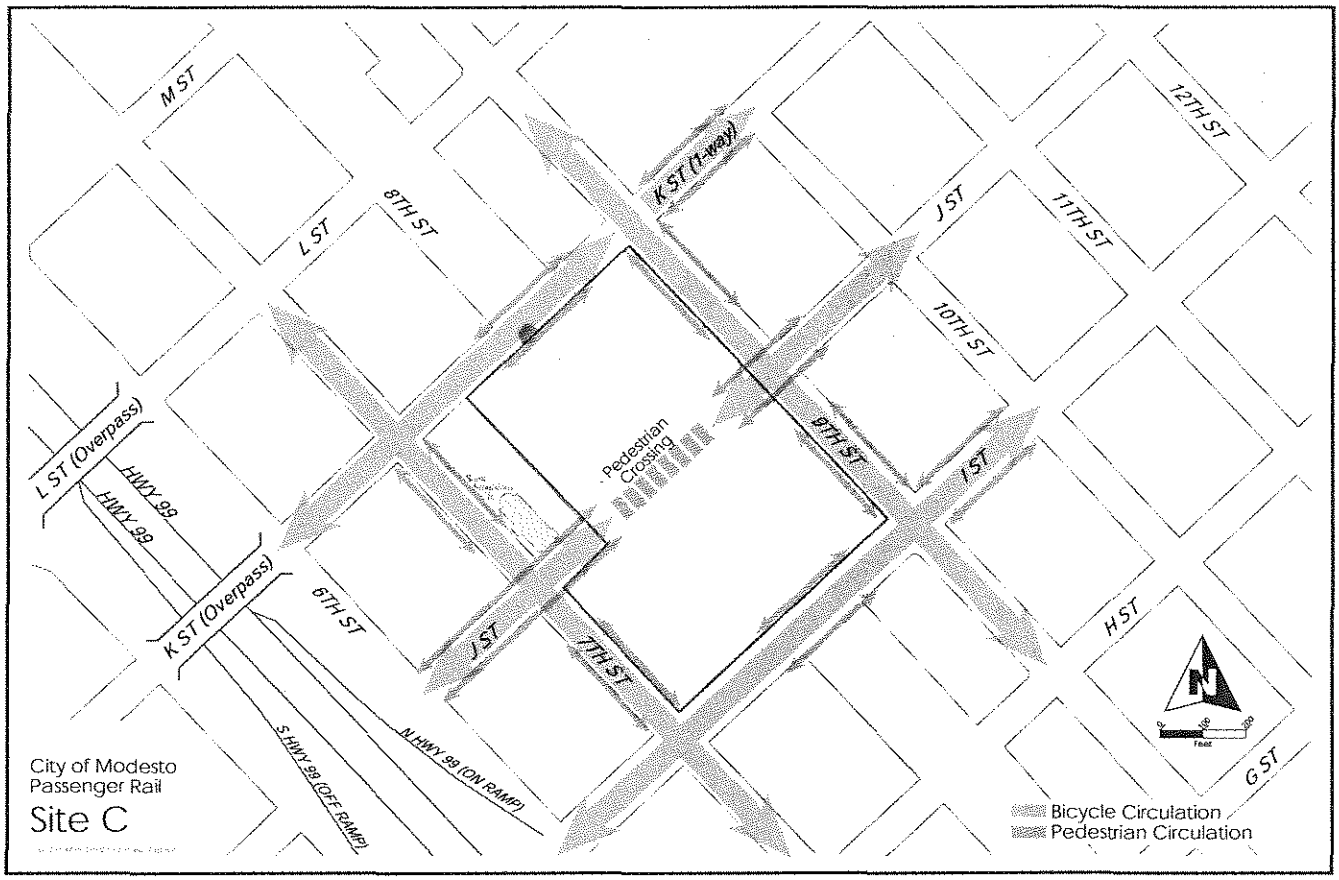


Figure C-2: Conceptual Automobile Circulation, At-Grade Passenger Rail Service

Figure C-2: Conceptual Bus Circulation, At-Grade Passenger Rail Service



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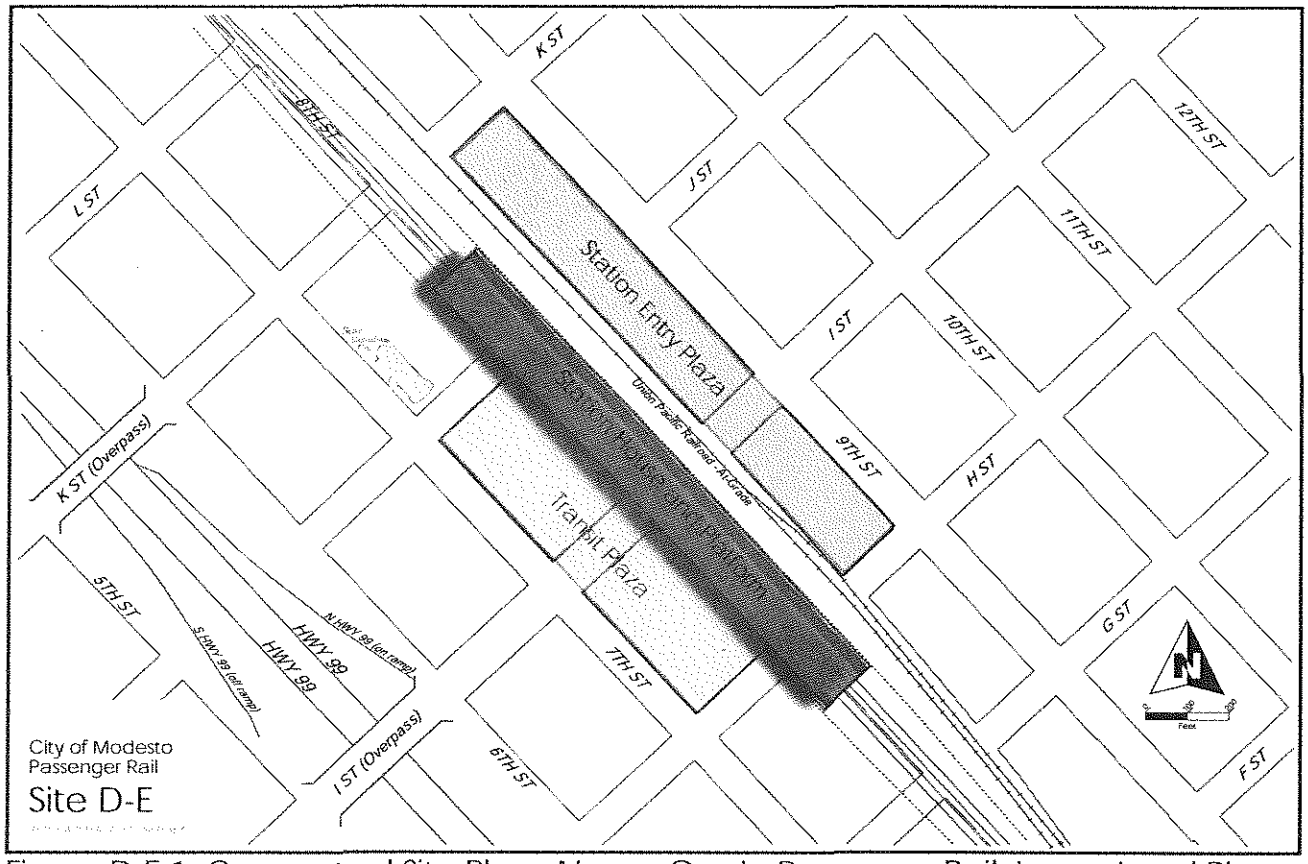


Figure D-E 1: Conceptual Site Plan, Above-Grade Passenger Rail, Lower Level Plazas

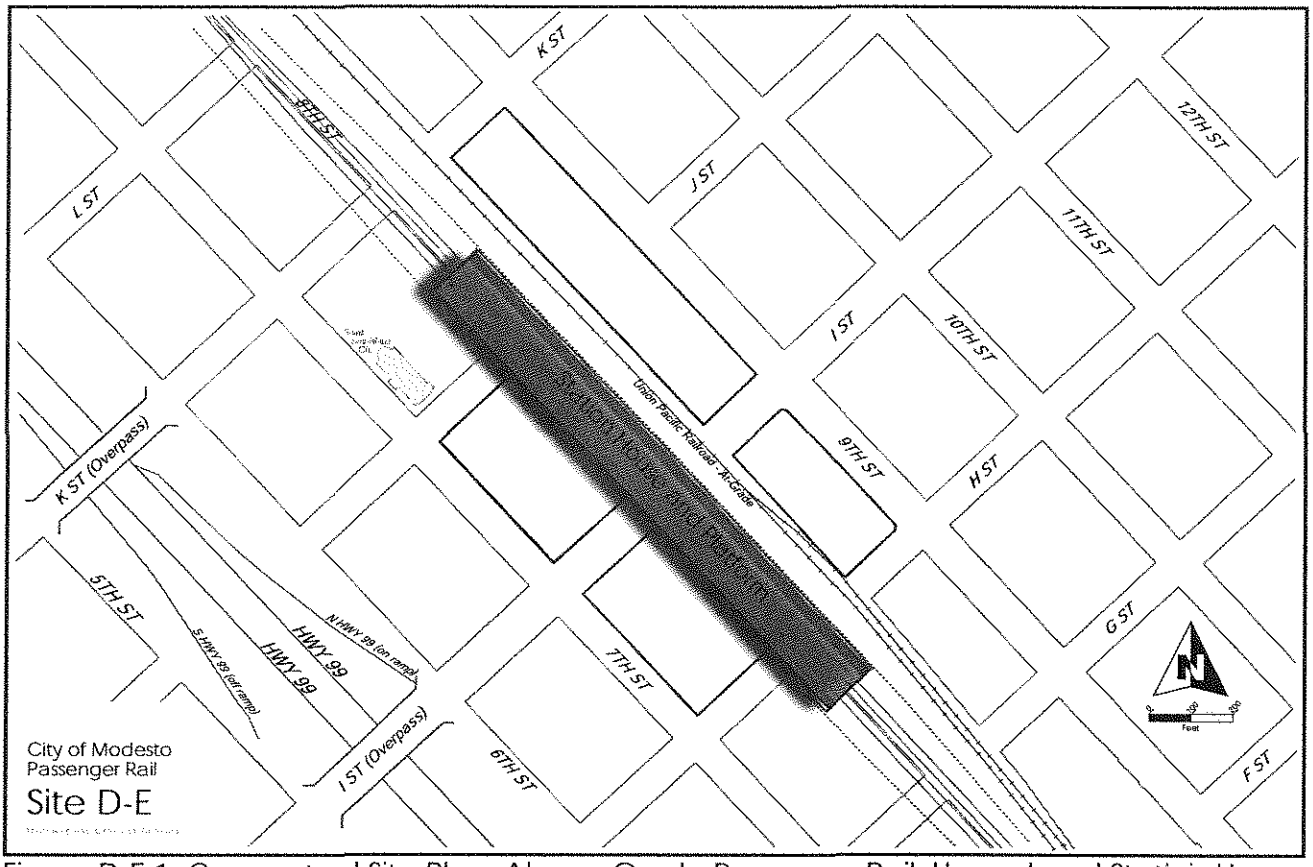


Figure D-E 1: Conceptual Site Plan, Above-Grade Passenger Rail, Upper Level Station House

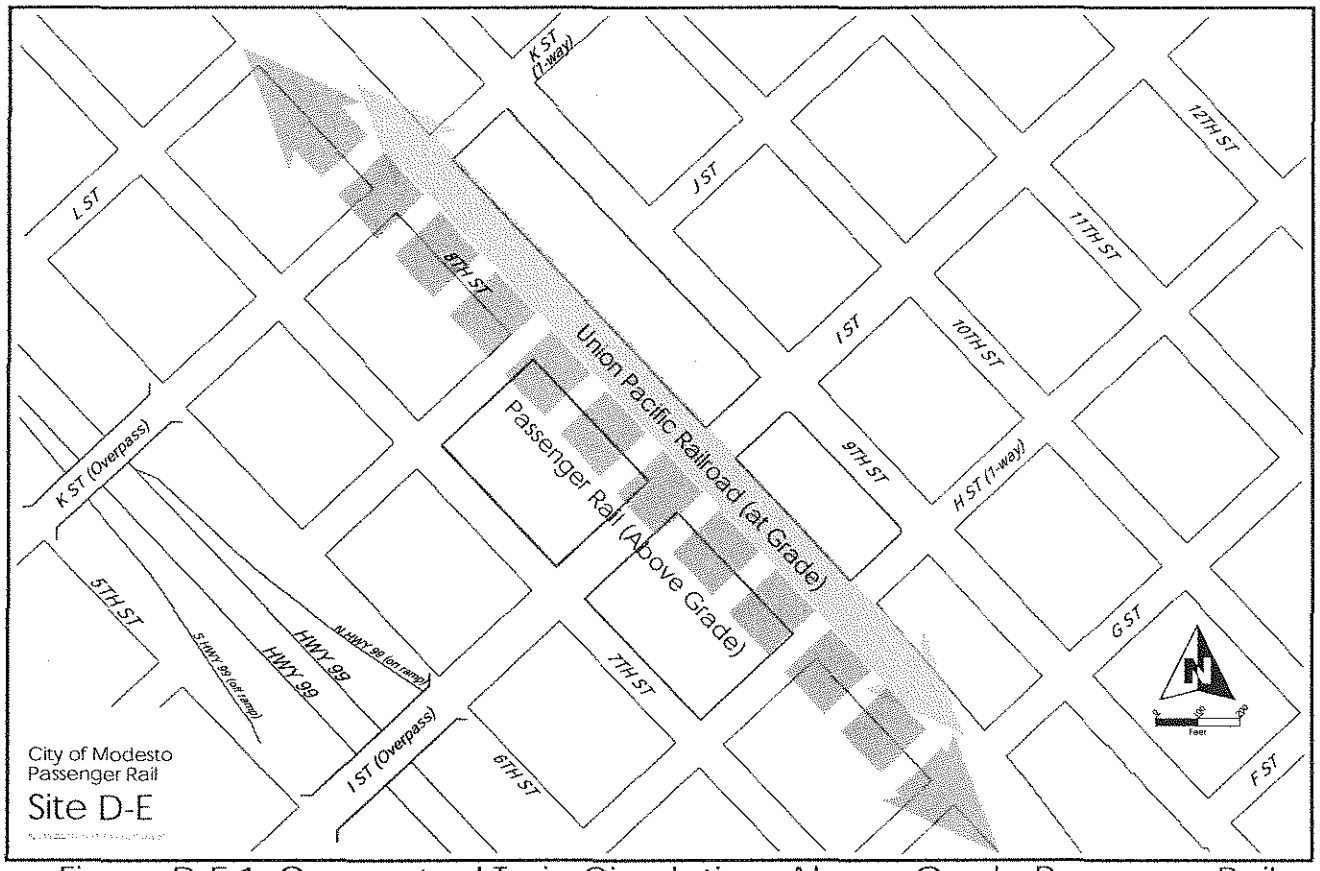
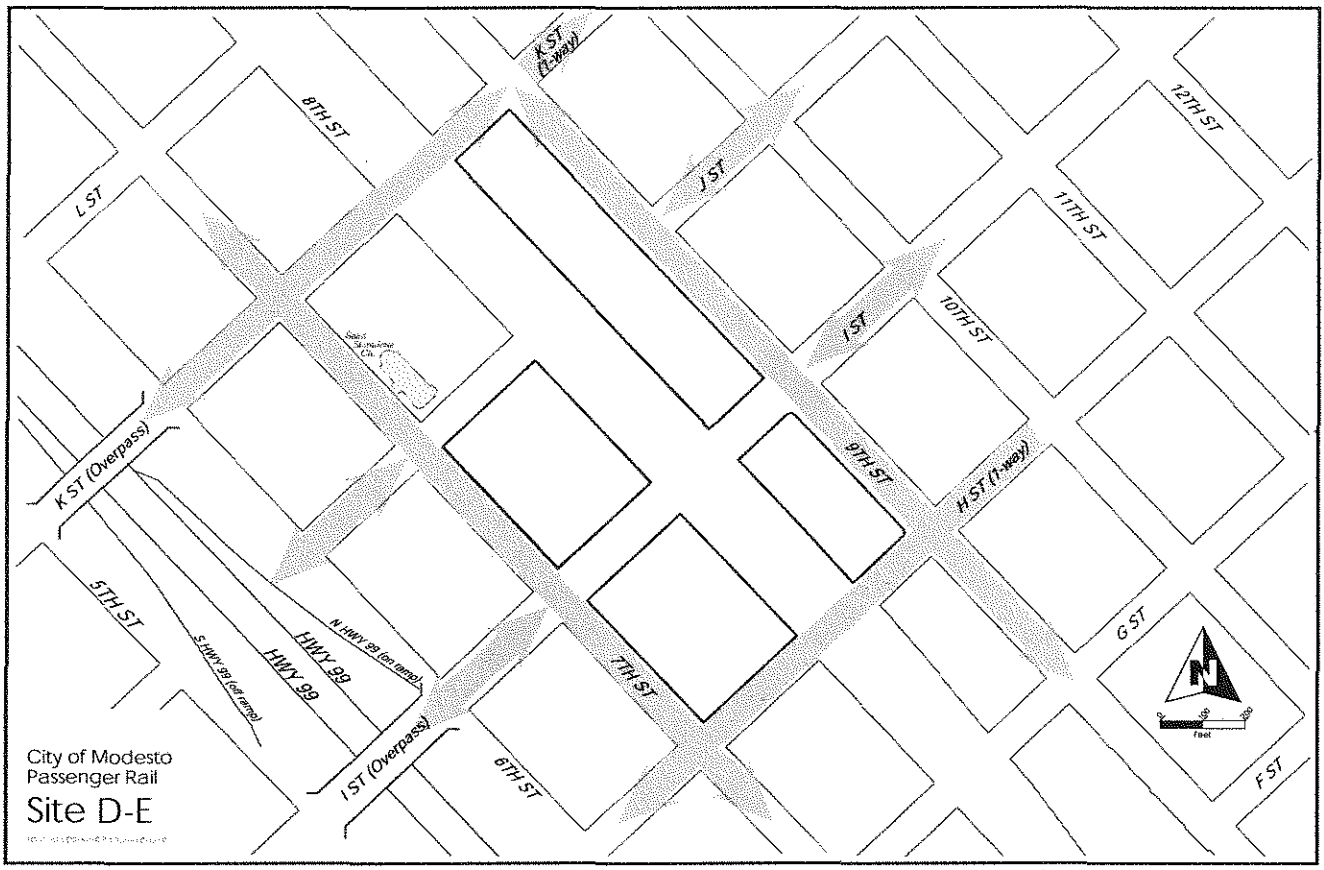


Figure D-E 1: Conceptual Train Circulation, Above-Grade Passenger Rail



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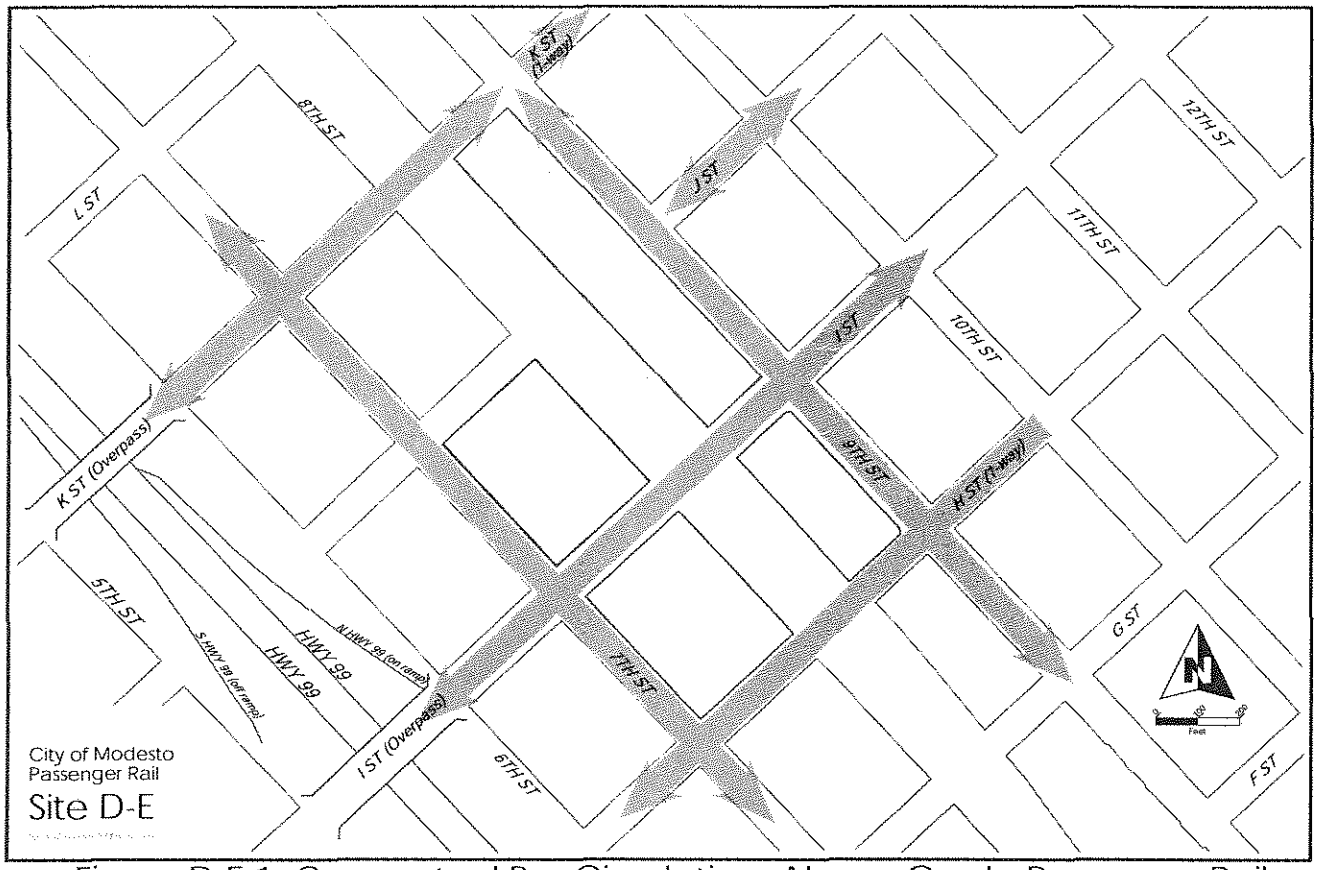


Figure D-E 1: Conceptual Bus Circulation, Above-Grade Passenger Rail

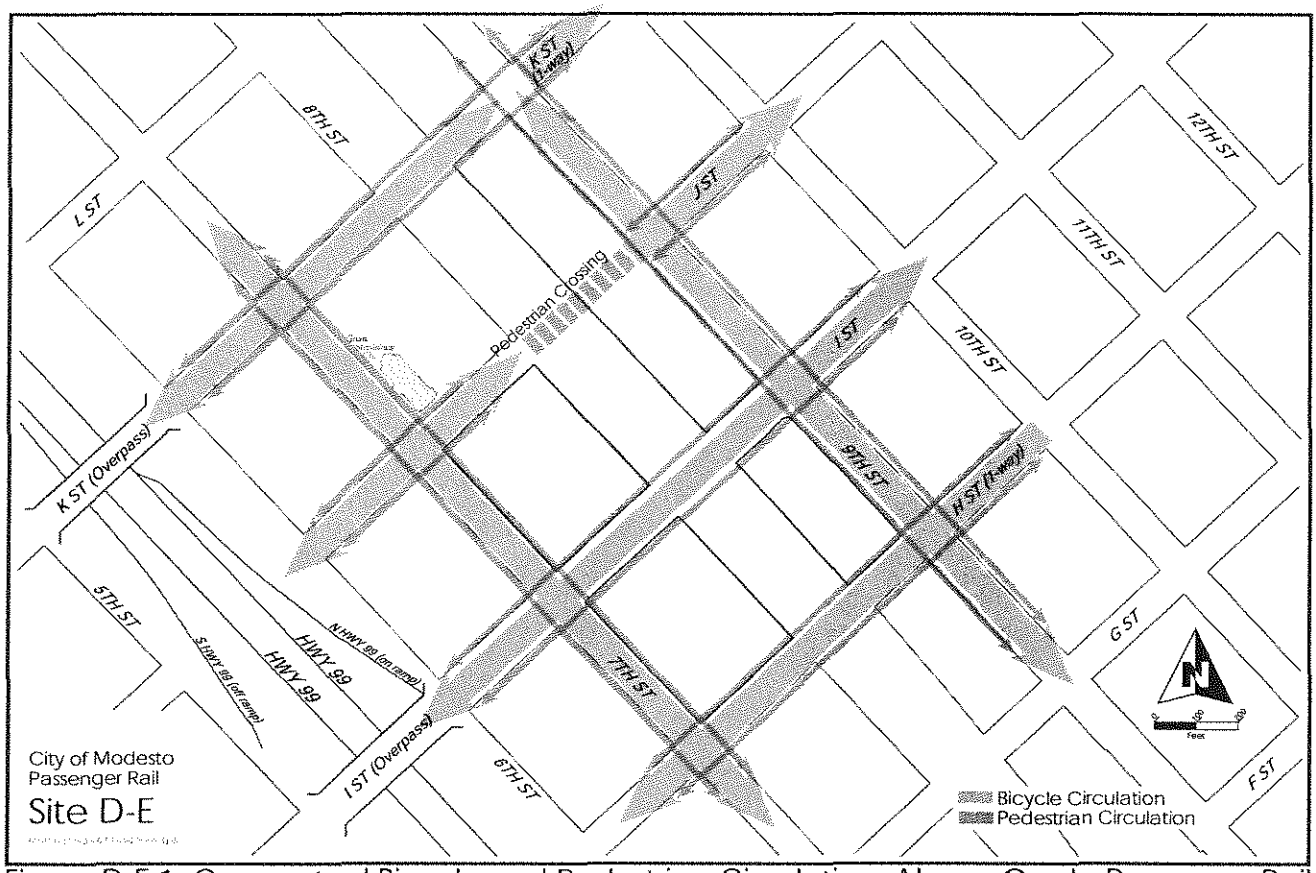


Figure D-E 1: Conceptual Bicycle and Pedestrian Circulation, Above-Grade Passenger Rail

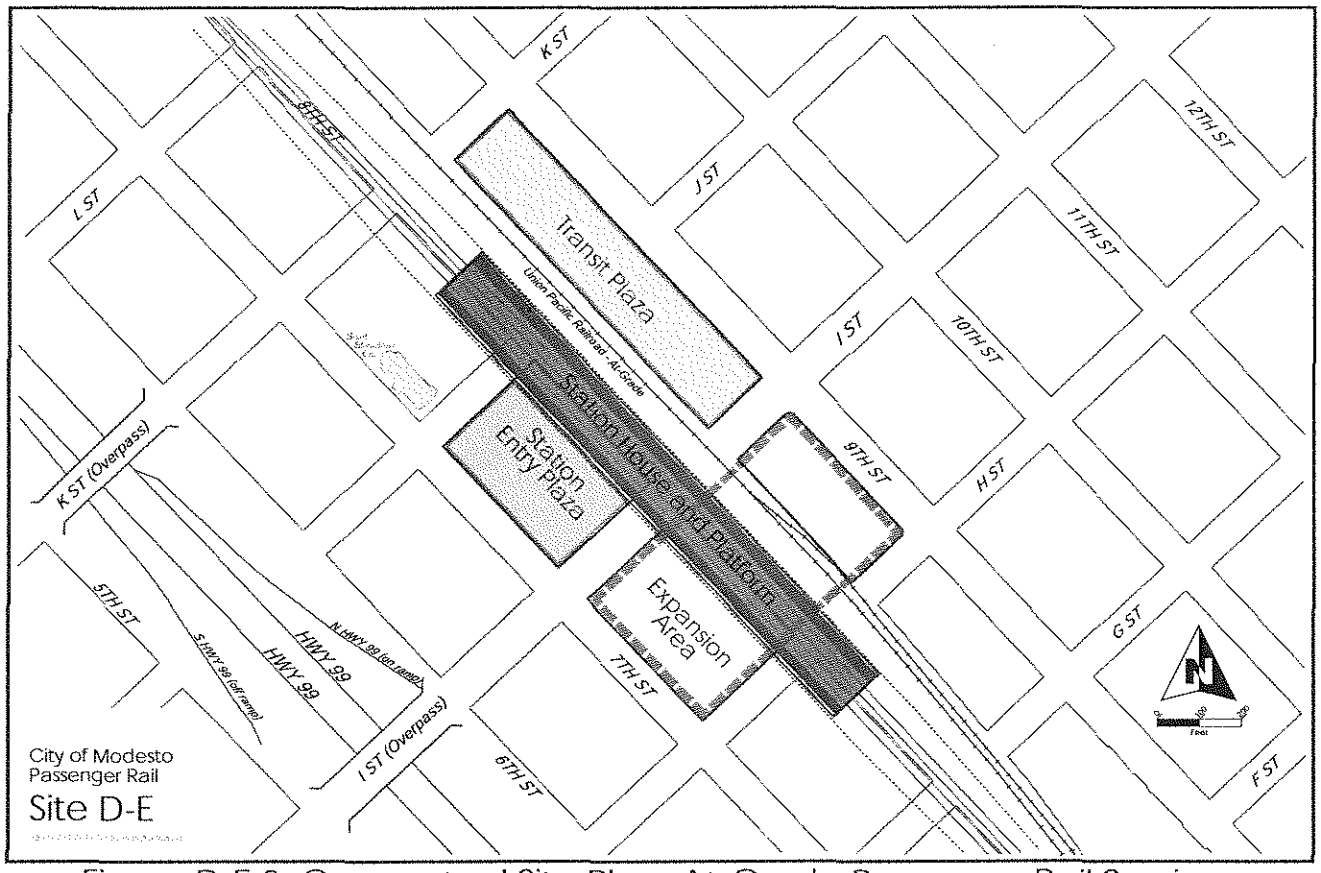


Figure D-E 2: Conceptual Site Plan, At-Grade Passenger Rail Service

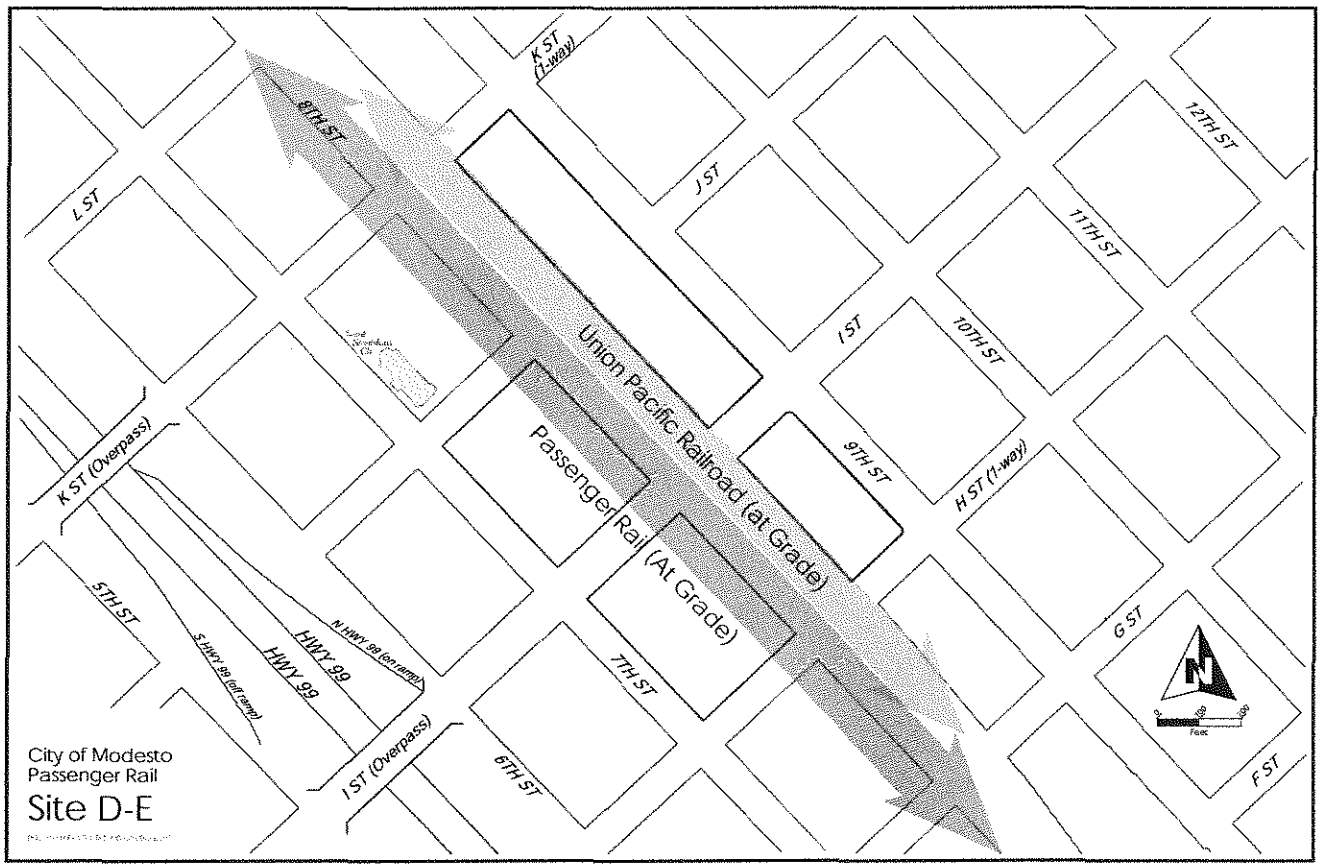


Figure D-E 2: Conceptual Train Circulation, At-Grade Passenger Rail

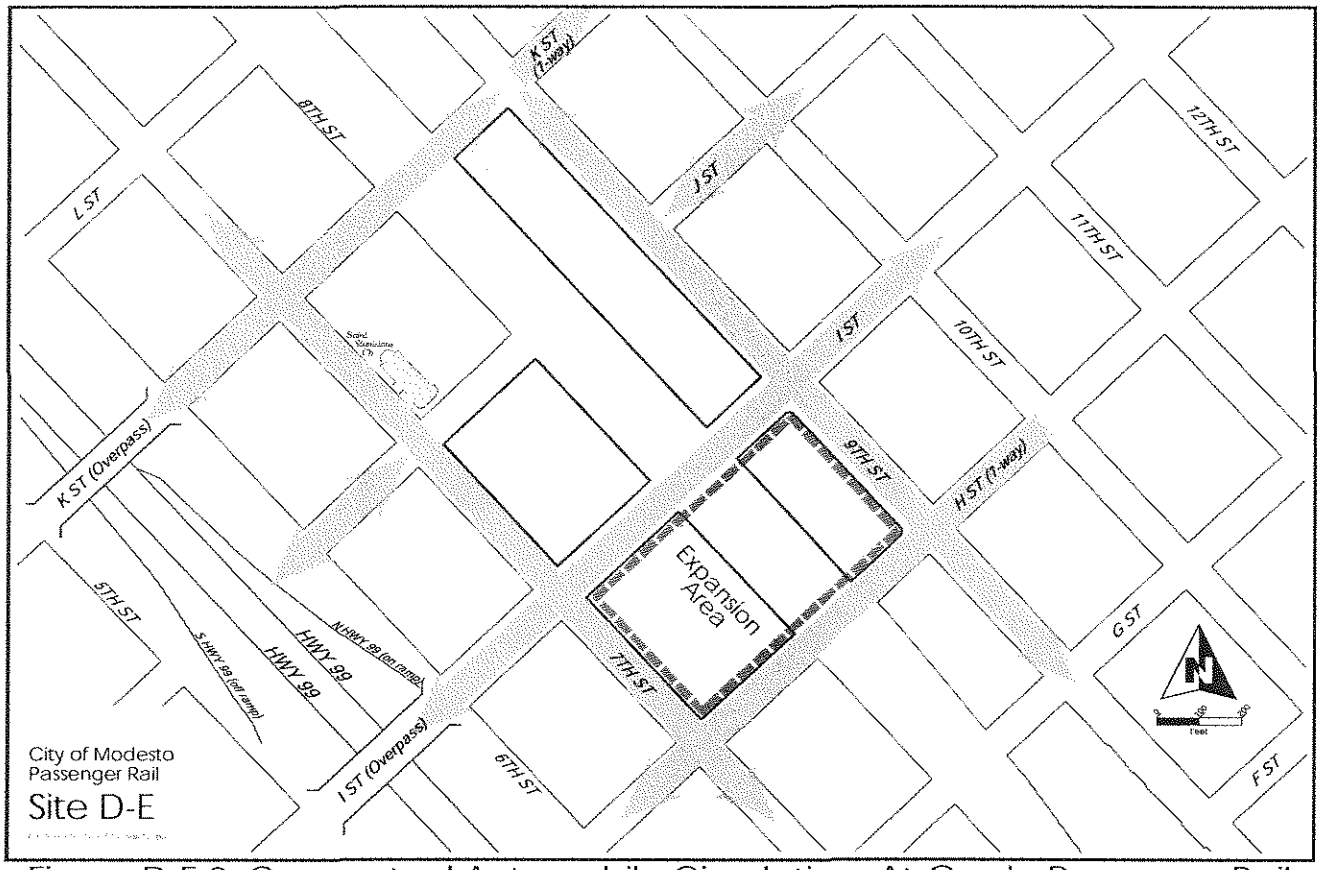


Figure D-E 2: Conceptual Automobile Circulation, At-Grade Passenger Rail

Figure D-E 2: Conceptual Bus Circulation, At-Grade Passenger Rail

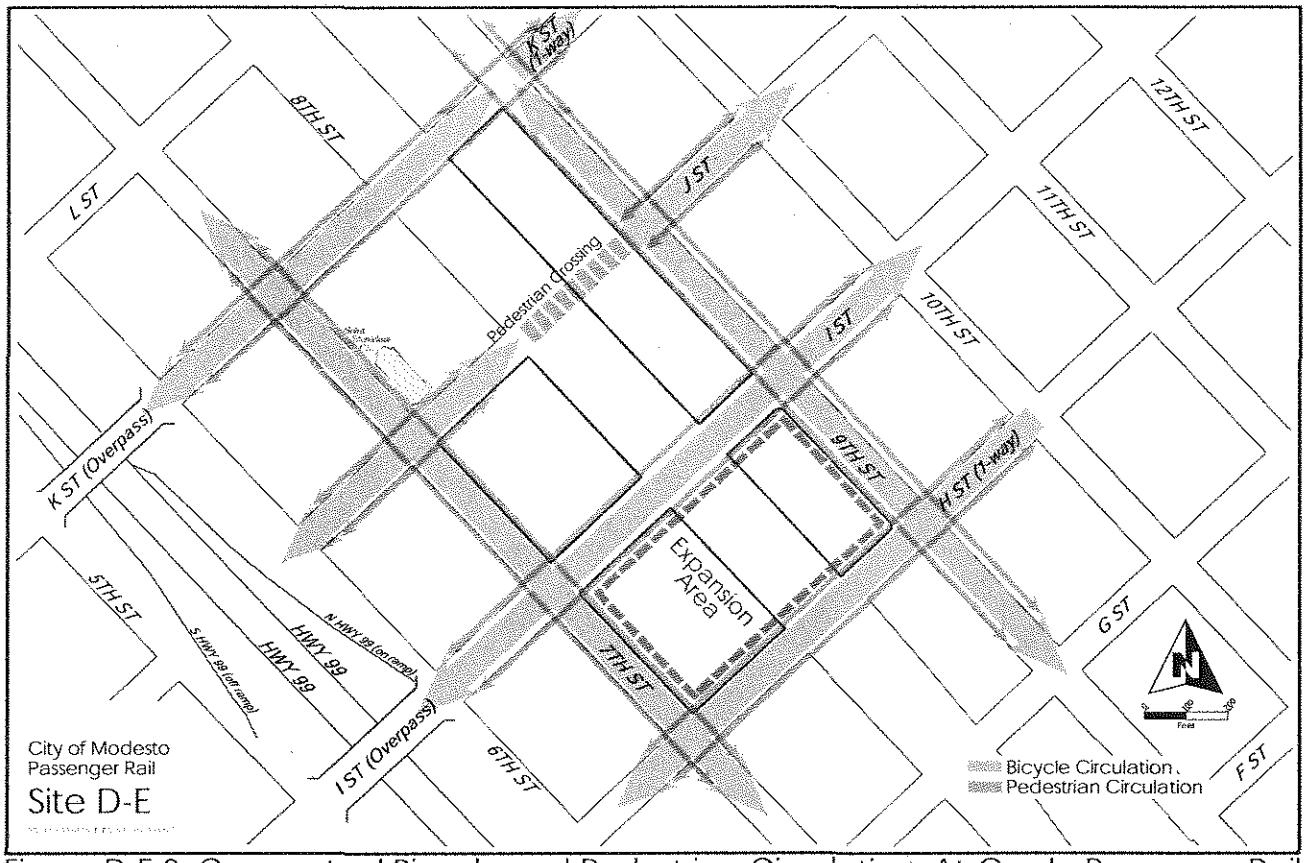


Figure D-E 2: Conceptual Bicycle and Pedestrian Circulation, At-Grade Passenger Rail

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-66

RESOLUTION AUTHORIZING THE AWARD OF BIDS FOR THE FURNISHING OF ANALYTICAL LABORATORY TESTING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WATER DIVISION AND WASTEWATER DIVISION, TO ALPHA ANALYTICAL LABORATORIES, DUBLIN, CA, BSK ANALYTICAL LABORATORIES, FRESNO, CA, FGL ENVIRONMENTAL, SANTA PAULA, CA, SIERRA ANALYTICAL, LAGUNA HILLS, CA, AND TESTAMERICA LABORATORIES, INC., IRVINE, CA, 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 PURCHASE AGREEMENTS FOR AN ESTIMATED ANNUAL COST OF $333,160

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of analytical laboratory testing services, and

WHEREAS, the Purchasing Division issued RFB No. 1213-05 Analytical Laboratory Testing Services to twenty (20) prospective bidders, two (2) of which were local vendors and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Nine (9) companies choose to respond, none of which were local vendors. All nine (9) companies provided responsive and responsible bids, and

WHEREAS, based on providing the best overall value to the City, City staff recommends the award of bids for the furnishing of analytical laboratory testing services for the Department of Public Works, Water Division and Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, BSK Analytical Laboratories, Fresno, CA, FGL Environmental, Santa Paula, CA, Sierra Analytical, Laguna Hills, CA, and TestAmerica Laboratories, Inc., Irvine, 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 bids for the furnishing of analytical laboratory testing services for the Department of Public Works, Water Division and Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, BSK Analytical Laboratories, Fresno, CA, FGL Environmental, Santa Paula, CA, Sierra Analytical, Laguna Hills, CA, and TestAmerica Laboratories, Inc., Irvine, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2012-13 for the furnishing of analytical laboratory testing services in Appropriation Units: 4100-55090-53335, 4100-55090-53336 and 4210-54115-53335.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for the furnishing of analytical laboratory testing services for the Department of Public Works, Water Division and Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, BSK Analytical Laboratories, Fresno, CA, FGL Environmental, Santa Paula, CA, Sierra Analytical, Laguna Hills, CA, and TestAmerica Laboratories, Inc., Irvine, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase agreements for an estimated annual cost of $333,160.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-67

RESOLUTION REAPPOINTING BRAD MORAD TO THE DOWNTOWN IMPROVEMENT DISRICT ADVISORY 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 Downtown Improvement District Board of Directors are recommending the reappointment of Brad Morad to a term ending January 2017 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. Brad Morad is 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 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-68

A RESOLUTION APPROVING A CONTRIBUTION AGREEMENT BETWEEN THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO FOR THE CONSTRUCTION PHASE OF THE SAFE ROUTES TO SCHOOL (SR2S) – SUTTER AVENUE IMPROVEMENTS AROUND JAMES MARSHALL ELEMENTARY SCHOOL PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City and County submitted an application for the Safe Routes to School (SR2S) Grant program, and

WHEREAS, Caltrans notified the City of Modesto that this project was successful in receiving SR2S grant funding, and

WHEREAS, at their June 28, 2011 meeting, the City Council accepted the Safe Routes to School Grant of $423,376 for the Sutter Avenue Improvements around James Marshall Elementary School, and

WHEREAS, the project will be funded at 90% by Safe Routes to School at an amount not to exceed $423,376.00 and a 5% local match from the City at an amount not to exceed $23,521.00, and a 5% local match from the County at an amount not to exceed $23,521.00 collected and administered by the City, and

WHEREAS, the City of Modesto desires to enter into a Contribution Agreement with the County of Stanislaus for the construction phase of the Safe Routes to School (SR2S) – Sutter Avenue Improvements around James Marshall Elementary School project, and

WHEREAS, this project area is partially located within the City limits and within the unincorporated area of the County, and

WHEREAS, the project will improve school pedestrian safety and circulation within the City and County providing a benefit to both the City and the County, and

WHEREAS, the CIP Task Force approved this project at their April 12, 2011 meeting, and

WHEREAS, the County Board of Supervisors approved this Contribution Agreement at their December 11, 2012, meeting.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Contribution Agreement between the County of Stanislaus and the City of Modesto for the construction phase of the Safe Routes to School (SR2S) – Sutter Avenue Improvements around James Marshall Elementary School project.

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 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-69

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND El SALTO INVESTMENTS FOR SEWER SERVICE FOR THE PROPERTY LOCATED AT 1728 DONALD STREET IN THE ROBERTSON ROAD NEIGHBORHOOD, MODESTO, (APN:037-024-014); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 1728 Donald Street is not connected to City's sewer system, and

WHEREAS, the property is located outside Modesto City limits, and inside the City's Sphere of Influence, and

WHEREAS, the property is inside the Modesto Municipal Sewer District No.1, and

WHEREAS, the City of Modesto can and is willing to provide domestic sewer to the subject area, and

WHEREAS, The Stanislaus County Redevelopment Agency installed complete sewer infrastructure in the " neighborhood" and individual laterals to each parcel to connect the property to the City of Modesto's sewer system, and

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

WHEREAS, the installation of the sewer service lines will upgrade the infrastructure in this already developed unincorporated area to facilitate a later annexation, and

WHEREAS, the sewer connection fees shall be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, that the property owner is required to enter into an outside service agreement for sewer service with the City

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Outside Service Agreement for the property located at 1728 Donald Street, in the Robertson Road Neighborhood, Modesto (APN 037-024-014)

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 26th of February, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-70

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL SCIENCE ASSOCIATES FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED MARKETPLACE PROJECT IN AN AMOUNT NOT TO EXCEED $143,609, FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $14,360.90 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $157,969.90, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, Berberian Holdings, LP, has applied for a general plan amendment and rezoning from P-D(211) to a new planned development referred to as the Marketplace Project, to allow for a shopping center, property located at the southwest corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, Section 21080.1 of the California Public Resources Code requires the City of Modesto, as lead agency, to make a determination of whether an environmental impact report is required for the Project, and

WHEREAS, the City of Modesto has determined that an Environmental Impact Report will be necessary to ensure that the City of Modesto complies with the requirements of the California Environmental Quality Act for the Marketplace Project. The project applicant now desires to proceed with an Environmental Impact Report, and

WHEREAS, City staff recommends an Agreement between the City of Modesto and Environmental Science Associates be executed in an amount not to exceed $143,609 for the identified scope of services, plus $14,360.90 for additional services (if needed), for a maximum total amount of $157,969.90 to allow Environmental Science Associates to prepare an Environmental Impact Report based on the scope of services supplied to City staff, and

WHEREAS, the applicant will pay the entire cost of the EIR, including staff time spent on said project, and the applicant has deposited $100,000 of funds with the City to cover a portion amount of work outlined in the Scope of Services described in **Exhibit "A"** of the Agreement for Consultant Services, and

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 Environmental Science Associates for the preparation of an Environmental Impact Report for the proposed Marketplace project, in an amount not to exceed $143,609 for the identified scope of services, plus $14,360.90 for additional services (if needed), for a maximum total amount of $157,969.90.

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 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

ESA Community Development

2600 Capitol Avenue
Suite 200
Sacramento, CA 95816
916.564.4500 phone
916.564.4501 fax

www.esassoc.com

Exhibit A

January 8, 2013

Steve Mitchell
Principal Planner
City of Modesto
Community & Economic Development Department
PO Box 642
Modesto, CA 95353

Subject: The Marketplace Shopping Center Project

Dear Mr. Mitchell:

ESA is pleased to provide the following revised scope of work and cost estimate for environmental compliance services related to The Marketplace Shopping Center Project (proposed project) in the City of Modesto. This scope of work includes the additional traffic analysis discussed on January 4, 2012. Our cost estimate is based on the following project understanding and scope of services anticipated for the proposed project.

Project Understanding

The proposed project is an application for a General Plan Amendment to redesignate approximately 18 acres from Mixed-use (MU) and Residential (R) to Commercial (C), and to rezone the same property from Planned Development Zone P-D (211) to a new Planned Development Zone (PD), to allow development of a shopping center located at the southwest corner of Sylvan Avenue and Oakdale Road in the city of Modesto, CA. An Initial Study/Mitigated Negative Declaration was originally prepared for the proposed project (relying upon the General Plan Master Environmental Impact Report). However, it has been determined by the City that a project-level Environmental Impact Report (EIR), focused on the site specific issues, is more appropriate for the project at this time.

To prepare the EIR for the project, ESA will incorporate technical data from the previously prepared Initial Study/Mitigated Negative Declaration for the proposed project, additional information prepared by staff, additional analysis prepared by the traffic consultant, and the Master Environmental Impact Report (note that the EIR will not be tiered from the MEIR, but may incorporate citywide issues and analyses by reference). Key assumptions include the following:

- The existing Traffic Study is adequate and will only require minor updates and revisions to address issues that have been raised. The minor revisions will be prepared by the traffic consultant as a subconsultant to ESA. ESA will incorporate the results of the traffic study into the EIR.
- No unique issues related to biological resources, cultural resources, or geology/soils are present, and the MEIR mitigation measures can be incorporated into the EIR.
- Urban decay issues have been adequately addressed by staff and will be incorporated into the EIR.
- The General Plan MEIR and the Tivoli EIR will provide the basis for cumulative impact analysis.

The City of Modesto will act as the lead agency under CEQA. Our scope of work incorporates the City's "Project and/or Program EIR Process" guidance.

Scope of Work and Cost Estimate

Our scope of work and cost estimate is based on the assumption that a Environmental Impact Report (EIR) will be prepared for the proposed project, focusing on the issues of aesthetics, air quality, climate change, hydrology and water quality, land use, noise, traffic, and urban decay. Growth inducement, alternatives, and cumulative impacts will also be addressed. Based on the Initial Study and MEIR, the following impacts are anticipated to be less than significant, and will be addressed briefly in the EIR: agriculture, biological resources, cultural resources, geology and soils, mineral resources, hazards and hazardous materials, and public services and utilities. Prior to finalizing the scope of work, ESA anticipates reviewing and discussing the technical issues associated with the proposed project with the project applicant and City staff.

Task 1. Prepare a Notice of Preparation

Following a Kick-off conference call, ESA will prepare a Notice of Preparation (NOP) on behalf of the City in order to elicit agency and public input on the scope of the EIR. A list of potential environmental issues will also be prepared to assist in the scoping process for the EIR.

ESA will provide the City with the draft NOP to review. Following any revisions, ESA will submit the NOP to the State Clearinghouse. Submission of the NOP to the State Clearinghouse will initiate the 30-day circulation period as required by the CEQA Guidelines. As a General Plan Amendment, the project may be considered a "Project of Statewide, Regional or Areawide Significance" (CEQA Guidelines Section 15206) and could require a scoping meeting (see Task 7).

Deliverables: One (1) electronic copy of the draft NOP to the City for review.
One (1) electronic copy of the NOP to the City for local distribution.
Fifteen (15) copies of the NOP to be delivered to the State Clearinghouse by ESA.

Task 2. Prepare Administrative Draft Environmental Impact Report

ESA will prepare an Administrative Draft Environmental Impact Report (ADEIR) for review by the City. The ADEIR consists of the following sections (per CEQA Guidelines Sections 15122 – 15131):

- **Executive Summary.** This section will provide a summary of the EIR and will include: a brief description of the project; a summary of the environmental impacts, mitigation measures, and project alternatives; and a discussion of areas of controversy and issues remaining to be resolved.
- **Introduction.** This section will contain a brief history of the project, the purpose of the environmental review, and an overview of the EIR process, including the results of the scoping process.

- **Project Description.** This section will include a description of the project, its location, its key characteristics, and a statement of the project objectives. The description shall include the intended uses of the EIR, including actions by the lead agency, responsible agencies that may rely upon the EIR, and a list of permits and other approvals required to implement the project. A complete and stable project description is a requirement for any legally defensible CEQA document. As part of this task, we will work closely with the City to prepare a project description that meets the needs of the lead and responsible agencies. Preliminary site plans and conceptual design drawings will be incorporated into the project description to the extent they are available.
- **Setting.** The setting sections will provide sufficient background information to characterize the existing environmental baseline under each topic area. The setting sections will typically include information on the regulatory background for the particular resource.
- **Impacts and Mitigation Measures.** With the input of the City's staff, we will develop a set of impact criteria/thresholds that will be based on those identified in previous City EIRs and other adopted thresholds of significance, such as the City's General Plan or the MEIR. We will use these criteria/thresholds to assess impact significance. Adverse impacts that meet or exceed these criteria will be considered significant environmental effects. Where possible to quantify, the increment of change between baseline and post-project conditions will be identified. Impacts will be presented in a logical discussion that the general public can understand. Feasible mitigation measures will be identified, and the significance of the impact after incorporating mitigation measures will be discussed.
- **Cumulative and Growth-Inducing Impacts.** The EIR will evaluate cumulative and growth-inducing impacts associated with the project.
- **Alternatives Analysis.** In addition to the project, ESA will consider alternatives to the project that would reduce or avoid significant impacts. It is assumed that three alternatives will be adequate. Typical alternatives include "no project", an on-site alternative, and an off-site alternative. If an off-site alternative is infeasible, this will be noted in the EIR. Potential alternatives for this project include multifamily residential, no-project/mixed use commercial (existing entitlement), and a reversed project footprint (Hashem access).
- **Other CEQA Sections.** In addition to the sections referenced above, we will provide all other CEQA sections (areas of controversy, growth-inducement, significant and unavoidable impacts, list of persons and agencies consulted, etc.), as required by Section 15120 et seq. of the CEQA Guidelines.

Environmental Impact Analyses

The following environmental issues will be addressed individually in the Impact Analysis chapter:

Aesthetics

The EIR will evaluate visual impacts related to scenic resources, degradation of visual character, and the creation of substantial new sources of light and glare. The key steps in the analysis will include defining the viewshed and key views, rating the visual character and quality of the site, analyzing the degree of change, and identifying the numbers and sensitivity of viewer groups. A key issue for this project is the view of the project site from the westerly residential area.

Steve Mitchell
January 8, 2013

Air Quality

The project site is located in the City of Modesto and is within the boundaries of the San Joaquin Valley Air Basin (SJVAB). The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local air district with jurisdiction over the project area. The proposed project is within a region currently designated "nonattainment" for the State and national ozone and PM2.5 standards, as well as the State PM10 standard. The SJVAPCD regulates air quality through its permit authority over most types of stationary emissions sources and through its planning and review activities.

Construction activities could generate dust that could cause local violations of particulate standards, as well as ozone precursors, particulates, and greenhouse gases (GHGs) from engine emissions. Project operations are expected to generate additional motor vehicle trips, and associated criteria pollutants and GHGs. ESA will use the recently released California Emissions Estimator Model (CalEEMod) to estimate criteria air pollutants and GHGs from project construction and operations, identify whether the air quality emissions from these activities would result in potentially significant impacts, and specify mitigation measures to reduce emissions where appropriate.

Climate Change

The CEQA Guidelines recommend quantification and analysis of greenhouse gas (GHG) emissions. As described above under "Air Quality", we will quantify and evaluate greenhouse gas emissions, primarily CO2, generated by motor vehicle traffic and facility power usage associated with long-term operation of the project. Mobile source GHG emissions will be estimated using vehicle miles travelled (VMT) derived from the City traffic model. This will allow more accurate emissions estimates and a comparison with the cumulative impact analysis in the MEIR. It is noted that there are no locally adopted GHG reduction plans that apply to the project. StanCOG is in the process of developing a Sustainable Communities Strategy (SCS), but this analysis will not be available within the timeframe of the project EIR.

Hydrology and Water Quality

Incorporating existing information from the area Master Plan, the applicant's engineering calculations, City ordinances, the MEIR, and City staff, the EIR will characterize potential hydrology and water quality effects resulting from implementation of the project, including construction, and identify measures to minimize the effects. The EIR will provide a summary of existing surface water flows, flooding conditions, groundwater depth, and surface and groundwater quality. The project site is served by an existing detention basin, which is understood to have adequate capacity to accommodate project-related runoff. Potential issues include construction run-off and sedimentation affecting the local storm drain system, the potential to encounter groundwater during construction, changes in existing urban run-off patterns, and changes in quantity and quality of stormwater runoff from proposed building sites. It is anticipated that most of these issues will be mitigated through conditions incorporated up front as part of the Project Description. As the project would involve grading over one acre in area, the project would be subject to National Pollutant Discharge Elimination System (NPDES) requirements, administered by the Regional Water Quality Control Board.

Land Use

This section will address project consistency with local planning policies and regulations, including the Modesto General Plan. ESA will identify, using text and graphics, the existing and proposed land use classifications on the site. We will also identify surrounding land uses. It is noted that the project area is currently designated as Mixed-use (MU) and Residential (R) by the City's General Plan. As the project includes a General Plan Amendment, this change must be considered within the context of the City's overall land use planning policies. We will analyze potential conflicts with existing land uses surrounding the site and the potential to physically divide existing communities.

Noise

The project would include additional noise sources, both short-term (construction) and long-term (operational), that could affect noise-sensitive receptors in the project area. ESA will assess project and cumulative noise impacts with reference to the change in noise levels at noise-sensitive locations in the vicinity and with reference to the City's Noise Ordinance and General Plan standards, and will devise, where necessary, feasible, appropriate noise mitigation measures in accordance with CEQA. The noise analysis will include the following tasks:

- Site visit and long-term (24-hour) ambient noise level measurements.
- Traffic noise assessment based on the project traffic impact study.
- Demolition/construction noise assessment.
- Operations noise assessment for proposed shopping center, including delivery truck facilities and other potential noise sources.
- Project noise impacts and mitigation measures.

Traffic

The EIR will examine the project's direct and cumulative impact on the City's circulation system and identify feasible mitigation measures. A traffic study will be prepared by Kimley-Horn and Associates, Inc. to address project-related traffic impacts, including potential issues raised by VRPA in their public comment letter (see **Attachment 3** for scope of work). ESA will peer review the study and incorporate it into the EIR.

Urban Decay

Economic effects are not considered as physical impacts under CEQA. However, when economic change results in a physical effect, such as urban decay, it may be addressed in the EIR. The EIR will include a section that assesses the potential for urban decay resulting from the proposed project. The assessment will be based on information prepared by staff. An economic impact study is not included within this scope of work.

Less-Than-Significant Impacts

The CEQA Guidelines (Section 15143) state than an EIR should focus on the potentially significant environmental effects of a project. Based on the Initial study, and public comment, it is assumed that the following impacts may be "scoped out" of the EIR. They will be discussed briefly in a separate section of the EIR.

Agriculture

The project site is in a developed urban area within the City of Modesto. No impacts to agricultural resources are expected.

Biological Resources

The potential for significant biological resources is relatively small. ESA will conduct a reconnaissance-level survey to confirm this assumption. The project appears to contain some mature trees (based on aerial photographs). ESA will assess the potential for these trees, or adjacent vegetation to serve as bird nesting habitat.

Cultural Resources

Based on a preliminary review of the MEIR, it appears no significant cultural resources have been identified in the project area. The EIR will incorporate the programmatic mitigation for previously unknown archaeological resources from the MEIR.

Geology, Soils and Mineral Resources

Due to its proximity to the Foothill Fault System, geologic and seismic hazards may exist in the vicinity of the project site. ESA will review any geotechnical studies available for the project site. It is assumed that standard construction techniques will mitigate any potential seismic hazards. Erosion, due to ground disturbing activities may also be a concern. It is anticipated that standard requirements, including construction storm water best management practices, will reduce impacts to a less than significant level.

Hazards and Hazardous Materials

The project is not on the list of sites compiled per Section 56962.5 of the Government Code. Assuming that the applicant can provide a Phase I environmental assessment of the project site, and that no hazardous material issues are identified, this impact will be identified as less than significant and no further analysis will be required.

Public Services and Utilities

Staff has determined that the project would not have an effect upon public services and utilities, including: sewer, communications systems, electric and gas service, schools, recreational facilities, water supply, drainage, solid waste, law enforcement, fire protection, and other emergency services, assuming compliance with standard City requirements and conditions incorporated as part of the Project Description.

Cumulative Impacts

ESA will coordinate with the City of Modesto to identify any recent or pending projects in the vicinity of the proposed project that could contribute to cumulative impacts. ESA may also use the cumulative impact analysis contained in the City's General Plan EIR and the Tivoli EIR.

Alternatives

The discussion of project alternatives that could avoid or reduce significant project impacts is an important element of the EIR. Working with the City, ESA will develop three alternatives, including the required "No Project" alternative. Potential alternatives for this project include multifamily residential, no-project/mixed use commercial (existing entitlement), and a reversed footprint (Hashem access). Clearly infeasible alternatives, including those that are inconsistent with the Modesto General Plan, need not be considered. The alternatives analysis proposed in this scope of work is qualitative in nature – separate model runs (e.g. traffic, air, and noise) are not proposed.

Deliverables: It is anticipated that submittal and review of the ADEIR will be completed using electronic documents.

Task 3. Prepare and Submit Public Draft EIR (DEIR)

After the City has reviewed the ADEIR, we will incorporate the necessary revisions into the document and submit a 2nd ADEIR to the City. We assume that the City will provide a single comprehensive set of comments. Once the 2nd ADEIR is reviewed by City staff, ESA will make final revisions and provide a final screen check copy of the DEIR to City staff prior to publication.

The DEIR must be circulated for a minimum of 45 days for public and agency comments. It is assumed that the City will wish to hold a public hearing or workshop to receive comment on the DEIR during the public review period (see Task 7).

Deliverables: We will prepare and submit the following documents.

- Ten (10) copies and one (1) electronic copy of the DEIR (including all appendices).
- A Notice of Completion for the State Clearinghouse along with fifteen (15) CD copies of the DEIR. ESA will submit the documents to the State Clearinghouse on behalf of the City.

Task 4. Prepare and Submit FEIR and MMRP

At the conclusion of the 45-day public comment period, ESA will meet with City staff to discuss the written and oral comments received during the comment period and the appropriate responses to those comments which raise substantive environmental issues (including written, electronic, and verbal comments). This scope of work assumes that all substantial environmental comments can be adequately responded to without performing additional analyses.

The Final EIR (FEIR) shall contain the information specified in CEQA Guidelines Section 15132. ESA will format the FEIR as a strike-out/underline revision of the DEIR, including the list of commenters, comments received, and response to comments document. ESA shall submit the FEIR as an administrative draft for City review. ESA will also prepare the draft Mitigation Monitoring and Reporting Program (MMRP) per CEQA Guidelines Section 15097, containing all mitigation measures as identified in the FEIR.

Deliverables: Electronic copy of the Administrative Draft FEIR and draft MMRP.

Task 5. Prepare and Submit FEIR and MMRP

After City staff has reviewed the Administrative Draft FEIR and draft MMRP, we will incorporate the necessary revisions into the document and submit the FEIR and MMRP to the City for publication.

Deliverables: Ten (10) hard copies and one (1) electronic copy of the Final EIR.

Task 6. Project Management

Our scope of work assumes that the ESA project manager will provide regular updates to the City regarding the environmental process and will work with the planning team to ensure successful completion of the project. This task assumes regular monthly communication, including conference calls and email.

Task 7. Project Meetings/Hearings

ESA will assist staff in scheduling and facilitating the Public Scoping Meeting and a Public Hearing to receive comment on the DEIR. The ESA project manager will also attend a project kick-off meeting and two project approval hearings (assumes one Planning Commission Hearing and one City Council hearing).

Should additional formal meetings be required, ESA's project manager can attend those meetings on a time and materials basis (see Attachment 1).

Task 8. Final MMRP and Findings

ESA will prepare draft findings for the certification of the FEIR and the approval of the project (per CEQA Guidelines Sections 15090 – 15092). If necessary, a proposed statement of overriding considerations will be prepared (per CEQA Guidelines Section 15093). ESA will also prepare a Notice of Determination for the City, if the project is approved. Filing fees for the NOD are not included in this scope of work.

Cost Estimate and Schedule

ESA proposes to complete the above scope of work on a time-and-materials basis for an estimated cost of $143,609. A detailed estimate of costs by task is provided in **Attachment 1.** During the implementation of this scope of work,

ESA Community Development

Steve Mitchell
January 8, 2013

ESA may reallocate costs between identified tasks as necessary to meet project needs. This cost estimate is valid for 60 days from the date of this letter and reflects ESA's current billing rates. Work will be invoiced monthly on a time-and-materials basis up to the authorized not-to-exceed budget and will reflect ESA's rates in effect at the time the work is completed.

Please find attached a preliminary project schedule (**Attachment 2**). We recognize that time is of the essence, and that the proposed project has faced previous delays. We assume the schedule will be refined at the project kick-off meeting.

On behalf of ESA, we thank you for the opportunity to present this information to your firm. We trust you will find this information adequate for your review. Should you need additional information or have any questions, please do not hesitate to call our Project Manager, Brian Grattidge, or me, at (916) 564-4500.

Sincerely,

Daniel E. Dameron
Project Director

Attachments: (1) Cost Estimate
(2) Projected Schedule
(3) Traffic Study Scope of Work

Attachment 1- Cost Estimate for The Marketplace Shopping Center Project EIR

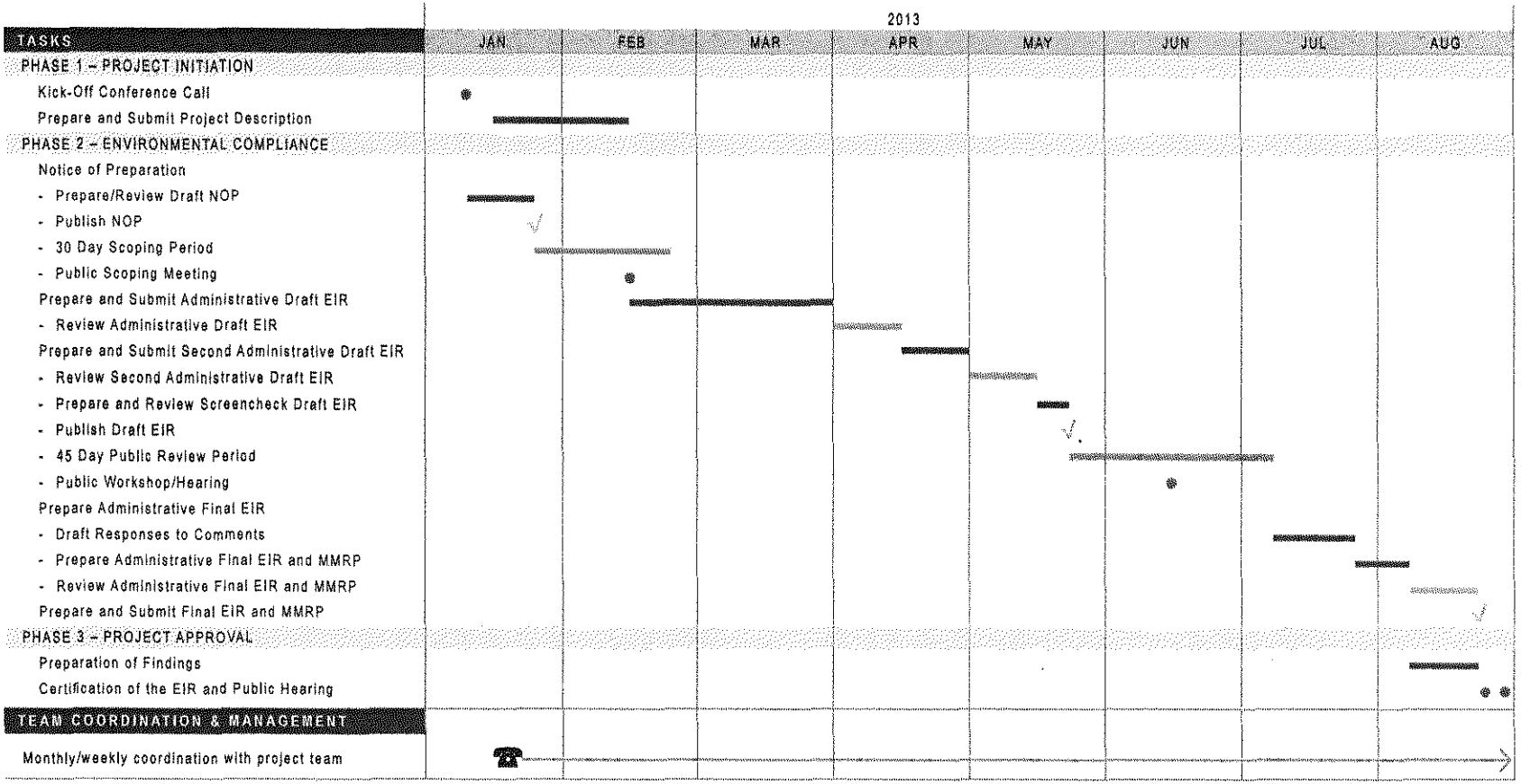
	Project Management and Technical Staff Hours											Administrative Staff Hours					
Team Member / Work Task	Dameron	Grattidge	Herack	Morales	Boldt	Hutchinson	Staff	Staff	Staff	Staff		Sakai	Wyatt		Labor	Direct	Total
				Air/Noise Review	Biology Review	Traffic Review											
Role	Director	Manager	Deputy PM				Air/Noise	Hydro	Biologist	GIS	Subtotal	Production	Graphics	Subtotal	Total	Expenses	Price
Task 1. Prepare NOP and Public Scoping	1	8	14								$3,490	2	8	$1,010	$4,500		
Task 2. Prepare and Submit ADEIR	4	18								8	$5,030	20	8	$2,540	$7,570		
Subtask 3.1 Aesthetics			30								$4,050			$0	$4,050		
Subtask 3.2 Air Quality			6	4			30				$5,560			$0	$5,560		
Subtask 3.3 Biological Resources			1						16		$2,135			$0	$2,135		
Subtask 3.4 Cultural Resources			4								$540			$0	$540		
Subtask 3.5 Energy and Climate Change			8				32				$5,400			$0	$5,400		
Subtask 3.6 Geology, Soils, and Mineral Resources			4								$540			$0	$540		
Subtask 3.7 Hazards and Hazardous Materials			4								$540			$0	$540		
Subtask 3.8 Hydrology and Water Quality			4					16			$2,700			$0	$2,700		
Subtask 3.9 Land Use and Agriculture			16								$2,160			$0	$2,160		
Subtask 3.10 Noise			6				50				$7,560			$0	$7,560		
Subtask 3.11 Public Services/Utilities/Recreation			4								$540			$0	$540		
Subtask 3.12 Traffic and Circulation			24			20					$7,240			$0	$7,240		
Subtask 3.13 Cumulative and Growth-Inducing Impacts			40								$5,400			$0	$5,400		
Subtask 3.14 Alternatives			24								$3,240			$0	$3,240		
Subtask 3.15 Urban Decay		16	20								$5,500			$0	$5,500		
Subtask 3.16 Other CEQA Considerations			2								$270			$0	$270		
Task 3. Prepare and Submit DEIR	2	12	24	2	2	1					$6,660	12	2	$1,230	$7,890		
Task 4. Prepare and Submit AFEIR and Draft MMRP	2	20	50	4	4	1		3			$12,695	24	8	$2,880	$15,575		
Task 5. Prepare and Submit FEIR and MMRP	1	8	20								$4,300	12	1	$1,125	$5,425		
Task 6. Project Management	10	40									$9,000	4		$340	$9,340		
Task 7. Meetings/Hearings (4)		24									$4,200	4	4	$760	$4,960		
Task 8. Final MMRP and Findings			34								$4,590		4	$420	$5,010		
Total Hours	20	146	339	10	6	22	112	19	16	8		78	35				
Billing Rate (2012)	$200	$175	$135	$175	$185	$200	$135	$135	$125	$135		$85	$105				
Subtotals	$4,000	$25,550	$45,765	$1,750	$1,110	$4,400	$15,120	$2,565	$2,000	$1,080	$103,340	$6,630	$3,675	$10,305	$113,645		
Percent of Total Effort Total Hours = 811	2.5%	18.0%	41.8%	1.2%	0.7%	2.7%	13.8%	2.3%	2.0%	1.0%		9.6%	4.3%				
Direct and Subcon Direct and Subconsultant Expenses																	
Kimley - Horn, Traffic Subconsultant																$26,000	
Document reproduction (5000 pages @ $.05/page)																$250	
Figure and map reproductions (250 pages @ $1.00/page)																$250	
Vehicle rental (5 trips @ $84/trip)																$420	
GIS computer time (1 day @ $120/day)																$120	
Noise Meter Rental																$200	
General and Administrative Expense of 10% on Non-Labor Costs																$2,724	
Direct Expense Subtotal																$29,964	
Total Price																	$143,609

Optional Standby Tasks	
Additional PM Meetings/Hearings (each)	$959
(includes travel time and mileage)	

ESA

PROPOSED PROJECT SCHEDULE

THE MARKETPLACE SHOPPING CENTER



● Public Workshop/Hearing Task City Review Public Review

Kimley-Horn
and Associates, Inc.

January 7, 2013

Suite 200
11919 Foundation Place
Gold River, California
95670

Mr. Brian Grattidge
Environmental Science Associates, Inc.
2600 Capitol Avenue, Suite 200
Sacramento, California 95816

Re: Traffic Impact Analysis Services
The Marketplace
Modesto, California

Dear Mr. Grattidge:

Kimley-Horn and Associates, Inc. ("KHA") is pleased to submit this proposal to Environmental Science Associates, Inc. (the "Client") for providing traffic impact analysis services in support of the Environmental Impact Report (EIR) your firm is preparing for The Marketplace (the "project" or "proposed project"). Our Scope of Services, Schedule, and Fee are as follows.

Scope of Services

Task 1: Data Collection
KHA shall be entitled to rely on the completeness and accuracy of all information provided by the Client. The Client shall provide all information requested by KHA during the project.

KHA will complete one field visit to observe intersection lane configurations, vehicle storage and queuing lengths, existing traffic control, speed limits, lane utilization, adjacent land uses, and other readily apparent features for the study facilities that are deemed by KHA to be relevant to the Scope of Services.

This Scope of Services includes collection of up to nineteen (19) PM peak-period turning movement counts and up to fourteen (14) twenty-four hour roadway segment counts. The PM peak-period intersection counts would be collected on a typical weekday between the hours of 4:00 p.m. and 6:00 p.m.

Task 2: Trip Generation, Trip Assignment, and Scoping Documentation
The number of trips anticipated to be generated by the proposed project will be approximated using *Trip Generation, 9th Edition*, and the *Trip Generation Handbook, Second Edition*, both published by the Institute of Transportation Engineers (ITE). As deemed appropriate by KHA and allowable by the City, adjustments will be made to the proposed project's trip generation to account for pass-by trips, diverted-link trips, alternate mode trips, and the interaction

TEL 916 858 5800
FAX 916 608 0885

between project land uses. Project traffic will be distributed to the roadway network based on existing traffic volumes, regional travel demand model output, or professional judgment.

KHA will prepare a brief letter documenting the anticipated trip generation and trip assignment for the proposed project. The letter report will be submitted electronically to the Client for submittal to the City.

Task 3: Peak-Hour Traffic Operations Analysis
A peak-hour LOS analysis will be conducted for the weekday PM peak-hour for the following scenarios:

A. Existing (2013) Conditions
B. Existing (2013) plus Proposed Project Conditions
C. Cumulative Conditions[+]
D. Cumulative plus Proposed Project Conditions[+]

[+] Cumulative Conditions will be established collaboratively with the Client and the City to identify reasonably foreseeable projects and an appropriate analysis year to which background traffic will be forecasted using an annual growth rate.

The peak hour LOS analysis will be conducted for up to twenty-one (21) intersections and up to fourteen (14) roadway segments. Identification of the exact study facilities, which may result in the elimination of one or more of the intersections and/or roadway segments, will be confirmed as part of Task 2 above. As appropriate, this Scope of Services and Fee Estimate will be modified accordingly. A comprehensive list of previously completed traffic studies performed for City approved projects and planned capital improvement projects are assumed to be provided by the City in readily useable format. The Client and the City will identify an appropriate analysis year to which background traffic will be forecasted using an annual growth rate to be specified by the City.

Peak-hour LOS will be determined for the time period and analysis scenarios listed above. LOS for each scenario will be determined using methods defined in the *Highway Capacity Manual, 2000,* using appropriate traffic analysis software (Synchro). Impacts at study facilities will be determined based on the change of LOS when project trips are added to the Background (5 Year) and Cumulative (2025) Conditions.

Task 4: Traffic Signal Needs Assessment
KHA will complete a planning level assessment of the need for traffic signalization for the unsignalized study intersections. The signal needs assessment will be based on the peak-hour warrant methodologies noted in Section 4.C of the *California Manual on Uniform Traffic Control Devices (CMUTCD), 2012 Edition.* The assessment will be performed for the analysis scenarios listed in Task 3.

Task 5: Queuing Evaluation
KHA will evaluate PM peak-hour vehicle queuing for all study intersection turning movements where queuing spill-back is anticipated. Queuing for these movements will be approximated using the *Synchro* computer software. 95th percentile vehicle queues will be compared against available vehicle storage lengths to determine if the queues are anticipated to exceed their available storage and adversely affect adjacent through travel lanes. This evaluation will be performed for the analysis scenarios identified in Task 3.

Task 6: On-Site Parking Evaluation
On-site parking (supply and layout) will be evaluated utilizing published City guidelines, data included in *Parking Generation, 4th Edition*, published by ITE, and other appropriate sources.

Task 7: Project Option and Alternatives
KHA will quantitatively evaluate one (1) project option in which access to/from Hashem Drive is eliminated. This evaluation will include quantification and documentation of operational results for up to five (5) study intersections and up to three (3) roadway segments for both "plus project" scenarios.

KHA will also qualitatively evaluate up to three (3) project alternatives. This evaluation will include development of trip generation estimates for each alternative for the purpose of performing a relative comparison of net, new external trips between each alternative and the proposed project.

Task 8: Vehicle Miles Traveled (VMT) Approximation
KHA will obtain the City's travel demand model for the strict purpose of approximating vehicle miles traveled (VMT) for the traffic analysis zone in which the project is located. For the purposes of this Scope of Services, the model will be used "as-is", with no modification or alternation required to obtain the desired data. The VMT information will be provided to the Client separately from the project report (Task 9).

Task 9: Documentation
Analyses completed in Tasks 1-8 will be documented in report format with graphics as deemed appropriate by KHA. KHA will prepare and submit an electronic (PDF) copy of the draft report to the Client.

Task 10: Response to Comments
KHA will address one (1) set of consolidated, non-conflicting comments on the draft report. If the comments require additional analysis or data collection beyond that provided for in this Scope of Services, this work will be considered as an additional service. Any additional comment responses, regardless of origin, will also be considered as an additional service.

KHA will prepare and submit an electronic (PDF) copy of the final report to the Client.

Task 11: Meetings
This Scope of Services includes participation in up to two (2) meetings (assumed to be Planning Commission and City Council). A total of twelve (12) hours are included for this effort.

Schedule

We will provide our services as noted in the above Scope of Services as expeditiously as practicable. We anticipate delivery of the Draft Report within four (4) weeks of receipt of all required information (including approved projects and traffic counts). The Final Report is anticipated to be submitted within two (2) weeks of receipt of comments on the Draft Report.

Fee and Billing

KHA will perform the above Scope of Services on a labor fee plus expense basis not to exceed $26,000 (which includes $6,750 for a traffic count sub consultant). The fee is allocated as follows based on the Client's tasks with the City:

Task	Fee
Task 1: Submittal of NOP	$1,000
Task 2: Submit Admin Draft EIR	$18,000 (incl. counts)
Task 3: Submit Public Draft EIR	$1,500
Task 4: Submit Administrative Final EIR	$1,000
Task 5: Submit Final EIR	$500
Task 6: Project Management	$1,500
Task 7: Meetings/Hearings	$2,500

All additional, approved services (i.e., meetings, additional data collection, additional response to comments, etc.) will be billed on a labor fee plus expense basis.

Labor fee will be billed according to the attached rate schedule, which is subject to annual adjustment. As to these tasks, direct reimbursable expenses such as express delivery services, fees, air travel, and other direct expenses will be billed at 1.10 times cost. A percentage of labor fee will be added to each invoice to cover certain other expenses as to these tasks such as telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Administrative time related to the project may be billed hourly. All permitting, application, and similar project fees will be paid directly by the Client. Payment will be due within 25 days of your receipt of the invoice.

We appreciate the opportunity to provide these services to you. Please contact me directly at (916) 859-3617 if you have any questions or require additional information.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Matthew D. Weir, P.E., T.E., PTOE
Associate, Project Manager
PE No. C70216 & TR2424

Attachment: Rate Schedule

Kimley-Horn and Associates, Inc.

Sacramento TPTO Practice Standard Rate Schedule

Effective: August 1, 2012 through July 31, 2013

Classification	Labor Rate (per hour)
Clerical	$70
Accounting/Professional	$95
Senior Accounting/Professional	$120
Technician	$95
CADD Operator	$105
Designer	$125
Analyst	$100
Analyst I	$110
Analyst II	$115
Engineer/Planner I	$125
Engineer/Planner II	$165
Senior Engineer/Planner I	$185
Senior Engineer/Planner II	$200
Principal	$230

Exhibit "B"

City of Modesto
Community and Economic Development Department
Planning Division
Invoice

City of Modesto Account #
Firm Name

Invoice #

Date of Invoice

Billing Period: (dates)

	Budget	Previously Billed	Current Billing	Balance	% Complete
Professional Fees					
(description of professional service provided as outlined in the Scope of Work)	$0.00	$0.00	$0.00	$0.00	#DIV/0!
(description of professional service provided as outlined in the Scope of Work)	$0.00	$0.00	$0.00	$0.00	#DIV/0!
(description of professional service provided as outlined in the Scope of Work)	$0.00	$0.00	$0.00	$0.00	#DIV/0!
	$0.00	$0.00	$0.00	$0.00	#DIV/0!
Consultants					
(Type of Consultant and Consultant Name)	$0.00	$0.00	$0.00	$0.00	#DIV/0!
(Type of Consultant and Consultant Name)	$0.00	$0.00	$0.00	$0.00	#DIV/0!
(Type of Consultant and Consultant Name)	$0.00	$0.00	$0.00	$0.00	#DIV/0!
	$0.00	$0.00	$0.00	$0.00	#DIV/0!
Reimbursable & Expense Detail					
Principals	$0.00	$0.00	$0.00	$0.00	
Consultants	$0.00	$0.00	$0.00	$0.00	
Reimbursables	$0.00	$0.00	$0.00	$0.00	
	$0.00	$0.00	$0.00	$0.00	
TOTALS	$0.00	$0.00	$0.00	$0.00	#DIV/0!

Note: Reimbursable and Expense Detail ~ all reimbursable/expense costs must have detailed expense reports / receipts attached.
Budget = $ amount allocated per item and total project.
Previously Billed = $ amount of all previous billings
Current Billing = $ amount (per item) of current invoice
Balance = $ amount remaining. "Balance" = "budget" minus "previously billed" and "current billing".
% Complete = % of work complete per item and total project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-71

A RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 MULTI-YEAR BUDGET TO ESTABLSISH A NEW MULTI-YEAR PROJECT (1000746) AND APPROPRIATING $110,000, FUNDED BY BERBERIAN HOLDINGS, LP, FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE MARKETPLACE PROJECT

WHEREAS, Berberian Holdings, LP, has applied for a general plan amendment and rezoning from P-D(211) to a new planned development referred to as the Marketplace Project, to allow for a shopping center, property located at the southwest corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, Section 21080.1 of the California Public Resources Code requires the City of Modesto, as lead agency, to make a determination of whether an environmental impact report is required for the Project, and

WHEREAS, the City of Modesto has determined that an Environmental Impact Report will be necessary to ensure that the City of Modesto complies with the requirements of the California Environmental Quality Act for the Marketplace Project. The project applicant now desires to proceed with an Environmental Impact Report, and

WHEREAS, on February 26, 2013, by Resolution No. 2013-70, the Council of the City of Modesto approved a Standard Agreement for Consultant Services ("Agreement") with Environmental Science Associates, for the preparation of the Environmental Impact Report, and

WHEREAS, Applicant has deposited with the City the amount of ONE HUNDRED TEN THOUSAND AND 00/100 ($110,000) DOLLARS to fund the Environmental Impact Report and associated staff time, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2012-2013 multi-year budget to establish a new multi-year project (100746) and authorizes the Finance Director to take the necessary actions to effect the budget amendment to appropriate $110,000 in discretionary expense for the project.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-72

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 ANNUAL OPERATING BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2012-2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 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 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 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANNA ALCALA WOOD, City Attorney

EXHIBIT A

FINANCE

On August 8, 2012 the Modesto City Council approved a contract with CGI Technologies and Solutions Inc. to analyze and produce W-2c Forms for City of Modesto employees and magnetic media for the IRS. Additional costs include Auditors Moss Adams, New W-2 Forms and Temporary Labor totaling $71,078. An adjustment is necessary to establish a transfer in the amount of $34,844 from multiple funds to the General Fund, and appropriate said revenue to the Finance Department's operating budget. General Fund Sales and Use Tax Revenue are trending higher than budgeted and can provide the necessary funding of $36,234 for the General Fund's portion of this project.

HUMAN RESOURCES

During the FY 12-13 budget preparation process a vacant .60 Administrative Office Assistant III (Conf) position was proposed to be reduced in the amount of $35,024 as part of the original 3% reductions. During the second round of reductions this reduction was inadvertently added to the reduction list a second time and subsequently adopted by Council making for a reduction of two .60 Administrative Office Assistant III (Conf) for a total of $70,048 or double the intended reduction. Staff intended for this reduction to be adopted only once for the vacant position and are requesting that the second reduction of $35,024 be added back to the budget and the second reduction of 60 Administrative Office Assistant III (Conf) be added back to position allocation.

An adjustment is necessary to establish a transfer in the amount of $200,000 from the Risk Management Administration Fund 5310 to the Property Insurance Fund 5340, which will be used to increase the Property Fund reserves to $500,000. This reserve will be used to pay the City's deductible in the event the City sustains another major loss or to pay property claims below the deductible.

An adjustment is necessary to establish a transfer in the amount of $57,412 from the Property Insurance Fund 5340 to the General Fund for damages caused by a sewer leak at the Police Operations Building. This amount is being transferred to Cost Center 19105, MPD Insurance Damages & Repairs, and then appropriated to Repair and Maintenance-Property Damage.

An adjustment is necessary to transfer $44,306 from labor concession savings in various funds to their operating budgets to budget the City's FY12-13 projected expense for the Tier2 Retiree Medical plan for new employees hired as of January 1, 2011 (please see the table below for a breakdown of the amounts for each fund). These new employees receive a lump sum payment of $2,400 after their 2 year vesting period is completed and $100 a month thereafter. The employees eligible for this benefit are not eligible for the tier 1 Retiree Medical Plan which consists of the sick leave conversion to monthly healthcare premiums after retirement. The first group of employees to meet the 2 year vesting requirement will become eligible to receive the lump sum payment in January 2013 and this budget adjustment will provide funds to meet this benefit obligation of the City for the $2,400 lump sum payment and the $100 a month payment for the remaining 6 months of FY12-13. At the time the FY12-13 Budget was adopted, this amount was not yet known. The final list of employees who would receive this benefit was prepared and calculated in October 2012. There is also an amount of $34,560 attributed to this same benefit for Modesto Regional Fire Authority employees that will be addressed through a separate item presented to the MRFA Board.

Fund Name	Amount
General Fund	$ 10,746
Water Fund	$ 14,310
Sewer Operations Fund	$ 11,448
Information Technology Fund	$ 7,802
Modesto Regional Fire Authority Fund	$ 34,560
Total	**$ 78,866**

PARKS, RECREATION AND NEIGHBORHOODS

Administrative staff within the Community Development Block Grant (CDBG) division of the PRN Department has been working on the Neighborhood Stabilization Program 2 Grant (NSP2) project. Internal Service Fund (ISF) costs to the CDBG division are eligible to be allocated to the NSP2 project on the proportionate share of actual costs based on personnel allocations. A budget adjustment in the amount of $112,894 is necessary to reallocate ISF costs in CDBG Administration Fund 1130 to NSP2 Fund 1101 for ISF charges related to the NSP2 Program.

PUBLIC WORKS

The City of Ripon resides in Modesto's urbanized area; therefore, Modesto is required to apply for the pass through Federal Transit Administration (FTA) funds allocated to Ripon. These funds are San Joaquin County CMAQ (congestion mitigation-air quality) funds, not the City of Modesto funds. This transfer will be made per the MOU agreement between Modesto and Ripon approved by Council on September 22, 2009, by Resolution No. 2009-449. Therefore, an adjustment is necessary to recognize revenue and increase the expense budget in the amount of $861,636 for the pass through funds for the City of Ripon.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-73

RESOLUTION AMENDING THE POSITION ALLOCATION IN THE HUMAN RESOURCES DEPARTMENT ADOPTED BY THE CITY COUNCIL TO ADD BACK (1) .60 ADMINISTRATIVE OFFICE ASSISTANT III (CONF) POSITION WHICH WAS INADVERTANTLY REDUCED TWICE AS PART OF THE FY 2012-2013 BUDGET

WHEREAS, a Position Allocation for the Human Resources Department was adopted by the Modesto City Council on June 12, 2012, as part of the Annual Budget of the City of Modesto for Fiscal Year 2012-2013, and

WHEREAS, during the preparation of the FY 12-13 budget adoption documents, a second round of budget reductions was called for and (1) .60 Administrative Office Assistant III (Conf) position was inadvertently and erroneously entered into the recommended budget reduction list a second time and was subsequently adopted by Council for Fiscal Year 2012-2013, and

WHEREAS, staff intended for this position to be reduced only once and are asking for the second reduction of this position be added back to the Position Allocation for the Human Resources Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation in the Human Resources Department for Fiscal Year 2012-2013 to add back (1) .60 Administrative Office Assistant (Conf) in Cost Center 03210.

BE IT FURTHER RESOLVED that the Director of Human Resources, or his 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 February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-74

RESOLUTION APPROVING A CUSTODY AGREEMENT WITH BANK OF AMERCIA FOR THE 2005 WASTEWATER REVENUE REFUNDING BONDS

WHEREAS, the 2005 Wastewater Revenue Refunding Bonds (Bonds) were issued in April 2005 in the amount of $36,495,000 (Series 2005A) and $2,740,000 (Series 2005B) for the purposed of refunding the City's Wastewater Revenue Bonds, Series 1993 and to advance refund the City's Wastewater Treatment Facility Revenue Bonds, Series 1997. The proceeds from these bonds were used to construct improvements to the City of Modesto Wastewater utility, and

WHEREAS, on June 21, 2012 Moody's Investor Service, Inc. lowered the long-term issuer rating and long-term senior unsecured rating of Bank of America, N.A., from A2 to A3 (a "Rating Downgrade"). According to the Debt Service Reserve Forward Delivery Agreement (Agreement) with U.S. Bank, N.A. as Trustee and Bank of America, N.A. as provider and the City of Modesto, as issuer; Bank of America must take action to secure its performance when a Rating Downgrade occurs, and

WHEREAS, in order to secure its performance, Bank of America has elected under Section 8.1 of the Debt Service Reserve Forward Delivery Agreement to deposit collateral into a Custody account with U.S. Bank National Association; such collateral may consist of cash or securities defined in the Agreement and enter into a Custody Agreement governing the disposition of the Custody account and the collateral posted into the account,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Bank of America Custody Agreement for the 2005 Wastewater Revenue Refunding Bonds.

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 February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-75

RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF UPDATED SOFTWARE AND SERVERS TO ASSIST WITH THE COLLECTION, ANALYSIS, AND STORAGE OF DIGITAL EVIDENCE FOR THE MODESTO POLICE DEPARTMENT, TO PEN LINK, LINCOLN, NE, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $62,000

WHEREAS, the Modesto Police Department is in need of updating software and servers to assist with the collection, analysis, and storage of digital evidence, and

WHEREAS, currently, Pen Link is the sole manufacturer and distributor of the equipment to law enforcement agencies, and

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

WHEREAS, however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, MMC Section 8-3.204(b), states whereas the Purchasing Agency's requirements can be met solely by a single article or process; the sole source procurement for the updated software and servers to assist with the collection, analysis, and storage of digital evidence for the Modesto Police Department, to Pen Link, Lincoln, NE, 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 a sole source procurement for the purchase of updated software and servers to assist with the collection, analysis, and storage of digital evidence for the Modesto Police Department, to Pen Link, Lincoln, NE.

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 $62,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-76

RESOLUTION AMENDING THE ADOPTED 2012/2013 OPERATING BUDGET TO APPROPRIATE FUNDING OF AN ESTIMATED TOTAL COST OF $62,000 FOR THE PURCHASE OF UPDATED SOFTWARE AND SERVERS TO ASSIST WITH THE COLLECTION, ANALYSIS, AND STORAGE OF DIGITAL EVIDENCE FOR THE MODESTO POLICE DEPARTMENT

WHEREAS, the Modesto Police Department is in need of some updated software and servers to assist with the collection, analysis, and storage of digital evidence, and

WHEREAS, currently, Pen Link is the sole manufacturer and distributor of the this equipment to law enforcement agencies, and

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

WHEREAS, however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, MMC Section 8-3.204(b), states whereas the Purchasing Agency's requirements can be met solely by a single article or process; the sole source procurement for the purchase of updated software and servers to assist with the collection, analysis, and storage of digital evidence for the Modesto Police Department, to Pen Link, Lincoln, NE, conforms to the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the adopted 2012/2013 Operating Budget to appropriate funding of an estimated total cost of $62,000 for the purchase of updated software and servers to assist with the collection, analysis, and storage of digital evidence for the Modesto Police Department, as listed in **Exhibit A**.

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 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

The Adopted 2012/2013 Operating Budget will be amended as follows:

Revenue	Increase/(Decrease)	Description
0100-19465-46507	$62,000	Forfeiture Funds - State
Expense		
0100-19465-57031	$62,000	Police Equipment > $5,000

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-77

A RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S LOCAL TRANSPORTATION FUND (LTF) CLAIM FOR FISCAL YEAR 2012-2013 FOR OTHER PURPOSES IN THE AMOUNT OF $2,956,074, 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 other purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for streets and bicycle purposes during the coming fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of street 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 2012-2013 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 pursuant to Section 99261 of the California Public Utilities Code 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 2012-2013, in the amount of $2,956,074, 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 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-78

RESOLUTION DIRECTING STAFF TO ASSESS THE CONDITION AND LEGAL IMPLICATIONS ASSOCIATED WITH THE ASSUMPTION OF RESPONSIBILITY FOR THE EMPIRE SANITARY DISTRICT AND RETURN WITH A RECOMMENDATION

WHEREAS, the City of Modesto currently accepts all of the wastewater from Empire for processing, and

WHEREAS, the City of Modesto has been asked to consider the feasibility of assuming the operations of the Empire Sanitary District, and

WHEREAS, the cost of examining the legal, operational, regulatory and financial components of assuming the Empire Sanitary District will not exceed $28,000, approximately $5,000 is expected to be spent securing outside legal advice specific to the unique issues raised by this evaluation, and

WHEREAS, in order to accomplish this assessment, the following steps will need to be taken; evaluate system condition and capacity, assess operational needs, evaluate financial models, explore the legal complexities and perform a regulatory review, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs staff to assess the condition and legal implications associated with the assumption of responsibility for the Empire Sanitary District and return with a recommendation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-79

RESOLUTION APPROVING AN IMPLEMENTATION AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO POLICE MANAGEMENT ASSOCIATON (MPMA); AND AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES AND CITY MANAGER 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) was extended to September 30, 2013, 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 MOU provides as follows:

SECTION 1. WAGES.

a. The March 12, 2013 increase of 3% in MPOA's Detectives' base pay will result in an equivalent increase for bargaining unit MPMA by increasing the base pay for Sergeants, Corporals, and Lieutenants effective that same date.

b. The MPOA increase of seven-tenths (0.7%) percent in Advanced POST pay was for the redirection of a scheduled increase to City contribution for health premium effective January 1, 2013. An equivalent increase in the base pay for Sergeants, Corporals, and Lieutenants will be effective February 26, 2013 for the elimination of the City premium contribution increase effective March 1, 2013.

SECTION 2. MEDICAL BENEFITS. Effective March 1, 2013 (pay period beginning February 26, 2013), the CITY shall contribute the following amounts toward the combined total premium for health, dental and vision insurance plans: $1,100 per month for employees with dependent coverage, $621 per month for employees without dependent coverage, and 80% of the designated CITY contribution for employees without dependent coverage for employees who opt out of health coverage.

SECTION 3. RETIREMENT. Effective February 26, 2013, employees under Tier 1 (3%@50 formula) shall begin paying 6.5% of their 9% employee contributions which is an increase in payment of 5% by each employee.

SECTION 3. CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2010 through September 30, 2013 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 February 26, 2013,

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), which covers a term from

July 1, 2010 through September 30, 2013, and upon execution of same, a copy of the LOA 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 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

City of Modesto
Modesto Police Management Association

Implementation Agreement
February 6, 2013

Recitals

1. On April 4, 2012, the City of Modesto and the Modesto Police Management Association (MPMA) reached agreement on the terms of a successor Memorandum of Understanding (MOU) covering the period from July 1, 2010 through September 30, 2013. As part of that MOU, the parties agreed
    a. to "maintain the current salary differentials between top step Detective and top-step Sergeant based on base pay, advanced POST and education incentive pay;" and
    b. if the City and the Modesto Police Officers Association (MPOA) reached agreement on additional concessions during the term of the agreement, the MPMA would "accept equivalent concessions."
2. On December 11, 2012 the City and the MPOA reached agreement on an extension of the MPOA MOU. As part of that MOU extension, the parties agreed to
    a. Accelerate scheduled wage increases from July 2, 2013 to March 12, 2013;
    b. increase Advanced POST pay by 0.7% effective January 1, 2013;
    c. forego the scheduled January 1, 2013 increase in the City contribution towards medical premiums; and
    d. increase the Employee payment of the member contribution towards pensions from 1.5% of pensionable compensation to 6.5% of pensionable compensation
3. This Agreement is intended to implement changes applicable to the terms and conditions of employment for employees in the bargaining unit represented by the MPMA occasioned by the terms of the MPOA agreement.

Therefore, the parties agree as follows:

1. **Wages**
    a. The March 12, 2013 increase in Detectives' base pay will result in an equivalent increase in the base pay for Sergeants, Corporals, and Lieutenants effective that same date.
    b. The MPOA increase of seven-tenths (0.7%) percent in Advanced POST pay was for the redirection of a scheduled increase to City contribution for health premium effective January 1, 2013. An equivalent increase in the base pay for Sergeants, Corporals, and Lieutenants will be effective February 26, 2013 for the elimination of the City premium contribution increase effective March 1, 2013.

City of Modesto
Modesto Police Management Association

2. **Medical Benefits**

Health, Dental and Vision Insurance

a. Effective March 1, 2013 (pay period beginning February 26, 2013), the CITY shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental, and vision insurance plans, with the employee responsible for the balance of the premium cost, if any. The City's contribution shall remain at the amount listed below until such time as a new agreement is adopted.

   1. $550.00 bi-weekly ($1,100.00/monthly) for employees with dependent coverage.

      For plan year beginning January 1, 2013 through December 31, 2013, active employees with dependent coverage who are enrolled in the CITY-sponsored High Deductible Health plan shall be eligible to receive a health savings incentive in the amount of $35.00 bi-weekly ($70.00/monthly).
   2. $310.50 bi-weekly ($621.00/monthly) for employees without dependent coverage.
   3. For employees who opt out of health coverage, the City contribution shall be equal to 80% of the designated CITY contribution for employees without dependent coverage.

3. **Retirement**

Effective February 26, 2013, employees under Tier 1 (3%@50 formula) shall begin paying 6.5% of their 9% employee contributions which is an increase in payment of 5% by each employee.

Article 11- Section C shall be modified as follows:

C. For employees hired under Tier 1 (3%@50 formula), pursuant to the provisions of Section 20691 of the California Government Code the CITY shall pay two and one-half (2.5%) percent of the nine (9%) percent employee contribution in the employee's name of the Public Employees' Retirement System, effective February 26, 2013. Such payments shall be implemented pursuant to the provisions of Section 20636(c) (4) of the California Government Code, and reported to Public Employees' Retirement System as compensation earnable. The employees shall pay the remaining six and one-half (6.5%) percent of the nine (9%) percent employee contribution. Such payments shall be implemented pursuant to Internal Revenue Code Section 414(h) (2), providing for pre-tax employee contributions.

City of Modesto
Modesto Police Management Association

For the CITY:

Greg Nyhoff, City Manager

Joe Lopez, Director of Human Resources

Charles Sakai, Renne Sloan Holtzman Sakai

For MPMA:

Scott Heller, President

Clint Raymer, Vice President

AMENDED FOR CLERICAL ERROR

RESCINDED

DEC 2 2014

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2014-520

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-80

A RESOLUTION GRANTING SALARY CHANGES TO UNREPRESENTED MANAGEMENT SWORN POLICE CAPTAINS, AND RESCINDING RESOLUTION NO. 2012-369

WHEREAS, by Resolution No. 2012-369 adopted on September 11, 2012, the City Council approved a salary increase of one and one-half (1.5%) percent for non-sworn unrepresented Management and Confidential employees including Charter Officers and Executives effective July 2, 2013, and

WHEREAS, the City Council made no salary changes to Sworn Unrepresented employees, and

WHEREAS, the Council of the City of Modesto desires to approve a two and seven-tenths (2.7%) percent salary increase effective February 26, 2013, followed by an additional three (3.0%) percent salary increase effective March 12, 2013 for Sworn Police Captains to alleviate salary compaction with Police Lieutenants, and

WHEREAS, the City desires consistency in the application of merit increases and therefore will modify the unrepresented salary schedule from a nine (9) step plan to a five (5) step plan,

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 one and one half (1.5%) percent across-the-board salary adjustment for non-sworn unrepresented Management and Confidential employees effective July 2, 2013, subject to Pay-for-Performance criteria.

For non-sworn Executive Management and Charter Officers, salary ranges shall be increased by one and one half (1.5%) percent effective July 2, 2013. For sworn Police Captains, salary ranges shall be increased by two and seven-tenths (2.7%) percent effective February 26, 2013 followed by an additional three (3.0%) percent increase effective March 12, 2013. For sworn unrepresented Management and Executives (excluding Police Captains), salary ranges shall remain unchanged.

1. **Exhibit** "A" entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective July 2, 2013."

2. **Exhibit** "B" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 13/14 Effective July 2, 2013 - Management/Confidential – Non-Sworn Unrepresented."

3. **Exhibit** "C" entitled "City Of Modesto Class Range Table, Executive Management, Effective December 4, 2012" which includes Charter Officers.

4. **Exhibit** "D" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 13/14, Effective July 2, 2013 - Executive Management."

5. **Exhibit** "E" entitled "City of Modesto Class Range Table, Fire Management Classes, Effective January 6, 2009.

6. **Exhibit** "F" entitled "City of Modesto Schedule Of Salary Ranges in City Service for FY 07/08, Effective June 26, 2007 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.

7. **Exhibit** "G" entitled "City of Modesto Schedule Of Salary Ranges in City Service for FY 07/08, Effective June 26, 2007 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."

8. **Exhibit** "H" entitled "City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective January 6, 2009."

9. **Exhibit** "I" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 12/13, Effective February 26, 2013 – Management Police Unrepresented.

10. **Exhibit** "J" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 12/13, Effective March 12, 2013 – Management Police Unrepresented

SECTION 2. CHARTER OFFICERS. The salaries for the positions of the Charter Officers shall be as follows:

TITLE	HOURLY	BI-WEEKLY	MONTHLY	EFFECTIVE
City Manager Greg Nyhoff	94.80	7,584.00	16,495.19	July 2, 2013
City Attorney Susana Alcala Wood	76.44	6,115.20	13,300.55	July 2, 2013
City Clerk Stephanie Lopez	46.77	3,741.60	8,137.98	July 2, 2013

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. 2012-384 is hereby rescinded effective February 26, 2013.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By_____
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **July 2, 2013**

RANGE	TITLE
2420	Executive Assistant
2422	Office Supervisor - Personnel
2425	Executive Assistant to the City Council Executive Assistant to the City Manager Paralegal
2427	Legal Services Administrator
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager Employee Relations Coordinator
2444	Deputy City Attorney I Risk Manager
2448	Deputy City Attorney II
2452	Deputy Chief Information Officer 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

EXHIBIT A

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12
EFFECTIVE July 2, 2013

SCHEDULE - H
MANAGEMENT/CONFIDENTIAL NON-SWORN UNREPRESENTED 1.50%

HOURLY	A		B		C		D		E
Range	1	2	3	4	5	6	7	8	9
2419	21.32	21.85	22.40	22.96	23.53	24.12	24.72	25.34	25.97
2420	21.85	22.40	22.96	23.53	24.12	24.72	25.34	25.97	26.62
2421	22.39	22.95	23.52	24.11	24.71	25.33	25.96	26.61	27.28
2422	22.96	23.53	24.12	24.72	25.34	25.97	26.62	27.29	27.97
2423	23.53	24.12	24.72	25.34	25.97	26.62	27.29	27.97	28.67
2424	24.12	24.72	25.34	25.97	26.62	27.29	27.97	28.67	29.39
2425	24.72	25.34	25.97	26.62	27.29	27.97	28.67	29.39	30.12
2426	25.33	25.96	26.61	27.28	27.96	28.66	29.38	30.11	30.86
2427	25.97	26.62	27.29	27.97	28.67	29.39	30.12	30.87	31.64
2428	26.62	27.29	27.97	28.67	29.39	30.12	30.87	31.64	32.43
2429	27.28	27.96	28.66	29.38	30.11	30.86	31.63	32.42	33.23
2430	27.96	28.66	29.38	30.11	30.86	31.63	32.42	33.23	34.06
2431	28.66	29.38	30.11	30.86	31.63	32.42	33.23	34.06	34.91
2432	29.38	30.11	30.86	31.63	32.42	33.23	34.06	34.91	35.78
2433	30.12	30.87	31.64	32.43	33.24	34.07	34.92	35.79	36.68
2434	30.87	31.64	32.43	33.24	34.07	34.92	35.79	36.68	37.60

BIWEEKLY	A		B		C		D		E
	1	2	3	4	5	6	7	8	9
2419	1,705.60	1,748.00	1,792.00	1,836.80	1,882.40	1,929.60	1,977.60	2,027.20	2,077.60
2420	1,748.00	1,792.00	1,836.80	1,882.40	1,929.60	1,977.60	2,027.20	2,077.60	2,129.60
2421	1,791.20	1,836.00	1,881.60	1,928.80	1,976.80	2,026.40	2,076.80	2,128.80	2,182.40
2422	1,836.80	1,882.40	1,929.60	1,977.60	2,027.20	2,077.60	2,129.60	2,183.20	2,237.60
2423	1,882.40	1,929.60	1,977.60	2,027.20	2,077.60	2,129.60	2,183.20	2,237.60	2,293.60
2424	1,929.60	1,977.60	2,027.20	2,077.60	2,129.60	2,183.20	2,237.60	2,293.60	2,351.20
2425	1,977.60	2,027.20	2,077.60	2,129.60	2,183.20	2,237.60	2,293.60	2,351.20	2,409.60
2426	2,026.40	2,076.80	2,128.80	2,182.40	2,236.80	2,292.80	2,350.40	2,408.80	2,468.80
2427	2,077.60	2,129.60	2,183.20	2,237.60	2,293.60	2,351.20	2,409.60	2,469.60	2,531.20
2428	2,129.60	2,183.20	2,237.60	2,293.60	2,351.20	2,409.60	2,469.60	2,531.20	2,594.40
2429	2,182.40	2,236.80	2,292.80	2,350.40	2,408.80	2,468.80	2,530.40	2,593.60	2,658.40
2430	2,236.80	2,292.80	2,350.40	2,408.80	2,468.80	2,530.40	2,593.60	2,658.40	2,724.80
2431	2,292.80	2,350.40	2,408.80	2,468.80	2,530.40	2,593.60	2,658.40	2,724.80	2,792.80
2432	2,350.40	2,408.80	2,468.80	2,530.40	2,593.60	2,658.40	2,724.80	2,792.80	2,862.40
2433	2,409.60	2,469.60	2,531.20	2,594.40	2,659.20	2,725.60	2,793.60	2,863.20	2,934.40
2434	2,469.60	2,531.20	2,594.40	2,659.20	2,725.60	2,793.60	2,863.20	2,934.40	3,008.00

MONTHLY	A		B		C		D		E
	1	2	3	4	5	6	7	8	9
2419	3,709.68	3,801.90	3,897.60	3,995.04	4,094.22	4,196.88	4,301.28	4,409.16	4,518.78
2420	3,801.90	3,897.60	3,995.04	4,094.22	4,196.88	4,301.28	4,409.16	4,518.78	4,631.88
2421	3,895.86	3,993.30	4,092.48	4,195.14	4,299.54	4,407.42	4,517.04	4,630.14	4,746.72
2422	3,995.04	4,094.22	4,196.88	4,301.28	4,409.16	4,518.78	4,631.88	4,748.46	4,866.78
2423	4,094.22	4,196.88	4,301.28	4,409.16	4,518.78	4,631.88	4,748.46	4,866.78	4,988.58
2424	4,196.88	4,301.28	4,409.16	4,518.78	4,631.88	4,748.46	4,866.78	4,988.58	5,113.86
2425	4,301.28	4,409.16	4,518.78	4,631.88	4,748.46	4,866.78	4,988.58	5,113.86	5,240.88
2426	4,407.42	4,517.04	4,630.14	4,746.72	4,865.04	4,986.84	5,112.12	5,239.14	5,369.64
2427	4,518.78	4,631.88	4,748.46	4,866.78	4,988.58	5,113.86	5,240.88	5,371.38	5,505.36
2428	4,631.88	4,748.46	4,866.78	4,988.58	5,113.86	5,240.88	5,371.38	5,505.36	5,642.82
2429	4,746.72	4,865.04	4,986.84	5,112.12	5,239.14	5,369.64	5,503.62	5,641.08	5,782.02
2430	4,865.04	4,986.84	5,112.12	5,239.14	5,369.64	5,503.62	5,641.08	5,782.02	5,926.44
2431	4,986.84	5,112.12	5,239.14	5,369.64	5,503.62	5,641.08	5,782.02	5,926.44	6,074.34
2432	5,112.12	5,239.14	5,369.64	5,503.62	5,641.08	5,782.02	5,926.44	6,074.34	6,225.72

EXHIBIT B

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12
EFFECTIVE July 2, 2013

SCHEDULE - H
MANAGEMENT/CONFIDENTIAL NON-SWORN UNREPRESENTED 1.50%

2433	5,240.88	5,371.38	5,505.36	5,642.82	5,783.76	5,928.18	6,076.08	6,227.46	6,382.32
2434	5,371.38	5,505.36	5,642.82	5,783.76	5,928.18	6,076.08	6,227.46	6,382.32	6,542.40
HOURLY	A		B		C		D		E
Range	1	2	3	4	5	6	7	8	9
2435	31.64	32.43	33.24	34.07	34.92	35.79	36.68	37.60	38.54
2436	32.43	33.24	34.07	34.92	35.79	36.68	37.60	38.54	39.50
2437	33.24	34.07	34.92	35.79	36.68	37.60	38.54	39.50	40.49
2438	34.07	34.92	35.79	36.68	37.60	38.54	39.50	40.49	41.50
2439	34.93	35.80	36.70	37.62	38.56	39.52	40.51	41.52	42.56
2440	35.80	36.70	37.62	38.56	39.52	40.51	41.52	42.56	43.62
2441	36.69	37.61	38.55	39.51	40.50	41.51	42.55	43.61	44.70
2442	37.62	38.56	39.52	40.51	41.52	42.56	43.62	44.71	45.83
2443	38.55	39.51	40.50	41.51	42.55	43.61	44.70	45.82	46.97
2444	39.51	40.50	41.51	42.55	43.61	44.70	45.82	46.97	48.14
2445	40.50	41.51	42.55	43.61	44.70	45.82	46.97	48.14	49.34
2446	41.51	42.55	43.61	44.70	45.82	46.97	48.14	49.34	50.57
2447	42.55	43.61	44.70	45.82	46.97	48.14	49.34	50.57	51.83
2448	43.61	44.70	45.82	46.97	48.14	49.34	50.57	51.83	53.13
BIWEEKLY	A		B		C		D		E
	1	2	3	4	5	6	7	8	9
2435	2,531.20	2,594.40	2,659.20	2,725.60	2,793.60	2,863.20	2,934.40	3,008.00	3,083.20
2436	2,594.40	2,659.20	2,725.60	2,793.60	2,863.20	2,934.40	3,008.00	3,083.20	3,160.00
2437	2,659.20	2,725.60	2,793.60	2,863.20	2,934.40	3,008.00	3,083.20	3,160.00	3,239.20
2438	2,725.60	2,793.60	2,863.20	2,934.40	3,008.00	3,083.20	3,160.00	3,239.20	3,320.00
2439	2,794.40	2,864.00	2,936.00	3,009.60	3,084.80	3,161.60	3,240.80	3,321.60	3,404.80
2440	2,864.00	2,936.00	3,009.60	3,084.80	3,161.60	3,240.80	3,321.60	3,404.80	3,489.60
2441	2,935.20	3,008.80	3,084.00	3,160.80	3,240.00	3,320.80	3,404.00	3,488.80	3,576.00
2442	3,009.60	3,084.80	3,161.60	3,240.80	3,321.60	3,404.80	3,489.60	3,576.80	3,666.40
2443	3,084.00	3,160.80	3,240.00	3,320.80	3,404.00	3,488.80	3,576.00	3,665.60	3,757.60
2444	3,160.80	3,240.00	3,320.80	3,404.00	3,488.80	3,576.00	3,665.60	3,757.60	3,851.20
2445	3,240.00	3,320.80	3,404.00	3,488.80	3,576.00	3,665.60	3,757.60	3,851.20	3,947.20
2446	3,320.80	3,404.00	3,488.80	3,576.00	3,665.60	3,757.60	3,851.20	3,947.20	4,045.60
2447	3,404.00	3,488.80	3,576.00	3,665.60	3,757.60	3,851.20	3,947.20	4,045.60	4,146.40
2448	3,488.80	3,576.00	3,665.60	3,757.60	3,851.20	3,947.20	4,045.60	4,146.40	4,250.40
MONTHLY	A		B		C		D		E
	1	2	3	4	5	6	7	8	9
2435	5,505.36	5,642.82	5,783.76	5,928.18	6,076.08	6,227.46	6,382.32	6,542.40	6,705.96
2436	5,642.82	5,783.76	5,928.18	6,076.08	6,227.46	6,382.32	6,542.40	6,705.96	6,873.00
2437	5,783.76	5,928.18	6,076.08	6,227.46	6,382.32	6,542.40	6,705.96	6,873.00	7,045.26
2438	5,928.18	6,076.08	6,227.46	6,382.32	6,542.40	6,705.96	6,873.00	7,045.26	7,221.00
2439	6,077.82	6,229.20	6,385.80	6,545.88	6,709.44	6,876.48	7,048.74	7,224.48	7,405.44
2440	6,229.20	6,385.80	6,545.88	6,709.44	6,876.48	7,048.74	7,224.48	7,405.44	7,589.88
2441	6,384.06	6,544.14	6,707.70	6,874.74	7,047.00	7,222.74	7,403.70	7,588.14	7,777.80
2442	6,545.88	6,709.44	6,876.48	7,048.74	7,224.48	7,405.44	7,589.88	7,779.54	7,974.42
2443	6,707.70	6,874.74	7,047.00	7,222.74	7,403.70	7,588.14	7,777.80	7,972.68	8,172.78
2444	6,874.74	7,047.00	7,222.74	7,403.70	7,588.14	7,777.80	7,972.68	8,172.78	8,376.36
2445	7,047.00	7,222.74	7,403.70	7,588.14	7,777.80	7,972.68	8,172.78	8,376.36	8,585.16
2446	7,222.74	7,403.70	7,588.14	7,777.80	7,972.68	8,172.78	8,376.36	8,585.16	8,799.18
2447	7,403.70	7,588.14	7,777.80	7,972.68	8,172.78	8,376.36	8,585.16	8,799.18	9,018.42
2448	7,588.14	7,777.80	7,972.68	8,172.78	8,376.36	8,585.16	8,799.18	9,018.42	9,244.62
HOURLY	A		B		C		D		E
Range	1	2	3	4	5	6	7	8	9

EXHIBIT B

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12
EFFECTIVE July 2, 2013

SCHEDULE - H

MANAGEMENT/CONFIDENTIAL NON-SWORN UNREPRESENTED 1.50%

2449	44.71	45.83	46.98	48.15	49.35	50.58	51.84	53.14	54.47
2450	45.83	46.98	48.15	49.35	50.58	51.84	53.14	54.47	55.83
2451	46.97	48.14	49.34	50.57	51.83	53.13	54.46	55.82	57.22
2452	48.14	49.34	50.57	51.83	53.13	54.46	55.82	57.22	58.65
2453	49.35	50.58	51.84	53.14	54.47	55.83	57.23	58.66	60.13
2454	50.58	51.84	53.14	54.47	55.83	57.23	58.66	60.13	61.63
2455	51.85	53.15	54.48	55.84	57.24	58.67	60.14	61.64	63.18
2456	53.15	54.48	55.84	57.24	58.67	60.14	61.64	63.18	64.76
2457	54.48	55.84	57.24	58.67	60.14	61.64	63.18	64.76	66.38
2458	55.84	57.24	58.67	60.14	61.64	63.18	64.76	66.38	68.04
2459	57.23	58.66	60.13	61.63	63.17	64.75	66.37	68.03	69.73
2460	58.66	60.13	61.63	63.17	64.75	66.37	68.03	69.73	71.47
2461	60.13	61.63	63.17	64.75	66.37	68.03	69.73	71.47	73.26
2462	61.63	63.17	64.75	66.37	68.03	69.73	71.47	73.26	75.09
BIWEEKLY	A		B		C		D		E
	1	2	3	4	5	6	7	8	9
2449	3,576.80	3,666.40	3,758.40	3,852.00	3,948.00	4,046.40	4,147.20	4,251.20	4,357.60
2450	3,666.40	3,758.40	3,852.00	3,948.00	4,046.40	4,147.20	4,251.20	4,357.60	4,466.40
2451	3,757.60	3,851.20	3,947.20	4,045.60	4,146.40	4,250.40	4,356.80	4,465.60	4,577.60
2452	3,851.20	3,947.20	4,045.60	4,146.40	4,250.40	4,356.80	4,465.60	4,577.60	4,692.00
2453	3,948.00	4,046.40	4,147.20	4,251.20	4,357.60	4,466.40	4,578.40	4,692.80	4,810.40
2454	4,046.40	4,147.20	4,251.20	4,357.60	4,466.40	4,578.40	4,692.80	4,810.40	4,930.40
2455	4,148.00	4,252.00	4,358.40	4,467.20	4,579.20	4,693.60	4,811.20	4,931.20	5,054.40
2456	4,252.00	4,358.40	4,467.20	4,579.20	4,693.60	4,811.20	4,931.20	5,054.40	5,180.80
2457	4,358.40	4,467.20	4,579.20	4,693.60	4,811.20	4,931.20	5,054.40	5,180.80	5,310.40
2458	4,467.20	4,579.20	4,693.60	4,811.20	4,931.20	5,054.40	5,180.80	5,310.40	5,443.20
2459	4,578.40	4,692.80	4,810.40	4,930.40	5,053.60	5,180.00	5,309.60	5,442.40	5,578.40
2460	4,692.80	4,810.40	4,930.40	5,053.60	5,180.00	5,309.60	5,442.40	5,578.40	5,717.60
2461	4,810.40	4,930.40	5,053.60	5,180.00	5,309.60	5,442.40	5,578.40	5,717.60	5,860.80
2462	4,930.40	5,053.60	5,180.00	5,309.60	5,442.40	5,578.40	5,717.60	5,860.80	6,007.20
MONTHLY	A		B		C		D		E
	1	2	3	4	5	6	7	8	9
2449	7,779.54	7,974.42	8,174.52	8,378.10	8,586.90	8,800.92	9,020.16	9,246.36	9,477.78
2450	7,974.42	8,174.52	8,378.10	8,586.90	8,800.92	9,020.16	9,246.36	9,477.78	9,714.42
2451	8,172.78	8,376.36	8,585.16	8,799.18	9,018.42	9,244.62	9,476.04	9,712.68	9,956.28
2452	8,376.36	8,585.16	8,799.18	9,018.42	9,244.62	9,476.04	9,712.68	9,956.28	10,205.10
2453	8,586.90	8,800.92	9,020.16	9,246.36	9,477.78	9,714.42	9,958.02	10,206.84	10,462.62
2454	8,800.92	9,020.16	9,246.36	9,477.78	9,714.42	9,958.02	10,206.84	10,462.62	10,723.62
2455	9,021.90	9,248.10	9,479.52	9,716.16	9,959.76	10,208.58	10,464.36	10,725.36	10,993.32
2456	9,248.10	9,479.52	9,716.16	9,959.76	10,208.58	10,464.36	10,725.36	10,993.32	11,268.24
2457	9,479.52	9,716.16	9,959.76	10,208.58	10,464.36	10,725.36	10,993.32	11,268.24	11,550.12
2458	9,716.16	9,959.76	10,208.58	10,464.36	10,725.36	10,993.32	11,268.24	11,550.12	11,838.96
2459	9,958.02	10,206.84	10,462.62	10,723.62	10,991.58	11,266.50	11,548.38	11,837.22	12,133.02
2460	10,206.84	10,462.62	10,723.62	10,991.58	11,266.50	11,548.38	11,837.22	12,133.02	12,435.78
2461	10,462.62	10,723.62	10,991.58	11,266.50	11,548.38	11,837.22	12,133.02	12,435.78	12,747.24
2462	10,723.62	10,991.58	11,266.50	11,548.38	11,837.22	12,133.02	12,435.78	12,747.24	13,065.66

EXHIBIT B

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective **December 4, 2012**

RANGE	TITLE
1414	City Auditor City Clerk
1420	Director of Finance Director of Human Resources
1422	Chief Information Officer Director of Community and Economic Development Director of Parks, Recreation and Neighborhoods Director of Public Works Director of Utility Planning and Projects
1427	Deputy City Manager Fire Chief
1428	City Attorney
1431	Chief of Police
1436	City Manager

EXHIBIT C

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12
EFFECTIVE July 2, 2013

Executive Management 1.50%

		HOURLY		Bi-weekly		Monthly	
105		37.45	46.81	2,996.00	3,744.80	6,516.30	8,144.94
106		38.39	47.98	3,071.20	3,838.40	6,679.86	8,348.52
1407		39.34	49.18	3,147.20	3,934.40	6,845.16	8,557.32
1408		40.33	50.42	3,226.40	4,033.60	7,017.42	8,773.08
1409		41.34	51.67	3,307.20	4,133.60	7,193.16	8,990.58
1410		42.37	52.96	3,389.60	4,236.80	7,372.38	9,215.04
1411		43.43	54.28	3,474.40	4,342.40	7,556.82	9,444.72
1412		44.52	55.64	3,561.60	4,451.20	7,746.48	9,681.36
1413		45.62	57.03	3,649.60	4,562.40	7,937.88	9,923.22
1414	City Clerk	46.77	58.46	3,741.60	4,676.80	8,137.98	10,172.04
	City Auditor	46.77	58.46	3,741.60	4,676.80	8,137.98	10,172.04
1415		47.94	59.93	3,835.20	4,794.40	8,341.56	10,427.82
1416		49.14	61.42	3,931.20	4,913.60	8,550.36	10,687.08
1417		50.36	62.95	4,028.80	5,036.00	8,762.64	10,953.30
1418		51.62	64.52	4,129.60	5,161.60	8,981.88	11,226.48
1419		52.91	66.14	4,232.80	5,291.20	9,206.34	11,508.36
1420	Director of Finance	54.24	67.79	4,339.20	5,423.20	9,437.76	11,795.46
	Director of Human Resources	54.24	67.79	4,339.20	5,423.20	9,437.76	11,795.46
1421		55.59	69.49	4,447.20	5,559.20	9,672.66	12,091.26
1422	Chief Information Officer	56.98	71.22	4,558.40	5,697.60	9,914.52	12,392.28
	Director of Community and Economic Development	56.98	71.22	4,558.40	5,697.60	9,914.52	12,392.28
	Director of Public Works	56.98	71.22	4,558.40	5,697.60	9,914.52	12,392.28
	Director of Parks, Recreation & Neighborhoods	56.98	71.22	4,558.40	5,697.60	9,914.52	12,392.28
	Director of Utility Planning and Projects	56.98	71.22	4,558.40	5,697.60	9,914.52	12,392.28
1423		58.40	73.01	4,672.00	5,840.80	10,161.60	12,703.74
1424		59.86	74.84	4,788.80	5,987.20	10,415.64	13,022.16
1425		61.37	76.70	4,909.60	6,136.00	10,678.38	13,345.80
1426		62.90	78.62	5,032.00	6,289.60	10,944.60	13,679.88
1427	Deputy City Manager	64.47	80.58	5,157.60	6,446.40	11,217.78	14,020.92
	Fire Chief	64.47	80.58	5,157.60	6,446.40	11,217.78	14,020.92
1428	City Attorney	66.08	82.60	5,286.40	6,608.00	11,497.92	14,372.40
1429		67.73	84.66	5,418.40	6,772.80	11,785.02	14,730.84
1430		69.43	86.78	5,554.40	6,942.40	12,080.82	15,099.72
1431	Chief of Police	70.11	84.64	5,608.80	6,771.20	12,199.14	14,727.36
1432		72.94	91.18	5,835.20	7,294.40	12,691.56	15,865.32
1433		74.76	93.45	5,980.80	7,476.00	13,008.24	16,260.30
1434		76.63	95.79	6,130.40	7,663.20	13,333.62	16,667.46
1435		78.55	98.18	6,284.00	7,854.40	13,667.70	17,083.32
1436	City Manager	80.51	100.64	6,440.80	8,051.20	14,008.74	17,511.36
1437		82.53	103.15	6,602.40	8,252.00	14,360.22	17,948.10
138		84.59	105.73	6,767.20	8,458.40	14,718.66	18,397.02
139		86.70	108.38	6,936.00	8,670.40	15,085.80	18,858.12
1440		88.87	111.08	7,109.60	8,886.40	15,463.38	19,327.92
1441		91.10	113.86	7,288.00	9,108.80	15,851.40	19,811.64

EXHIBIT D

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12
EFFECTIVE July 2, 2013

Executive Management 1.50%

	HOURLY		Bi-weekly		Monthly	
1405	37.45	46.81	2,996.00	3,744.80	6,516.30	8,144.94
1406	38.39	47.98	3,071.20	3,838.40	6,679.86	8,348.52
1407	39.34	49.18	3,147.20	3,934.40	6,845.16	8,557.32
1408	40.33	50.42	3,226.40	4,033.60	7,017.42	8,773.08
1409	41.34	51.67	3,307.20	4,133.60	7,193.16	8,990.58
1410	42.37	52.96	3,389.60	4,236.80	7,372.38	9,215.04
1411	43.43	54.28	3,474.40	4,342.40	7,556.82	9,444.72
1412	44.52	55.64	3,561.60	4,451.20	7,746.48	9,681.36
1413	45.62	57.03	3,649.60	4,562.40	7,937.88	9,923.22
1414	46.77	58.46	3,741.60	4,676.80	8,137.98	10,172.04
1415	47.94	59.93	3,835.20	4,794.40	8,341.56	10,427.82
1416	49.14	61.42	3,931.20	4,913.60	8,550.36	10,687.08
1417	50.36	62.95	4,028.80	5,036.00	8,762.64	10,953.30
1418	51.62	64.52	4,129.60	5,161.60	8,981.88	11,226.48
1419	52.91	66.14	4,232.80	5,291.20	9,206.34	11,508.36
1420	54.24	67.79	4,339.20	5,423.20	9,437.76	11,795.46
1421	55.59	69.49	4,447.20	5,559.20	9,672.66	12,091.26
1422	56.98	71.22	4,558.40	5,697.60	9,914.52	12,392.28
1423	58.40	73.01	4,672.00	5,840.80	10,161.60	12,703.74
1424	59.86	74.84	4,788.80	5,987.20	10,415.64	13,022.16
1425	61.37	76.70	4,909.60	6,136.00	10,678.38	13,345.80
1426	62.90	78.62	5,032.00	6,289.60	10,944.60	13,679.88
1427	64.47	80.58	5,157.60	6,446.40	11,217.78	14,020.92
1428	66.08	82.60	5,286.40	6,608.00	11,497.92	14,372.40
1429	67.73	84.66	5,418.40	6,772.80	11,785.02	14,730.84
1430	69.43	86.78	5,554.40	6,942.40	12,080.82	15,099.72
1431	70.11	84.64	5,608.80	6,771.20	12,199.14	14,727.36
1432	72.94	91.18	5,835.20	7,294.40	12,691.56	15,865.32
1433	74.76	93.45	5,980.80	7,476.00	13,008.24	16,260.30
1434	76.63	95.79	6,130.40	7,663.20	13,333.62	16,667.46
1435	78.55	98.18	6,284.00	7,854.40	13,667.70	17,083.32
1436	80.51	100.64	6,440.80	8,051.20	14,008.74	17,511.36
1437	82.53	103.15	6,602.40	8,252.00	14,360.22	17,948.10
1438	84.59	105.73	6,767.20	8,458.40	14,718.66	18,397.02
1439	86.70	108.38	6,936.00	8,670.40	15,085.80	18,858.12
1440	88.87	111.08	7,109.60	8,886.40	15,463.38	19,327.92
1441	91.10	113.86	7,288.00	9,108.80	15,851.40	19,811.64

EXHIBIT D

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES
Effective **January 6, 2009**

RANGE	TITLE
518	Fire Division Chief
813	Fire Battalion Chief (112 hrs)
1813	Fire Battalion Chief (80 hrs)

EXHIBIT E

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12

Effective June 26, 2007

SCHEDULE - X

FIRE MANAGEMENT - 80 HRS

BATTALION CHIEF 5.50%

	A		B		C		D		E
Range	1	2	3	4	5	6	7	8	9
HOURLY									
1812	41.85	42.89	43.97	45.07	46.19	47.35	48.53	49.74	50.99
1813	42.89	43.97	45.07	46.19	47.35	48.53	49.74	50.99	52.26
1814	43.97	45.07	46.19	47.35	48.53	49.74	50.99	52.26	53.57
1815	45.07	46.19	47.35	48.53	49.74	50.99	52.26	53.57	54.91
1816	46.19	47.35	48.53	49.74	50.99	52.26	53.57	54.91	56.28
1817	47.35	48.53	49.74	50.99	52.26	53.57	54.91	56.28	57.69
1818	48.53	49.74	50.99	52.26	53.57	54.91	56.28	57.69	59.13
1819	49.74	50.99	52.26	53.57	54.91	56.28	57.69	59.13	60.61
1820	50.99	52.26	53.57	54.91	56.28	57.69	59.13	60.61	62.12
1821	52.26	53.57	54.91	56.28	57.69	59.13	60.61	62.12	63.67
1822	53.57	54.91	56.28	57.69	59.13	60.61	62.12	63.67	65.27
1823	54.91	56.28	57.69	59.13	60.61	62.12	63.67	65.27	66.90
1824	56.28	57.69	59.13	60.61	62.12	63.67	65.27	66.90	68.57
BIWEEKLY									
	1	2	3	4	5	6	7	8	9
1812	3,348.00	3,431.20	3,517.60	3,605.60	3,695.20	3,788.00	3,882.40	3,979.20	4,079.20
1813	3,431.20	3,517.60	3,605.60	3,695.20	3,788.00	3,882.40	3,979.20	4,079.20	4,180.80
1814	3,517.60	3,605.60	3,695.20	3,788.00	3,882.40	3,979.20	4,079.20	4,180.80	4,285.60
1815	3,605.60	3,695.20	3,788.00	3,882.40	3,979.20	4,079.20	4,180.80	4,285.60	4,392.80
1816	3,695.20	3,788.00	3,882.40	3,979.20	4,079.20	4,180.80	4,285.60	4,392.80	4,502.40
1817	3,788.00	3,882.40	3,979.20	4,079.20	4,180.80	4,285.60	4,392.80	4,502.40	4,615.20
1818	3,882.40	3,979.20	4,079.20	4,180.80	4,285.60	4,392.80	4,502.40	4,615.20	4,730.40
1819	3,979.20	4,079.20	4,180.80	4,285.60	4,392.80	4,502.40	4,615.20	4,730.40	4,848.80
1820	4,079.20	4,180.80	4,285.60	4,392.80	4,502.40	4,615.20	4,730.40	4,848.80	4,969.60
1821	4,180.80	4,285.60	4,392.80	4,502.40	4,615.20	4,730.40	4,848.80	4,969.60	5,093.60
1822	4,285.60	4,392.80	4,502.40	4,615.20	4,730.40	4,848.80	4,969.60	5,093.60	5,221.60
1823	4,392.80	4,502.40	4,615.20	4,730.40	4,848.80	4,969.60	5,093.60	5,221.60	5,352.00
1824	4,502.40	4,615.20	4,730.40	4,848.80	4,969.60	5,093.60	5,221.60	5,352.00	5,485.60
MONTHLY									
	1	2	3	4	5	6	7	8	9
1812	7,281.90	7,462.86	7,650.78	7,842.18	8,037.06	8,238.90	8,444.22	8,654.76	8,872.26
1813	7,462.86	7,650.78	7,842.18	8,037.06	8,238.90	8,444.22	8,654.76	8,872.26	9,093.24
1814	7,650.78	7,842.18	8,037.06	8,238.90	8,444.22	8,654.76	8,872.26	9,093.24	9,321.18
1815	7,842.18	8,037.06	8,238.90	8,444.22	8,654.76	8,872.26	9,093.24	9,321.18	9,554.34
1816	8,037.06	8,238.90	8,444.22	8,654.76	8,872.26	9,093.24	9,321.18	9,554.34	9,792.72
1817	8,238.90	8,444.22	8,654.76	8,872.26	9,093.24	9,321.18	9,554.34	9,792.72	10,038.06
1818	8,444.22	8,654.76	8,872.26	9,093.24	9,321.18	9,554.34	9,792.72	10,038.06	10,288.62
1819	8,654.76	8,872.26	9,093.24	9,321.18	9,554.34	9,792.72	10,038.06	10,288.62	10,546.14
1820	8,872.26	9,093.24	9,321.18	9,554.34	9,792.72	10,038.06	10,288.62	10,546.14	10,808.88
1821	9,093.24	9,321.18	9,554.34	9,792.72	10,038.06	10,288.62	10,546.14	10,808.88	11,078.58
1822	9,321.18	9,554.34	9,792.72	10,038.06	10,288.62	10,546.14	10,808.88	11,078.58	11,356.98
1823	9,554.34	9,792.72	10,038.06	10,288.62	10,546.14	10,808.88	11,078.58	11,356.98	11,640.60
1824	9,792.72	10,038.06	10,288.62	10,546.14	10,808.88	11,078.58	11,356.98	11,640.60	11,931.18

EXHIBIT F

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12

Effective June 26, 2007

SCHEDULE - X

FIRE MANAGEMENT - 80 HRS

BATTALION CHIEF 5.50%

	A		B		C		D		E
Range	1	2	3	4	5	6	7	8	9
HOURLY									
1825	57.69	59.13	60.61	62.12	63.67	65.27	66.90	68.57	70.28
1826	59.13	60.61	62.12	63.67	65.27	66.90	68.57	70.28	72.04
1827	60.61	62.12	63.67	65.27	66.90	68.57	70.28	72.04	73.84
1828	62.12	63.67	65.27	66.90	68.57	70.28	72.04	73.84	75.69
BIWEEKLY									
	1	2	3	4	5	6	7	8	9
1825	4,615.20	4,730.40	4,848.80	4,969.60	5,093.60	5,221.60	5,352.00	5,485.60	5,622.40
1826	4,730.40	4,848.80	4,969.60	5,093.60	5,221.60	5,352.00	5,485.60	5,622.40	5,763.20
1827	4,848.80	4,969.60	5,093.60	5,221.60	5,352.00	5,485.60	5,622.40	5,763.20	5,907.20
1828	4,969.60	5,093.60	5,221.60	5,352.00	5,485.60	5,622.40	5,763.20	5,907.20	6,055.20
MONTHLY									
	1	2	3	4	5	6	7	8	9
1825	10,038.06	10,288.62	10,546.14	10,808.88	11,078.58	11,356.98	11,640.60	11,931.18	12,228.72
1826	10,288.62	10,546.14	10,808.88	11,078.58	11,356.98	11,640.60	11,931.18	12,228.72	12,534.96
1827	10,546.14	10,808.88	11,078.58	11,356.98	11,640.60	11,931.18	12,228.72	12,534.96	12,848.16
1828	10,808.88	11,078.58	11,356.98	11,640.60	11,931.18	12,228.72	12,534.96	12,848.16	13,170.06

EXHIBIT F

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12

Effective June 26, 2007

SCHEDULE - Y

FIRE MANAGEMENT - 112 HRS

BATTALION CHIEF 5.50%

	A		B		C		D		E
Range	1	2	3	4	5	6	7	8	9
HOURLY									
812	29.89	30.64	31.41	32.19	33.00	33.82	34.67	35.53	36.42
813	30.64	31.41	32.19	33.00	33.82	34.67	35.53	36.42	37.33
814	31.41	32.19	33.00	33.82	34.67	35.53	36.42	37.33	38.26
815	32.19	33.00	33.82	34.67	35.53	36.42	37.33	38.26	39.22
816	33.00	33.82	34.67	35.53	36.42	37.33	38.26	39.22	40.20
817	33.82	34.67	35.53	36.42	37.33	38.26	39.22	40.20	41.21
818	34.67	35.53	36.42	37.33	38.26	39.22	40.20	41.21	42.24
819	35.53	36.42	37.33	38.26	39.22	40.20	41.21	42.24	43.29
820	36.42	37.33	38.26	39.22	40.20	41.21	42.24	43.29	44.37
821	37.33	38.26	39.22	40.20	41.21	42.24	43.29	44.37	45.48
822	38.26	39.22	40.20	41.21	42.24	43.29	44.37	45.48	46.62
823	39.22	40.20	41.21	42.24	43.29	44.37	45.48	46.62	47.79
824	40.20	41.21	42.24	43.29	44.37	45.48	46.62	47.79	48.98
BIWEEKLY									
	1	2	3	4	5	6	7	8	9
812	3,347.68	3,431.68	3,517.92	3,605.28	3,696.00	3,787.84	3,883.04	3,979.36	4,079.04
813	3,431.68	3,517.92	3,605.28	3,696.00	3,787.84	3,883.04	3,979.36	4,079.04	4,180.96
814	3,517.92	3,605.28	3,696.00	3,787.84	3,883.04	3,979.36	4,079.04	4,180.96	4,285.12
815	3,605.28	3,696.00	3,787.84	3,883.04	3,979.36	4,079.04	4,180.96	4,285.12	4,392.64
816	3,696.00	3,787.84	3,883.04	3,979.36	4,079.04	4,180.96	4,285.12	4,392.64	4,502.40
817	3,787.84	3,883.04	3,979.36	4,079.04	4,180.96	4,285.12	4,392.64	4,502.40	4,615.52
818	3,883.04	3,979.36	4,079.04	4,180.96	4,285.12	4,392.64	4,502.40	4,615.52	4,730.88
819	3,979.36	4,079.04	4,180.96	4,285.12	4,392.64	4,502.40	4,615.52	4,730.88	4,848.48
820	4,079.04	4,180.96	4,285.12	4,392.64	4,502.40	4,615.52	4,730.88	4,848.48	4,969.44
821	4,180.96	4,285.12	4,392.64	4,502.40	4,615.52	4,730.88	4,848.48	4,969.44	5,093.76
822	4,285.12	4,392.64	4,502.40	4,615.52	4,730.88	4,848.48	4,969.44	5,093.76	5,221.44
823	4,392.64	4,502.40	4,615.52	4,730.88	4,848.48	4,969.44	5,093.76	5,221.44	5,352.48
824	4,502.40	4,615.52	4,730.88	4,848.48	4,969.44	5,093.76	5,221.44	5,352.48	5,485.76
MONTHLY									
	1	2	3	4	5	6	7	8	9
812	7,281.20	7,463.90	7,651.48	7,841.48	8,038.80	8,238.55	8,445.61	8,655.11	8,871.91
813	7,463.90	7,651.48	7,841.48	8,038.80	8,238.55	8,445.61	8,655.11	8,871.91	9,093.59
814	7,651.48	7,841.48	8,038.80	8,238.55	8,445.61	8,655.11	8,871.91	9,093.59	9,320.14
815	7,841.48	8,038.80	8,238.55	8,445.61	8,655.11	8,871.91	9,093.59	9,320.14	9,553.99
816	8,038.80	8,238.55	8,445.61	8,655.11	8,871.91	9,093.59	9,320.14	9,553.99	9,792.72
817	8,238.55	8,445.61	8,655.11	8,871.91	9,093.59	9,320.14	9,553.99	9,792.72	10,038.76
818	8,445.61	8,655.11	8,871.91	9,093.59	9,320.14	9,553.99	9,792.72	10,038.76	10,289.66
819	8,655.11	8,871.91	9,093.59	9,320.14	9,553.99	9,792.72	10,038.76	10,289.66	10,545.44
820	8,871.91	9,093.59	9,320.14	9,553.99	9,792.72	10,038.76	10,289.66	10,545.44	10,808.53
821	9,093.59	9,320.14	9,553.99	9,792.72	10,038.76	10,289.66	10,545.44	10,808.53	11,078.93
822	9,320.14	9,553.99	9,792.72	10,038.76	10,289.66	10,545.44	10,808.53	11,078.93	11,356.63
823	9,553.99	9,792.72	10,038.76	10,289.66	10,545.44	10,808.53	11,078.93	11,356.63	11,641.64
824	9,792.72	10,038.76	10,289.66	10,545.44	10,808.53	11,078.93	11,356.63	11,641.64	11,931.53

EXHIBIT F

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12

Effective June 26, 2007

SCHEDULE - Y

FIRE MANAGEMENT - 112 HRS

BATTALION CHIEF 5.50%

	A		B		C		D		E
Range	1	2	3	4	5	6	7	8	9
HOURLY									
825	41.21	42.24	43.29	44.37	45.48	46.62	47.79	48.98	50.20
826	42.24	43.29	44.37	45.48	46.62	47.79	48.98	50.20	51.46
827	43.29	44.37	45.48	46.62	47.79	48.98	50.20	51.46	52.75
828	44.37	45.48	46.62	47.79	48.98	50.20	51.46	52.75	54.06
B-WEEKLY									
	1	2	3	4	5	6	7	8	9
825	4,615.52	4,730.88	4,848.48	4,969.44	5,093.76	5,221.44	5,352.48	5,485.76	5,622.40
826	4,730.88	4,848.48	4,969.44	5,093.76	5,221.44	5,352.48	5,485.76	5,622.40	5,763.52
827	4,848.48	4,969.44	5,093.76	5,221.44	5,352.48	5,485.76	5,622.40	5,763.52	5,908.00
828	4,969.44	5,093.76	5,221.44	5,352.48	5,485.76	5,622.40	5,763.52	5,908.00	6,054.72
MONTHLY									
	1	2	3	4	5	6	7	8	9
825	10,038.76	10,289.66	10,545.44	10,808.53	11,078.93	11,356.63	11,641.64	11,931.53	12,228.72
826	10,289.66	10,545.44	10,808.53	11,078.93	11,356.63	11,641.64	11,931.53	12,228.72	12,535.66
827	10,545.44	10,808.53	11,078.93	11,356.63	11,641.64	11,931.53	12,228.72	12,535.66	12,849.90
828	10,808.53	11,078.93	11,356.63	11,641.64	11,931.53	12,228.72	12,535.66	12,849.90	13,169.02

EXHIBIT F

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12

Effective June 26, 2007

SCHEDULE - E

MANAGEMENT/CONFIDENTIAL FIRE - 80 hours

DIVISION CHIEF 5.50%

	A		B		C		D		E
Range	1	2	3	4	5	6	7	8	9
HOURLY									
515	44.32	45.43	46.56	47.73	48.92	50.14	51.40	52.68	54.00
516	45.43	46.56	47.73	48.92	50.14	51.40	52.68	54.00	55.35
517	46.56	47.73	48.92	50.14	51.40	52.68	54.00	55.35	56.73
518	47.73	48.92	50.14	51.40	52.68	54.00	55.35	56.73	58.15
519	48.92	50.14	51.40	52.68	54.00	55.35	56.73	58.15	59.60
520	50.14	51.40	52.68	54.00	55.35	56.73	58.15	59.60	61.09
521	51.40	52.68	54.00	55.35	56.73	58.15	59.60	61.09	62.62
522	52.68	54.00	55.35	56.73	58.15	59.60	61.09	62.62	64.18
523	54.00	55.35	56.73	58.15	59.60	61.09	62.62	64.18	65.79
524	55.35	56.73	58.15	59.60	61.09	62.62	64.18	65.79	67.43
525	56.73	58.15	59.60	61.09	62.62	64.18	65.79	67.43	69.12
526	58.15	59.60	61.09	62.62	64.18	65.79	67.43	69.12	70.85
527	59.60	61.09	62.62	64.18	65.79	67.43	69.12	70.85	72.62
528	61.09	62.62	64.18	65.79	67.43	69.12	70.85	72.62	74.43
B-WEEKLY									
	1	2	3	4	5	6	7	8	9
515	3,545.60	3,634.40	3,724.80	3,818.40	3,913.60	4,011.20	4,112.00	4,214.40	4,320.00
516	3,634.40	3,724.80	3,818.40	3,913.60	4,011.20	4,112.00	4,214.40	4,320.00	4,428.00
517	3,724.80	3,818.40	3,913.60	4,011.20	4,112.00	4,214.40	4,320.00	4,428.00	4,538.40
518	3,818.40	3,913.60	4,011.20	4,112.00	4,214.40	4,320.00	4,428.00	4,538.40	4,652.00
519	3,913.60	4,011.20	4,112.00	4,214.40	4,320.00	4,428.00	4,538.40	4,652.00	4,768.00
520	4,011.20	4,112.00	4,214.40	4,320.00	4,428.00	4,538.40	4,652.00	4,768.00	4,887.20
521	4,112.00	4,214.40	4,320.00	4,428.00	4,538.40	4,652.00	4,768.00	4,887.20	5,009.60
522	4,214.40	4,320.00	4,428.00	4,538.40	4,652.00	4,768.00	4,887.20	5,009.60	5,134.40
523	4,320.00	4,428.00	4,538.40	4,652.00	4,768.00	4,887.20	5,009.60	5,134.40	5,263.20
524	4,428.00	4,538.40	4,652.00	4,768.00	4,887.20	5,009.60	5,134.40	5,263.20	5,394.40
525	4,538.40	4,652.00	4,768.00	4,887.20	5,009.60	5,134.40	5,263.20	5,394.40	5,529.60
526	4,652.00	4,768.00	4,887.20	5,009.60	5,134.40	5,263.20	5,394.40	5,529.60	5,668.00
527	4,768.00	4,887.20	5,009.60	5,134.40	5,263.20	5,394.40	5,529.60	5,668.00	5,809.60
528	4,887.20	5,009.60	5,134.40	5,263.20	5,394.40	5,529.60	5,668.00	5,809.60	5,954.40
MONTHLY									
	1	2	3	4	5	6	7	8	9
515	7,711.68	7,904.82	8,101.44	8,305.02	8,512.08	8,724.36	8,943.60	9,166.32	9,396.00
516	7,904.82	8,101.44	8,305.02	8,512.08	8,724.36	8,943.60	9,166.32	9,396.00	9,630.90
517	8,101.44	8,305.02	8,512.08	8,724.36	8,943.60	9,166.32	9,396.00	9,630.90	9,871.02
518	8,305.02	8,512.08	8,724.36	8,943.60	9,166.32	9,396.00	9,630.90	9,871.02	10,118.10
519	8,512.08	8,724.36	8,943.60	9,166.32	9,396.00	9,630.90	9,871.02	10,118.10	10,370.40
520	8,724.36	8,943.60	9,166.32	9,396.00	9,630.90	9,871.02	10,118.10	10,370.40	10,629.66
521	8,943.60	9,166.32	9,396.00	9,630.90	9,871.02	10,118.10	10,370.40	10,629.66	10,895.88
522	9,166.32	9,396.00	9,630.90	9,871.02	10,118.10	10,370.40	10,629.66	10,895.88	11,167.32
523	9,396.00	9,630.90	9,871.02	10,118.10	10,370.40	10,629.66	10,895.88	11,167.32	11,447.46
524	9,630.90	9,871.02	10,118.10	10,370.40	10,629.66	10,895.88	11,167.32	11,447.46	11,732.82
525	9,871.02	10,118.10	10,370.40	10,629.66	10,895.88	11,167.32	11,447.46	11,732.82	12,026.88
526	10,118.10	10,370.40	10,629.66	10,895.88	11,167.32	11,447.46	11,732.82	12,026.88	12,327.90

EXHIBIT G

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 11/12

Effective June 26, 2007

SCHEDULE - E

MANAGEMENT/CONFIDENTIAL FIRE - 80 hours

DIVISION CHIEF 5.50%

	A		B		C		D		E
Range	1	2	3	4	5	6	7	8	9
527	10,370.40	10,629.66	10,895.88	11,167.32	11,447.46	11,732.82	12,026.88	12,327.90	12,635.88
528	10,629.66	10,895.88	11,167.32	11,447.46	11,732.82	12,026.88	12,327.90	12,635.88	12,950.82

EXHIBIT G

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)
Effective **January 6, 2009**

RANGE	TITLE
1623	Police Captain

EXHIBIT H

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 12/13
EFFECTIVE February 26, 2013

MANAGEMENT - **POLICE - UNREPRESENTED** 2.70%

HOURLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1601	28.61	29.33	30.06	30.81	31.58	32.37	33.18	34.01	34.86
1602	29.33	30.06	30.81	31.58	32.37	33.18	34.01	34.86	35.73
1603	30.07	30.82	31.59	32.38	33.19	34.02	34.87	35.74	36.63
1604	30.82	31.59	32.38	33.19	34.02	34.87	35.74	36.63	37.55
1605	31.59	32.38	33.19	34.02	34.87	35.74	36.63	37.55	38.49
1606	32.38	33.19	34.02	34.87	35.74	36.63	37.55	38.49	39.45
1607	33.18	34.01	34.86	35.73	36.62	37.54	38.48	39.44	40.43
1608	34.01	34.86	35.73	36.62	37.54	38.48	39.44	40.43	41.44
1609	34.87	35.74	36.63	37.55	38.49	39.45	40.44	41.45	42.49
1610	35.74	36.63	37.55	38.49	39.45	40.44	41.45	42.49	43.55
1611	36.63	37.55	38.49	39.45	40.44	41.45	42.49	43.55	44.64
1612	37.55	38.49	39.45	40.44	41.45	42.49	43.55	44.64	45.76
1613	38.48	39.44	40.43	41.44	42.48	43.54	44.63	45.75	46.89
1614	39.45	40.44	41.45	42.49	43.55	44.64	45.76	46.90	48.07

BIWEEKLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1601	2,288.80	2,346.40	2,404.80	2,464.80	2,526.40	2,589.60	2,654.40	2,720.80	2,788.80
1602	2,346.40	2,404.80	2,464.80	2,526.40	2,589.60	2,654.40	2,720.80	2,788.80	2,858.40
1603	2,405.60	2,465.60	2,527.20	2,590.40	2,655.20	2,721.60	2,789.60	2,859.20	2,930.40
1604	2,465.60	2,527.20	2,590.40	2,655.20	2,721.60	2,789.60	2,859.20	2,930.40	3,004.00
1605	2,527.20	2,590.40	2,655.20	2,721.60	2,789.60	2,859.20	2,930.40	3,004.00	3,079.20
1606	2,590.40	2,655.20	2,721.60	2,789.60	2,859.20	2,930.40	3,004.00	3,079.20	3,156.00
1607	2,654.40	2,720.80	2,788.80	2,858.40	2,929.60	3,003.20	3,078.40	3,155.20	3,234.40
1608	2,720.80	2,788.80	2,858.40	2,929.60	3,003.20	3,078.40	3,155.20	3,234.40	3,315.20
1609	2,789.60	2,859.20	2,930.40	3,004.00	3,079.20	3,156.00	3,235.20	3,316.00	3,399.20
1610	2,859.20	2,930.40	3,004.00	3,079.20	3,156.00	3,235.20	3,316.00	3,399.20	3,484.00
1611	2,930.40	3,004.00	3,079.20	3,156.00	3,235.20	3,316.00	3,399.20	3,484.00	3,571.20
1612	3,004.00	3,079.20	3,156.00	3,235.20	3,316.00	3,399.20	3,484.00	3,571.20	3,660.80
1613	3,078.40	3,155.20	3,234.40	3,315.20	3,398.40	3,483.20	3,570.40	3,660.00	3,751.20
1614	3,156.00	3,235.20	3,316.00	3,399.20	3,484.00	3,571.20	3,660.80	3,752.00	3,845.60

MONTHLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1601	4,978.14	5,103.42	5,230.44	5,360.94	5,494.92	5,632.38	5,773.32	5,917.74	6,065.64
1602	5,103.42	5,230.44	5,360.94	5,494.92	5,632.38	5,773.32	5,917.74	6,065.64	6,217.02
1603	5,232.18	5,362.68	5,496.66	5,634.12	5,775.06	5,919.48	6,067.38	6,218.76	6,373.62
1604	5,362.68	5,496.66	5,634.12	5,775.06	5,919.48	6,067.38	6,218.76	6,373.62	6,533.70
1605	5,496.66	5,634.12	5,775.06	5,919.48	6,067.38	6,218.76	6,373.62	6,533.70	6,697.26
1606	5,634.12	5,775.06	5,919.48	6,067.38	6,218.76	6,373.62	6,533.70	6,697.26	6,864.30
1607	5,773.32	5,917.74	6,065.64	6,217.02	6,371.88	6,531.96	6,695.52	6,862.56	7,034.82
1608	5,917.74	6,065.64	6,217.02	6,371.88	6,531.96	6,695.52	6,862.56	7,034.82	7,210.56
1609	6,067.38	6,218.76	6,373.62	6,533.70	6,697.26	6,864.30	7,036.56	7,212.30	7,393.26
1610	6,218.76	6,373.62	6,533.70	6,697.26	6,864.30	7,036.56	7,212.30	7,393.26	7,577.70
1611	6,373.62	6,533.70	6,697.26	6,864.30	7,036.56	7,212.30	7,393.26	7,577.70	7,767.36
1612	6,533.70	6,697.26	6,864.30	7,036.56	7,212.30	7,393.26	7,577.70	7,767.36	7,962.24
1613	6,695.52	6,862.56	7,034.82	7,210.56	7,391.52	7,575.96	7,765.62	7,960.50	8,158.86
1614	6,864.30	7,036.56	7,212.30	7,393.26	7,577.70	7,767.36	7,962.24	8,160.60	8,364.18

EXHIBIT I

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 12/13
EFFECTIVE February 26, 2013

MANAGEMENT - **POLICE - UNREPRESENTED** 2.70%

HOURLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1615	40.43	41.44	42.48	43.54	44.63	45.75	46.89	48.06	49.26
1616	41.44	42.48	43.54	44.63	45.75	46.89	48.06	49.26	50.49
1617	42.48	43.54	44.63	45.75	46.89	48.06	49.26	50.49	51.75
1618	43.54	44.63	45.75	46.89	48.06	49.26	50.49	51.75	53.04
1619	44.63	45.75	46.89	48.06	49.26	50.49	51.75	53.04	54.37
1620	45.74	46.88	48.05	49.25	50.48	51.74	53.03	54.36	55.72
1621	46.89	48.06	49.26	50.49	51.75	53.04	54.37	55.73	57.12
1622	48.06	49.26	50.49	51.75	53.04	54.37	55.73	57.12	58.55
1623	49.27	50.50	51.76	53.05	54.38	55.74	57.13	58.56	60.02
1624	50.50	51.76	53.05	54.38	55.74	57.13	58.56	60.02	61.52
1625	51.76	53.05	54.38	55.74	57.13	58.56	60.02	61.52	63.06
1626	53.05	54.38	55.74	57.13	58.56	60.02	61.52	63.06	64.64
1627	54.38	55.74	57.13	58.56	60.02	61.52	63.06	64.64	66.26
1628	55.74	57.13	58.56	60.02	61.52	63.06	64.64	66.26	67.92

BIWEEKLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1615	3,234.40	3,315.20	3,398.40	3,483.20	3,570.40	3,660.00	3,751.20	3,844.80	3,940.80
1616	3,315.20	3,398.40	3,483.20	3,570.40	3,660.00	3,751.20	3,844.80	3,940.80	4,039.20
1617	3,398.40	3,483.20	3,570.40	3,660.00	3,751.20	3,844.80	3,940.80	4,039.20	4,140.00
1618	3,483.20	3,570.40	3,660.00	3,751.20	3,844.80	3,940.80	4,039.20	4,140.00	4,243.20
1619	3,570.40	3,660.00	3,751.20	3,844.80	3,940.80	4,039.20	4,140.00	4,243.20	4,349.60
1620	3,659.20	3,750.40	3,844.00	3,940.00	4,038.40	4,139.20	4,242.40	4,348.80	4,457.60
1621	3,751.20	3,844.80	3,940.80	4,039.20	4,140.00	4,243.20	4,349.60	4,458.40	4,569.60
1622	3,844.80	3,940.80	4,039.20	4,140.00	4,243.20	4,349.60	4,458.40	4,569.60	4,684.00
1623	3,941.60	4,040.00	4,140.80	4,244.00	4,350.40	4,459.20	4,570.40	4,684.80	4,801.60
1624	4,040.00	4,140.80	4,244.00	4,350.40	4,459.20	4,570.40	4,684.80	4,801.60	4,921.60
1625	4,140.80	4,244.00	4,350.40	4,459.20	4,570.40	4,684.80	4,801.60	4,921.60	5,044.80
1626	4,244.00	4,350.40	4,459.20	4,570.40	4,684.80	4,801.60	4,921.60	5,044.80	5,171.20
1627	4,350.40	4,459.20	4,570.40	4,684.80	4,801.60	4,921.60	5,044.80	5,171.20	5,300.80
1628	4,459.20	4,570.40	4,684.80	4,801.60	4,921.60	5,044.80	5,171.20	5,300.80	5,433.60

MONTHLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1615	7,034.82	7,210.56	7,391.52	7,575.96	7,765.62	7,960.50	8,158.86	8,362.44	8,571.24
1616	7,210.56	7,391.52	7,575.96	7,765.62	7,960.50	8,158.86	8,362.44	8,571.24	8,785.26
1617	7,391.52	7,575.96	7,765.62	7,960.50	8,158.86	8,362.44	8,571.24	8,785.26	9,004.50
1618	7,575.96	7,765.62	7,960.50	8,158.86	8,362.44	8,571.24	8,785.26	9,004.50	9,228.96
1619	7,765.62	7,960.50	8,158.86	8,362.44	8,571.24	8,785.26	9,004.50	9,228.96	9,460.38
1620	7,958.76	8,157.12	8,360.70	8,569.50	8,783.52	9,002.76	9,227.22	9,458.64	9,695.28
1621	8,158.86	8,362.44	8,571.24	8,785.26	9,004.50	9,228.96	9,460.38	9,697.02	9,938.88
1622	8,362.44	8,571.24	8,785.26	9,004.50	9,228.96	9,460.38	9,697.02	9,938.88	10,187.70
1623	8,572.98	8,787.00	9,006.24	9,230.70	9,462.12	9,698.76	9,940.62	10,189.44	10,443.48
1624	8,787.00	9,006.24	9,230.70	9,462.12	9,698.76	9,940.62	10,189.44	10,443.48	10,704.48
1625	9,006.24	9,230.70	9,462.12	9,698.76	9,940.62	10,189.44	10,443.48	10,704.48	10,972.44
1626	9,230.70	9,462.12	9,698.76	9,940.62	10,189.44	10,443.48	10,704.48	10,972.44	11,247.36
1627	9,462.12	9,698.76	9,940.62	10,189.44	10,443.48	10,704.48	10,972.44	11,247.36	11,529.24
1628	9,698.76	9,940.62	10,189.44	10,443.48	10,704.48	10,972.44	11,247.36	11,529.24	11,818.08

EXHIBIT I

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 12/13
EFFECTIVE February 26, 2013

MANAGEMENT - **POLICE - UNREPRESENTED** 2.70%

HOURLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1629	57.13	58.56	60.02	61.52	63.06	64.64	66.26	67.92	69.62
1630	58.56	60.02	61.52	63.06	64.64	66.26	67.92	69.62	71.36
1631	60.02	61.52	63.06	64.64	66.26	67.92	69.62	71.36	73.14
1632	61.52	63.06	64.64	66.26	67.92	69.62	71.36	73.14	74.97
1633	63.06	64.64	66.26	67.92	69.62	71.36	73.14	74.97	76.84
1634	64.64	66.26	67.92	69.62	71.36	73.14	74.97	76.84	78.76
1635	66.25	67.91	69.61	71.35	73.13	74.96	76.83	78.75	80.72
1636	67.91	69.61	71.35	73.13	74.96	76.83	78.75	80.72	82.74
1637	69.61	71.35	73.13	74.96	76.83	78.75	80.72	82.74	84.81
1638	71.35	73.13	74.96	76.83	78.75	80.72	82.74	84.81	86.93
1639	73.13	74.96	76.83	78.75	80.72	82.74	84.81	86.93	89.10
1640	74.96	76.83	78.75	80.72	82.74	84.81	86.93	89.10	91.33

BIWEEKLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1629	4,570.40	4,684.80	4,801.60	4,921.60	5,044.80	5,171.20	5,300.80	5,433.60	5,569.60
1630	4,684.80	4,801.60	4,921.60	5,044.80	5,171.20	5,300.80	5,433.60	5,569.60	5,708.80
1631	4,801.60	4,921.60	5,044.80	5,171.20	5,300.80	5,433.60	5,569.60	5,708.80	5,851.20
1632	4,921.60	5,044.80	5,171.20	5,300.80	5,433.60	5,569.60	5,708.80	5,851.20	5,997.60
1633	5,044.80	5,171.20	5,300.80	5,433.60	5,569.60	5,708.80	5,851.20	5,997.60	6,147.20
1634	5,171.20	5,300.80	5,433.60	5,569.60	5,708.80	5,851.20	5,997.60	6,147.20	6,300.80
1635	5,300.00	5,432.80	5,568.80	5,708.00	5,850.40	5,996.80	6,146.40	6,300.00	6,457.60
1636	5,432.80	5,568.80	5,708.00	5,850.40	5,996.80	6,146.40	6,300.00	6,457.60	6,619.20
1637	5,568.80	5,708.00	5,850.40	5,996.80	6,146.40	6,300.00	6,457.60	6,619.20	6,784.80
1638	5,708.00	5,850.40	5,996.80	6,146.40	6,300.00	6,457.60	6,619.20	6,784.80	6,954.40
1639	5,850.40	5,996.80	6,146.40	6,300.00	6,457.60	6,619.20	6,784.80	6,954.40	7,128.00
1640	5,996.80	6,146.40	6,300.00	6,457.60	6,619.20	6,784.80	6,954.40	7,128.00	7,306.40

MONTHLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1629	9,940.62	10,189.44	10,443.48	10,704.48	10,972.44	11,247.36	11,529.24	11,818.08	12,113.88
1630	10,189.44	10,443.48	10,704.48	10,972.44	11,247.36	11,529.24	11,818.08	12,113.88	12,416.64
1631	10,443.48	10,704.48	10,972.44	11,247.36	11,529.24	11,818.08	12,113.88	12,416.64	12,726.36
1632	10,704.48	10,972.44	11,247.36	11,529.24	11,818.08	12,113.88	12,416.64	12,726.36	13,044.78
1633	10,972.44	11,247.36	11,529.24	11,818.08	12,113.88	12,416.64	12,726.36	13,044.78	13,370.16
1634	11,247.36	11,529.24	11,818.08	12,113.88	12,416.64	12,726.36	13,044.78	13,370.16	13,704.24
1635	11,527.50	11,816.34	12,112.14	12,414.90	12,724.62	13,043.04	13,368.42	13,702.50	14,045.28
1636	11,816.34	12,112.14	12,414.90	12,724.62	13,043.04	13,368.42	13,702.50	14,045.28	14,396.76
1637	12,112.14	12,414.90	12,724.62	13,043.04	13,368.42	13,702.50	14,045.28	14,396.76	14,756.94
1638	12,414.90	12,724.62	13,043.04	13,368.42	13,702.50	14,045.28	14,396.76	14,756.94	15,125.82
1639	12,724.62	13,043.04	13,368.42	13,702.50	14,045.28	14,396.76	14,756.94	15,125.82	15,503.40
1640	13,043.04	13,368.42	13,702.50	14,045.28	14,396.76	14,756.94	15,125.82	15,503.40	15,891.42

EXHIBIT I

monthly = bw x 2.175

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 12/13
EFFECTIVE March 12, 2013

MANAGEMENT - **POLICE - UNREPRESENTED** 3.00%

HOURLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1601	29.47	30.21	30.97	31.74	32.53	33.34	34.17	35.02	35.90
1602	30.21	30.97	31.74	32.53	33.34	34.17	35.02	35.90	36.80
1603	30.97	31.74	32.53	33.34	34.17	35.02	35.90	36.80	37.72
1604	31.74	32.53	33.34	34.17	35.02	35.90	36.80	37.72	38.66
1605	32.54	33.35	34.18	35.03	35.91	36.81	37.73	38.67	39.64
1606	33.35	34.18	35.03	35.91	36.81	37.73	38.67	39.64	40.63
1607	34.18	35.03	35.91	36.81	37.73	38.67	39.64	40.63	41.65
1608	35.03	35.91	36.81	37.73	38.67	39.64	40.63	41.65	42.69
1609	35.92	36.82	37.74	38.68	39.65	40.64	41.66	42.70	43.77
1610	36.81	37.73	38.67	39.64	40.63	41.65	42.69	43.76	44.85
1611	37.73	38.67	39.64	40.63	41.65	42.69	43.76	44.85	45.97
1612	38.68	39.65	40.64	41.66	42.70	43.77	44.86	45.98	47.13
1613	39.63	40.62	41.64	42.68	43.75	44.84	45.96	47.11	48.29
1614	40.63	41.65	42.69	43.76	44.85	45.97	47.12	48.30	49.51

BIWEEKLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1601	2,357.60	2,416.80	2,477.60	2,539.20	2,602.40	2,667.20	2,733.60	2,801.60	2,872.00
1602	2,416.80	2,477.60	2,539.20	2,602.40	2,667.20	2,733.60	2,801.60	2,872.00	2,944.00
1603	2,477.60	2,539.20	2,602.40	2,667.20	2,733.60	2,801.60	2,872.00	2,944.00	3,017.60
1604	2,539.20	2,602.40	2,667.20	2,733.60	2,801.60	2,872.00	2,944.00	3,017.60	3,092.80
1605	2,603.20	2,668.00	2,734.40	2,802.40	2,872.80	2,944.80	3,018.40	3,093.60	3,171.20
1606	2,668.00	2,734.40	2,802.40	2,872.80	2,944.80	3,018.40	3,093.60	3,171.20	3,250.40
1607	2,734.40	2,802.40	2,872.80	2,944.80	3,018.40	3,093.60	3,171.20	3,250.40	3,332.00
1608	2,802.40	2,872.80	2,944.80	3,018.40	3,093.60	3,171.20	3,250.40	3,332.00	3,415.20
1609	2,873.60	2,945.60	3,019.20	3,094.40	3,172.00	3,251.20	3,332.80	3,416.00	3,501.60
1610	2,944.80	3,018.40	3,093.60	3,171.20	3,250.40	3,332.00	3,415.20	3,500.80	3,588.00
1611	3,018.40	3,093.60	3,171.20	3,250.40	3,332.00	3,415.20	3,500.80	3,588.00	3,677.60
1612	3,094.40	3,172.00	3,251.20	3,332.80	3,416.00	3,501.60	3,588.80	3,678.40	3,770.40
1613	3,170.40	3,249.60	3,331.20	3,414.40	3,500.00	3,587.20	3,676.80	3,768.80	3,863.20
1614	3,250.40	3,332.00	3,415.20	3,500.80	3,588.00	3,677.60	3,769.60	3,864.00	3,960.80

MONTHLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1601	5,127.78	5,256.54	5,388.78	5,522.76	5,660.22	5,801.16	5,945.58	6,093.48	6,246.60
1602	5,256.54	5,388.78	5,522.76	5,660.22	5,801.16	5,945.58	6,093.48	6,246.60	6,403.20
1603	5,388.78	5,522.76	5,660.22	5,801.16	5,945.58	6,093.48	6,246.60	6,403.20	6,563.28
1604	5,522.76	5,660.22	5,801.16	5,945.58	6,093.48	6,246.60	6,403.20	6,563.28	6,726.84
1605	5,661.96	5,802.90	5,947.32	6,095.22	6,248.34	6,404.94	6,565.02	6,728.58	6,897.36
1606	5,802.90	5,947.32	6,095.22	6,248.34	6,404.94	6,565.02	6,728.58	6,897.36	7,069.62
1607	5,947.32	6,095.22	6,248.34	6,404.94	6,565.02	6,728.58	6,897.36	7,069.62	7,247.10
1608	6,095.22	6,248.34	6,404.94	6,565.02	6,728.58	6,897.36	7,069.62	7,247.10	7,428.06
1609	6,250.08	6,406.68	6,566.76	6,730.32	6,899.10	7,071.36	7,248.84	7,429.80	7,615.98
1610	6,404.94	6,565.02	6,728.58	6,897.36	7,069.62	7,247.10	7,428.06	7,614.24	7,803.90
1611	6,565.02	6,728.58	6,897.36	7,069.62	7,247.10	7,428.06	7,614.24	7,803.90	7,998.78
1612	6,730.32	6,899.10	7,071.36	7,248.84	7,429.80	7,615.98	7,805.64	8,000.52	8,200.62
1613	6,895.62	7,067.88	7,245.36	7,426.32	7,612.50	7,802.16	7,997.04	8,197.14	8,402.46
1614	7,069.62	7,247.10	7,428.06	7,614.24	7,803.90	7,998.78	8,198.88	8,404.20	8,614.74

EXHIBIT J

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 12/13
EFFECTIVE March 12, 2013

MANAGEMENT - **POLICE - UNREPRESENTED** 3.00%

HOURLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1615	41.64	42.68	43.75	44.84	45.96	47.11	48.29	49.50	50.74
1616	42.68	43.75	44.84	45.96	47.11	48.29	49.50	50.74	52.01
1617	43.75	44.84	45.96	47.11	48.29	49.50	50.74	52.01	53.31
1618	44.85	45.97	47.12	48.30	49.51	50.75	52.02	53.32	54.65
1619	45.97	47.12	48.30	49.51	50.75	52.02	53.32	54.65	56.02
1620	47.11	48.29	49.50	50.74	52.01	53.31	54.64	56.01	57.41
1621	48.30	49.51	50.75	52.02	53.32	54.65	56.02	57.42	58.86
1622	49.50	50.74	52.01	53.31	54.64	56.01	57.41	58.85	60.32
1623	50.75	52.02	53.32	54.65	56.02	57.42	58.86	60.33	61.84
1624	52.02	53.32	54.65	56.02	57.42	58.86	60.33	61.84	63.39
1625	53.31	54.64	56.01	57.41	58.85	60.32	61.83	63.38	64.96
1626	54.64	56.01	57.41	58.85	60.32	61.83	63.38	64.96	66.58
1627	56.01	57.41	58.85	60.32	61.83	63.38	64.96	66.58	68.24
1628	57.41	58.85	60.32	61.83	63.38	64.96	66.58	68.24	69.95

BIWEEKLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1615	3,331.20	3,414.40	3,500.00	3,587.20	3,676.80	3,768.80	3,863.20	3,960.00	4,059.20
1616	3,414.40	3,500.00	3,587.20	3,676.80	3,768.80	3,863.20	3,960.00	4,059.20	4,160.80
1617	3,500.00	3,587.20	3,676.80	3,768.80	3,863.20	3,960.00	4,059.20	4,160.80	4,264.80
1618	3,588.00	3,677.60	3,769.60	3,864.00	3,960.80	4,060.00	4,161.60	4,265.60	4,372.00
1619	3,677.60	3,769.60	3,864.00	3,960.80	4,060.00	4,161.60	4,265.60	4,372.00	4,481.60
1620	3,768.80	3,863.20	3,960.00	4,059.20	4,160.80	4,264.80	4,371.20	4,480.80	4,592.80
1621	3,864.00	3,960.80	4,060.00	4,161.60	4,265.60	4,372.00	4,481.60	4,593.60	4,708.80
1622	3,960.00	4,059.20	4,160.80	4,264.80	4,371.20	4,480.80	4,592.80	4,708.00	4,825.60
1623	4,060.00	4,161.60	4,265.60	4,372.00	4,481.60	4,593.60	4,708.80	4,826.40	4,947.20
1624	4,161.60	4,265.60	4,372.00	4,481.60	4,593.60	4,708.80	4,826.40	4,947.20	5,071.20
1625	4,264.80	4,371.20	4,480.80	4,592.80	4,708.00	4,825.60	4,946.40	5,070.40	5,196.80
1626	4,371.20	4,480.80	4,592.80	4,708.00	4,825.60	4,946.40	5,070.40	5,196.80	5,326.40
1627	4,480.80	4,592.80	4,708.00	4,825.60	4,946.40	5,070.40	5,196.80	5,326.40	5,459.20
1628	4,592.80	4,708.00	4,825.60	4,946.40	5,070.40	5,196.80	5,326.40	5,459.20	5,596.00

MONTHLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1615	7,245.36	7,426.32	7,612.50	7,802.16	7,997.04	8,197.14	8,402.46	8,613.00	8,828.76
1616	7,426.32	7,612.50	7,802.16	7,997.04	8,197.14	8,402.46	8,613.00	8,828.76	9,049.74
1617	7,612.50	7,802.16	7,997.04	8,197.14	8,402.46	8,613.00	8,828.76	9,049.74	9,275.94
1618	7,803.90	7,998.78	8,198.88	8,404.20	8,614.74	8,830.50	9,051.48	9,277.68	9,509.10
1619	7,998.78	8,198.88	8,404.20	8,614.74	8,830.50	9,051.48	9,277.68	9,509.10	9,747.48
1620	8,197.14	8,402.46	8,613.00	8,828.76	9,049.74	9,275.94	9,507.36	9,745.74	9,989.34
1621	8,404.20	8,614.74	8,830.50	9,051.48	9,277.68	9,509.10	9,747.48	9,991.08	10,241.64
1622	8,613.00	8,828.76	9,049.74	9,275.94	9,507.36	9,745.74	9,989.34	10,239.90	10,495.68
1623	8,830.50	9,051.48	9,277.68	9,509.10	9,747.48	9,991.08	10,241.64	10,497.42	10,760.16
1624	9,051.48	9,277.68	9,509.10	9,747.48	9,991.08	10,241.64	10,497.42	10,760.16	11,029.86
1625	9,275.94	9,507.36	9,745.74	9,989.34	10,239.90	10,495.68	10,758.42	11,028.12	11,303.04
1626	9,507.36	9,745.74	9,989.34	10,239.90	10,495.68	10,758.42	11,028.12	11,303.04	11,584.92
1627	9,745.74	9,989.34	10,239.90	10,495.68	10,758.42	11,028.12	11,303.04	11,584.92	11,873.76
1628	9,989.34	10,239.90	10,495.68	10,758.42	11,028.12	11,303.04	11,584.92	11,873.76	12,171.30

EXHIBIT J

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 12/13
EFFECTIVE March 12, 2013

MANAGEMENT - **POLICE - UNREPRESENTED** 3.00%

HOURLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1629	58.84	60.31	61.82	63.37	64.95	66.57	68.23	69.94	71.69
1630	60.32	61.83	63.38	64.96	66.58	68.24	69.95	71.70	73.49
1631	61.82	63.37	64.95	66.57	68.23	69.94	71.69	73.48	75.32
1632	63.37	64.95	66.57	68.23	69.94	71.69	73.48	75.32	77.20
1633	64.95	66.57	68.23	69.94	71.69	73.48	75.32	77.20	79.13
1634	66.58	68.24	69.95	71.70	73.49	75.33	77.21	79.14	81.12
1635	68.24	69.95	71.70	73.49	75.33	77.21	79.14	81.12	83.15
1636	69.95	71.70	73.49	75.33	77.21	79.14	81.12	83.15	85.23
1637	71.70	73.49	75.33	77.21	79.14	81.12	83.15	85.23	87.36
1638	73.49	75.33	77.21	79.14	81.12	83.15	85.23	87.36	89.54
1639	75.32	77.20	79.13	81.11	83.14	85.22	87.35	89.53	91.77
1640	77.21	79.14	81.12	83.15	85.23	87.36	89.54	91.78	94.07

BIWEEKLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1629	4,707.20	4,824.80	4,945.60	5,069.60	5,196.00	5,325.60	5,458.40	5,595.20	5,735.20
1630	4,825.60	4,946.40	5,070.40	5,196.80	5,326.40	5,459.20	5,596.00	5,736.00	5,879.20
1631	4,945.60	5,069.60	5,196.00	5,325.60	5,458.40	5,595.20	5,735.20	5,878.40	6,025.60
1632	5,069.60	5,196.00	5,325.60	5,458.40	5,595.20	5,735.20	5,878.40	6,025.60	6,176.00
1633	5,196.00	5,325.60	5,458.40	5,595.20	5,735.20	5,878.40	6,025.60	6,176.00	6,330.40
1634	5,326.40	5,459.20	5,596.00	5,736.00	5,879.20	6,026.40	6,176.80	6,331.20	6,489.60
1635	5,459.20	5,596.00	5,736.00	5,879.20	6,026.40	6,176.80	6,331.20	6,489.60	6,652.00
1636	5,596.00	5,736.00	5,879.20	6,026.40	6,176.80	6,331.20	6,489.60	6,652.00	6,818.40
1637	5,736.00	5,879.20	6,026.40	6,176.80	6,331.20	6,489.60	6,652.00	6,818.40	6,988.80
1638	5,879.20	6,026.40	6,176.80	6,331.20	6,489.60	6,652.00	6,818.40	6,988.80	7,163.20
1639	6,025.60	6,176.00	6,330.40	6,488.80	6,651.20	6,817.60	6,988.00	7,162.40	7,341.60
1640	6,176.80	6,331.20	6,489.60	6,652.00	6,818.40	6,988.80	7,163.20	7,342.40	7,525.60

MONTHLY	**A**		**B**		**C**		**D**		**E**
Range	1	2	3	4	5	6	7	8	9
1629	10,238.16	10,493.94	10,756.68	11,026.38	11,301.30	11,583.18	11,872.02	12,169.56	12,474.06
1630	10,495.68	10,758.42	11,028.12	11,303.04	11,584.92	11,873.76	12,171.30	12,475.80	12,787.26
1631	10,756.68	11,026.38	11,301.30	11,583.18	11,872.02	12,169.56	12,474.06	12,785.52	13,105.68
1632	11,026.38	11,301.30	11,583.18	11,872.02	12,169.56	12,474.06	12,785.52	13,105.68	13,432.80
1633	11,301.30	11,583.18	11,872.02	12,169.56	12,474.06	12,785.52	13,105.68	13,432.80	13,768.62
1634	11,584.92	11,873.76	12,171.30	12,475.80	12,787.26	13,107.42	13,434.54	13,770.36	14,114.88
1635	11,873.76	12,171.30	12,475.80	12,787.26	13,107.42	13,434.54	13,770.36	14,114.88	14,468.10
1636	12,171.30	12,475.80	12,787.26	13,107.42	13,434.54	13,770.36	14,114.88	14,468.10	14,830.02
1637	12,475.80	12,787.26	13,107.42	13,434.54	13,770.36	14,114.88	14,468.10	14,830.02	15,200.64
1638	12,787.26	13,107.42	13,434.54	13,770.36	14,114.88	14,468.10	14,830.02	15,200.64	15,579.96
1639	13,105.68	13,432.80	13,768.62	14,113.14	14,466.36	14,828.28	15,198.90	15,578.22	15,967.98
1640	13,434.54	13,770.36	14,114.88	14,468.10	14,830.02	15,200.64	15,579.96	15,969.72	16,368.18

EXHIBIT J

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-81

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 MANAGEMENT ASSOCIATION (MPMA)

WHEREAS, by Resolution No 2012-351 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:

For Police Safety employees hired under Tier 1 Formula 3%@50, the City of Modesto elects to pay two and one-half (2.5%) of the normal member contributions of

nine percent (9%) as employer paid member contributions and report the same value to CalPERS as compensation earnable as additional compensation.

For Police Safety employees hired under Tier 2 Formula 3%@55, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of nine percent (9%). 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 February 26, 2013.

BE IT FURTHER RESOLVED that effective February 26, 2013 Resolution No. 2012-351 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-82

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 MANAGEMENT POLICE SAFETY MEMBERS

WHEREAS, by Resolution No 2012-352 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:

For Police Safety employees hired under Tier 1 Formula 3%@50, the City of Modesto elects to pay two and one-half percent (2.5%) of the normal member

contributions of nine percent (9%) as employer paid member contributions and report the same value to CalPERS as compensation earnable as additional compensation.

For Police Safety employees hired under Tier 2 Formula 3%@55, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of nine percent (9%). 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 February 26, 2013.

BE IT FURTHER RESOLVED that effective February 26, 2013 Resolution No. 2012-352 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-83

RESOLUTION APPROVING TWENTY ONE (21) CAPITAL FACILITIES FEES EXEMPTIONS FOR HABITAT FOR HUMANITY, STANISLAUS COUNTY RIVER VISTA PROJECT (FORMERLY SPORTSMEN ESTATES) LOCATED AT SIGNATURE COURT, SUNSET AVENUE AND ROSELAWN AVENUE. CAPITAL FACILITIES FEES EXEMPTION MASTER AGREEMENT WITH HABITAT FOR HUMANITY, STANISLAUS COUNTY TO BE APPROVED BY THE CITY COUNCIL AT A LATER DATE

WHEREAS, on August 8, 2012, by Resolution No. 2012-311, the City Council allocated $1 million in Neighborhood Stabilization Program 3 (NSP3) funds to Habitat for Humanity, Stanislaus County for the development of a 21-unit single-family affordable housing project at a site that was formerly known as the Sportsmen Estates subdivision (now River Vista) located at Signature Court, Sunset Avenue, and Roselawn Avenue, and

WHEREAS, to ensure long-term affordability for these housing units by reducing the overall cost of development, staff recommended CFF deferrals and exemptions for this project, and

WHEREAS, the CFF Exemption Master Agreement with Habitat for Humanity, Stanislaus County will be approved by the City Council at a later date, and

WHEREAS, the City of Modesto is authorizing Habitat for Humanity, Stanislaus County to be issued building permits for approved building plans with payment of all required fees, except CFF, and

WHEREAS, a public notice was published in the *Modesto Bee* on February 11, 2013 to provide the public with an opportunity to comment on the proposed deferral/exemption of CFF during the public hearing held by the City Council on

February 26, 2013, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street,

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed CFF deferral/exemption at its February 20, 2013 meeting, and recommended Council approve, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves twenty one (21) CFF exemptions for Habitat for Humanity, Stanislaus County River Vista Project (formerly Sportsmen Estates) with the CFF Exemption Master Agreement with Habitat for Humanity, Stanislaus County to be approved by the City Council at a later date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2013, by Councilmember Cogdill, who moved its adoption, with motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-84

RESOLUTION AUTHORIZING HABITAT FOR HUMANITY, STANISLAUS COUNTY TO BE ISSUED BUILDING PERMITS FOR APPROVED BUILDING PLANS WITH PAYMENT OF ALL REQUIRED FEES, EXCEPT CAPITAL FACILITIES FEES

WHEREAS, on August 8, 2012, by Resolution No. 2012-311, the City Council allocated $1 million in Neighborhood Stabilization Program 3 (NSP3) funds to Habitat for Humanity, Stanislaus County for the development of a 21-unit single-family affordable housing project at a site that was formerly known as the Sportsmen Estates subdivision (now River Vista) located at Signature Court, Sunset Avenue, and Roselawn Avenue, and

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed issuance of building permits for approved building plans with payment of all required fees, except Capital Facilities Fees, to Habitat for Humanity, Stanislaus County at its February 20, 2013 meeting, and recommended Council approve, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Habitat for Humanity, Stanislaus County to be issued building permits for approved building plans with payment of all required fees, except Capital Facilities Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2013, by Councilmember Cogdill, who moved its adoption, with motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-85

RESOLUTION DENYING THE APPEAL OF AL BREWER, HARRY SOLARIS, JEAN, AND KATHY TO A BOARD OF ZONING ADJUSTMENT DECISION APPROVING A CONDITIONAL USE PERMIT TO ALLOW 19-BED RESIDENTIAL CARE FACILITY FOR WOMEN AT 831 MAZE BOULEVARD

WHEREAS, an application for a Conditional Use Permit for a 19-bed Residential Care Facility for women located at 831 Maze Boulevard, was filed by Nirvana Drug and Alcohol Treatment Institute on September 13, 2012, and

WHEREAS, Sections 10-9.102 of the Municipal Code authorize the Board of Zoning Adjustment to grant Conditional Use Permits, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on November 15, 2012, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing both evidence both oral and documentary was received and considered, and

WHEREAS, after hearing concerns from neighboring residents, the Board of Zoning Adjustment voted to continue the public hearing to December 20, 2012, with direction to Planning Division Staff to hold a neighborhood workshop in the intervening period, and

WHEREAS, a neighborhood workshop was held on November 28, 2012, in Chambers, 1010 Tenth Street, Modesto, California, at which workshop concerns were raised regarding lack of limitations on the operator of the facility, the types of clients served by the facility, and the need for additional fencing for the project, and

WHEREAS, as a result of the concerns raised at the workshop, Planning staff recommended additional conditions to address these concerns, and

WHEREAS, the continued public hearing was held by the Board of Zoning Adjustment on December 20, 2012, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing the Board of Zoning Adjustment, by Resolution Nos. 2012-07 approved a conditional use permit to allow a 19-bed Residential Care Facility for women located at 831 Maze Boulevard, and

WHEREAS, on January 3, 2013, Al Brewer, Harry Solaris, Jean, and Kathy filed an appeal with the City Clerk of the City of Modesto to the decision of the Board of Zoning Adjustment approving a conditional use permit to allow a 19-bed Residential Care Facility for women located at 831 Maze Boulevard, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on February 26, 2013, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered; and

WHEREAS, Council heard evidence from appellants establishing the proposed Residential Care Facility could result in privacy concerns for the neighbors to the north of the subject property; and

WHEREAS, based on the above, the Council determined that Condition of Approval No. 4 of Board of Adjustment Resolution No. 2012-07 should be amended to require an eight-foot-tall fence along the north property line.

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

1. That denying the appeal of Al Brewer, Harry Solaris, Jean, and Kathy and affirming the decision of the Board of Zoning Adjustment to grant a conditional use permit is required for these reasons:

a. The proposed conditional use permit is consistent with the objectives and requirements of Title 10 (Zoning Regulations) because the Code allows Residential Care Facilities upon securing a conditional use permit approval from the Board. The purpose and intent of the Low Density Residential (R-1) Zone includes encouraging "a wide variety of residential product types and densities that meet the diverse economic and social needs of all residents".

b. The proposed conditional use and the conditions under which it will operate is consistent with the General Plan because the proposed 19-Bed Residential Care Facility is located in an area designated R, Residential by the City of Modesto Urban Area General Plan. As Residential Care Facilities are allowed in residential areas with a Conditional Use Permit, the proposal is therefore consistent with the General Plan.

c. The proposed conditional use will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity because this facility will be required to meet all applicable Zoning, Building and Fire Code Standards.

d. The proposed conditions of approval will ensure compatibility with the surrounding uses because the property and existing dwelling unit is of a sufficient size to accommodate the 19-bed Residential Care Facility for women, without creating undue conflicts with surrounding residences.

BE IT FURTHER RESOLVED by the City Council that it finds and determines, based on substantial evidence and testimony in the administrative record, that the appeal of the Al Brewer, Harry Solaris, Jean and Kathy to the decision of the Board of Zoning Adjustment approving an application for a Conditional Use Permit and a variance to allow a 19-bed Residential Care Facility for women located at 831 Maze Boulevard is hereby denied for the reasons set forth above, and the decision of the Board of Zoning Adjustment as set forth in its Resolution Nos. 2012-07 is hereby affirmed.

BE IT FURTHER RESOLVED by the City Council that Condition of Approval No. 4 of Board of Adjustment Resolution No. 2012-07 is hereby amended as follows:

4. Prior to occupancy, the applicant shall install an eight-foot-tall wood fence along the north property line and seven-foot-tall wood fence along rear yard of the western property line and the entire eastern property line (except the required front-yard setback area). The fence shall include "Acoustifence" or equivalent sound mitigating treatment to the satisfaction of the Director of Community and Economic Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lopez

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-86

RESOLUTION APPROVING A SECOND AMENDMENT TO THE DEPARTMENT OF HOUSING & URBAN DEVELOPMENT ANNUAL ACTION PLAN FOR FISCAL YEAR 2012-13, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE RELATED DOCUMENTS

WHEREAS, the City of Modesto receives Federal grants from the United States Department of Housing and Urban Development (HUD), and allocates those funds to eligible activities, and

WHEREAS, on May 8, 2012, by Resolution No. 2012-170, the Modesto City Council approved the Fiscal Year 2012-13 HUD Annual Action Plan (AAP), and

WHEREAS, any changes to the allocations adopted in the AAP are accomplished through an AAP amendment, and

WHEREAS, this second amendment will amend the Fiscal Year 2012-13 HUD AAP to include the allocation of unspent entitlement from Projects 100315 and 100275, and

WHEREAS, a notice has been duly given to the community of the proposed amendment to the HUD AAP, which began January 15, 2013 and ended with a public hearing held by the City Council on February 26, 2013, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, and

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed amendment to the HUD AAP at its January 16, 2013, meeting, and recommended Council approve, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second amendment to the 2012-2013 Annual Action Plan and the City Manager, or his designee, is hereby authorized to execute 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 February, 2013, by Councilmember Cogdill, who moved its adoption, with motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-87

RESOLUTION AMENDING THE FY 2012-13 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO REFLECT THE APPROVED SECOND AMENDMENT TO THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2012-13 AND THE REALLOCATION OF UNSPENT FUNDS AS NOTED IN EXHIBIT A; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto receives Federal grants from the United States Department of Housing and Urban Development (HUD), and allocates those funds to eligible activities, and

WHEREAS, on May 8, 2012, by Resolution No. 2012-170, the Modesto City Council approved the Fiscal Year 2012-13 HUD Annual Action Plan (AAP), and

WHEREAS, any changes to the allocations adopted in the AAP are accomplished through an AAP amendment, and

WHEREAS, this second amendment will amend the Fiscal Year 2012-13 HUD AAP to include the allocation of unspent entitlement from Projects 100315 and 100275, and

WHEREAS, a notice has been duly given to the community of the proposed amendment to the HUD AAP, which began January 15, 2013 and ended with a public hearing held by the City Council on February 26, 2013, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, and

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed amendment to the HUD AAP at its January 16, 2013, meeting, and recommended Council approve, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2012-13 Annual Operating and Capital Improvement Budgets to reflect the approved the reallocation of unspent entitlement funds as set forth in **Exhibit** "A", **attached** hereto and incorporated herein by reference, and

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 26th day of February, 2013, by Councilmember Cogdill, who moved its adoption, with motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

100275-Empire Street Improvement Project

Task	Current Budget	Inc/ (Dec)	Revised Amt
Construction Admin	250,262	$ (194,114)	$ 56,148
City Construct Force	94,000	$ (94,000)	$ -
Construction	807,104	$ (285,399)	$ 521,705
Contingency - CIP	76,000	$ (72,250)	$ 3,750
Eng/Design/Admin	175,132	$ (50,116)	$ 125,016
Land Acquisition	31,710	$ 17,063	$ 48,773
Total	**$ 1,434,208**	**$ (678,816)**	**$ 755,392**

100315 Sr Center

Task	Current Budget	Inc/ (Dec)	Revised Amt
Construction Admin	28,348	$ (28,348)	$ -
Construction	204,270	$ (2,280)	$ 201,990
Contingency - CIP	28,860	$ (28,860)	$ -
Eng/Design/Admin	68,522	$ (25,775)	$ 42,747
Total	**$ 330,000**	**$ (85,263)**	**$ 244,737**

Project XXXXX 2013/2014 ADA Curb Ramp

Task	Current Budget	Inc/ (Dec)	Revised Amt
Design	$ -	$ 35,000	$ 35,000
Construction	$ -	$ 200,000	$ 200,000
Contingency	$ -	$ 30,000	$ 30,000
Construction Admin	$ -	$ 35,000	$ 35,000
Total	**$ -**	**$ 300,000**	**$ 300,000**

1130-38300-01045 PreDesign - Muni Park ADA Project - Activity #01045

Task	Current Budget	Inc/ (Dec)	Revised Amt
Total	**$ 35,000**	**$ (35,000)**	**$ -**

Project #XXXXX Muni Park ADA Project - Activity #01045

Task	Current Budget	Inc/ (Dec)	Revised Amt
Design		$ 14,000	$ 14,000
Construction		$ 322,000	$ 322,000
Contingency		$ 32,200	$ 32,200
Construction Admin		$ 6,800	$ 6,800
Total	**$ -**	**$ 375,000**	**$ 375,000**

1130-38300-XXXXX Public Facility Improvements - to be completed by June 30, 2013

Task	Current Budget	Inc/ (Dec)	Revised Amt
Professional Services		$ 95,000	$ 95,000
Services City Forces		$ 5,000	$ 5,000
Total	**$ -**	**$ 100,000**	**$ 100,000**

	$ 1,799,208	$ (24,079)	$ 1,775,129

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-88

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT TO CONSTRUCT IMPROVEMENTS AND GRANT REVOCABLE LICENSE BETWEEN SHELTER COVE COMMUNITY CHURCH AND THE CITY OF MODESTO TO GRANT A TWO-YEAR TIME EXTENSION FOR THE CONSTRUCTION OF IMPROVEMENTS TO PROVIDE ACCESS TO CLARATINA AVENUE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, Shelter Cove Community Church, located at 4242 Coffee Road, received approval by the City Council on February 25, 2003, by Resolution No. 2003-101, for General Plan Amendment, Specific Plan Amendment and Annexation for the development of a church, and

WHEREAS, annexation of the parcel was approved by Stanislaus Local Agency Formation Commission on April 23, 2003, and

WHEREAS, Shelter Cove Community Church Final Development Plan was approved on May 2, 2005, by the Planning Commission for a church, with offices and Sunday-school classrooms, and

WHEREAS, Final Development Plan was approved with two driveways on Coffee Road, and

WHEREAS, Shelter Cove Community Church, has requested access to Claratina Avenue which is designated a Class B Expressway in the City's General Plan, and

WHEREAS, a Class B Expressway is a high volume roadway where access is controlled and limited to ensure sufficient traffic flow and overall operational viability of expressways in the community, and

WHEREAS, the proposed access to Claratina Avenue does not meet the requirements for expressway access to a private driveway as provided in the City's Expressway Access Policy, and

WHEREAS, the City's General Plan typically allows one Collector Street intersection on a Class B Expressway at ¼ to ½ mile intervals between two Arterial Streets, and

WHEREAS, the location of a Collector Street along the north side of Claratina Avenue between the Arterial Streets, Coffee Road and Oakdale Road, will be determined through the preparation of a specific plan for the Hetch Hetchy Comprehensive Planning District (CPD), and

WHEREAS, the Hetch Hetchy CPD does not have an approved specific plan to determine the location of a Collector Street intersection with Claratina Avenue, and

WHEREAS, the proposed access on Claratina Avenue is identified as an interim Collector Street located approximately ¼ mile from Coffee Road, and

WHEREAS, on April 27, 2010, the City Council adopted Resolution 2010-155 approving an Agreement to Construct Improvements and Grant Revocable License between Shelter Cove Community Church and the City of Modesto to provide access to Claratina Avenue, and

WHEREAS, Section 2. g. of the Agreement to Construct Improvements and Grant Revocable License requires the construction of the improvements to be completed thirty six (36) months from the Agreement approval date, and

WHEREAS, in a letter dated January 4, 2013, Shelter Cove Community Church has requested a two-year time extension indicating the main reasons why the improvements were not completed in the last three years are due to poor economic conditions, insufficient capital funding for the project, and the need to obtain approval from the neighbor to locate a small portion of the on-ramp on the neighbor's parcel to the west, and

WHEREAS, this project is exempt for environmental review pursuant to Section 15061 (b) (3) because the proposed time extension does not have the potential of causing a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement to Construct Improvements and Grant Revocable License between Shelter Cove Community Church and the City of Modesto to grant a two-year time extension for the construction of the improvements to provide access to Claratina Avenue. A copy of the First Amendment to the Agreement to Construct Improvements and Grant Revocable License is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute the First Amendment 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 March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-89

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OFFICER FRANK INACIO FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, FRITZ; 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 Inacio, wishes to purchase and assume possession of his assigned canine, Fritz, 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 Inacio for the purchase of retired police canine, Fritz.

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 March, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-90

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OFFICER DWIGHT MILLER FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, BASS; 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 Miller, wishes to purchase and assume possession of his assigned canine, Bass, 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 Miller for the purchase of retired police canine, Bass.

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 March, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-91

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OFFICER BRADLEY PETERSON FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, PONO; 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 former police canine handler, Officer Peterson, wishes to purchase and assume possession of his assigned canine, Pono, 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 Peterson for the purchase of retired police canine, Pono.

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 March, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-92

RESOLUTION APPROVING AN AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD TO RECEIVE GRANT FUNDS AND TO EXECUTE ALL GRANT-RELATED DOCUMENTS, FOR THE MODESTO AREA 2 STORMWATER TO SANITARY SEWER CROSS CONNECTION REMOVAL PROJECT – PHASE I GARRISON PARK

WHEREAS, the City of Modesto desires to construct the Modesto Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase I Garrison Park to address wastewater system capacity deficiencies due to direct connections of storm drain runoff to the sanitary sewer system, and

WHEREAS, final design of Phase I is now complete and construction is expected to start in summer 2013, and

WHEREAS, in anticipation of this, City staff applied for the Proposition 84 Storm Water Grant Program (SWGP) to help fund construction, and

WHEREAS, in December 2012, the City was given notification of the project being selected for SWGP Implementation funding in the amount of $3 million with a required $158,000 match, and

WHEREAS, a grant agreement with the State Water Resources Control Board must be executed in order to receive the funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to enter into an agreement with the State Water Resources Control Board to receive grant funds and to execute all grant-related documents, for the Modesto Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase I Garrison Park.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-93

RESOLUTION I) ACCEPTING THE TRANSFER OF WASTEWATER CAPACITY FROM MODESTO TALLOW COMPANY TO THE CITY OF MODESTO IN THE AMOUNT OF 6.71 MILLION GALLONS OF FLOW, 277,172 POUNDS OF BIOLOGICAL OXYGEN DEMAND (BOD), AND 90,081 POUNDS OF TOTAL SUSPENDED SOLIDS (TSS), VALUED AT $999,999 IN LIEU OF A MONETARY PAYMENT AND II) ACCEPTING THE TRANSFER OF WASTEWATER CAPACITY OWNERSHIP AT TWO TIMES THE AMOUNT DUE IN EXCHANGE FOR A FIVE YEAR USAGE TERM

WHEREAS, on January 27, 2009, Council, by Ordinance No. 3503-C.S., approved the creation of a City Wastewater Treatment Capacity Banking and Transfer Program (Program) for the purpose of creating incentives for economic development, and

WHEREAS, this Ordinance added Article 9, titled "Wastewater Permitted Capacity Banking and Transfer" to Chapter 6 of Title 5 of the Modesto Municipal Code, and

WHEREAS, Modesto Tallow Company has agreed to transfer ownership of wastewater capacity to the City of Modesto to satisfy its obligation of payment of 80% of user fees from its existing allocated capacity, and

WHEREAS, the transferred capacity, consisting of flow, BOD and TSS, will be placed in the Program for use according to the provision of the Capacity Banking Ordinance, and

WHEREAS, Modesto Tallow Company will be retaining its remaining annual capacity of 55,590,000 gallons of flow, 2,297,800 pounds of BOD, and 747,000 pounds of TSS, which is subject to the use provisions outlined in Section 5-6.906(h) of the Municipal Code, and

WHEREAS, the Capacity Banking and Transfer ordinance 5-6.906(h) specifies a period of non-use of three consecutive years, after which the City may appropriate without payment any unused capacity, and

WHEREAS, Modesto Tallow Company has agreed to transfer ownership of wastewater capacity with a value of two times the obligation of payment, and has requested a five-year usage term, and

WHEREAS, this transaction will be the second transfer of capacity accepted by the City of Modesto in lieu of sewer use fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves i) the transfer of wastewater capacity from Modesto Tallow company to the City of Modesto in the amount of 6.71 million gallons of flow, 277,172 pounds of biological oxygen demand (bod), and 90,081 pounds of total suspended solids (tss), valued at $999,999 in lieu of a monetary payment and ii) the transfer of wastewater capacity ownership at two times the amount due in exchange for a five year usage term.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-94

RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION FOR THE MCHENRY AVENUE CORRIDOR STUDY, TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, IN THE AMOUNT OF $300,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, on December 7, 2010, the City Council, by Resolution No. 2010-495, accepted the U.S. HUD-EPA-DOT Smart Valley Places grant, which provides funding for amendments to the Urban Area General Plan land use and circulation elements, and

WHEREAS, additional grant funding is needed in order to prepare planning documents, such as corridor studies, to implement the amended General Plan, and

WHEREAS, the California Department of Transportation (Caltrans) has the authority to award grants of financial assistance for transportation planning projects, 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 ten percent (10%) of the grant award, and

WHEREAS, a public meeting was held on March 12, 2013, at 5:30 p.m., in the Tenth Street Place Chambers located, at 1010 Tenth Street, Modesto, California, at which submittal of the grant applications 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 Community-Based Transportation Planning Grant funds for the McHenry Avenue corridor study in the amount of $300,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the quarterly reports and other documents Caltrans requires for awarding a local assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with Caltrans 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 March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-95

RESOLUTION APPROVING THE EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD) APPLICATION FOR ELECTIVE COVERAGE OF DISABILITY INSURANCE FOR EMPLOYEES REPRESENTED BY MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION (MCMA); 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) was adopted on July 10, 2012, and

WHEREAS, MCMA MOU includes language to initiate participation in the State Disability Insurance (SDI) program for employees in the unit, and

WHEREAS, employers may elect coverage through the Disability Insurance Branch of the California Employment Development Department (EDD) by way of the application for elective coverage of disability insurance, and

WHEREAS, the CITY agreed to the coordination of these benefits so long as there is no additional financial or administrative cost to the CITY, and

WHEREAS, the Council considered this matter at its meeting of March 12, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Employment Development Department (EDD) application for elective coverage of disability insurance for employees represented by the Modesto Confidential and Management Association (MCMA).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary administrative action to implement 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 March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

RESCINDED

JAN - 7 2014

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2014-19

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-96

A RESOLUTION APPROVING CHANGES TO VARIOUS AIRPORT RATES AND FEES FOR SPECIFIC ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT, AND RESCINDING COUNCIL RESOLUTION 2009-434

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 effective July 1st by the annual Consumer Price Index. The Airport has not passed on a Rates and Fee increase during Fiscal Years 2009, 2010, and 2011 in response to the recessionary fiscal environment, and

WHEREAS, adjusting Airport Rates and Fees will increase revenue that will allow the airport to recover growing operational expenses incurred by the airport budget, and

WHEREAS, during the past three years the CPI of the Western United States has increased 4.3%, and

WHEREAS, the Airport Advisory Committee at its January 17, 2013 meeting, recommended this 4.3% increase and various fees be forwarded onto City Council for its consideration, and

WHEREAS, a duly noticed public hearing was held by the Council on March 12, 2013 at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which all interested persons were given the opportunity to be heard relative to the proposed changes to various rates and fees for specific activities and services at the Modesto City-County Airport,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport as noted in **Attachment A**.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on April 1, 2013.

BE IT FURTHER RESOLVED that Resolution No. 2009-434 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 March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmember:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmember:	None
ABSENT:	Councilmember:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Proposed Fee Increase

Attachment A

Activities & Services	Current Rate	Proposed Rate
Landing Fees		
Aircraft Landing Fee	$0.88 per 1000 lbs	**$0.92 per 1000 lbs**
***Tie-Downs**		
Single Engine, Tail-in Tie-Down	$39.00 monthly	**$41.00 monthly**
Single Engine Taxi-in Tie-Down	$63.00 monthly	**$66.00 monthly**
Twin Engine, Taxi-in Tie-Down	$0.05 s.f/month	**$0.05212 s.f/month**
Transient Single Engine Tie-Down	$7.20 per day	**$7.50 per day**
Transient Twin Engine Tie-Down	$9.25 per day	**$9.65 per day**
Transient Heavy A/C Tie-Down	$13.50 per day	**$14.08 per day**
Jets Tie-Down	$13.50 per day	**$14.08 per day**
Offices		
Office Space	$0.86 s.f./month	**$0.90 s.f./month**
Keys		
Additional or Replacement Keys	$5.00	**$50.00**
Hangar Units		
A-Row Units 2-11	$129.00	**$135.00**
A-Row Large End Units 1 & 12	$149.00	**$155.00**
B-Row Units 2-9	$155.00	**$162.00**
B-Row Large End Units 1 & 10	$192.00	**$200.00**
C-Row Units 2, 3, 4, & 7	$163.00	**$170.00**
C-Row Units 5 & 6 (Electric)	$193.00	**$201.00**
C-Row Large End Units 1 & 8	$198.00	**$207.00**
D-Row Units 2-9	$147.00	**$153.00**
D-Row Unit 6 (Electric)	$176.00	**$184.00**
D-Row Large End Units 1 & 10	$205.00	**$214.00**
E-Row Units 1, 3, 4, 5, 6, 7, 8, & 10	$214.00	**$223.00**
E-Row Large End Units 2 & 9	$250.00	**$261.00**
F-Row Units 1, 3, 4, 5, 6, 7, 8, & 10	$214.00	**$223.00**
F-Row Large End Units 2 & 9	$250.00	**$261.00**
G-Row Units 1-10	$214.00	**$223.00**
G-Row Storage Unit	$45.00	**$47.00**
H-Row Units 1-10	$214.00	**$223.00**
H-Row Storage Units (East & West)	$45.00	**$47.00**
I-Row Units 1-8	$418.00	**$436.00**
J-Row Units 1-10	$214.00	**$223.00**
K-Row Units 1-11	$241.00	**$251.00**
L-Row Units 1-10	$245.00	**$256.00**
L-Row Storage	$45.00	**$47.00**

*Tie-Down Fees: Taxi-in Tie-Down – Permanent, helicopter/light single and multi-engine (under 12,500 lbs)

Taxi-In Tie-Down – Permanent, helicopter/light single and multi-engine (over 12,500 lbs)

Taxi-in Tie-Down – Transient, helicopter/twin-engine aircraft (under 12,500 lbs)

Taxi-in Tie-Down – Transient, helicopter/twin-engine aircraft (over 12,500 lbs)

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-97

RESOLUTION APPROVING CAPITAL FACILITIES FEE (CFF) EXEMPTION BETWEEN THE CITY OF MODESTO AND SATELLITE AFFORDABLE HOUSING ASSOCIATES FOR THE TOWER PARK SENIOR HOUSING DEVELOPMENT AT 17TH AND G STREETS IN MODESTO, AND AUTHORIZING STAFF TO FINALIZE THE PROVISIONS TO THE CAPITAL FACILITIES EXEMPTION AGREEMENT

WHEREAS, on June 27, 2006, by Resolution No. 7-2006, the Redevelopment Agency (RDA) approved the purchase of 17th & G Streets property, also known as "Tower Park", and

WHEREAS, the RDA Housing Set-Aside Fund now the City of Modesto as the Housing Successor Agency to the Redevelopment Agency of the City of Modesto owns "Tower Park" and has maintained the parcel as a park with the intent to build an affordable senior housing project on site, and

WHEREAS, on February 8, 2013, Satellite Affordable Housing Associates, (Applicant) submitted a Capital Facilities Fees Exemption Application for Tower Park Senior Housing Development (Project). The Project located at 17th and G Streets Modesto will provide one-bedroom apartments of restricted affordable housing to seniors 55 years and over, plus one-two-bedroom manager's unit, and

WHEREAS, apartments will be affordable to households earning between 30% and 60% of the area median income, and

WHEREAS, Staff recommended the City Council approve a CFF exemption between the City of Modesto and Satellite Affordable Housing Associates for 50-unit affordable rental senior housing project located at 17th and G Streets in Modesto and

WHEREAS, the agreement will come back to Council at a later date for approval, and

WHERAS, a notice was duly given to the community to enable the public to have the opportunity to comment on the proposed CFF exemption request, and

WHEREAS, this comment period ended with a hearing held by the City Council on March 5, 2013, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, and

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed CFF exemption at its February 20, 2013, meeting, and recommended Council approve CFF exemptions and also recommended Council review CFF Policy and Procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the CFF exemption between the City of Modesto and Satellite Affordable Housing Associates for a 50-unit affordable rental senior housing project located at 17th and G Streets in Modesto and authorizing staff to finalize the provisions to the Capital Facilities Exemption Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2013, by Councilmember Burnside, who moved its adoption, with motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-98

RESOLUTION OF THE CITY OF MODESTO REQUESTING FROM THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE CITY OF MODESTO GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2013, 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, the City of Modesto will hold an election on November 5, 2013 for the purpose of electing three (3) Councilmembers (District 2, 4 and 5), and four (4) Modesto City Schools Board members (four year terms) and one (1) Modesto City Schools Board Member (two year term); and

WHEREAS, the City of Modesto respectively 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 the Nominees for Public Office; and

WHEREAS, the City of Modesto will reimburse the County of Stanislaus for all actual costs for services performed to conduct the municipal election on behalf of the City.

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 Municipal Election with the County's General Election to be held on November 5, 2013, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-99

RESOLUTION APPROVING (1) QUITCLAIM DEED CONVEYING EXCESS LAND TO JOHN ROBERT CHRISTIANSEN; RAY WADE CHRISTIANSEN, TRUSTEE OF THE RAY W. CHRISTIANSEN TRUST ESTABLISHED UNDER THE CHRISTIANSEN 2007 REVOCABLE TRUST U/I/D JUNE 5, 2007; DAVID T. BRADFORD, TRUSTEE OF THE DAVID T. BRADFORD EXEMPT TRUST AS SET FORTH IN THE MARION T. BRADFORD SURVIVOR'S TRUST U/I/D JANUARY 2, 1990; JOHN S. BRADFORD, TRUSTEE OF THE JOHN S. BRADFORD IRREVOCABLE TRUST AS SET FORTH IN THE C & M BRADFORD IRREVOCABLE TRUST U/I/D MARCH 20, 1998; JOHN S. BRADFORD, TRUSTEE OF THE JOHN S. BRADFORD EXEMPT TRUST AS SET FORTH IN MARION T. BRADFORD SURVIVOR'S TRUST U/I/D JANUARY 2, 1990; AND (2) ASSIGNMENT AND ASSUMPTION OF SIGN LOCATION LEASE TO JOHN ROBERT CHRISTIANSEN; RAY WADE CHRISTIANSEN, TRUSTEE OF THE RAY W. CHRISTIANSEN TRUST AS ESTABLISHED UNDER THE CHRISTIANSEN 2007 REVOCABLE TRUST U/I/D JUNE 5, 2007; DAVID T. BRADFORD, TRUSTEE OF THE DAVID T. BRADFORD EXEMPT TRUST AS SET FORTH IN THE MARION T. BRADFORD SURVIVOR'S TRUST U/I/D JANUARY 2, 1990; JOHN S. BRADFORD, TRUSTEE OF THE JOHN S. BRADFORD IRREVOCABLE TRUST AS SET FORTH IN THE C & M BRADFORD IRREVOCABLE TRUST U/I/D MARCH 20, 1998; AND JOHN S. BRADFORD, TRUSTEE OF THE JOHN S. BRADFORD EXEMPT TRUST AS SET FORTH IN THE MARION T. BRADFORD SURVIVOR'S TRUST U/I/D JANUARY 2, 1990; AND AUTHORIZING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE DOCUMENTS

WHEREAS, in July, 2000, the City of Modesto (CITY) purchased a parcel of land located at Beech and Franklin Streets in the City of Modesto from Ray Wade Christiansen, John Robert Christiansen and Bradford Family Trust (Christiansen/Bradford) consisting of approximately 24,490 square feet for the construction of the Kansas Needham Overcrossing, and

WHEREAS, following completion of the overcrossing approximately 6,445 square feet of the land was no longer needed for the project and was considered excess land, and

WHEREAS, the purchase/sale agreement executed in July, 2000 contained a clause obligating CITY to sell back the excess land to Christiansen/Bradford. The resale was conditioned on the abandonment of a public alley adjacent to the excess land. CITY agreed to commence abandonment proceedings within six months of the date of the July 2000 purchase/sale agreement, and

WHEREAS, the alley was abandoned in 2008, and

WHEREAS, in 2007 CITY negotiated a twenty-year lease with CBS Outdoor wherein CBS was permitted to erect and operate a two-faced outdoor display on the excess land. Over the term of the sign lease, CITY was to receive $312,000 in lease revenue, and

WHEREAS, in 2009, Christiansen/Bradford demanded that CITY comply with the resale clause of the original purchase/sale agreement. Attempts to resolve the dispute were unsuccessful and in 2010 Christiansen/Bradford commenced a civil action against CITY to compel CITY to resell the excess land and to recover monetary damages, and

WHEREAS, CITY and Christiansen/Bradford have reached a negotiated settlement to terminate the litigation, and

WHEREAS, in order to implement the settlement, it is necessary to (1) transfer title of the excess land and (2) assign the sign lease to Christiansen/Bradford,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves (1) Quitclaim Deed conveying excess land to John Robert Christiansen; Ray Wade Christiansen, Trustee of the Ray W. Christiansen Trust established under the Christiansen 2007 Revocable Trust U/I/D June 5, 2007; David T. Bradford, Trustee of the David T. Bradford Exempt Trust as set forth in the Marion T.

Bradford Survivor's Trust U/I/D January 2, 1990; John S. Bradford, Trustee of the John S. Bradford Irrevocable Trust as set forth in the C & M Bradford Irrevocable Trust U/I/D March 20, 1998; John S. Bradford, Trustee of the John S. Bradford Exempt Trust as set forth in Marion T. Bradford Survivor's Trust U/I/D January 2, 1990; and (2) Assignment and Assumption of Sign Location Lease to John Robert Christiansen; Ray Wade Christiansen, Trustee of the Ray W. Christiansen Trust as established under the Christiansen 2007 Revocable Trust U/I/D June 5, 2007; David T. Bradford, Trustee of the David T. Bradford Exempt Trust as set forth in the Marion T. Bradford Survivor's Trust U/I/D January 2, 1990; John S. Bradford, Trustee of the John S. Bradford Irrevocable Trust as set forth in the C & M Bradford Irrevocable Trust U/I/D March 20, 1998; and John S. Bradford, Trustee of the John S. Bradford Exempt Trust as set forth in the Marion T. Bradford Survivor's Trust U/I/D January 2, 1990.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Burnside, Cogdill, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-100

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 500 SOUTH SANTA ROSA AVENUE, APN: 035-054-004, TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM, AND AUTHORIZING THE CITY MANAGER TO SIGN THE WILL SERVE LETTER

WHEREAS, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas.

WHEREAS, the property located at 500 South Santa Rosa Avenue in Modesto is not connected to City's water system and

WHEREAS, this property is located outside Modesto City limits and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property 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 are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 500 South Santa Rosa Avenue (APN 035-054-004) 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 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-101

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND G3 ENTERPRISES, INC., A DELAWARE CORPORATION FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 500 SOUTH SANTA ROSA AVENUE IN MODESTO, APN: (035-054-004) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 500 South Santa Rosa Avenue is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and

WHEREAS, if it is determined that it is reasonable for the City to extend water service to this property, 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, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 500 South Santa Rosa Avenue in Modesto APN (035-054-004)

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-102

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 4567 FINNEY ROAD, APN: 135-06-043 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, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas.

WHEREAS, the property located at 4567 Finney Road in Salida, is not connected to City's water system and

WHEREAS, this property is located outside Modesto City limits and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property 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 are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 4567 Finney Road (APN 135-006-043) in Salida.

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 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-103

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FIRST BAPTIST CHURCH OF SALIDA, A CORPORATION, FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 4567 FINNEY ROAD IN SALIDA, APN: (135-006-043) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the property located at 4567 Finney Road is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and

WHEREAS, if it is determined that it is reasonable for the City to extend water service to this property, 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, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 4567 Finney Road in Salida APN (135-006-043)

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-104

A RESOLUTION APPROVING THE 2ND EXTENSION OF THE PREQUALIFIED CONSULTANT LIST FOR RIGHT OF WAY ACQUISITION SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR A PERIOD OF ONE (1) YEAR

WHEREAS, the City of Modesto has one Property Agent position allocation in the Utility Planning and Projects Department, and

WHEREAS, there are currently a large number of Capital Improvement Projects (CIP) requiring right-of-way acquisition, and

WHEREAS, having a list of pre-qualified consultants for right-of-way acquisition will save time and expense on each project, and

WHEREAS, on December 22, 2009, the Community and Economic Development Department solicited Request for Qualifications for the delivery of Right-of-Way Acquisition services for the City of Modesto to five (5) prospective qualifiers and posted the request on the City's web site, and

WHEREAS, eleven (11) Statements of Qualifications were received on or before the deadline of January 22, 2010, and

WHEREAS, an evaluation committee composed of staff from Community & Economic Development Department, Parks, Recreation and Neighborhood Department, and Utility Planning and Projects Department evaluated the Statements of Qualifications, and

WHEREAS, the following four (4) companies were selected by the evaluation committee to be on the City's eligibility list:

Associated Right of Way Services

Overland, Pacific & Cutler

Universal Field Services, Inc.

Bender Rosenthal,

and

WHEREAS, On March 23, 2010, the City Council, by Resolution No. 2010-095, approved a pre-qualified consultant list for ROW acquisition. The prequalified consultant list was approved for two (2) years, with three (3) one (1) year extensions, and

WHEREAS, On March 27, 2012, the City Council, by Resolution No. 2012-18, approved the extension of the pre-qualified consultant list for ROW acquisition for one (1) year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2nd extension of the prequalified consultant list for Right-of-Way acquisition services for various Capital Improvement Program projects for a period of one (1) year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-105

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE STREET IMPROVEMENTS EAST OF EL VISTA ELEMENTARY SCHOOL PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH ROLFE CONSTRUCTION IN THE AMOUNT OF $281,043.15; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, on June 28, 2011, City Council accepted the Safe Routs to School Grant of $362,530 for the Street Improvements East of El Vista Elementary School, and

WHEREAS, City of Modesto Gas Tax has been programed to fund 10 % of the project costs, and

WHEREAS, plans and specifications have been prepared for the Street Improvements East of El Vista Elementary School project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Street Improvements East of El Vista Elementary School project were opened at 11 a.m. on February 26, 2013, and later tabulated by the Director of Community & Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community & Economic Development Department has recommended that the bid of $281,043.15 received from Rolfe Construction of Atwater, CA be accepted as the lowest responsible bid and the contract be awarded to Rolfe Construction, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Street Improvements East of El Vista Elementary School, accepts the bid from Rolfe Construction of Atwater, CA in

the amount of $281,043.15, and awards Rolfe Construction the contract for Street Improvements East of El Vista Elementary School 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 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-106

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE EAST SIDE OF SUTTER AVENUE SOUTH OF MARSHALL STREET IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, IN THE AMOUNT OF $347,578.50; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, on June 28,2011, City Council accepted the Safe Routs to School Grant of $423,376 for the Sutter Avenue Improvements around James Marshall Elementary School, and

WHEREAS, City of Modesto Gas Tax has been programed to fund 5% of the project costs, and

WHEREAS, Stanislaus County Local Transportation Fund has been programed to fund 5% of the project costs, and

WHEREAS, on December 11, 2012, Stanislaus County Board of Supervisors approved the Contribution Agreement between the County of Stanislaus and the City of Modesto for the construction phase of the Safe Route to School (SR2S) – Sutter Avenue improvements around James Marshall Elementary School project, and

WHEREAS, plans and specifications have been prepared for the East Side of Sutter Avenue South of Marshall Street Improvements project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the East Side of Sutter Avenue South of Marshall Street Improvements project were opened at 11 a.m. on February 19, 2013, and later tabulated by the Director of Community & Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community & Economic Development Department has recommended that the bid of $347,578.50 received from DSS Company dba Knife River Construction be accepted as the lowest responsible bid and the contract be awarded to DSS Company dba Knife River Construction, and

WHEREAS, on February 26, 2013, Modesto City Council approved the Contribution Agreement between the County of Stanislaus and the City of Modesto for the construction phase of the Safe Route to School (SR2S) – Sutter Avenue improvements around James Marshall Elementary School project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the East Side of Sutter Avenue South of Marshall Street Improvements, accepts the bid from DSS Company dba Knife River Construction in the amount of $347,578.50, and awards DSS Company dba Knife River Construction of Stockton, Ca the contract for East Side of Sutter Avenue South of Marshall Street 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 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-107

RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MASTER EIR) (SCH#2007072023, EA/C&ED 2011-39) PROPOSED TWO (2) SAFE ROUTES TO SCHOOL PROJECTS: SR2SL 5059 (181) & SR2SL 5059 (182)

WHEREAS, on October, 14, 2008, the City Council, by Resolution No. 2008-582 certified the Modesto Urban Area General Plan Master Environmental Impact Report (Master EIR) (SCH No. 2007072023), and

WHEREAS, the SR2SL 5059 (181) Street Improvements East of El Vista Elementary School project will construct pedestrian enhancements along Trask Lane., Viola St., Roble Ave., and Bellamy St., to facilitate safer conditions for students of both El Vista Elementary and La Loma Junior High Schools, and

WHEREAS, the SR2SL 5059 (182) East Side of Sutter Avenue South of Marshall Street Improvements project will also construct pedestrian enhancements along Sutter Ave., Elsie St., and Rouse Ave., to facilitate safer conditions for students of James Marshall Elementary and Modesto High Schools, and

WHEREAS, associated site work will include construction of, new curb, gutter, and sidewalk, and crosswalk enhancements, and

WHEREAS, the Community & Economic Development Department has prepared an Initial Study, Environmental Checklist EA/C&ED No. 2011-39 for proposed Two (2) Safe Routes to School Projects, and

WHEREAS, pursuant to Section 15162 (a) and 15177 of the CEQA Guidelines, the City of Modesto finds that no new effects could occur or no new mitigation measures would be required, therefore the activity is within the scope of the project covered by the

Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required, and

WHEREAS, in accordance with CEQA guidelines, on January 3, 2012, 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 Master EIR, and

WHEREAS, said matter was considered by the City Council at a regular meeting on March 26, 2013, 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:

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. The Initial Study, Environmental Assessment No. EA/C&ED No. 2011-39 provides the substantial evidence to support findings A through D, above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Community & Economic Development 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 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist EA/C&ED No. 2011-39

For Proposed Two (2) Safe Routes to School Projects:

1. SR2SL 5059(181) – Pedestrian Enhancements along Trask Ln., Viola St., Roble Ave., and Bellamy St., to facilitate safer conditions for students of both El Vista Elementary and La Loma Junior High Schools; and,

2. SR2SL 5059(182) – Pedestrian enhancements along Sutter Ave., Elsie St., and Rouse Ave., to facilitate safer conditions for students of James Marshall Elementary and Modesto High Schools

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

December 13, 2011

Updated: April 2011

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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 project (construction of four right turn lanes) 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: Proposed Two (2) Safe Routes to School Project (SR2SL 5059/181 – Pedestrian Enhancements including curb, gutter & sidewalks along Trask Ln., Viola St., Roble Ave., and Bellamy St., to facilitate safer conditions for students of both El Vista Elementary and La Loma Junior High Schools; and, SR2SL 5059/182 – Pedestrian enhancements including curb, gutter & sidewalks and crosswalk enhancements along Sutter Ave., Elsie St., and/or Rouse Ave., to facilitate safer conditions for students of James Marshall Elementary and Modesto High Schools)

B. Address or Location: (Described under "Title," above.)

C. Applicant: City of Modesto

D. City Contact: Brad Wall, AICP
Department: Community and Economic Development
Phone Number: 209.577.5273
E-mail address: bwall@modestogov.com

E. Current General Plan Designation(s): N/A

F. Current Zoning Classification(s): N/A

G. Surrounding Land Uses: N/A

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 project consists of street improvements to add curb, gutter & sidewalks, and other safety improvements such as crosswalk enhancements, at the project locations. This project is included in Section II.C. #9 – Capital Improvement Projects. The attached aerial photographs are overlaid with the proposed street improvements.

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.

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.

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.

Project Manager	Principal Planner Title	December 13, 2011 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 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.	☒	☐

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 appropriate mitigation to be applied to this project includes those shown in Section V, below (see page 35) 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	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 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, and the Bicycle Action Plan.	☐	☐	☐	☒
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 Master EIR.	☐	☐	☐	☒

Discussion:

(1-4) The proposed project improvements are consistent with the roadway designations anticipated in the MIER as well as adopted transportation plans. The project would result in improved pedestrian safety, and reduced potential conflicts between automobiles and pedestrians.

(5) Construction of the proposed street improvements would not result in the need for additional parking per the City of Modesto Parking regulations.

(6) The proposed project has been reviewed by Planning and Engineering staff and would not conflict with any adopted plans for alternative transportation.

(7) The proposed project would not result in an increase in energy consumption in excess of what was considered 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:

The appropriate mitigation to be applied to this project includes those shown in Section V, below (see page 35) 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.	☐	☐	☐	☒
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, 4) The proposed street improvements are not in themselves significant contributors to air pollution levels. Since the traffic impacts are within the scope of the MEIR, so are the traffic-related air quality impacts. The PM_{10} emissions created through construction activities will be mitigated as called for by the MEIR with the mitigation measures shown in Section V., below.

(2) This project incorporates the best management practices for PM_{10} reduction established by the SJVUAPD (see mitigation measures in Section V).

(3) Applicable General Plan policies would be applied to the project. Therefore, project-specific effects would be less than significant for this impact (see mitigation measures in Section V).

(5) The proposed project would 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:

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

c. Project-Specific Effects

Section V-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 is 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 project is consistent with the General Plan and MEIR Transportation and Circulation-related programs, plans, and policies. The noise analyses are based on future buildout of the City, including the street improvements.

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

c. Project-Specific Effects

Section V-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 Urban Area General Plan 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 proposed street improvements would occur in urbanized locations, and would not have any impacts to agricultural lands.

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:

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

c. Project-Specific Effects

Section V-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:

The proposed street improvements would have no effect related to water supply.

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:

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

c. Project-Specific Effects

Section V-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 water supply 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:

The proposed street improvements would have no effect related to wastewater systems.

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

c. Project-Specific Effects

Section V-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	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.	☐	☐	☐	☒

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

The proposed street improvements, which would occur at existing urbanized locations, would have no impact to biological resources.

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:

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

c. Project-Specific Effects

Section V-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	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.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒

Discussion:

The proposed street improvements, which would occur at existing urbanized locations, would have no impact to archaeological or historic 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:

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

c. Project-Specific Effects

Section V-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:

The proposed project is consistent with the General Plan and MEIR, and any runoff resulting from increased impervious surface coverage would be insignificant. In fact, a primary outcome of installation of curb, gutter & sidewalks at the project locations is to help collect stormwater improve circulation in the area.

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 (none) from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation	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.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 General Plan implementation.	☐	☐	☐	☒

Discussion:

The proposed street improvements would have no effect related to flooding or water quality.

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:

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

c. Project-Specific Effects

Section V-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:

The proposed street improvements would not affect demand for parks and/or open space.

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:

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

c. Project-Specific Effects

Section V-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	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:

The proposed street improvements would have no effect related to demand for schools.

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:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation	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 General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the 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:

The proposed street improvements would have no effect related to demand for police services.

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:

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

c. Project-Specific Effects

Section V-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	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.	☐	☐	☐	☒

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

The proposed street improvements would have no effect related to demand for fire 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:

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

c. Project-Specific Effects

Section V-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:

The proposed street improvements would have no effect related to generation 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 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 (none) from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	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:

The proposed street improvements would have no effect related to generation of hazardous materials.

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

c. Project-Specific Effects

Section V-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	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, 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:

The proposed street improvements would have no effect related to geology, soils 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:

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

c. Project-Specific Effects

Section V-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:

The proposed street improvements would have no effect related to energy consumption.

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:

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

c. Project-Specific Effects

Section V-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:

The proposed street improvements would have no effect related to visual resources.

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:

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

c. Project-Specific Effects

Section V-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:

The proposed street improvements would have no effect related to land use and planning.

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:

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

c. Project-Specific Effects

Section V-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.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 MEIR addressed potential climate change impacts due to development and other activities associated with the General Plan. The MEIR determined that buildout of the General Plan would make a cumulatively considerable contribution to global climate change. The General Plan 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 General Plan 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 General Plan buildout outweighed the City's increased contribution to global climate change.

The proposed roadway improvements are consistent with the roadway improvements anticipated in the MEIR and are therefore consistent with climate change policies included in the General Plan and MEIR.

(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 construction activities. The CO_2 emissions generated from the project would also be in substantial conformance with that which was assumed under the General Plan MEIR analysis.

(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

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, and they are listed below:

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.

The following measures should be implemented at construction sites when required to mitigate significant PM_{10} impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

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%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

AQ-54: Install wind breaks at windward side(s) of construction areas.

AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner / operator must comply with the Regulation VIII 20 percent (20%) opacity limitation.

AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-108

RESOLUTION ACCEPTING STAFF CORRESPONDENCE TO SENATOR TOM BERRYHILL, SENATOR ANTHONY CANNELLA, SENATOR CATHLEEN GALGIANI, ASSEMBLY MEMBER KRISTIN OLSEN, AND ASSEMBLY MEMBER ADAM GRAY SUPPORTING THE POSITIVE BENEFITS OF THE ENTERPRISE ZONE PROGRAM IN LOCAL COMMUNITIES ON A STATEWIDE ECONOMIC LEVEL, COMMUNICATING SUPPORT FOR ENTERPRISE ZONES AND OPPOSING ANY PROPOSAL THAT WOULD THREATEN THEIR EXISTENCE

WHEREAS, the City of Modesto's Enterprise Zone was established in 2005, and its latest expansion was Authorized by the Modesto City Council under Resolution No. 2013-04 in January 2013; and

WHEREAS, California's Enterprise Zone program was established in 1984 by the Legislature to stimulate business investment in depressed areas of the state and create job opportunities for Californians; and

WHEREAS, according to the findings and declarations of the Enterprise Zone Act, it is in the economic interest of the state to have one strong, combined, and business-friendly incentive program to help attract business and industry to the state, to help retain and expand existing state business and industry, and to create increased job opportunities for all Californians; and

WHEREAS, Enterprise Zones create and retain jobs. According to the California Association of Enterprise Zones, in 2010, more than 118,000 jobs were created while California experienced unprecedented unemployment; and

WHEREAS, Enterprise Zones attract businesses to California and retain them. Once a zone is approved, businesses construct facilities, purchase equipment, hire workers and make other investments; and

WHEREAS, Enterprise Zones provide a geographically targeted economic development tool designed to improve poor and blighted communities; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the positive benefits of the Enterprise Zone program in local communities and on a statewide economic level.

BE IT FURTHER RESOLVED that the Council of the City of Modesto authorizes its Council and City Staff to further communicate its support for Enterprise Zones and opposition to any proposal that would threaten their existence.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-109

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) THREE-QUARTER TON TRUCKS WITH UTILITY BODIES FOR THE PUBLIC WORKS DEPARTMENT, WATER AND WASTEWATER DIVISIONS, THROUGH THE FLEET SERVICES DIVISION, TO SAN LEANDRO FORD, SAN LEANDRO, CA, FOR AN ESTIMATED TOTAL COST OF $65,982

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. The three-quarter ton trucks with utility bodies are included in the new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the two (2) three-quarter ton trucks with utility bodies will be used by the Public Works Department, Water and Wastewater Divisions. These two trucks will replace two existing units. The two (2) three-quarter ton trucks with utility bodies that are being replaced 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 Purchasing Division issued RFB No. 1213-16 for the purchase of two (2) three-quarter ton trucks with utility bodies to eighteen (18) prospective bidders and posted the RFB on the City's website. Two (2) of the bidders are located within Stanislaus County, one of which is a local vendor, and

WHEREAS, bids were formally opened in the City Clerk's office. Of the eighteen (18) prospective bidders, six (6) companies chose to respond. The local vendor did not submit a bid. All six (6) companies 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 two (2) three-quarter trucks with utility bodies to San Leandro, Ford, San Leandro, CA, for a total estimated cost of $65,982, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2012-13, in account # 5409-53246-57003, 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 (2) three-quarter ton trucks with utility bodies to San Leandro Ford, San Leandro, 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 award of bid for the purchase of two (2) three-quarter ton trucks with utility bodies for the Public Works Department, Water and Wastewater Divisions, through the Fleet Services Division, to San Leandro Ford, San Leandro, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of 65,982.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-110

RESOLUTION APPROVING THE SALE OF REAL PROPERTY LOCATED AT 802 KERR AVENUE FROM THE CITY OF MODESTO'S NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1) T0 STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) TO BE ADMINISTERED AS A RENTAL PROPERTY FOR NSP ELIGIBLE TENANTS IN THE FORM OF A LOAN AGREEMENT FOR AN AMOUNT EQUAL TO THE APPRAISED VALUE OF THE PROPERTY AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE TRANSACTION

WHEREAS, on December 11, 2012 City Council voted to take ownership of remaining unsold single-family properties from NSP1 active developers through a mutual release in exchange for payment of developer fee, and

WHEREAS, the NSP1 property located at 802 Kerr Avenue was transferred to the City of Modesto since a qualified buyer was not secured prior to the NSP1 expenditure deadline, and

WHEREAS, staff recommends that this property be sold to STANCO to be administered as a rental for persons at or below 80% of the Area Median Income (AMI), and

WHEREAS, this sale will consist of a loan agreement in the amount equal to the appraised value of the property (to be determined), and

WHEREAS, this sale ensures the long term affordability of the unit and that the property meets one of the required NSP national objectives in a timely manner, and

WHEREAS, the loan will be deferred for the life of the affordability period of 15 years, provided STANCO meets and maintains all the requirements and regulations of the NSP affordability covenant that has been recorded against the property, and

WHEREAS, the loan may be forgiven at the end of the term at City's discretion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of real property located at 802 Kerr Avenue from the City of Modesto's Neighborhood Stabilization Program 1 (NSP1) to Stanislaus County Affordable Housing Corporation (STANCO) to be administered as a rental property for NSP eligible tenants through a Loan Agreement for an amount equal to the appraised value of the property and authorizing the City Manager, or his designee, to execute all related documents required to complete the transaction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-111

RESOLUTION APPROVING A PASSENGER CONDUCT POLICY FOR THE MODESTO AREA EXPRESS (MAX) TRANSIT SYSTEM

WHEREAS, the City of Modesto operates a fixed route transit service known as Modesto Area Express (MAX), and

WHEREAS, a passenger conduct policy is recommended by the Federal Transit Administration (FTA) to ensure consistent application of passenger disciplinary actions and to provide disciplined passengers with a specific process by which they can appeal said actions, and

WHEREAS, a passenger conduct policy will provide City transit staff and the contracted MAX service provider with a tool to address inappropriate passenger behavior on the bus, and,

WHEREAS, the conduct policy requires City Council approval to become fully effective.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Passenger Conduct Policy **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 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

Passenger Conduct Policy

City of Modesto Transit Office
1010 10th St, Suite 4500 Modesto, CA 95353
PO Box 642, Modesto CA 95353
209-577-5295

The City of Modesto operates a fixed route bus service under the name of Modesto Area Express (MAX). The safety and security of all MAX passengers and MAX operators is of the utmost importance to the City of Modesto. Every member of the riding public has an obligation to contribute to the safety of others riding the bus by refraining from inappropriate and seriously disruptive behavior.

Any person who exhibits inappropriate or seriously disruptive behavior while boarding a bus, disembarking from a bus, or riding on a MAX bus may lose the privilege of using MAX.

Inappropriate Behavior

Inappropriate behavior is defined as conduct that does not demonstrate respect for the rights and dignity of others, interferes with the orderly operation of transit services, damages public property, is disruptive, or violates the rules of riding the bus.

A passenger engaging in inappropriate behavior not warranting immediate ejection from the bus will receive a verbal warning. The warning will state the reason his or her behavior is inappropriate and the steps the passenger must take to correct the behavior. The MAX driver or other agent will document this verbal warning, indicating the date and time the warning was given.

A MAX operator or supervisor may inform the passenger that his or her inappropriate behavior may jeopardize the passenger's ability to use MAX. A MAX supervisor, or operator with supervisor approval, may require the immediate removal of the passenger from the bus for continued inappropriate behavior.

Any time a passenger is denied service or is removed from the bus, the passenger may be prohibited from riding for the remainder of that day.

Seriously Disruptive Behavior

Seriously disruptive behavior is defined as conduct that is violent, illegal, or endangers the health or safety of others. Such behavior includes, but is not limited to:

- threats,
- physical or verbal abuse;
- unlawful harassment including unwelcome verbal, nonverbal or physical behavior having sexual or racial connotations;
- public intoxication;
- voluntarily and repeatedly engaging in inappropriate behavior;
- bringing hazardous materials on the vehicle;

- bodily fluids or feces released from the passenger, clothing, or mobility device;
- extreme poor personal hygiene;
- passengers with a known airborne communicable disease such as tuberculosis; and
- a service animal not under the control of its handler.

A passenger who engages in seriously disruptive behavior may have service denied without prior warning or be removed from the bus immediately.

Suspension

Repetitive inappropriate behavior or any seriously disruptive behavior may result in formal suspension of the passenger from MAX. The length of the suspension will be determined by the severity of the immediate incident, the documented history of previous incidents, and any previous suspensions. Additional occurrences of inappropriate or seriously disruptive behavior after a suspension may result in further suspension from MAX until such time as the passenger can demonstrate he or she will comply with MAX policies and rules.

MAX reserves the right to initiate a suspension without prior warning should it be necessary for the health and safety of the operator and/or passengers.

Notice of Suspension

Written notice of suspension will be served to the suspended passenger. Service may be accomplished by in-person delivery, delivery by any form of mail providing for delivery confirmation to at least one known address including, but not limited to, the address set forth in any citation or in court records, or any alternate method approved in writing by MAX and the passenger being served.

Service of the suspension notice shall be deemed complete on the following date, as applicable: on the date of delivery if delivered in person; on the date of confirmed delivery for any delivery by mail; or as provided in writing for any alternate method of service.

If the individual has no known mailing address or refused to provide a mailing address, all notices, letters, and appeal decisions will be made available for pickup during regular business hours at the City of Modesto Department of Public Works counter located on the fourth floor of 1010 10th St, Modesto, CA.

The suspension notice will specify the reason for the suspension, the duration of the suspension, and the process for appealing the suspension. The notice will also provide the opportunity to respond in person, by telephone, or in writing.

Appealing a Suspension

Initial Appeal

A suspended passenger who wishes to appeal his or her suspension must contact the City of Modesto Transit office within 5 business days of notification of the suspension. Contact may be by phone, in writing, or in person. The passenger may choose to present information supporting his or her position in writing or have an informal hearing. Appeals will be evaluated by the City

of Modesto Director of Public Works or designee. The suspended passenger has the responsibility to establish why the suspension should be revoked.

Suspensions for seriously disruptive behavior remain in effect during appeal.

In considering the appeal, the health and safety of others will be the highest priority. The determination of whether an individual poses a direct threat to the health and safety of others will be made on an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain the nature, duration, and severity of the risk; the probability that potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk. If the investigation reveals that the passenger's disruptive behavior is caused by a disability and beyond the passenger's control, the Director of Public Works or designee will evaluate whether accommodations can be made to allow the passenger continued access to MAX services. Access to MAX may be conditionally reestablished if an attendant accompanies the passenger to help control his or her behavior. If the required attendant is unable to prevent further instances of seriously disruptive behavior, the passenger may be suspended from MAX indefinitely.

The Director of Public Works or designee will provide the passenger with notification of the appeal decision within 10 business days of receipt of appeal. Notification will be made according to the procedures set forth under "Notice of Suspension."

Final Appeal

If the suspended passenger is dissatisfied with the results of the appeal decision, the passenger may request an administrative hearing of the suspension by contacting the City of Modesto Transit office no later than 10 business days after service of the appeal result was deemed complete as described in "Notice of Suspension." The request may be made by telephone, in writing, or in person.

The passenger will have the choice of a hearing by mail or in person.

Once the hearing request has been received, a Hearing Panel will convene. The Panel will consist of at least three representatives selected from local law enforcement, local social service agencies, and/or local advocacy groups. Convened panels must have a majority of members not employed by the City of Modesto.

A passenger who has requested a hearing by mail shall submit written information supporting his or her position within 10 business days of requesting the hearing. The 10 business day limit begins on the date the passenger telephoned the Transit office, visited the Public Works counter, or mailed the letter requesting the hearing (as evidenced by the postmark date). Failure to submit written information within the required time period will result in forfeiture of the passenger's right to appeal. The Panel decision will be based on information submitted by the passenger and by MAX. The passenger will be notified by mail of the final disposition of the appeal within 20 business days of receipt of written information from the suspended passenger. Notification will be made according to the procedures set forth under "Notice of Suspension."

An in-person hearing will be conducted at 1010 10th St. Modesto, CA during normal business hours within 15 business days of the hearing request. City of Modesto Transit staff will notify

the suspended passenger in writing of the date, time, and location at least 5 business days before the hearing. Notification will be made according to the procedures set forth under "Notice of Suspension." If the passenger requesting the hearing cannot attend, he or she may have another person represent them at the hearing. If the individual or a designated representative is not present at the hearing, the Panel will base its decision on the documentation available at the time. The suspended passenger will be notified in writing of the panel decision within 5 business days of the hearing. Notification will be made according to the procedures set forth under "Notice of Suspension."

The Panel may choose to rescind, uphold, or modify the suspension of service. The Panel's decision is final.

Resuming MAX Service

When the suspension period is completed, City of Modesto Transit staff will notify the passenger that he or she is eligible for bus service. Notification will be made according to the procedures set forth under "Notice of Suspension."

If there is another documented incident of inappropriate or seriously disruptive behavior, the passenger may be suspended for a longer time period or indefinitely.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2013-112

RESOLUTION ACCEPTING THE WORK BY DSS COMPANY dba KNIFE RIVER CONSTRUCTION FOR THE "SYLVAN AVENUE RECONSTRUCTION PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $1,443,639

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Sylvan Avenue Reconstruction Project has been completed by Knife River Construction, in accordance with the contract agreement dated May 8, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sylvan Avenue Reconstruction Project is hereby accepted as complete from said contractor, Knife River Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $1,443,639 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-113

RESOLUTION ACCEPTING THE WORK BY NETBUILDS FOR THE "WATER QUALITY CONTROL FACILITY OFFICE REMODEL PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $100,274

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Water Quality Control Facility Office Remodel Project has been completed by Netbuilds, in accordance with the contract agreement dated May 1, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Water Quality Control Facility Office Remodel Project is hereby accepted as complete from said contractor, Netbuilds, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $100,274 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-114

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CUSTOMER SERVICES COUNTER IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH NETBUILDS OF MARYSVILLE, CALIFORNIA IN THE AMOUNT OF $156,544, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Customer Services Counter Improvements project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Customer Services Counter Improvements project were opened at 11:00 a.m. on February 26, 2013, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $156,544, received from Netbuilds of Marysville, CA, be accepted as the lowest responsible bid and the contract be awarded to Netbuilds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Customer Services Counter Improvements project, accepts the bid, and approves a contract with Netbuilds of Marysville, CA in the amount of $156,544.

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 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-115

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $50,670 TO BE TRANSFERRED INTO THE PROJECT ($25,335 FROM WATER FUND RESERVES AND $25,335 FROM WASTEWATER FUND RESERVES) IN ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY, AND CONSTRUCTION ADMINISTRATION FOR THE CUSTOMER SERVICES COUNTER IMPROVEMENTS PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $50,670, in order to fund construction, contingency, and construction administration for the Customer Services Counter Improvements project, and

WHEREAS, the Fiscal Year 2012-2013 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 2012-2013 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 March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

Due to the increase of estimated construction, contingency, and construction administration costs for CIP Account #100135 "Counter Reconstruction", the total project costs need to be increased by $50,670. This would be done by adjusting Construction by $34,720, Contingency by $3,000, Construction Administration by $16,950, and Engineering/Design/Administration by <$4,000>.

To fund the above account, $25,335 will be transferred from Water Fund Reserves and $25,335 from Wastewater Fund Reserves into CIP Project 100135 for the Customer Services Counter Improvements project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-116

RESOLUTION APPROVING THE CITY OF MODESTO'S MEMBERSHIP, AS A MEMBER AGENCY IN THE NORTH VALLEY REGIONAL RECYCLED WATER PROJECT COLLABORATIVE PARTNERSHIP, IN THE WESTERN RECYCLED WATER COALITION FOR THE PURPOSE OF OBTAINING FEDERAL AND STATE FINANCING ASSISTANCE FOR THE CONSTRUCTION OF THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM IN AN AMOUNT NOT TO EXCEED $20,000 ANNUALLY FOR MEMBERSHIP DUES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE SECOND AMENDED AND RESTATED MEMORANDUM OF AGREEMENT

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) is designed as a regional solution to address California's water crisis by making tertiary-treated recycled water available to the drought-impacted west side of several California counties (Stanislaus, San Joaquin, and Merced Counties) for farmland irrigation, and

WHEREAS, the NVRRWP is a partnership formed in April 2010, by Resolution 2010-153, with the Cities of Modesto, Turlock, and Ceres, Stanislaus County, and Del Puerto Water District (DPWD). The City of Ceres and Stanislaus County participate as stakeholders but do not participate in the Cost-sharing Agreement, and

WHEREAS, upon completion the NVRRWP is estimated to generate $67.5 million in total economic output for the region, and restore 572 jobs, and

WHEREAS, also in 2010, the City Council, by Resolution 2010-016, approved moving forward with a Regional Recycled Water Delivery System Feasibility Study (Phase 1 Study), and

WHEREAS, the Phase 1 Study has been completed and a Phase 2 Study was scoped to further analyze the most feasible alternatives, and

WHEREAS, on May 22, 2012, the City Council, by Resolution No. 2012-180, approved a Cost-sharing Agreement between the DPWD, and the Cities of Modesto and Turlock for development of the Phase 2 Study, which is expected to be completed this summer, and

WHEREAS, in order to receive federal funding for the proposed NVRRWP, it is necessary for the project to receive federal authorization, and

WHEREAS, staff has submitted the project for federal authorization twice and it has not received authorization, and

WHEREAS, in order to increase the chances for funding the project, the member agencies support the NVRRWP's membership in the WRWC (formerly the Bay Area Recycled Water Coalition), which has secured $38 million in Federal Title XVI (Water Reclamation and Reuse) funding for water reuse projects since 2009, and

WHEREAS, this has resulted in the successful development of over 30,000 acre-feet per year (AFY) of recycled water, with another 30,000 AFY available when new projects are constructed, and

WHEREAS, currently the WRWC is working with representatives on a new House Bill for the 113th Congress that would amend the Reclamation Wastewater and Groundwater Study and Facilities Act, and

WHEREAS, it is critical that the proposed NVRRWP is listed as a project in this House Bill to enhance its eligibility for federal funding, and

WHEREAS, staff recommends approval of the NVRRWP's membership, which provides the City of Modesto and its partners with the best opportunity to obtain federal funding for the proposed NVRRWP, and

WHEREAS, construction of the NVRRWP also provides a market for our recycled water from the tertiary treatment facilities, and would eliminate discharge to the San Joaquin River, which is subject to increasingly stringent federal and state standards,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto's membership, as a member agency in the North Valley Regional Recycled Water Project Collaborative Partnership, in the Western Recycled Water Coalition for the purpose of obtaining federal and state financial assistance for the construction of the North Valley Regional Recycled Water Program in an amount not to exceed $20,000 annually for the City's share of membership dues.

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 26th day of March, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-117

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE JENNINGS WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH KOCH & KOCH, INC. OF PENN VALLEY, CALIFORNIA IN THE AMOUNT OF $889,500, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Jennings Wastewater Treatment Plant Improvements project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Jennings Wastewater Treatment Plant Improvements project were opened at 11:00 a.m. on March 5, 2013, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $889,500, received from Koch & Koch, Inc., of Penn Valley, CA, be accepted as the lowest responsible bid and the contract be awarded to Koch & Koch, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Jennings Wastewater Treatment Plant Improvements project, accepts the bid, and approves a contract with Koch & Koch, Inc. of Penn Valley, CA in the amount of $889,500.

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 26th day of March, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-118

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $75,590 TO BE TRANSFERRED INTO THE PROJECTS FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY, AND CONSTRUCTION ADMINISTRATION FOR THE JENNINGS ROAD WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $75,590, in order to fund construction, contingency, and construction administration, including design support during construction for the Jennings Road Wastewater Treatment Plant Improvements project, and

WHEREAS, the Fiscal Year 2012-2013 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 2012-2013 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 March, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

Due to the increase of estimated construction, contingency, and construction administration, including design support during construction costs for CIP Accounts 100660 "Shotcreete Oxidation Ditch", 100661 "Irrigation Flow Meter", and 100662 "Sunshade Structures", the total project costs need to be increased by $75,590. This would be done by adjusting the accounts as follows:

100660 – PW "Shotcrete Oxidation Ditch":
Construction by <$327>, Contingency by <$25,530>, Construction Administration by $236 and Engineering/Design/Administration by <$8,894>.

100661 – PW "Irrigation Flow Meter":
Construction by $73,465, Contingency by $6,795, Construction Administration by $8,795 and Engineering/Design/Administration by <$14,124>.

100662 – PW "Sunshade Structures":
Construction by $51,416, Contingency by <$14,549>, Construction Administration by $11,192 and Engineering/Design/Administration by <$12,885>.

To fund the above accounts, $75,590 will be transferred from Wastewater Fund Reserves into CIP Projects 100660 "Shotcreete Oxidation Ditch", 100661 "Irrigation Flow Meter", and 100662 "Sunshade Structures" for the Jennings Road Wastewater Treatment Plant Improvements project as indicated above.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-119

A RESOLUTION AWARDING A CONTRACT TO GILLIG LLC FOR THE PURCHASE OF EIGHT (8) LOW FLOOR TRANSIT BUSES FOR A TOTAL PRICE OF $3,501,334, NOT INCLUDING SALES TAX, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE AGREEMENT IN THAT AMOUNT

WHEREAS, the City desires to purchase eight (8) transit buses to replace 1990 model buses, and

WHEREAS, the City participated in a consortium of transit agencies led by the San Mateo County Transit District (SamTrans) for the purchase of buses, and

WHEREAS, SamTrans entered into an agreement with Gillig LLC for the purchase of buses, and

WHEREAS, the pricing included in the agreement between Gillig LLC and SamTrans is applicable to the other members of the purchase consortium, and

WHEREAS, Gillig LLC has provided the City of Modesto with pricing for eight (8) new buses based on the agreement between SamTrans and Gillig LLC, and

WHEREAS, a final price will be determined after pre-production meetings and other discussions between City staff and Gillig LLC, and

WHEREAS Gillig LLC will furnish the eight (8) buses for at a price, F.O.B. Modesto, not including state and local sales taxes, of approximately: Three Million, Five Hundred One Thousand, Three Hundred Thirty-four and No One-Hundredths Dollars ($3,501,334.00), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards a contract to Gillig LLC for the purchase of eight (8) low floor

transit buses for a total price of $3,501,334.00, not including sales tax, and authorizes the City Manager to execute a purchase agreement in that amount.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-120

A RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 OPERATING BUDGET IN THE AMOUNT OF $3,914,402 TO FUND THE PURCHASE OF EIGHT (8) LOW FLOOR TRANSIT BUSES

WHEREAS, certain budgetary transactions are necessary in the amount of $3,914,402, in order to fund the purchase of eight (8) low floor transit buses, and

WHEREAS, the Fiscal Year 2012-2013 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 2012-2013 Operating Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLED 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 March, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

Amend the FY 12/13 Operating Budget to fund the purchase of eight (8) transit buses as follows:

1. Increase appropriations in fund 4560 (Bus Purchases) in the amount of $3,914,402.
2. To fund this purchase recognize revenue in the amounts of:
   - $3,172,570 – Federal Transit Administration
   - $ 741,832 – Prop 1B Transit Funds

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-121

RESOLUTION REQUESTING THE STATE WATER RESOURCES CONTROL BOARD RECONSIDER ITS DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENT, AND CONSIDER PURSUING A COMPREHENSIVE SOLUTION THAT IS CONSISTENT WITH THE TIMING OF THE OVERALL COMPREHENSIVE DELTA PLANNING PROCESS WHICH TAKES INTO ACCOUNT THE POTENTIAL IMPACT ON HYDROELECTRIC ENERGY GENERATION

WHEREAS, the State Water Resources Control Board's Draft Substitute Environmental Document (SED) proposes to require the Stanislaus, Tuolumne, and Merced Rivers release 35 percent of unimpaired flow from February to June each year, and

WHEREAS, the proposed requirement will create "significant and unavoidable" impacts to the economy, agriculture, and groundwater basins in Stanislaus, San Joaquin, and Merced Counties, and

WHEREAS, those impacts include approximately $69 million in economic impacts in an economically distressed region of our state, including $23.5 million to Merced Irrigation District, $30 million to Turlock Irrigation District, and $15.5 million Modesto Irrigation District each year, and

WHEREAS, the impacts result in a loss of $4.5 million in energy revenue every year including $1.5 million to each of the Merced, Turlock, and Modesto Irrigation Districts, and

WHEREAS, the proposed requirement would fallow approximately 128,295 acres of prime farm land and result in the loss of over 800 family farms in the region, and

WHEREAS, the proposed requirement will result in over-drafted groundwater basins, and

WHEREAS, approximately 460 jobs will be permanently lost including 160 in Merced Irrigation District, 200 in Turlock Irrigation District, and 100 in Modesto Irrigation District, and

WHEREAS, the proposed requirement ignores non-flow alternatives that are less costly and more effective, and

WHEREAS, the proposed requirement compromises attaining the dual goals of ecosystem restoration and water supply reliability under SB7x-7, and

WHEREAS, staff recommended the Council request the SWRCB reconsider its Draft Substitute Environmental Document, and consider pursuing a comprehensive solution that is consistent with the timing of the overall comprehensive Delta planning process, which takes into account the potential impact on hydroelectric energy generation.

WHEREAS, this solution must prioritize non-flow measures to protect native fish species, such as predation reduction programs, before demanding flow increases that would threaten the economic vitality of these California counties, cities, and small family farms,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby requests the State Water Resources Control Board reconsider its Draft Substitute Environmental Document and its negative impact on the economy, agriculture, and groundwater basins in Stanislaus, San Joaquin, and Merced Counties, and consider pursuing a comprehensive solution that is consistent with the timing of the overall comprehensive Delta planning process, which takes into account the potential impact on hydroelectric energy generation.

BE IT FURTHER RESOLVED that the Council of the City of Modesto authorizes the Director of Utility Planning and Projects to send a letter consistent with the wishes of the Council as expressed above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-122

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF SIXTEEN (16) HALF-TON PICK-UP TRUCKS FOR VARIOUS CITY DIVISIONS THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO ALBANY FORD, ALBANY, CA, FOR AN ESTIMATED TOTAL COST OF $380,756

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. The sixteen (16) half-ton pick-up trucks are included in the new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, all sixteen (16) half-ton pick-up trucks are replacements and 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 Purchasing Division issued RFB No. 1213-18 for the purchase of sixteen (16) half-ton pick-up trucks to seventeen (17) prospective bidders and posted the RFB on the City's website. One of the bidders is located within Stanislaus County, none were local vendors, and

WHEREAS, bids were formally opened in the City Clerk's office. Of the seventeen (17) prospective bidders, five (5) companies chose to respond. The vendor in Stanislaus County did not submit a bid. All five (5) companies 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 sixteen (16) half-ton pick-up trucks to Albany Ford, Albany, CA, for a total estimated cost of $380,756, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2012-13, in account # 5409-53246-57003, 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 sixteen (16) half-ton pick-up trucks to Albany Ford, Albany, 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 award of bid for the purchase of sixteen (16) half-ton pick-up trucks for the Public Works Department, Water and Wastewater Divisions, through the Fleet Services Division, to Albany Ford, Albany, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of 380,756.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-123

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO FOR PARTICIPATION IN AN ELECTRONIC TRAFFIC CITATION PROGRAM IN THE AMOUNT OF $361,800 FROM THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO AUTOMATE CITATION PROCESSING, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF AGREEMENT AND ANY NECESSARY PROGRAM DOCUMENTS

WHEREAS, the County and Modesto, Riverbank, Patterson, Newman, Ceres, Waterford and Hughson believe it to be in their best interest to electronically interface the citations written into the Stanislaus Court and the Stanislaus County District Attorney's Office records management system electronically from device docking stations located at each law enforcement agency, and

WHEREAS, the parties have applied for and been awarded a grant in the amount of $361,800 to purchase hardware and software to implement an electronic traffic citation program, and

WHEREAS, the equipment and software will be purchased by County as the administrator of the grant and awarded to each of the parties as allotted by the **attached** Memorandum of Agreement, and

WHEREAS, the parties agree the overall grant administrator will be the Records Manager for the Stanislaus County Sheriff's Department, and

WHEREAS, the Modesto Police Department will be awarded ten (10) electronic citation handheld devices with two (2) six position docking stations and reimbursement of the actual cost of the third party interface to the Modesto Police records management system in an amount not to exceed $30,000 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,

WHEREAS, each agency will become the sole property of the agency awarded the devices and any repairs, shipment and services of the devices during and after the initial warranty period shall become the responsibility of each agency; and

WHEREAS, the City of Modesto must provide the County with a quarterly financial and programmatic report no later than fifteen (15) calendar days after the end of the quarter following the official grant award date; and

NOW, THEREFORE, BE IT RESOLVED BY THE Council of the City of Modesto that it hereby approves the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for participation in an Electronic Traffic Citation Program in the amount of $361,800 from the State of California Office of Traffic Safety (OTS) to automate citation processing.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Memorandum of Agreement and any necessary program documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MEMORANDUM OF AGREEMENT
BETWEEN THE COUNTY OF STANISLAUS AND
CITY OF MODESTO AND
CITY OF RIVERBANK AND
CITY OF PATTERSON AND
CITY OF NEWMAN AND
CITY OF CERES AND
CITY OF WATERFORD AND
CITY OF HUGHSON
FOR THE CALIFORNIA OFFICE OF TRAFFIC SAFETY
GENERAL TRAFFIC RECORDS GRANT PROGRAM

This Agreement is made and entered into this ___ day of _____, 2013, by and between The County of Stanislaus, hereinafter referred to as COUNTY, and the City of Modesto, hereinafter referred to as MODESTO, and the City of Riverbank, hereinafter referred to as RIVERBANK, and the City of Patterson, hereinafter referred to as PATTERSON, and the City of Newman, hereinafter referred to as NEWMAN, City of Ceres, hereinafter referred to as CERES, City of Waterford, hereinafter referred at as WATERFORD, and the City of Hughson, hereinafter referred to as HUGHSON, collectively referred to as the "Parties". to distribute the General Traffic Grant funds:

WHEREAS, the PARTIES in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments or equipment purchased from current revenues legally available to that party, and

WHEREAS, the PARTIES find that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of equipment and costs fairly compensates the performing party for the services or functions under this Agreement, and

WHEREAS, the PARTIES share of the California Office of Traffic Safety grant award to purchase hand held citation writers, docking stations, and related software for use by each of the participating agencies, and

WHEREAS, the COUNTY and MODESTO, RIVERBANK, PATTERSON, NEWMAN, CERES, WATERFORD and HUGHSON believe it to be in their best interest to electronically interface the citations written into the Stanislaus Court and the Stanislaus County District Attorney's Office records management system electronically from device docking stations located at each law enforcement agency. The data from each citation will be provided to the Court and District Attorney's Office by the vendor and interfaced to the records management systems by I.T. staff for both agencies.

WHEREAS, the PARTIES have applied for and been awarded a grant in the amount of $361,800. to purchase hardware and software to implement an electronic traffic citation program. The equipment and software will be purchased by COUNTY as the administrator of the grant and awarded to each of the PARTIES by the following agreement.

WHEREAS, THE parties agree to reimburse COUNTY for their share of the vendor's Autocite processing software stored and maintained by the vendor on the vendor's serves and accessible remotely to each participating party.

WHEREAS, the PARTIES agree the overall grant administrator will be the Records Manager for the Stanislaus County Sheriff's Department.

Section 1.

PARTIES agree MODESTO be awarded ten (10) electronic citation handheld devices with one (1) six position docking station and reimbursement of the actual cost of the third party interface to the MODESTO Police records management system in an amount not to exceed $30,000.

PARTIES agree RIVERBANK be awarded six (6) electronic citation handheld devices with one (1) six position docking station.

PARTIES agree PATTERSON be awarded four (4) electronic citation handheld devices with one (1) six position docking station.

PARTIES agree NEWMAN be awarded FOUR (4) electronic citation handheld devices with one (1) six position docking station and will be reimbursement of the actual cost of the third party interface to the NEWMAN Police records management system "not to exceed" $20,000.

PARTIES agree CERES be awarded twelve (12) electronic citation handheld devices with one (1) six position docking station.

.

PARTIES agree WATERFORD to be awarded one (1) electronic citation handheld device with one (1) six position docking station.

PARTIES agree HUGHSON be awarded one (1) electronic citation handheld device with one (1) six position docking station.

PARTIES agree by awarding these devices to each agency they will become the sole property of the agency awarded the devices. Repairs, shipment and service of the devices during and after the initial warranty period shall become the responsibility of each agency for the number of devices provided.

COUNTY agrees the share of the award in the amount of $6,000., be spent on end user training on the hand held devices and vendor project management.

Section 2

Each City agrees to reimburse COUNTY for their share of the vendor's hosted solution, after the first year, in the amount of the maintenance contract divided by the number of devices being supported by the connection for each individual agency, not to exceed the actual cost of the hosted solution. (For example the initial year of hosting costs is $4,800 divided by the total number of purchased devices (50) will be $96 per device annually). COUNTY agrees to provide to the participating agencies a copy of any vendor increases in hosting services.

Section 3

PARTIES agree to reimburse COUNTY for their share of the individual hardware and software warranties on the devices, after the initial one year warranty period. The contracted price for year two and three will be $500 annually for each device and $50 for each docking station.

Section 4

PARTIES agree to provide the COUNTY a quarterly financial and programmatic report not later than fifteen (15) calendar days after the end of the quarter following the official grant award date. The report will be delivered sufficiently in advance and will contain the date necessary to submit the final report on the grant in the required thirty (30) calendar days after the end of each quarter following the grant award.

Section 5

PARTIES agree to meet quarterly the first year of the grant then annually after the initial first year of the grant to discuss recommended changes in the vendor hosted connectivity. Any changes or modifications to the connectivity will be handled as an amendment to this agreement.

Section 6

MODESTO, RIVERBANK, PATTERSON, NEWMAN, CERES, WATERFORD, and HUGHSON, may terminate this Agreement or any part hereof upon giving COUNTY at least thirty (30) days written notice prior to the effective date of such termination, which date shall be specified in such notice. PARTIES agree to pay for all ancillary agreements and warranties for the three year period of the vendor agreement.

Section 7

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tort Claims Act.

Section 8

Nothing in the performance of this Agreement shall impose any liability for claims against MODESTO, RIVERBANK, PATTERSON, NEWMAN, CERES, WATERFORD and HUGHSON other than claims for which liability may be imposed by the Tort Claims Act.

Section 9

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 10

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 9

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

The signature of the parties below designate acceptance of the terms of this Agreement and shall be binding upon the parties upon the effective date of the Agreement.

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. 2013-_____, adopted by the Council of the City of Modesto on the ____ day of ___, 2013, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF-CORONER "County"	**CITY OF MODESTO** By:_____ Greg Nyhoff, City Manager "Modesto"
	ATTEST: By:_____ Stephanie Lopez, City Clerk
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____ Susana Alcala Wood, City Attorney

IN WITNESS WHEREOF, the City of Patterson, 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. 2012-_____, adopted by the Council of the City of Patterson on the ____ day of ___, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF PATTERSON** By:_____ , City Manager "Patterson"
	ATTEST: By:_____ , City Clerk
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____ , City Attorney

IN WITNESS WHEREOF, the City of Riverbank, 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. 2012-_____, adopted by the Council of the City of Riverbank on the ____ day of ___, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF RIVERBANK** By:_____ , City Manager "Riverbank"
	ATTEST: By:_____ , City Clerk
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____ , City Attorney

IN WITNESS WHEREOF, the City of Newman, 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. 2012-_____, adopted by the Council of the City of Newman on the ____ day of ____, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF NEWMAN** By:_____ , City Manager "Newman "
	ATTEST: By:_____ , City Clerk
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____ , City Attorney

IN WITNESS WHEREOF, the City of Ceres, 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. 2012-_____, adopted by the Council of the City of Ceres on the ____ day of _____, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF CERES** By:_____ , City Manager "Ceres"
	ATTEST: By:_____
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____

IN WITNESS WHEREOF, the City of Waterford, 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. 2012-_____, adopted by the Council of the City of Waterford on the ____ day of ____, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF WATERFORD** By:_____ , City Manager "Waterford"
	ATTEST: By:_____
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____

IN WITNESS WHEREOF, the City of Hughson, 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. 2012-_____, adopted by the Council of the City of Hughson on the ____ day of ____, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF HUGHSON** By:_____ , City Manager "Hughson"
	ATTEST: By:_____
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____

MODESTO CITY COUNCIL
RESOLUTION NUMBER 2013-124

A RESOLUTION AMENDING THE FISCAL YEAR 2012/13 OPERATING AND MULTI-YEAR BUDGET TO APPROPRIATE EXPENSES IN THE AMOUNT OF APPROXIMATELY $960 FOR YEAR ONE AND $6,060 FOR YEAR TWO AND AFTER RELATED TO THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) ELECTRONIC TRAFFIC CITATION PROGRAM TO AUTOMATE CITATION PROCESSING FOR ANNUAL MAINTENANCE EXPENSES AND A MONTH HOSTING FEE; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the County and Modesto, Riverbank, Patterson, Newman, Ceres, Waterford and Hughson believe it to be in their best interest to electronically interface the citations written into the Stanislaus Court and the Stanislaus County District Attorney's Office records management system electronically from device docking stations located at each law enforcement agency, and

WHEREAS, the parties have applied for and been awarded a grant in the amount of $361,800 to purchase hardware and software to implement an electronic traffic citation program, and

WHEREAS, the equipment and software will be purchased by County as the administrator of the grant and awarded to each of the parties as allotted by the **attached** Memorandum of Agreement, and

WHEREAS, the parties agree the overall grant administrator will be the Records Manager for the Stanislaus County Sheriff's Department, and

WHEREAS, the Modesto Police Department will be awarded ten (10) electronic citation handheld devices with two (2) six position docking stations and reimbursement of the actual cost of the third party interface to the Modesto Police records management system in an amount not to exceed $30,000 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,

WHEREAS, each agency will become the sole property of the agency awarded the devices and any repairs, shipment and services of the devices during and after the initial warranty period shall become the responsibility of each agency, and

WHEREAS, the City of Modesto must provide the County with a quarterly financial and programmatic report no later than fifteen (15) calendar days after the end of the quarter following the official grant award date,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2012/2013 Operating and Multi-Year Budget to appropriate expenses in the amount of approximately $960 for Year One and $6,060 for Year Two and after related to the State of California Office of Traffic Safety (OTS) Electronic Traffic Citation Program to automate citation processing for annual maintenance expenses and a hosting fee. The Traffic Safety Fund will pay these expenses as this project deals with traffic tickets.

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.

MEMORANDUM OF AGREEMENT
BETWEEN THE COUNTY OF STANISLAUS AND
CITY OF MODESTO AND
CITY OF RIVERBANK AND
CITY OF PATTERSON AND
CITY OF NEWMAN AND
CITY OF CERES AND
CITY OF WATERFORD AND
CITY OF HUGHSON
FOR THE CALIFORNIA OFFICE OF TRAFFIC SAFETY
GENERAL TRAFFIC RECORDS GRANT PROGRAM

This Agreement is made and entered into this ___ day of _____, 2013, by and between The County of Stanislaus, hereinafter referred to as COUNTY, and the City of Modesto, hereinafter referred to as MODESTO, and the City of Riverbank, hereinafter referred to as RIVERBANK, and the City of Patterson, hereinafter referred to as PATTERSON, and the City of Newman, hereinafter referred to as NEWMAN, City of Ceres, hereinafter referred to as CERES, City of Waterford, hereinafter referred at as WATERFORD, and the City of Hughson, hereinafter referred to as HUGHSON, collectively referred to as the "Parties". to distribute the General Traffic Grant funds:

WHEREAS, the PARTIES in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments or equipment purchased from current revenues legally available to that party, and

WHEREAS, the PARTIES find that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of equipment and costs fairly compensates the performing party for the services or functions under this Agreement, and

WHEREAS, the PARTIES share of the California Office of Traffic Safety grant award to purchase hand held citation writers, docking stations, and related software for use by each of the participating agencies, and

WHEREAS, the COUNTY and MODESTO, RIVERBANK, PATTERSON, NEWMAN, CERES, WATERFORD and HUGHSON believe it to be in their best interest to electronically interface the citations written into the Stanislaus Court and the Stanislaus County District Attorney's Office records management system electronically from device docking stations located at each law enforcement agency. The data from each citation will be provided to the Court and District Attorney's Office by the vendor and interfaced to the records management systems by I.T. staff for both agencies.

WHEREAS, the PARTIES have applied for and been awarded a grant in the amount of $361,800. to purchase hardware and software to implement an electronic traffic citation program. The equipment and software will be purchased by COUNTY as the administrator of the grant and awarded to each of the PARTIES by the following agreement.

WHEREAS, THE parties agree to reimburse COUNTY for their share of the vendor's Autocite processing software stored and maintained by the vendor on the vendor's serves and accessible remotely to each participating party.

WHEREAS, the PARTIES agree the overall grant administrator will be the Records Manager for the Stanislaus County Sheriff's Department.

Section 1.

PARTIES agree MODESTO be awarded ten (10) electronic citation handheld devices with one (1) six position docking station and reimbursement of the actual cost of the third party interface to the MODESTO Police records management system in an amount not to exceed $30,000.

PARTIES agree RIVERBANK be awarded six (6) electronic citation handheld devices with one (1) six position docking station.

PARTIES agree PATTERSON be awarded four (4) electronic citation handheld devices with one (1) six position docking station.

PARTIES agree NEWMAN be awarded FOUR (4) electronic citation handheld devices with one (1) six position docking station and will be reimbursement of the actual cost of the third party interface to the NEWMAN Police records management system "not to exceed" $20,000.

PARTIES agree CERES be awarded twelve (12) electronic citation handheld devices with one (1) six position docking station.

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PARTIES agree WATERFORD to be awarded one (1) electronic citation handheld device with one (1) six position docking station.

PARTIES agree HUGHSON be awarded one (1) electronic citation handheld device with one (1) six position docking station.

PARTIES agree by awarding these devices to each agency they will become the sole property of the agency awarded the devices. Repairs, shipment and service of the devices during and after the initial warranty period shall become the responsibility of each agency for the number of devices provided.

COUNTY agrees the share of the award in the amount of $6,000., be spent on end user training on the hand held devices and vendor project management.

Section 2

Each City agrees to reimburse COUNTY for their share of the vendor's hosted solution, after the first year, in the amount of the maintenance contract divided by the number of devices being supported by the connection for each individual agency, not to exceed the actual cost of the hosted solution. (For example the initial year of hosting costs is $4,800 divided by the total number of purchased devices (50) will be $96 per device annually). COUNTY agrees to provide to the participating agencies a copy of any vendor increases in hosting services.

Section 3

PARTIES agree to reimburse COUNTY for their share of the individual hardware and software warranties on the devices, after the initial one year warranty period. The contracted price for year two and three will be $500 annually for each device and $50 for each docking station.

Section 4

PARTIES agree to provide the COUNTY a quarterly financial and programmatic report not later than fifteen (15) calendar days after the end of the quarter following the official grant award date. The report will be delivered sufficiently in advance and will contain the date necessary to submit the final report on the grant in the required thirty (30) calendar days after the end of each quarter following the grant award.

Section 5

PARTIES agree to meet quarterly the first year of the grant then annually after the initial first year of the grant to discuss recommended changes in the vendor hosted connectivity. Any changes or modifications to the connectivity will be handled as an amendment to this agreement.

Section 6

MODESTO, RIVERBANK, PATTERSON, NEWMAN, CERES, WATERFORD, and HUGHSON, may terminate this Agreement or any part hereof upon giving COUNTY at least thirty (30) days written notice prior to the effective date of such termination, which date shall be specified in such notice. PARTIES agree to pay for all ancillary agreements and warranties for the three year period of the vendor agreement.

Section 7

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tort Claims Act.

Section 8

Nothing in the performance of this Agreement shall impose any liability for claims against MODESTO, RIVERBANK, PATTERSON, NEWMAN, CERES, WATERFORD and HUGHSON other than claims for which liability may be imposed by the Tort Claims Act.

Section 9

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 10

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 9

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

The signature of the parties below designate acceptance of the terms of this Agreement and shall be binding upon the parties upon the effective date of the Agreement.

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. 2013-_____, adopted by the Council of the City of Modesto on the ____ day of ___, 2013, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF-CORONER "County"	**CITY OF MODESTO** By:_____ Greg Nyhoff, City Manager "Modesto"
	ATTEST: By:_____ Stephanie Lopez, City Clerk
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____ Susana Alcala Wood, City Attorney

IN WITNESS WHEREOF, the City of Patterson, 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. 2012-_____, adopted by the Council of the City of Patterson on the ____ day of ___, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF PATTERSON** By:_____ , City Manager "Patterson"
	ATTEST: By:_____ , City Clerk
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____ , City Attorney

IN WITNESS WHEREOF, the City of Riverbank, 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. 2012-_____, adopted by the Council of the City of Riverbank on the ____ day of ___, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF RIVERBANK** By:_____ , City Manager "Riverbank"
	ATTEST: By:_____ , City Clerk
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____ , City Attorney

IN WITNESS WHEREOF, the City of Newman, 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. 2012-_____, adopted by the Council of the City of Newman on the ____ day of ____, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF NEWMAN** By:_____ , City Manager "Newman "
	ATTEST: By:_____ , City Clerk
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____ , City Attorney

IN WITNESS WHEREOF, the City of Ceres, 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. 2012-_____, adopted by the Council of the City of Ceres on the ____ day of _____, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF CERES** By:_____ , City Manager "Ceres"
	ATTEST: By:_____
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____

IN WITNESS WHEREOF, the City of Waterford, 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. 2012-_____, adopted by the Council of the City of Waterford on the ____ day of ____, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF WATERFORD** By:_____ , City Manager "Waterford"
	ATTEST: By:_____
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____

IN WITNESS WHEREOF, the City of Hughson, 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. 2012-_____, adopted by the Council of the City of Hughson on the ____ day of ____, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS By:_____ Adam Christianson SHERIFF – CORONER "County"	**CITY OF HUGHSON** By:_____ , City Manager "Hughson"
	ATTEST: By:_____
APPROVED AS TO FORM: By:_____ John P. Doering, County Counsel	APPROVED AS TO FORM: By: _____

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-125

RESOLUTION ACCEPTING THE WORK BY GRANITE CONSTRUCTION FOR THE "NORTHWEST TERMINAL APRON RECONSTRUCTION PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $532,562

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Northwest Terminal Apron Reconstruction Project has been completed by Granite Construction, in accordance with the contract agreement dated September 6, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Northwest Terminal Apron Reconstruction Project is hereby accepted as complete from said contractor, Granite Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $532,562 is authorized as provided in 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 April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-126

RESOLUTION APPROVING AN AGREEMENT WITH JERRY HAAG, URBAN PLANNER FOR ENVIRONMENTAL SERVICES FOR WASTEWATER MASTER PLAN UPDATE MASTER ENVIRONMENTAL IMPACT REPORT IN AN AMOUNT NOT TO EXCEED $56,350 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $5,635 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $61,985, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's current Wastewater Master Plan (WWMP) and associated Master Environmental Impact Report (MEIR) (State Clearing House No. 2006052076) were adopted by the Modesto City Council in March 2007, and

WHEREAS, since then, numerous WWMP–identified projects have been constructed using the MEIR, and

WHEREAS, this MEIR is the main environmental documentation that provides the City Council and the general public with detailed information about the effect that a proposed project may have on the environment, and

WHEREAS, it lists ways the significant effects might be minimized, and also indicates alternatives to the project, and

WHEREAS, under the California Environmental Quality Act (CEQA), master plans and their related documents typically have a useful life of five years and the five-year period elapsed in March 2012, and

WHEREAS, City staff anticipates starting an update of the WWMP in 2013. However, the WWMP update, and its subsequent MEIR update, is not anticipated to be completed until 2014, and

WHEREAS, in the meantime, City staff will continue designing and constructing viable WWMP-identified projects, and

WHEREAS, there are also new requirements that are not addressed in the 2007 WWMP MEIR, including Green House Gas (GHG) analysis and other recent regulatory updates, and

WHEREAS, City Planning staff recently created a tiered environmental document for the Utility Planning and Projects (UP&P) Department, incorporating the current MEIR and GHG elements of the updated General Plan to cover a few upcoming projects, and

WHEREAS, however, the tiered document is an interim measure and the City Planning staff recommends that the MEIR be updated and recertified by City Council, and

WHEREAS, UP&P has been coordinating with the Community and Economic Development Department (CEDD) to determine the best option to update the MEIR, and

WHEREAS, due to current staffing constraints and expertise, CEDD recommends using a consultant from the City of Modesto's shortlist of Environmental Service Providers (providers), and

WHEREAS, on July 1, 2008, by Resolution No. 2008-385, City Council approved this shortlist for these providers to prepare Environmental Impact Reports (EIR) and perform other related environmental services for a period of four years, and

WHEREAS, the shortlist consists of 10 environmental consultants with experience in preparing environmental documents, including EIRs, and

WHEREAS, although this shortlist expired on July 1, 2012, in the interest of time, and due to the number of current WWMP-related CIPs in design and projected for

construction, staff is recommending that the City hire Jerry Haag, Urban Planner of Berkeley, CA to perform the MEIR update, and

WHEREAS, Mr. Haag is on the approved shortlist and is very familiar with the current WWMP MEIR, having provided previous successful work products for the department, and

WHEREAS, Mr. Haag has compiled a strong team, including Illingworth & Rodkin (Air Quality & GHG Analysis) and WRA (Biological Resources), to perform the MEIR update, and

WHEREAS, the team has the required experience and can provide the necessary technical assistance to help the City streamline the MEIR update, and

WHEREAS, staff recommends an agreement with Jerry Haag, Urban Planner, as the City does not have the staffing level or subject matter expertise to perform environmental services for the Wastewater Master Plan Update Master Environmental Impact Report recertification, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Jerry Haag, Urban Planner for Environmental Services for Wastewater Master Plan Update Master Environmental Impact Report for an amount not to exceed $56,350 for the identified scope of services, plus $5,635 for additional services (if needed), for a maximum total amount of $61,985.

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 9th day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-127

RESOLUTION DECLARING THE CITY-OWNED PROPERTY LOCATED AT SOUTH 7TH STREET & PECOS AVENUE (APN: 038-039-029) AS SURPLUS PROPERTY, AND AUTHORIZING THE CITY'S PROPERTY AGENT TO PROCEED WITH THE SALE OF THIS PROPERTY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY SALE DOCUMENTS

WHEREAS, the City of Modesto owns a property at South 7th Street and Pecos Avenue (APN 038-03-029), and

WHEREAS, this remnant parcel from the 9th Street Track Realignment Project is no longer used by the City and there are no other uses for this property by the City, and

WHEREAS, this industrial property has no residential, park and recreation, or open-space uses, and therefore qualifies for status as surplus, and

WHEREAS, staff recommends the site be sold as surplus property, and

WHEREAS, staff recommends the City's property agent proceed with the sale of this property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares the City-owned property (APN 038-039-029), located at South 7th Street and Pecos Avenue, as surplus property.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City's property agent to proceed with the sale of this property.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute all necessary sale documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-128

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH KRAZAN & ASSOCIATES FOR CONSTRUCTION MATERIALS TESTING SERVICES FOR VARIOUS CITY OF MODESTO PROJECTS FOR FISCAL YEAR 2012/2013 IN AN AMOUNT NOTTOEXCEED $86,800; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

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 20, 2010, for Construction Materials Testing Services, and the firm of Krazan & Associates, Inc. was the lowest responsible bidder, and

WHEREAS, on June 22, 2010, by Resolution No. 2010-258, the City Council approved an Agreement with Krazan & Associates, Inc. to perform Construction Materials Testing Services on various City of Modesto projects for Fiscal Year 2010/2011, with two (2) one-year extension options, and

WHEREAS, on May 11, 2011, the first of two approved contract extensions was executed for Fiscal Year 2011/2012 in an amount not to exceed $68,640, and

WHEREAS, on April 13, 2012, the second and final of two approved contract extensions was executed for Fiscal Year 2012/2013 in an amount not to exceed $68,800, and

WHEREAS, on March 18, 2013, City Staff submitted a budget augmentation for additional funding in the amount of $18,000, to a not to exceed total of $86,800 for the Fiscal Year 2012/2013 contract extension period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to Agreement for Construction Materials Testing Services between the City of Modesto and Krazan & Associates, Inc., for various City of Modesto projects for Fiscal Year 2012/2013, in an amount not to exceed $86,800.

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 9th day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-129

A RESOLUTION APPROVING ALL LAND AREA WITHIN THE CURRENT CITY LIMITS, INCLUDING THE TIVOLI SPECIFIC PLAN AND KIERNAN BUSINESS PARK SPECIFIC PLAN SHALL BE EXEMPT FROM ANY AGRICULTURAL MITIGATION REQUIREMENTS

WHEREAS, the Tivoli Specific Plan was approved by City Council on February 26, 2008, by Ordinance No. 3479-C.S. and

WHEREAS, the Tivoli Specific Plan Environmental Impact Report (SCH No. 2005072125) was certified by the City Council on February 26, 2008, and

WHEREAS, the Final EIR for the Tivoli Specific Plan provided for Mitigation Measure B.1 which states: "Prior to any actual development in the Tivoli Specific Plan area, the City Council will consider creation of a farmland mitigation program to determine whether such a program could feasibly provide partial mitigation of the loss of Prime Farmland", and

WHEREAS, amendment No. 4 to the Kiernan Business Park Specific Plan was approved by City Council on September 1, 2009 by Resolution No. 2009-420, and

WHEREAS, the Environmental Impact Report for the Kiernan Business Park Specific Plan Amendment (SCH 2007062071) was certified by the City Council on September 1, 2009, and

WHEREAS, the Final EIR for the Kiernan Business Specific Plan Amendment provided for Mitigation Measure B.1 which states: "Prior to any actual development in the Kiernan Business Park Specific Plan area, the City Council would consider creation of a farmland mitigation program to determine whether such a program could feasibly provide partial mitigation of the loss of Prime Farmland, and

WHEREAS, on March 26, 2013, the City Council considered preparing an agriculture preservation policy, and

WHEREAS, the action by the Modesto City Council to consider preparing an agricultural preservation policy is not a project pursuant to Section 15378 of the California Environmental Quality Act, and

WHEREAS, the Modesto City Council finds that agricultural preservation policies should not apply to land area within the current City limits (including Tivoli and Kiernan Business Park).

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves that all land area within the current City limits (including Tivoli and Kiernan Business Park) shall be exempt from any agricultural mitigation requirements.

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on the 9th day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore
NOES:	Councilmembers:	Mayor Marsh
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-130

A RESOLUTION DIRECTING STAFF TO MAKE FUTURE PROJECT APPLICANTS AWARE OF STANISLAUS LAFCO'S AGRICULTURAL PRESERVATION POLICY AND APPLICABLE REQUIREMENTS THEREIN

WHEREAS, on September 26, 2012, the Stanislaus Local Agency Formation Commission (LAFCO) adopted an agricultural preservation policy ("policy"), and

WHEREAS, Stanislaus LAFCO encourages local agencies to identify the loss of agricultural land as early in their processes as possible, and to work with applicants to initiate and execute plans to minimize that loss, as soon as feasible, and

WHEREAS, the Modesto City Council finds that future project applicants should be informed of Stanislaus LAFCO's Agricultural Preservation Policy.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby directs staff to inform future project applicants of Stanislaus LAFCO's Agricultural Preservation Policy and the application requirements therein.

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on the 9th day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore
NOES:	Councilmembers:	Mayor Marsh
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-131

RESCINDED
APR - 8 2014
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2014-129

A RESOLUTION RESCINDING RESOLUTION 2012-135 AND ESTABLISHING FEES FOR THE PROVISION OF SEWER SERVICE FOR FISCAL YEARS 2014 THROUGH 2018

WHEREAS, Section 11-6.09 of the Modesto Municipal Code authorizes the Council to establish sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established sewer service charges, and

WHEREAS, Proposition 218 was passed in November of 1996 and became effective with respect to sewer rates on July 1, 1997, and

WHEREAS, on July 24, 2007, the Council held a public hearing pursuant to Proposition 218 with respect to adjustment of sewer rates, and

WHEREAS, notices of a sewer rate adjustment and public hearing were mailed on June 8, 2007 to sewer customers, and

WHEREAS, insufficient protests were made to defeat imposition of the sewer rate adjustments resulting in increases in some cases, and

WHEREAS, City Council adopted Resolution 2007-463 which established maximum wastewater rates beginning August 1, 2007, and updated each July 1st through the year 2011, and

WHEREAS, the Final Master Environmental Impact Report for the WWMP was completed (State Clearing House No. 2006052076) and adopted by the City Council on March 13, 2007 by Resolution No. 2007-178, and

WHEREAS, City Council rescinded all previous sewer fee resolutions on May 25, 2010 by Resolution No. 2010-222 and adopted a new five-year rate plan for Fiscal Years

2011-2015, and

WHEREAS, on April 3, 2012, the City Council, by Resolution No. 2012-135, rescinded all previous sewer fee resolution and adopted a new five-year rate plan for Fiscal Years 2013 - 2017

WHEREAS, the report titled, "2013 Evaluation of Wastewater Rates," analysis shows that the projected costs and revenues are tracking reasonably close to what was projected in the 2012 report, and

WHEREAS, this report also shows that it would be possible to implement alternative rate plans primarily due to the following factors:

- Relatively stable customer characteristics and discharges
- Operating costs - reduced inflation assumptions for FY 2014 and FY 2015
- Capital program - assumed same extended program
- Debt financing - State Revolving Fund (SRF) financing has received final approval

, and

WHEREAS, Staff has reviewed the Capital Improvement Program (CIP) and operations budgets of the Wastewater Enterprise Fund for both the current and upcoming fiscal years with the goal of minimizing any rate increase proposals for FY 2014 and beyond, and

WHEREAS, in order to maintain an adequate debt coverage ratio and operating reserves, a series of rate increases will be required, and

WHEREAS, these series of rate increases do not exceed the maximum wastewater rates allowed by City Council Resolution 2007-463, and

WHEREAS, on February 25, 2013, the Finance Committee recommended that City Council adopt a series of wastewater rate increases, shown as Scenario 2 in the

"2013 Evaluation of Wastewater Rates" report,

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, 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.

1. Director: The City officer(s) or designee(s) in charge of utilities.
2. 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.
3. Person. Any individual, partnership, corporation or other legal entity whatsoever applying for or receiving City sewer service.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE. Each person receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The maximum monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks shall be as follows:

	Year 1	Year 2	Year 3	Year 4	Year 5
Maximum Residential Rates	1-Jul-13	1-Jul-14	1-Jul-15	1-Jul-16	1-Jul-17
Monthly Account Charge ($/Account)	$4.15	$4.38	$4.58	$4.58	$4.58
plus Dwelling Unit Charge ($/Dwelling Unit)					
Single Family Residential, Mobile Home on a lot	$26.25	$27.85	$29.25	$29.25	$29.25
Multiple Family (2-4 Dwelling Units), one additional Dwelling Unit or Mobile Home on a lot	$22.53	$23.91	$25.11	$25.11	$25.11
Apartments (5 or more Dwelling Units), Mobile Home Space in a Mobile Home Park	$17.10	$18.14	$19.05	$19.05	$19.05

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person receiving commercial sewer service shall pay a maximum sewer service charge to the City in accordance with the following rates:

(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 following commercial users groups:

	Year 1	Year 2	Year 3	Year 4	Year 5
Maximum Commercial Rates	1-Jul-13	1-Jul-14	1-Jul-15	1-Jul-16	1-Jul-17
Monthly Account Charge ($/Account)	$4.15	$4.38	$4.58	$4.58	$4.58
plus Quantity Charge ($/100 cubic feet)					
Group 1-BOD + TSS is 400 mg/l or less	$2.23	$2.37	$2.49	$2.49	$2.49
Group 2-BOD + TSS is 401 mg/l to 900 mg/l	$2.74	$2.91	$3.06	$3.06	$3.06
Group 3-BOD + TSS is 901 mg/l to 1,400 mg/l	$3.26	$3.46	$3.63	$3.63	$3.63
Group 4-BOD + TSS is 1,401 mg/l or more	$3.87	$4.11	$4.32	$4.32	$4.32

(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.

a. 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.

b. An annual audit and site inspection will be conducted by the City and paid for by the District.

1. 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.

a. School District will be required to enter into an agreement with the City consenting to be billed on an ADA basis.

b. The Director is authorized to enter into these agreements with the School Districts on behalf of the City.

c. 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 CHARGES FOR INDUSTRIAL SERVICE.

Each person receiving industrial sewer service shall pay a maximum sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the following rate of per million gallons of total flow.

Maximum Industrial (Major and Minor) Rates	Year 1 1-Jul-13	Year 2 1-Jul-14	Year 3 1-Jul-15	Year 4 1-Jul-16	Year 5 1-Jul-17
Monthly Account Charge ($/Account)	$4.15	$4.38	$4.58	$4.58	$4.58
plus Quantity Charges (these three components are additive)					
Flow Charge ($/Million gallons)	$2,424	$2,572	$2,701	$2,701	$2,701
BOD Charge ($/1,000 lbs)	$120	$127	$133	$133	$133
TSS Charge ($/1,000 lbs)	$210	$223	$234	$234	$234

(1) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

Sanitary Sewage Flow: If Industry 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.

(3) 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. SEWER SERVICE CHARGES FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT

Charge	Year 1 1-Jul-13	Year 2 1-Jul-14	Year 3 1-Jul-15	Year 4 1-Jul-16	Year 5 1-Jul-17
Flow charge per 1,000 gallons	$63	$67	$70	$70	$70

SECTION 7. INFLATOR INDEX AND REASSESSMENT OF COST OF SERVICE The cost of service set forth above shall be re-examined not less than every four 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, 2018 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 8. SULFIDE CORROSION CHARGES. Any wastewater discharge which exceeds 0.5 parts per million of sulfides shall pay a sulfide corrosion charge, an impact fee, determined on a case-by-case basis as follows:

(a) The projected accelerated corrosion of collection system pipes and pump stations will be calculated based on the EPA Pomeroy Model for Sulfide Corrosion (EPA Design Manual, EPA/625/1-85-018, Section 2.5.2.1 - Corrosion Predictive Model).

(b) The sulfide corrosion charge will then be calculated based on the actual pipes and pump stations, up to the Water Quality Control Plant Headworks, impacted by the discharge, and on the current estimates of replacement costs and the time value of money.

(c) Discharges of sulfide above 0.5 ppm shall also not have a pH lower than 7.

(d) The discharger may request that the sulfide charge be recalculated each year, if the amount of sulfide discharged is documented as having changed significantly from the previous year. The discharger may elect to receive the billing for this service charge on an annual or monthly basis. No prepayment discount will apply.

(e) This service charge is an impact fee based on sulfide crown corrosion of collection system pipes and pumping facilities. It is not intended to compensate the City for increased corrosion or odor generation in the Water Quality Control Plant. It is not intended to liquidate the responsibility of a party whose wastewater discharge escapes from the collection system causing soil or groundwater contamination. Discharge of concentrated sulfides under the provisions of this section constitutes acceptance of these terms.

SECTION 9. SEWAGE TREATMENT FOR OUTSIDE PUBLIC AGENCIES. Pursuant to agreements approved from time to time by the City Council and the City Attorney (as to form), other public agencies will own and operate, and the City of Modesto will accept and treat sewage collected from, sewer systems external to the City and City's Sewer District No. 1.

SECTION 10. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after July 1, 2013.

SECTION 11. RESCINDING PRIOR RESOLUTIONS. All previous sewer fees resolutions are hereby rescinded effective July 1, 2013.

SECTION 12. ANNUAL REVIEW OF ADOPTED RATE INCREASES. The City Council, shall conduct a review of each adopted sewer rate increase prior to its implementation. Said review shall be completed by the City Council at least sixty 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-132

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): ADVISORY BALLOT MEASURE TO ALLOW THE ANNEXATION OF THE AIRPORT NEIGHBORHOOD TO SEWER DISTRICT NO. 1 AND EXTENSION OF SEWER SERVICE

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, 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 2012-16 ("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 March 29, 2013, the City caused to be published a 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 9, 2013, 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 advisory ballot measure to allow the annexation of the Airport Neighborhood to Sewer

District No. 1 and extension of sewer service, a copy of which is **attached** hereto as **Exhibit** "A", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2012-16

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2012-16

For the proposed:

Airport Neighborhood "Measure M" Ballot Measure (ANX-12-001)

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

February 19, 2013

Updated: January 2012

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for 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 Airport Neighborhood "Measure M" ballot measure 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 environmental review utilizes the Modesto Urban Area General Plan MEIR (SCH #2007072023), certified in October 2008, and the Wastewater Master Plan MEIR (SCH #2006052076), certified in March 2007.

II. PROJECT DESCRIPTION

A. Title: Airport Neighborhood "Measure M" Ballot Measure (ANX-12-001)

B. Address or Location: The Airport Neighborhood is the unincorporated area generally bounded by Yosemite Boulevard on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rita Avenue on the west. The project area boundary map is attached.

C. Applicant: City of Modesto, 1010 10th Street, Modesto, CA 95354

D. City Contact Person:

Project Manager:	Patrick Kelly
Department:	Community & Economic Development
Phone Number:	209.577.5267
E-mail address:	pkelly@modestogov.com

E. Current General Plan Designation(s): R, Residential (City of Modesto General Plan)

F. Current Zoning Classification(s): County zoning for the area is mostly R-1, R-2, and R-3. A small portion of the area is zoned for commercial and industrial uses.

G. Surrounding Land Uses:

North:	Mostly commercial and industrial uses
South:	Residential and industrial uses
East:	Industrial uses and the Airport
West:	Industrial uses

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR:

This ballot measure would allow the extension of sewer service (annexation to Sewer District 1) to the subject area, which includes approximately 500 parcels within approximately 165 acres in the City of Modesto's Sphere of Influence. The project site is generally designated for residential uses by the County of Stanislaus' zoning. Annexation to the City of Modesto is not contemplated at this time. The proposed ballot measure, which is advisory only, would ask Modesto citizens whether sewer service should be provided to this area.

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, which 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.

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.

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.

Project Manager	PLANNING MANAGER Title	2/21/13 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 the Modesto Urban Area General Plan.	X	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the Modesto Urban Area General Plan Master EIR.	X	☐

Discussion:

(1) The City of Modesto would be the lead agency for subsequent discretionary actions.

(2) No significant impacts other than those related to construction are anticipated to result from extension of sewer service (annexation to Sewer District #1) to the project area.

(3) No change to federal, state, or local regulations are expected to occur.

(4) The Airport neighborhood is a developed area and, therefore, no additional impacts related to natural resources are expected to occur.

(5) The project site, Airport neighborhood, lies wholly within the City of Modesto's Sphere of Influence and General Plan boundary.

(6) All relevant mitigation measures contained and enumerated in the Modesto Urban Area General Plan Master EIR will be applied to the 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.	X	☐
(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:	X	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	X	☐
(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.	X	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	X	☐

Discussion:

(1) The Urban Area General Plan Master EIR was last certified in October 2008, which was less than five years ago.

(2) (a) Due in part to recent economic conditions, there has been little change to the environmental circumstances under which the Urban Area General Plan Master EIR was certified.

(b) No new information has become available that affects the accuracy of the Master EIR upon which this analysis relies.

(c) Policies developed in the Urban Area General Plan remain in effect and will be applied to this 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 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.	☐	☐	☐	X
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	X
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.	☐	☐	☐	X
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).	☐	☐	☐	X
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	X
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, etc.	☐	☐	☐	X
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that described in the Master EIR.	☐	☐	☐	X

Discussion:

(1-7) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the Modesto city limits. Additional development could occur as a result, and such development would be consistent with existing regulations.

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 would be applied to the project. 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.	☐	☐	☐	X
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	X
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	X
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.	☐	☐	☐	X
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	X

(1-5) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the Modesto city limits. Additional development could occur as a result, and such development would be consistent with existing regulations.

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 would be applied to the project. 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 is 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.	☐	☐	☐	X
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	X
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-4) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. Additional development could occur as a result, and such development would be consistent with existing regulations. Short-term noise impacts could result during construction activities, and these have been anticipated in the Master EIR.

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 would be applied to the project. 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.	☐	☐	☐	X
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan boundary.	☐	☐	☐	X
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-4) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. The Airport Neighborhood lies in a developed area and is completely surrounded by existing development. No impacts to agricultural land would result from this action.

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 would be applied to the project. 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.	☐	☐	☐	X
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.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-3) No significant increase in the use of potable water would be expected to occur as a result of the extension of sewer service. Some increase is expected to occur, because it is likely that residents of the Airport Neighborhood have curtailed their use of water to reduce the amount of sewage being processed by their septic systems.

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 would be applied to the project. 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.	☐	☐	☐	X
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-3) The Urban Area General Plan Master EIR contemplated extension of sewer service to all areas within the City's Sphere of Influence, including the project area. No additional impacts beyond those disclosed therein are anticipated.

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 would be applied to the project. 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.	☐	☐	☐	X
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.	☐	☐	☐	X
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.	☐	☐	☐	X
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.	☐	☐	☐	X
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-6) The project site lies well outside areas in which significant biological resources would be expected (near Dry Creek and/or the Tuolumne River). There are no local policies or ordinances that protect biological resources and no conservation plans that affect the area.

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 would be applied to the project except in the very unlikely event that archaeological resources are discovered during construction. Should that occur, construction activity would cease and an archaeologist will be consulted. 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.	☐	☐	☐	X
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	X
3) The proposed project would modify or demolish a structure more than 50 years old.	☐	☐	☐	X
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	X
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	X

Discussion:

(1-5) The project site lies well outside areas in which significant archaeological resources would be expected to exist (near Dry Creek and/or the Tuolumne River). Should sewer infrastructure be extended to this area, soil disturbance would occur during construction activities, during which archaeological resources might be discovered. If this were to occur, construction activity would stop and an archaeologist would be consulted. No impacts to historic resources are expected.

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 would be applied to the project. 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.	☐	☐	☐	X
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	☐	☐	☐	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	☐	☐	☐	X

Discussion:

(1-3) The extension of sewer service to the Airport Neighborhood could slightly decrease storm water runoff from the area. Extending sewer service would eventually result in the drying of existing leach fields, which would then be better able to infiltrate rain. No development is expected to occur beyond that which is allowed under current County zoning regulations.

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 would be applied to the project. 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.	☐	☐	☐	X
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	X
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	X
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.	☐	☐	☐	X
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	X
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	X
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.	☐	☐	☐	X
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.	☐	☐	☐	X

(1-8) The project site lies outside both the 100- and 200-year floodplains, therefore, no significant flooding is expected to occur. Annexing the Airport Neighborhood to Sewer District #1 and providing service will likely result in incremental improvements in groundwater quality. Currently, the area has a higher concentration of privately-owned septic systems than would be allowed under existing State regulations, resulting in some groundwater contamination. Should sewer service be extended to the area, it is expected that privately-operated septic systems would be abandoned and groundwater quality in the area would gradually improve. No new development is expected to occur beyond that which is currently allowed under existing County zoning regulations. Finally, because the project area lies outside the Modesto city limits, it is not subject to the City's stormwater quality control measures.

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 would be applied to the project. 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.	☐	☐	☐	X
2) The proposed project would eliminate parks or open space.	☐	☐	☐	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	☐	☐	☐	X

Discussion:

(1-3) The project site is outside the Modesto city limits, and annexation to the City is not anticipated. Therefore, the area is not subject to the City's parks and open space policies.

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 as 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 would be applied to the project. 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.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-2) Any new development that may occur under the County's zoning regulations will be subject to schools fees in effect at that time. Collecting those fees will be the responsibility of the County, not the City, as no annexation to the City is planned at this time.

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 service 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 would be applied to the project. 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.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-2) The possible annexation of the Airport Neighborhood to Sewer District #1, and extension of sewer service to the area, would not create any demand for police services.

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 would be applied to the project. 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.	☐	☐	☐	X
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.	☐	☐	☐	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	X

Discussion:

(1-3) Should additional development occur as a result of the extension of sewer service to the area, a small increase in the demand for fire protection could occur. However, any new development would be consistent with applicable County regulations.

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 would be applied to the project. 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.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-2) Annexing the area to Sewer District #1 and extending sewer service would not directly increase solid waste generation. However, extension of sewer service could indirectly result in increased solid waste generation by allowing new development to occur consistent with existing County zoning. No significant impact or cumulative impact is expected.

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 would be applied to the project. 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.	☐	☐	☐	X
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.	☐	☐	☐	X
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.	☐	☐	☐	X
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	X

Discussion:

(1-4) Potential annexation of the Airport Neighborhood to Sewer District #1 and extension of sewer service to the area would not generate hazardous materials beyond that normally expected to occur with construction activity. Any impact(s) would be temporary and less than significant.

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 would be applied to the project. 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.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-2) No new impacts relating to geologic hazards or mineral resources would result from the extension of sewer service beyond those anticipated by the Master EIR. Extending sewer service to the area would result the abandonment of failing septic tanks and could improve the function of the remaining septic systems.

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 would be applied to the project. 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.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-2) No energy impacts greater than those anticipated in the Master EIR would be expected to result from construction of sewer lines to the Airport Neighborhood or system operations.

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 would be applied to the project. 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.	☐	☐	☐	X
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-3) Construction activities create an unsightly, but temporary impact. No other effects on visual resources would be expected.

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 would be applied to the project. 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.	☐	☐	☐	X
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	X
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.	☐	☐	☐	X
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	X

Discussion:

(1-4) If the Airport Neighborhood is annexed to Sewer District #1 and sewer service is extended to the area, a small amount of new development could be accommodated under the existing County zoning regulations. This level of development is allowed, but is constrained by septic systems that are beyond their capacity and the lack of available sewer service. No other land use impacts beyond those identified in the Master EIR would be expected to occur.

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 would be applied to the project. 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.	☐	☐	☐	X
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	X
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.	☐	☐	☐	X

Discussion:

(1-3) Extension of sewer service to the Airport Neighborhood would allow a small amount of infill development under the existing County zoning regulations, which would help keep the metropolitan area compact, although the amount of development would not be significant. As such, no impacts would be expected to occur as a result of sewer service extension.

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. There are no identified project-related new significant effects, and therefore there are no additional project-specific mitigation measures that are necessary:

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:

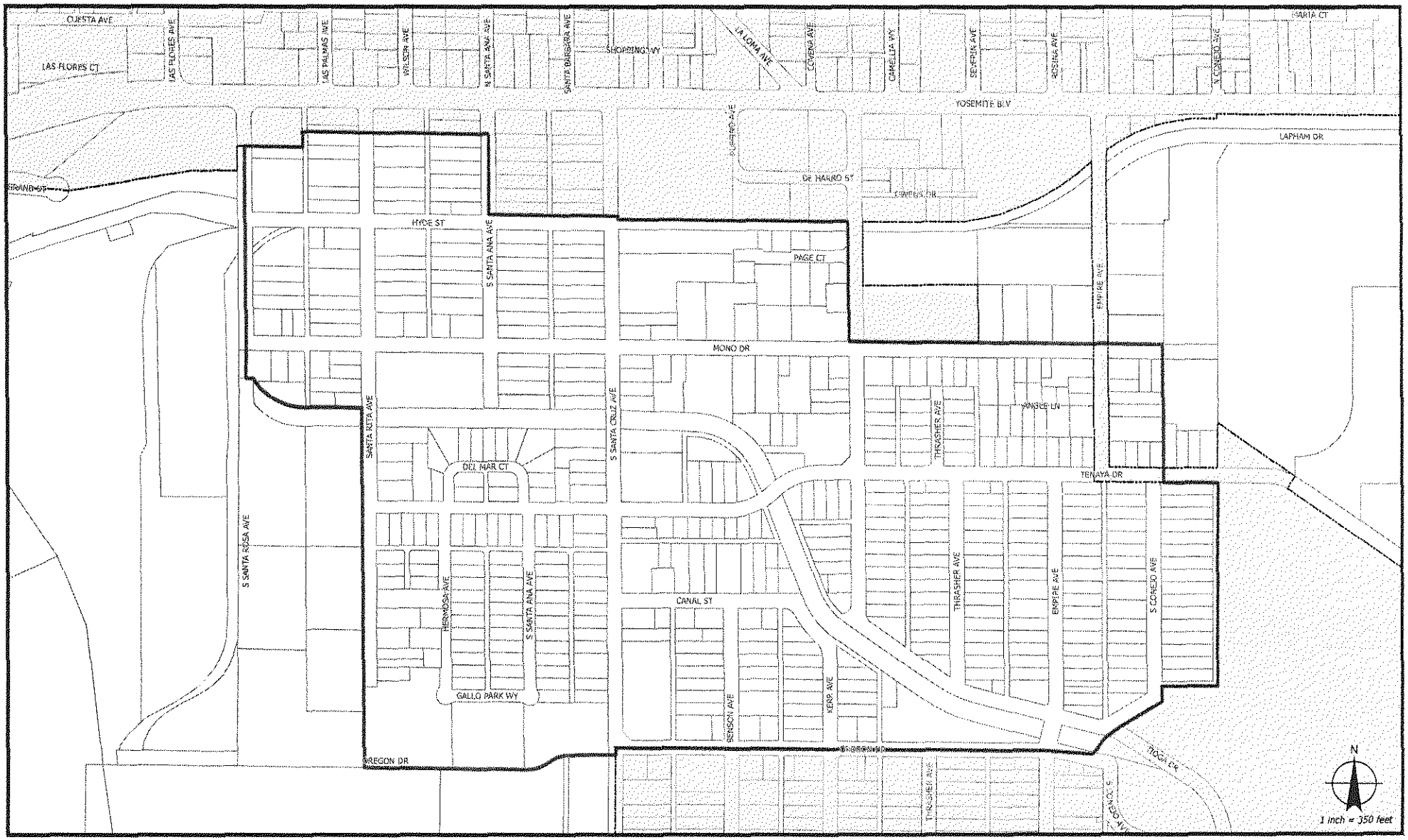
N/A

Land Use and Planning:

N/A

Climate Change:

N/A



Airport Neighborhood
Proposed Measure M Area

Airport Neighborhood Sewer Project Area (County) 165.6 acres

Modesto Incorporated Area (as of January 7, 2013)

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-133

A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS THE "AIRPORT NEIGHBORHOOD" WHICH IS DESCRIBED AS THE AREA GENERALLY BORDERED BY HYDE STREET ON THE NORTH, CONEJO AVENUE ON THE EAST, OREGON DRIVE ON THE SOUTH, AND SANTA ROSA AVENUE ON THE WEST

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens' Advisory Growth Management Act (Measure A) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trunk line without first holding an advisory election, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens' Advisory Growth Management Act of 1995 (Measure M), which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election, and

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular election to be held on November, 5, 2013, an advisory measure relating to the provisions of sewer service to a certain area of the City,

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

SECTION 1. BALLOT MEASURE.

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 5, 2013, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said election as follows:

MEASURE ___

Shall the City provide sewer service to the following area of the Modesto General Plan?

The unincorporated area designated "Airport Neighborhood" or the east portion of "Area 12" in Modesto's 2009 Urban Growth Review. The area is generally bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west.

SECTION 2. FORM OF BALLOT.

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:

MEASURE ___City of Modesto Sewer Service Extension Advisory Measure.

Shall the City provide sewer service to the following area of the Modesto General Plan?	Yes	☐
	No	☐

The unincorporated area designated "Airport Neighborhood" or the east portion of "Area 12" in Modesto's 2009 Urban Growth Review. The area is generally bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west.

SECTION 3. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular general or municipal elections in the city of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-134

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO A CERTAIN UNINCORPORATED AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE "AIRPORT NEIGHBORHOOD" OR THE EAST PORTION OF "AREA 12" AS DESCRIBED IN THE MODESTO 2009 URBAN GROWTH REVIEW, GENERALLY BORDERED BY HYDE STREET ON THE NORTH, CONEJO AVENUE ON THE EAST, OREGON DRIVE ON THE SOUTH, AND SANTA ROSA AVENUE ON THE WEST, TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular election to be held on November 5, 2013, an advisory measure concerning the unincorporated area designated as the "Airport Neighborhood" or the east portion of "Area 12" in the Modesto 2009 Urban Growth Review to the City Attorney for the purpose of preparing an impartial analysis of said measure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said 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 on 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 9th day of April, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-135

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE "AIRPORT NEIGHBORHOOD"

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular election to be held on November 5, 2013, an advisory measure concerning the unincorporated area referred to as the "Airport Neighborhood," which is generally described as the area bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with 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 April, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-136

RESOLUTION AUTHORIZING SELECTION OF SIEMENS INDUSTRY INC., BUILDING TECHNOLOGIES DIVISION, HAYWARD, CA AS AN ENERGY SERVICE COMPANY (ESCO) TO CONDUCT A TECHNICAL ENERGY AUDIT AND AUTHORIZE THE CITY MANAGER TO SIGN A LETTER OF INTENT (LOI) WITH SIEMENS IN THE AMOUNT OF $225,000 TO CONDUCT A TECHNICAL AND FINANCIAL AUDIT OF CITY FACILITIES TO IDENTIFY ENERGY SAVINGS OPPORTUNITIES WHICH MAY LEAD TO A LONG TERM ENERGY SAVINGS CONTRACT

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Qualifications (RFQ) for Clean Energy Performance Contracting, and

WHEREAS, this contracting methodology is known as an energy conservation contract under applicable statutory authority in California Government Code section 4217.10 et seq.; and

WHEREAS, the City is interested in in implementing a comprehensive range of energy services and energy- related capital improvements using a performance-based contract with guaranteed savings or similar type of approved agreement per the requirements of Government Code 4217.10, and

WHEREAS, the Purchasing Division pursuant to Section 388 (b) of the California Public Utilities Code (PUC) to establish a qualified ESCO issued RFQ No. 1213-07 Clean Energy Performance Contracting to twenty-two (22) prospective proposers, none of which were local vendors as there are no local vendors capable of providing these services, and posted the RFQ on the City's website, and

WHEREAS, proposals were formally opened in the City Clerk's Office with eight (8) companies choosing to respond, and

WHEREAS, an evaluation committee comprised of City staff members evaluated and graded the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the selection of Siemens Industry Inc., Building Technologies Division, Hayward, CA as an Energy Service Company (ESCO) to conduct a technical energy audit of selected City facilities, 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 selection award of an Energy Service Company to Siemens Industry Inc., Building Technologies Division, Hayward, CA, conforms to the Modesto Municipal Code, and

WHEREAS, energy costs for operating City facilities are paid for from various funds and energy savings could revert back to those funds or be used to pay for the financing of the construction and installation of clean energy projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the selection of Siemens Industry Inc., Building Technologies Division, Hayward, CA as an Energy Service Company (ESCO) to conduct a technical energy audit of selected City facilities to, and

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign a Letter of Intent with Siemens in the amount of $225,000 to conduct a technical and financial audit of City facilities to identify energy savings opportunities which may lead to a long term savings contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-137

RESOLUTION ACCEPTING THE FISCAL YEAR 2011-2012 ANNUAL AUDIT REPORTS FOR THE CITY OF MODESTO, ITS COMMUNITY FACILITIES DISTRICTS, AND VARIOUS JOINT POWERS AGENCIES AND GRANT PROGRAMS

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 Brown and Armstrong has completed their audit of the City's financial statements for the fiscal year ended June 30, 2012, 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2011-2012 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies, 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 9th day of April, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-137

RESOLUTION ACCEPTING THE FISCAL YEAR 2011-2012 ANNUAL AUDIT REPORTS

EXHIBIT A

City of Modesto:

1. Comprehensive Annual Financial Report
2. Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder)
3. Community Facilities District Number 2002 (Coffee-Claratina)
4. Community Facilities District Number 1998-1 (Enterprise Business Park)
5. Community Facilities District Number 2003-1 (Fairview Village)
6. Community Facilities District Number 2007-2 (Kiernan Business Park West)
7. Community Facilities District Number 1997-1 (North Beyer Park)
8. Community Facilities District Number 2002-1 (Northpointe)
9. Community Facilities District Number 2004-1 (Village One #2)
10. Community Facilities District Number 1996-1 (Village One)

Other Agencies:

11. Stanislaus Drug Enforcement Agency (SDEA)
12. Abandoned Vehicle Abatement (AVA)
13. Transportation Development Agency (TDA)
14. Industrial Fire Joint Powers Agency
15. Tuolumne River Regional Park (TRRP)
16. Modesto Regional Fire Authority (MRFA)

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-138

RESOLUTION ACCEPTING THE FISCAL YEAR 2011-2012 ANNUAL SINGLE AUDIT REPORTS FOR THE CITY OF MODESTO AND THE STANISLAUS DRUG ENFORCEMENT AGENCY

WHEREAS, pursuant to Single 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 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, the accounting firm of Brown and Armstrong has completed their annual single audit for the fiscal year ended June 30, 2012, and has provided its opinion based on that audit, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2011-2012 annual single audit reports for the City of Modesto and the Stanislaus Drug Enforcement Agency, 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 9th day of April, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-138

RESOLUTION ACCEPTING THE FISCAL YEAR 2011-2012 ANNUAL SINGLE AUDIT REPORTS

EXHIBIT A

City of Modesto:

1. Single Audit Report

Other Agencies and Grant Programs:

2. Stanislaus Drug Enforcement Agency (SDEA) Single Audit Report

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-139

RESOLUTION ACCEPTING THE AUDITOR'S REPORT ON COMPLIANCE WITH REQUIREMENTS APPLICABLE TO THE FEDERAL AVIATION PASSENGER FACILITY CHARGE (PFC) PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE FOR FISCAL YEAR ENDED JUNE 30, 2012

WHEREAS, the City of Modesto collects Passenger Facility Charges (PFC's) which are fees that airline passengers pay when they purchase their tickets, and these fees are collected for the purpose of capital improvements at the airport, and

WHEREAS, the Federal Aviation Administration (FAA) guideline Part 158.67 requires each Airport/Public Agency to conduct an annual audit of their Passenger Facility Charge (PFC) Program, and

WHEREAS, the accounting firm of Brown and Armstrong has completed their audit of the City's PFC Program for the fiscal year ended June 30, 2012, and has provided its opinion on these financial statements based on that audit, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2011-2012 annual audit report for the Passenger Facility Charge (PFC) Program, 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 9th day of April, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-140

RESOLUTION APPROVING THE APPOINTMENT OF SANDRA LUCAS AS THE 2013 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 25, 2013, the Planning Commission recommended Sandra Lucas as its representative to the Citizens Housing and Community Development Committee,

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

SECTION 1. Sandra Lucas is hereby reappointed as the 2013 Planning Commission representative to the Citizens Housing and Community Development Committee, with a term expiration of January 1, 2014.

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 23th day of April, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Cogdill was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-141

RESOLUTION APPROVING THE RE-APPOINTMENT OF STEVE CARTER AS THE FY 13/14 AND FY 14/15 PLANNING COMMISSION REPRESENTATIVE TO THE CIP TASKFORCE

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 25, 2013, and recommended re-appointment of Steve Carter as its representative to the CIP Taskforce,

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

SECTION 1. Steve Carter is hereby re-appointed as the FY 13/14 and FY 14/15 Planning Commission representative to the CIP Taskforce, with a term expiration of August 1, 2015.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the CIP Taskforce, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-142

RESOLUTION APPROVING THE APPOINTMENT OF DENNIS SMITH AS THE 2013 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 25, 2013, and recommended the appointment of Dennis Smith as its representative to the Board of Zoning Adjustment,

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

SECTION 1. Dennis Smith is hereby appointed as the 2013 Planning Commission representative to the Board of Zoning Adjustment, with a term expiration of January 1, 2014.

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 Council of the City of Modesto held on the 23th day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-143

RESOLUTION APPROVING THE APPOINTMENT OF COUNCILMEMBER STEPHANIE BURNSIDE AS AN ALTERNATE APPOINTEE TO THE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

WHEREAS, on January 24, 2012, in accordance with AB 1X 26 (Health and Safety Code Section 34173) the Modesto City Council adopted a resolution assuming the role of Redevelopment Successor Agency; and

WHEREAS, the Redevelopment Successor Agency is designed to wind down the affairs of the Agency; and

WHEREAS, the Successor Agency's activities are subject to review and approval by an oversight board; and

WHEREAS, Health and Safety Code Section 34173 (a) provides that the oversight board will be comprised of seven appointees from the affected local taxing entities and the community that created the redevelopment agency; and

WHEREAS, the Modesto Redevelopment Successor Agency Oversight Board adopted a resolution recommending alternate appointments for the represented taxing agencies; and

WHEREAS, alternate appointees will attend Oversight Board meetings in place of appointees who are unable to attend scheduled meetings; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appointed Councilmember Stephanie Burnside as an alternate appointee to the Redevelopment Successor Agency Oversight Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-144

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2013-2014 ANNUAL ENGINEER'S REPORT FOR 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") 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, 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 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996, and

NOW, THEREFORE, BE IT RESOLVED that the Administrator of Infrastructure Financing Programs 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 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-145

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2013-2014 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") 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 Subdivisions Units 1 & 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 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and 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

NOW, THEREFORE, BE IT RESOLVED, that the Administrator of Infrastructure Financing Programs 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 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-146

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2013-2014 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 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 July 1, 2012, the City of Modesto assumed jurisdiction the Shackelford Landscape and Lighting District from the County of Stanislaus, and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there are no proposed new improvements or any substantial changes in existing improvements in SHACKELFORD LLD.

BE IT FURTHER RESOLVED that the Administrator of the Infrastructure Financing Programs 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 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-147

RESOLUTION APPROVING A PREQUALIFIED VENDOR LIST FOR PLAN CHECKING AND SURVEYING SERVICES TO ASSIST THE CITY WITH REVIEW AND APPROVAL OF VARIOUS DEVELOPMENT RELATED PROJECTS

WHEREAS, the Community and Economic Development Department has developed a prequalified list for plan checking and surveying services to assist the City with review and approval of various development related projects, and

WHEREAS, the cost for the plan checking and surveying services will be reimbursed by the developer, and

WHEREAS, the vender list will be current for three (3) years with options to extend the list for an additional year for two (2) additional years, and

WHEREAS, with current City reduced staffing and increased work load, the City needs additional assistance to meet the requested plan check time frames, and

WHEREAS, in August of 2012 the City of Modesto authorized the Purchasing Manager to issue a formal Request For Proposals to create a vender list for plan checking and survey services, and

WHEREAS, twenty four (24) engineering and surveying firms throughout Stanislaus County were contacted by the City to submit proposals to be on the venders list, and

WHEREAS, a qualified committee of City employees and a private architect reviewed the proposals and selected the top four (4) consultant firms, and

WHEREAS, City staff recommends approving the prequalified vendor list, and

WHEREAS, the city will assign projects to firms from the vendor list as projects are submitted, and as determined by the City to be the best firm to work on the submitted project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified vendor list of consultants plan checking and surveying services for three years, with the option of extending the vendor list each year for a total of two more years at the sole discretion of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-148

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO REIMBURSE MODESTO IRRIGATION DISTRICT $61,928.92 PER THE AGREEMENT RELATED TO THE RELOCATION OF ELECTRIC UTILITY POLES FOR ADDITIONAL EXPENSES WHICH OCCURRED AT THE SOUTHEAST CORNER OF DALE ROAD AND SNYDER AVENUE AND THE NORTHWEST CORNER OF OAKDALE ROAD AND SYLVAN AVENUE REQUIRED FOR THE CONGESTION MITIGATION AIR QUALITY (CMAQ) MANAGEMENT CML 5059 (149) - RIGHT TURN LANES (4) INTERSECTIONS PROJECT

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) – Right Turn Lanes (4) Intersections Project involves the expansion of Oakdale Road and Sylvan Avenue intersection to include a southbound right turn lane and the expansion of Dale Road and Snyder Avenue intersection to include a northbound right turn lane and,

WHEREAS, 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, on March 25th, 2010, Caltrans approved a Categorical Exemption/Categorical Exclusion Document and,

WHEREAS, the project is consistent and is in conformance to the General Plan Master E.I.R. and required no additional California Environmental Quality Act clearance and,

WHEREAS, the City of Modesto required Modesto Irrigation District to relocate its facilities prior to the construction of the street improvements and,

WHEREAS, on September 28, 2010 City Council approved an Agreement Related to the Relocation of Electric Utility Poles with Modesto Irrigation District for the relocation of Modesto Irrigation District facilities at an estimated cost of $186, 260 and,

WHEREAS, on July 26, 2011 City of Modesto received Modesto Irrigation District invoice # 94772 in the amount of $12,256.06 for relocation of its facilities located at the Dale Road/Snyder Avenue intersection and,

WHEREAS, on April 11, 2012 City of Modesto received Modesto Irrigation District Invoice # 100215 in the amount of $235,932.86 for relocation of its facilities located at the Oakdale Road/Sylvan Avenue intersection 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 reimbursement Modesto Irrigation District $61,928.92 per the Agreement Related to the Relocation of Electric Utility Poles for additional expenses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-149

A RESOLUTION ACCEPTING THE HIGHWAY SAFETY IMPROVEMENT PROGRAM CYCLE 5 GRANT IN THE AMOUNT OF $553,500 FOR THE INSTALLATION OF EMERGENCY VEHICLE PRE-EMPTION TRAFFIC SIGNAL EQUIPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS

WHEREAS, the City currently maintains 173 signalized intersections within the City limits, and

WHEREAS, one hundred and twenty-seven of these intersections are equipped with Emergency Vehicle Detection (EVD) systems, and

WHEREAS, this project will install Emergency Vehicle Detection systems at intersections that currently do not have EVD systems and will upgrade phase detectors at 46 signalized intersections with existing EVD systems, and

WHEREAS, if funding allows, staff will pursue installing EVD systems at Caltrans facilities on McHenry Avenue (SR-108) and Yosemite Boulevard (SR-132), and

WHEREAS, this item was approved by the Safety & Communities Committee at their March 4, 2013, meeting.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Highway Safety Improvement Program Cycle 5 grant in the amount of $553,500 for the installation of Emergency Vehicle Pre-emption traffic signal equipment.

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 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-150

RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE FURNISHING OF STREET OUTREACH SERVICES/CEASEFIRE INTAKE COORDINATOR FOR THE MODESTO POLICE DEPARTMENT TO YOUTH FOR CHRIST CENTRAL VALLEY, MODESTO, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED COST OF $50,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of Street Outreach Services/Ceasefire Intake Coordinator services, and

WHEREAS, the Purchasing Division issued RFP No. 1213-15 Street Outreach / Ceasefire Intake Coordinator services to ten (10) prospective proposers, nine (9) of which were local organizations, posted the RFP on the City's website and formally advertised as required by law, and

WHEREAS, proposals were formally opened in the City Clerk's Office. One organization chose to respond, which was locally based, and

WHEREAS, an evaluation committee comprised of four (4) City staff members evaluated the proposal, and

WHEREAS, based on providing a responsive and responsible proposal, the evaluation committee recommends award of proposal for the furnishing of Street Outreach/Ceasefire Intake Coordinator services for the Modesto Police Department to Youth for Christ Central Valley, 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 proposal for the furnishing of Street Outreach/Ceasefire

Intake Coordinator services for the Modesto Police Department to Youth for Christ Central Valley, Modesto, CA, and

WHEREAS, funds are budgeted in Fiscal Year 2012-13 for the furnishing of Street Outreach/Ceasefire Intake Coordinator in Grant Reimbursement Appropriation Unit: 100710.

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 Street Outreach/Ceasefire Intake Coordinator services for the Modesto Police Department to Youth for Christ Central Valley, Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated cost of $50,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-151

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 ANNUAL OPERATING BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2012-2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 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 take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

COMMUNITY AND ECONOMIC DELVELOPMENT

A budget adjustment is necessary to recognize unbudgeted Federal Funds received in the Street Capital Facilities Fees Fund (Fund 3410) from Caltrans in the amount of $547,114 and adjust the expenditure type budgets to Project 100031, Right Turn Lane – EB Briggsmore to SB McHenry, to revise estimates submitted and approved by Caltrans.

A budget adjustment is necessary for Project 100633 (Right Turn Lane – Prescott/Plaza) to reallocate funding due to an increase of $106,130 in MID utility relocation costs. The increase in MID utility relocation costs are not eligible for CMAQ funds. However, the balance of the project is 100% funded through CMAQ monies. The money originally programed for match monies is being reallocated to the Utility and EIR budget to cover the cost of the increase in MID utility relocation costs. Federal dollars have not been approved by Cal-Trans at this time for the Construction phase of the project, so this budget is being reduced.

FINANCE

During a routine Finance Department review prior to closing project 100510-Celeste/Rose/Scenic Sewer Improvements, a member of the Finance staff discovered an error requiring this technical budget adjustment. A journal voucher in the amount of $596,991.71 was incorrectly posted in our financial system and resulted in the appearance of project savings of the same amount of $596,661.71. Because staff thought there was project savings, a budget adjustment was approved and entered into the financial system reducing the CIP project budget by $600,000. The current situation is that we now have a project that shows more was spent on the project than was budgeted/appropriated. Finance staff is therefore requesting that the budget for this project be increased by $596,992. The original journal voucher error has been corrected and this budget adjustment will result in a budget that will cover the project expenditures. It is important to note that this budget adjustment will have no effect on the Wastewater Fund reserves or cash position because the expenditures for this project have already been paid. This is merely a technical budget adjustment to correct the data in the City's financial system.

HUMAN RESOURCES (Workers' Compensation Fund)

A budget adjustment is necessary to rescind the FY 11-12 Workers' Compensation rate holiday for the Non-General Fund accounts for a total amount of $290,395. Each Fund listed below will make a FY 12-13 transfer to the Workers' Compensation Fund using FY 12-13 savings from labor concessions. The FY 11-12 Workers' Compensation rate holiday for the General Fund accounts was rescinded by Council resolution on September 25, 2012.

FUND	FUND NAME	AMOUNT
1300	Capital Improvement Support	$15,936
1700	Surface Transportation	$18,013
1130	CDBG	$4,085
1170	HOME	$432
3220	Infrastructure Financing Program Admin	$1,233

4000	Parking	$1,969
4100	Water	$67,811
4210	Wastewater	$73,311
4480	Storm Drain	$18,294
4890	Solid Waste	$16,751
4310	Airport	$2,024
4540	Transit	$8,844
4700	Centre Plaza	$4,285
5110	Central Stores/Inventory	$1,078
5120	Mail Services	$404
5230	Information Technology	$15,052
5400	Fleet Management	$10,073
5310	Risk Management Admin	$1,411
5520	Employee Benefits Admin	$637
5800	Building Services	$28,752

An adjustment is necessary to amend the FY 12-13 operating budgets for General Fund and Non-General Fund departments to accurately reflect the recent labor concession savings as approved by the City Council (Resolutions 2012-526 through 2012-527; 2012-369 through 2012-373; 2012-291 through 2012-292; 2012-432 through 2012-433; and 2012-168). The adjustment will reflect the savings achieved through labor negotiations with the following union groups: Modesto Police Officers Association (MPOA), Unrepresented Non-Sworn (Unrep), Modesto Confidential and Management Association (MCMA), Modesto City Employees' Association (MCEA), and the Modesto Police Management Association (MPMA). The breakdown of savings/(expense) related to the different portions of the new agreements can be seen below with amounts for General Fund and Non-General Funds:

Union Group	Description of Concession	General Fund	Non-GF	Total
MPOA	Employees pick up 5% more of PERS costs starting 12-18-12	$ 440,000	$ 42,400	$ 482,400
MPOA	3% raise moved to 3-12-13	$ (187,000)	$ (18,020)	$ (205,020)
MPOA	Restore step increases on 3-12-13 instead of 6-30-13	$ (44,283)	$ (4,382)	$ (48,665)
	Total Savings/(Expense)	**$ 208,717**	**$ 19,998**	**$ 228,715**

Union Group	Description of Concession	General Fund	Non-GF	Total
Unrep	Employees pick up 3.3% more of PERS costs starting 7-17-12	$ 77,434	$ 51,435	$ 128,869
Unrep	40 hours of furloughs in FY 2012-13	$ 46,214	$ 27,018	$ 73,232
	Total Savings/(Expense)	**$ 123,648**	**$ 78,453**	**$ 202,101**

Union Group	Description of Concession	General Fund	Non-GF	Total
MCMA	Employees pick up 3.3% more of PERS costs starting 7-17-12	$ 242,654	$ 412,706	$ 655,360
MCMA	40 hours of furloughs in FY 2012-13	$ 139,710	$ 230,785	$ 370,495
	Total Savings/(Expense)	**$ 382,364**	**$ 643,491**	**$ 1,025,855**

Union Group	Description of Concession	General Fund	Non-GF	Total
MCEA	Employees pick up additional 6.6% of PERS costs starting 10-23-12	$ 170,425	$ 775,089	$ 945,514
MCEA	1.5% raise effective 2-12-13	$ (30,673)	$ (139,487)	$ (170,160)
	Total Savings/(Expense)	**$ 139,752**	**$ 635,602**	**$ 775,354**

Union Group	Description of Concession	General Fund	Non-GF	Total
MPMA	2% salary increase effective 7-31-12	$ (78,252)	$ (5,021)	$ (83,273)
MPMA	Health Increase effective 2-28-12	$ (45,061)	$ (2,891)	$ (47,952)
	Total Savings/(Expense)	**$ (123,313)**	**$ (7,912)**	**$ (131,225)**
	Overall Concession Savings/(Expense)	**$ 731,168**	**$ 1,369,632**	**$ 2,100,800**

*Please note that a separate item with MPMA savings will be going to Council on February 26, 2013

MODESTO POLICE DEPARTMENT

A budget adjustment is necessary to reduce the Fiscal Year 2012-13 transfer from the General Fund (0100) to the ARRA Public Safety Fund (1345) by $930,000, and increase the Salaries and Benefits budgets in Cost Center 19380 (ARRA COPS CHRP) in the General Fund by the same amount. This adjustment is necessary as positions which are no longer funded by the grant have been moved from the Grant Fund (1345) to the General Fund (0100).

PARKS, RECREATION AND NEIGHBORHOODS

A budget adjustment is necessary to establish a Fiscal Year 2012-13 transfer in the amount of $80,265 from the Waste-to-Energy Fund (4895) to the Compost Fund (4890-37020) to account for reduction in AB939 revenues generated in Fiscal Year 2011-12.

A budget adjustment is necessary to establish a Fiscal Year 2012-13 transfer in the amount of $209,082 from the Waste-to-Energy Fund (4895) to the Compost Fund (4890-37020) to reimburse the compost fund for FY12-13 administrative personnel and office costs to support and oversee the Waste-to-Energy program. In prior years, a transfer was not needed as the reimbursement was disbursed by the fiduciary and received by the City of Modesto as revenue.

PUBLIC WORKS

Per the Federal Aviation Administration (FAA) Grant agreement an adjustment is necessary to reduce the revenue budgeted in Fund 4320, Special Aviation Fund, to $93,592, and increases the Passenger Facility Charge revenue to $15,000. Additionally, based on bids received, the Environmental Studies Project #100432 expense budget is being reduced to $200,612.

An adjustment is necessary to correct a transfer that was made from Fund 4330, County Aircraft Tax Fund, to Fund 4320, Special Aviation Fund in the amount of $8,582, and establish a transfer from Fund 4310, Airport Operations, to Environmental Studies Project #100432 in the amount of $92,020.

An adjustment is necessary to correct a transfer in the amount of $229,933 of Local Transportation Funds (LTF) for Project #100015, Sylvan/Coffee to Oakdale Pavement. When received, Local Transportation Funds are deposited in Fund 1510, LTF Streets and Roads Fund, and in turn then transferred to Fund 1720, Prop 42 Fund, where they are held until an approved project is identified, at which time funds are transferred to the project. This budget adjustment corrects the original transfers and budgets, as well as establishes a correct transfer and budget from Fund 1510, LTF Streets and Roads Fund, to Fund 1720, Prop 42 Fund, and then to the project Fund 1700, Surface Transportation Fund.

Water Division crews have been working in East Modesto and are approximately 4 months ahead of the projected meter installation schedule. This is due to the postponement of meter installations in Waterford and a portion of installation in East Modesto. To avoid duplication of effort, crews will move on to the next planned area of installation in North Modesto, Project 100573. Because installations in North Modesto were not planned until July 2013, funds need to be added to this project in the current fiscal year. A budget adjustment is necessary to transfer funds in the amount of $750,000 from Capital Improvement Project 100574 (East Modesto Meter Installation) to Capital Improvement Project 100573 (North Modesto Meter Installation).

A budget adjustment is necessary to reduce the budgeted transfer from Fund 1710 (Prop 1B Streets Fund) to Fund 1700 (Surface Transportation Fund) by $408,262. The reduction is necessary due to a transfer that was completed at the end of FY12, after the FY13 budget was adopted. This amount is inclusive of the balance of Prop 1B funds, with interest, that is required to be spent by June 30, 2013.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-152

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 ANNUAL OPERATING BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2012-2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 annual operating budget as shown in **Exhibit B**, 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 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Revenue

Account Number	Account Name	Department	Current Budget	Adjustment	Revised Budget
01[illegible] 90001-41201	Sales and Use Taxes	General	$ 18,742,536	$ 544,195	$ 19,286,731
01 [illegible]0001-41203	Utility Users Tax	General	$ 18,900,000	$ 100,000	$ 19,000,000
01 [illegible]0001-41204	Transient Occupancy Tax	General	$ 1,500,000	$ 100,000	$ 1,600,000
0100-90001-41301	Franchise Tax - Cable TV	General	$ 1,400,000	$ 150,000	$ 1,550,000
0100-90001-41402	Business License Tax - Mill Tax	General	$ 8,528,612	$ 109,000	$ 8,637,612

Expense

Account Number	Account Name	Department	Current Budget	Adjustment	Revised Budget
0100-12110-53300	Professional Services	Accounting	$ 231,834	$ 36,234	$ 268,068

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-153

A RESOLUTION ACCEPTING THE INFORMATIONAL MID-YEAR BUDGET REPORT FOR FISCAL YEAR 2012-13 FOR THE CITY OF MODESTO GENERAL FUND, GOLF FUND, AND CENTRE PLAZA FUND

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, Golf Fund, and Centre Plaza Fund at mid-year of Fiscal Year 2012-13, and

WHEREAS, the Mid-Year Budget Report contains the following documents which are **attached** hereto and referenced as "**Exhibit A**" the Mid-Year Budget Report, and

WHEREAS, the informational Mid-Year Budget Report contains recommended mid-year adjustments to the General Fund operating budget for Fiscal Year 2012-13 **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 Budget Report for the City of Modesto's General Fund, Golf Fund, and Centre Plaza Fund for Fiscal Year 2012-13.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Staff has completed a mid-year review of the FY 2012/13 operating revenue and expense budgets. This report summarizes the activities of the City's General Fund, Golf Fund and Modesto Centre Plaza Fund. It is intended to provide the Finance Committee and the public with a general overview of the fiscal conditions at mid-year, December 31, 2012.

General Fund

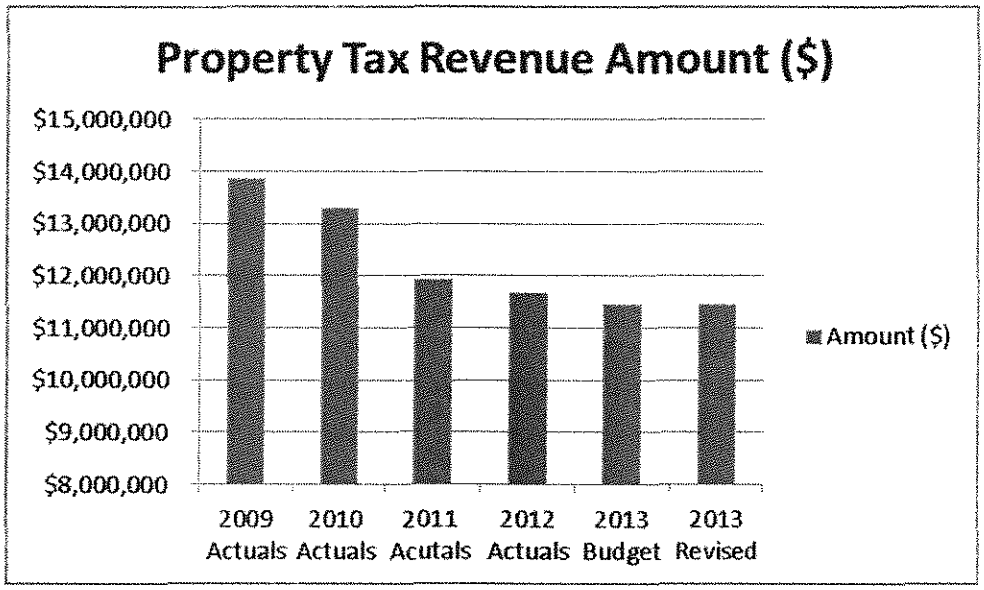
General Fund Revenues:

General Fund revenues are classified into three categories: major, construction and other. At mid-year, the total operating revenue budget for FY 2012/13 is $101.3 million.

Major Revenues: Major revenues represent 82.1% of the total General Fund revenue budget at $83.1 million and are detailed below.

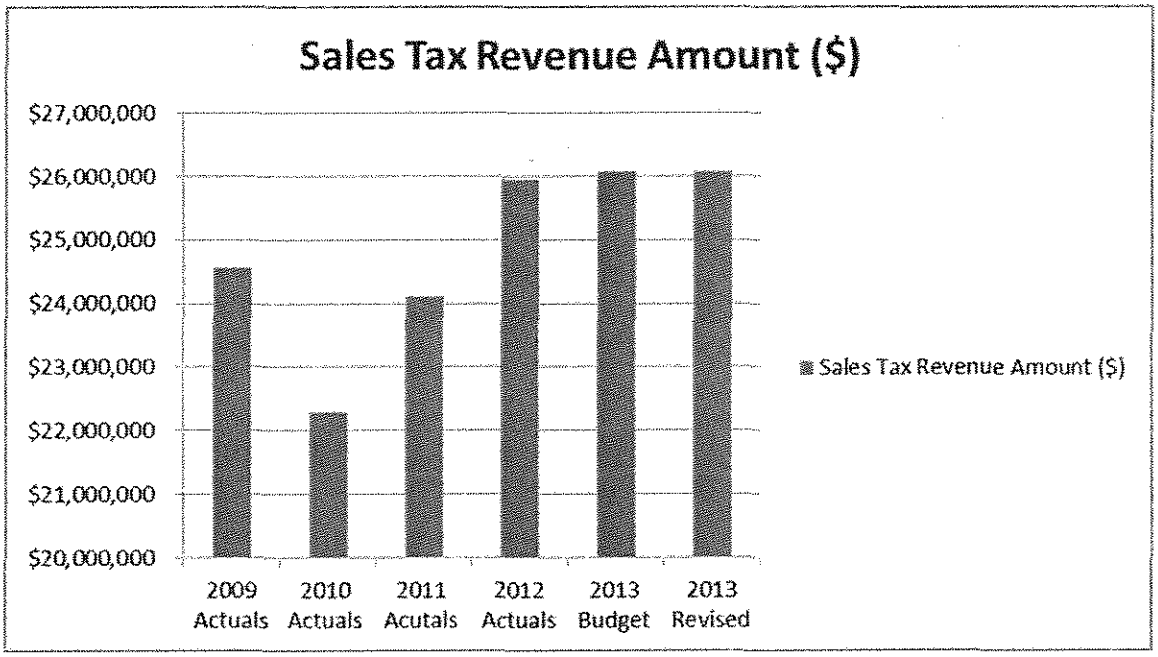
Property Tax: The first installments of secured and unsecured property tax revenue, which is the largest portions of property tax revenue, were received in December 2012. Factoring those receipts into the mid-year analysis, property tax revenues received are slightly down from the prior fiscal year. This is consistent with information that has been provided by the County Assessor's Office. The property tax revenue projections for Fiscal Year (FY) 2012/13 reflect the information provided by the County Assessor's Office which indicated that regular assessment roll would likely decline by 1.45%.

Staff is not recommending any adjustment of the Property Tax revenues that are currently budgeted at $11.4 million for FY 2012/13.



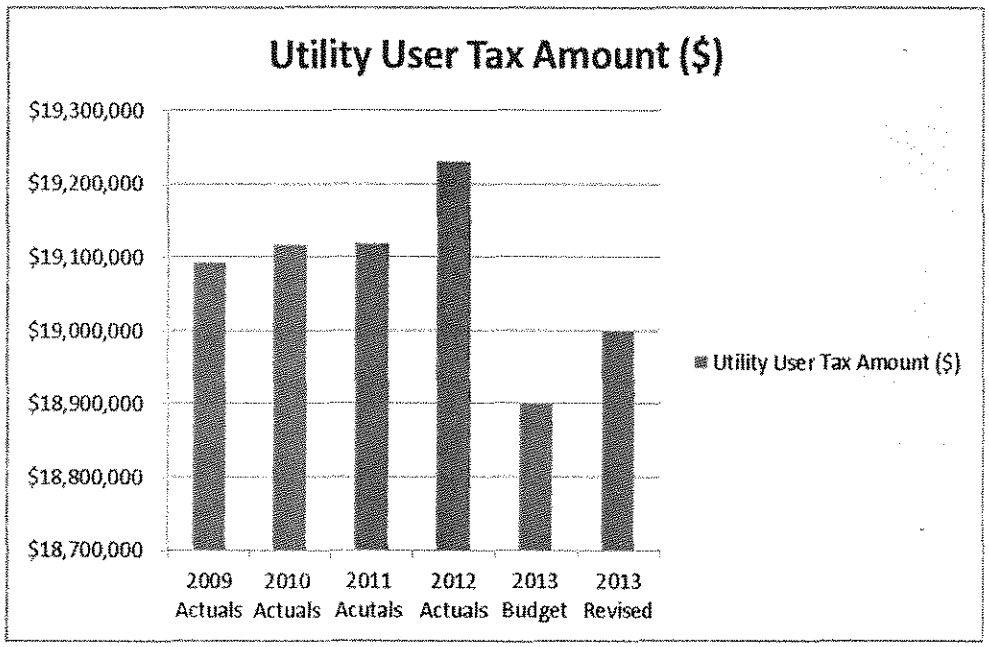
Sales and Use Tax: The December 2012 payment has not been received at the time this report was completed. Factoring the estimated receipt into the mid-year analysis for FY 2012/13, sales tax revenue is trending higher than FY 2011/12 actuals and FY 2012/13 projections partially due to higher, sustained fuel prices as well as an increase in consumer confidence and spending overall throughout California as the economy slowly crawls its way out of the recent recession. While sales tax revenues are beginning to show signs of improvement, the growth will be modest over the next five years. Estimates for growth within the City of Modesto show a slow growth of about $1 million dollars per year through Fiscal Year 2017/18.

Staff is recommending an increase of $544,195 to the existing budget of $26.1 million for FY 2012/13 sales tax revenue. This will represent an increase in sales tax revenue of $670,000 from FY 2011/12 actuals.



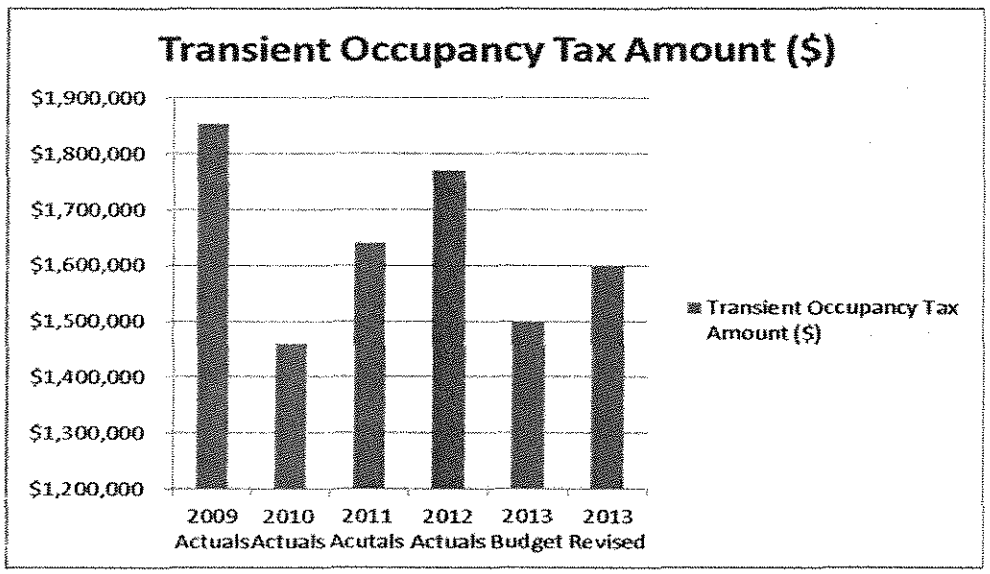
Utility User Tax: At mid-year, utility user tax revenue is trending slightly above FY 2011/12. However, because MID and PG&E are the largest remitters of this type of revenue, the impact of fluctuating temperatures during the winter months remains to be seen. Staff will continue to monitor this revenue and may recommend an adjustment after the 3rd quarter of FY 2012/13. The actuals for Users Utility Tax has consistently come in over $19 million for the past four fiscal years.

Staff is recommending an increase of $100,000 to the existing budget of $18.9 million for FY 2012/13 utility user tax revenue.



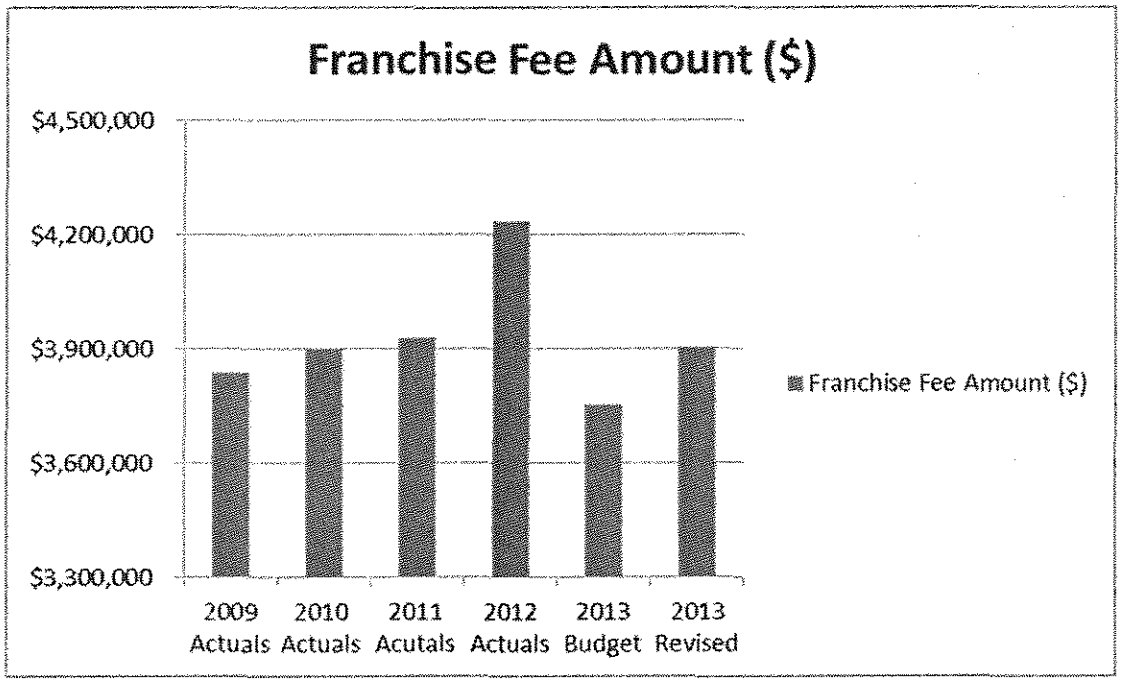
Transient Occupancy Tax – At mid-year, transient occupancy tax revenue is trending up very slightly when compared to prior year and the current projections for FY 2012/13. However, this is partially due to increased collection of past due amounts from prior years. In FY 2011/12, transient occupancy tax actuals came in at $1.7 million.

Staff is recommending an increase to transient occupancy tax revenue of $100,000 to the existing budget of $1.5 million for FY 2012/13 at this time.



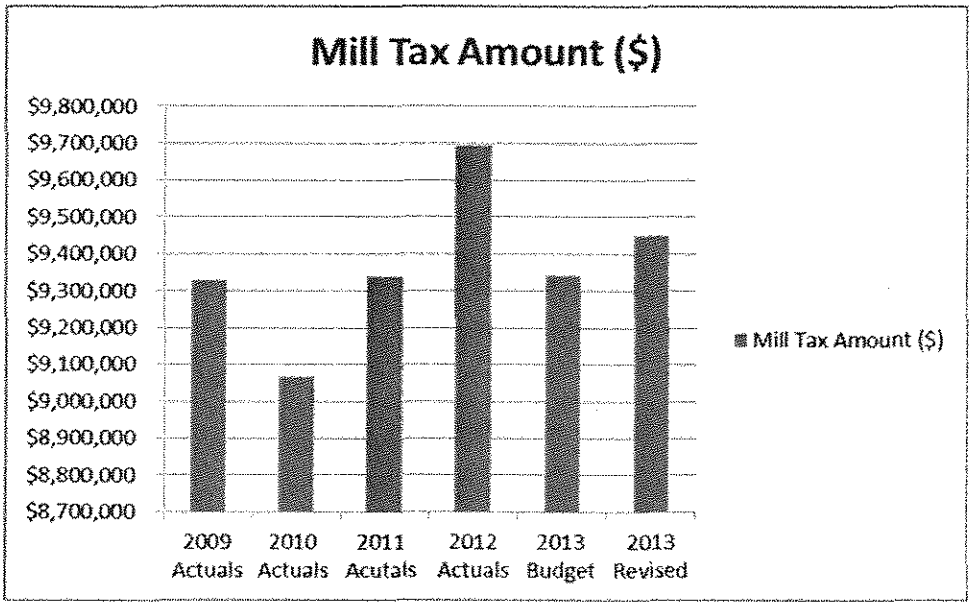
Franchise Fees – At mid-year, franchise fee revenue is trending slightly below prior year and in line with current projections for FY 2012/13. The slightly lower trending was caused by a payment not being received for December 2012 for the franchise tax for Cable TV. At the time of this report being completed the payment for December 2012 had still not been received. Once the payment for this month is received it will correct the slightly lower trend in comparison to FY 2011/12

Staff is recommending an increase of $150,000 to the budgeted amount of $3.7 million in Franchise Fees revenue for FY 2012/13 at this time.



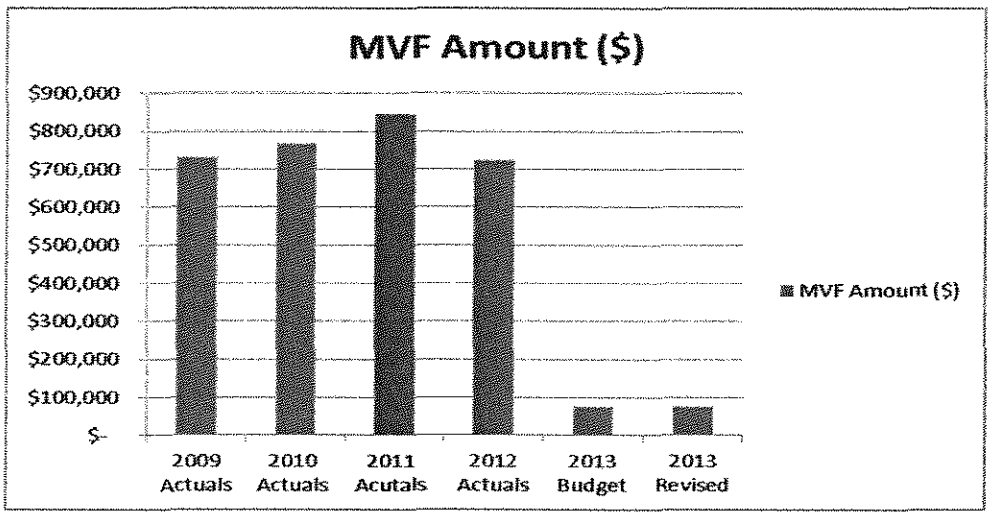
Business License/Mill Tax – At mid-year, business license/mill tax revenue is trending slightly down from prior year. As of December 2012, revenues were also slightly behind budgeted amounts in FY2012/13 but this was caused by not yet receiving the large mil tax payment that the City will typically receive in late January early February. Continued enforcement and collection efforts contribute to the stability of this revenue and it is anticipated that revenues will approximate what was received in actuals for FY 2011/12.

Staff is recommending an increase of $109,000 to the existing budget of $9.3 million for FY 2012/13 business license/mill tax revenue.



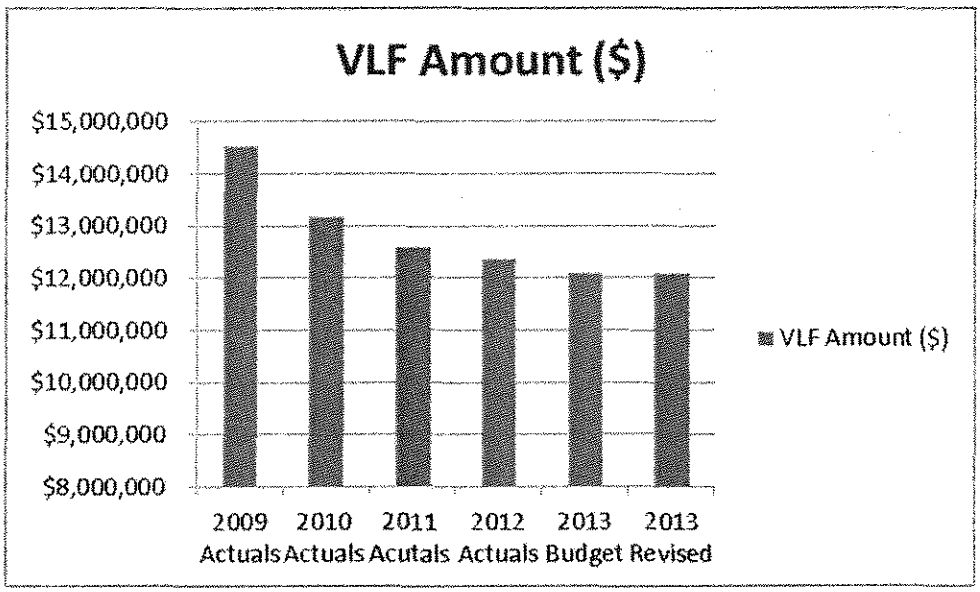
Motor Vehicle License Fee: At mid-year, motor vehicle license fee revenue is trending up from current projections for FY 2021/13. It is important to note that the City had been notified in FY 2011/12 that it should no longer expect motor vehicle license fee revenue in FY 2012/13 or the subsequent years, unless there is a change in the law at the State level. However, in FY 2012/13, the State has disbursed $153,000 to the City of Modesto. This disbursement has more than covered what was budgeted in FY 2012/13 but there is no recommendation to increase the budget for this fee revenue as it is unclear what the State may provide in future disbursements.

Staff is not recommending a change to the existing budget of $75 thousand for FY 2012/13 vehicle license fee revenue at this time.



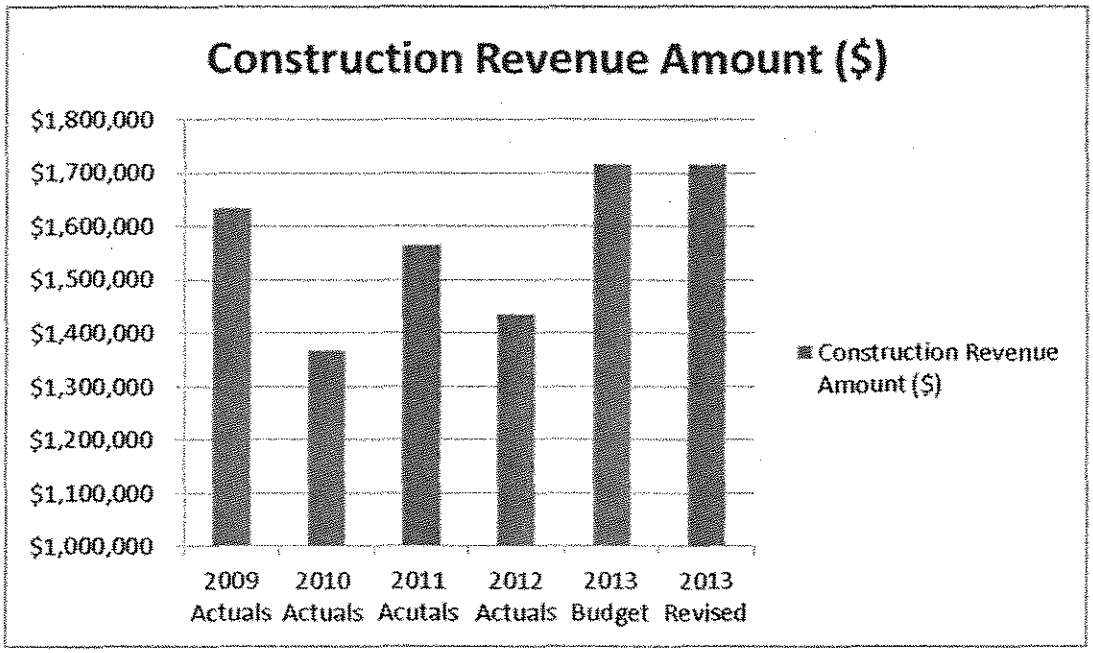
VLF Swap Adjustment: The first installment for this revenue has not yet been received through the time this report was prepared. The VLF swap adjustment revenue, which is tied to property tax revenue, for Fiscal Year 2012/13 was developed with information from Stanislaus County which indicated that property valuations would likely decline by 1.45%. The budget for FY 2012/13 had been reduced to incorporate this decline and still accurately reflects anticipated revenues.

Staff is not recommending a change to the existing budget of $12 million for the FY 2012/13 VLF Swap Adjustment revenue at this time.



Construction Revenue: Construction revenues include all revenues for the Building Safety and Planning cost centers in the Community & Economic Development (CED) Department and represent 1.7% or $1.7 million of the total revenue budget for the General Fund. At mid-year, construction revenues are trending down from prior year and current year projections for FY 2012/13, having only received $700,171 through December 2012.

Staff is not recommending an adjustment to construction revenues at this time. Based on prior year trends, CED Department staff reports that construction revenues tend to show improved performance in the second half of the fiscal year.



Other Revenue: Other revenue includes any revenue source that is not included in the major or construction revenue categories and represents 16.2% or $16.4 million of the total 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 service credit revenue, school officer reimbursement (Police), youth services program fees (Parks, Recreation & Neighborhoods) and general City fines (General).

City Council – Staff is not recommending a change to the existing budget of $0 for FY 2012/13 City Council revenue.

City Manager – Staff is not recommending a change to the existing budget of $28,741 for FY 2012/13 City Manager revenue.

Human Resources – Staff is not recommending a change to the existing budget of $197,779 for FY 2012/13 Human Resources revenue.

City Attorney – Staff is not recommending a change to the existing budget of $937,358 for FY 2012/13 City Attorney revenue.

City Clerk – Staff is not recommending a change to the existing budget of $500 for FY 2012/13 City Clerk revenue.

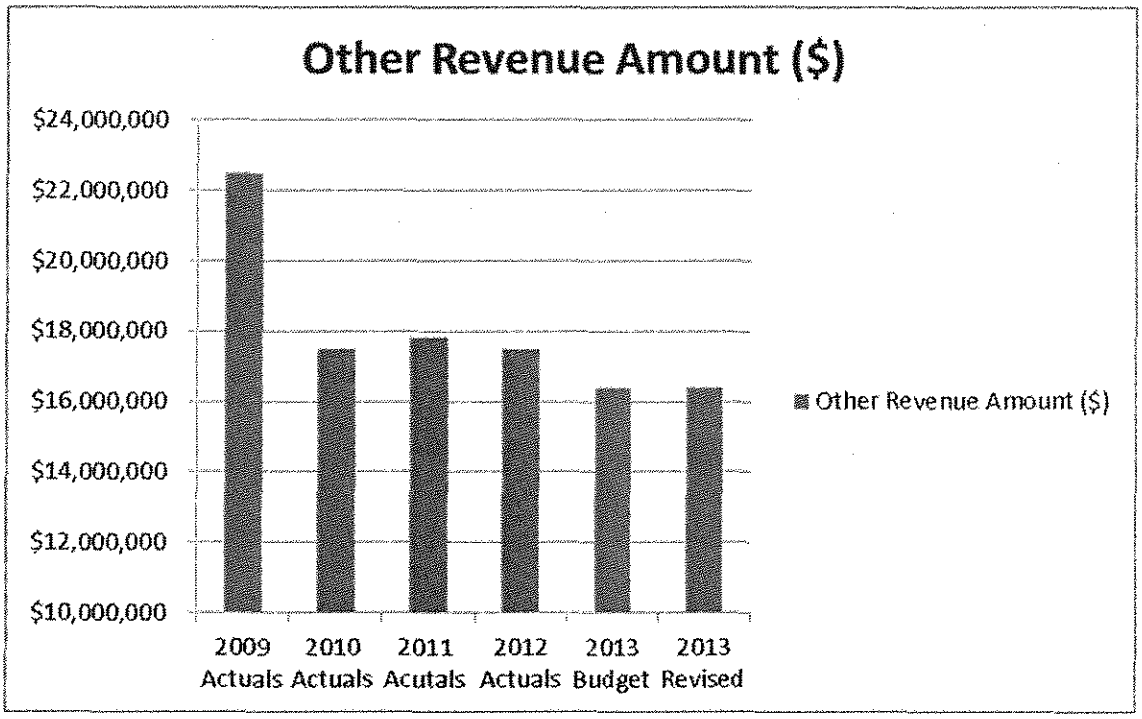
Finance – Staff is not recommending a change to the existing budget of $1.6 million for FY 2012/13 Finance revenue.

Community & Economic Development (CED) – Staff is not recommending a change to the existing budget of $1.1 million for FY 2012/13 CED revenue.

Police – Staff is not recommending a change to the existing budget of $2.9 million for FY 2012/13 Police revenue.

Parks, Recreation & Neighborhoods (PR&N) – Staff is not recommending a change to the existing budget of $4.2 million for FY 2012/13 PR&N revenue.

General – Staff is not recommending a change to the existing budget of $5.2 million for FY 2012/13 General revenue.



General Fund Expenses:

Expenditures contained in the General Fund account for services provided to the citizens of Modesto including General Administration (City Council, City Manager, Human Resources, City Attorney, City Clerk, City Auditor and Finance), Public Safety (Police and Fire) and Community Services (Community & Economic Development and Parks, Recreation and Neighborhoods).

Total General Fund expenditures through December 31, 2012 were $47.9 million representing 46.3% of the total expenditure budget of $102,889,367.

It is important to note that expenditures within the General Fund are not as cyclical or flexible as revenues. They typically maintain a closer percentage tie to the budget on a straight-line calculation. Additionally, the expenditure levels can be more dependent on operational factors than on economic factors. The following chart summarizes the individual departments contained in the General Fund and the expenditure levels at December 31, 2012 for FY 2012/13.

Exhibit A

Department Expense	FY 12 Actual	FY 13 Budget	FY 13 Actuals as of December 31, 2012	FY 13 Available Budget
City Council:				
Salary & Benefit Expense	$ 265,866	$ 290,282	$ 139,810	$ 150,472
ISF Charges	$ 56,676	$ 54,799	$ 27,400	$ 27,399
Discretionary Expense	$ 31,103	$ 35,753	$ 9,719	$ 26,034
City Council Total	**$ 353,645**	**$ 380,834**	**$ 176,929**	**$ 203,905**
City Manager:				
Salary & Benefit Expense	$ 723,360	$ 750,217	$ 361,820	$ 388,397
ISF Charges	$ 79,878	$ 73,707	$ 36,853	$ 36,854
Discretionary Expense	$ 757,297	$ 678,757	$ 382,897	$ 295,860
City Manager Total	**$ 1,560,535**	**$ 1,502,681**	**$ 781,570**	**$ 721,111**
Human Resources:				
Salary & Benefit Expense	$ 851,806	$ 1,124,799	$ 449,509	$ 675,290
ISF Charges	$ 119,111	$ 108,789	$ 54,394	$ 54,395
Discretionary Expense	$ 70,133	$ 54,130	$ 30,951	$ 23,179
Human Resources Total	**$ 1,041,050**	**$ 1,287,718**	**$ 534,854**	**$ 752,864**
City Attorney:				
Salary & Benefit Expense	$ 1,514,753	$ 1,633,484	$ 767,361	$ 866,123
ISF Charges	$ 151,924	$ 172,365	$ 86,182	$ 86,183
Discretionary Expense	$ 427,546	$ 583,642	$ 139,828	$ 443,814
City Attorney Total	**$ 2,094,223**	**$ 2,389,491**	**$ 993,371**	**$ 1,396,120**
City Clerk:				
Salary & Benefit Expense	$ 289,624	$ 300,502	$ 145,351	$ 155,151
ISF Charges	$ 27,872	$ 27,242	$ 13,621	$ 13,621
Discretionary Expense	$ 322,673	$ 54,888	$ 6,137	$ 48,751
City Clerk Total	**$ 640,169**	**$ 382,632**	**$ 165,109**	**$ 217,523**
City Auditor:				
Salary & Benefit Expense	$ 4,370	$ 4,063	$ 2,031	$ 2,032
ISF Charges	$ 13,123	$ 9,880	$ 4,940	$ 4,940
Discretionary Expense	$ 146,954	$ 150,000	$ 55,402	$ 94,598
City Auditor Total	**$ 164,447**	**$ 163,943**	**$ 62,373**	**$ 101,570**
Finance:				
Salary & Benefit Expense	$ 3,301,275	$ 3,372,756	$ 1,573,765	$ 1,798,991
Intrafund Labor	$ (174,562)	$ (157,148)	$ (71,441)	$ (85,707)
ISF Charges	$ 620,885	$ 522,707	$ 261,354	$ 261,353
Discretionary Expense	$ 1,007,751	$ 1,192,644	$ 425,201	$ 767,443
Finance Total	**$ 4,755,349**	**$ 4,930,959**	**$ 2,188,879**	**$ 2,742,080**
Community & Economic Development (C&ED):				
Salary & Benefit Expense	$ 4,328,734	$ 4,686,295	$ 2,165,500	$ 2,520,795
Intrafund Labor	$ (330)	$ (161,416)	$ (80,708)	$ (80,708)
ISF Charges	$ 639,252	$ 659,696	$ 329,848	$ 329,848
Discretionary Expense	$ 371,328	$ 658,236	$ 293,730	$ 364,506
C&ED Total	**$ 5,338,984**	**$ 5,842,811**	**$ 2,708,370**	**$ 3,134,441**
Fire:				
Salary & Benefit Expense	$ -	$ -	$ -	$ -
ISF Charges	$ -	$ -	$ -	$ -
Discretionary Expense	$ 23,358,566	$ 24,469,284	$ 12,231,073	$ 12,238,211
Fire Total	**$ 23,358,566**	**$ 24,469,284**	**$ 12,231,073**	**$ 12,238,211**
Police:				
Salary & Benefit Expense	$ 35,165,348	$ 36,228,206	$ 17,560,584	$ 18,667,622
Intrafund Labor	$ (216,712)	$ -	$ (213,106)	$ 213,106
ISF Charges	$ 1,987,751	$ 2,112,416	$ 1,056,208	$ 1,056,208
Discretionary Expense	$ 8,525,519	$ 9,244,975	$ 3,870,019	$ 5,374,956
Police Total	**$ 45,461,906**	**$ 47,585,597**	**$ 22,273,705**	**$ 25,311,892**

Department Expense	FY 12 Actual	FY 13 Budget	FY 13 Actuals as of December 31, 2012	FY 13 Available Budget
Parks, Recreation & Neighborhoods (PR&N):				
Salary & Benefit Expense	$ 5,663,015	$ 6,125,966	$ 2,946,813	$ 3,179,153
Intrafund Labor	$ (291,514)	$ (296,179)	$ (169,534)	$ (126,645)
ISF Charges	$ 991,705	$ 987,751	$ 493,876	$ 493,875
Discretionary Expense	$ 4,967,404	$ 6,092,228	$ 2,084,442	$ 4,007,786
PR&N Total	**$ 11,330,610**	**$ 12,909,766**	**$ 5,355,597**	**$ 7,554,169**
Public Works:				
Salary & Benefit Expense	$ 15,284	$ -	$ -	$ -
ISF Charges	$ -	$ -	$ -	$ -
Discretionary Expense	$ 2,594	$ -	$ -	$ -
Public Works Total	**$ 17,878**	**$ -**	**$ -**	**$ -**
General:				
Salary & Benefit Expense	$ -	$ -	$ -	$ -
ISF Charges	$ -	$ -	$ -	$ -
Discretionary Expense	$ 906,427	$ 1,043,651	$ 118,243	$ 925,408
General Total	**$ 906,427**	**$ 1,043,651**	**$ 118,243**	**$ 925,408**
General Fund Total	**$ 97,023,790**	**$ 102,889,367**	**$ 47,590,074**	**$ 55,299,294**

Expenditure Notes:

Finance – In January of this fiscal year there was a correction made to the W-2 forms that was implemented by Accounting Division. There was an additional costs associated with this correction that will be budgeted through the use of increased Sales Tax revenue projections in the amount of $36,234.

Staff is recommending a budget adjustment that will increase the Accounting Division's Professional Services account to pay for these increased expenses in the amount of $36,234 in FY 2012/13.

General – Year to date discretionary expenditures are at 11% of the fiscal year budget at mid-year. Expenses for property tax collection will not be paid to the County until June, 2013.

Potential expenditure savings for each department in FY 2012/13 will be identified in the second half of the fiscal year.

Golf Fund

Golf Fund Revenues:

Golf Fund revenues include green fees (including First Tee and NCGA) for the Muni, Dryden and Creekside golf courses, as well as annual memberships. Revenues had been declining in the Golf Fund through the end of FY 2011/12. Revenues for FY 2012/13 have been trending down through December, 2012; $891,065 in FY 2011/12 and $804,906 in FY 2012/13, a decrease of $86,159 or 9.7% over the prior year.

Staff is not recommending a change to the existing budget of $1.83 million for FY 2012/13 Golf Fund revenue. . Revisions to the revenue budget are being developed.

Golf Fund Expenses:

Expenditures contained in the Golf Fund account for the contract with Valleycrest Golf Course Maintenance and Creekside debt service (the two largest expense components) as well as utilities and other miscellaneous costs.

Total Golf Fund expenditures through December 31, 2012 were $1,207,120 representing 53% of the total FY 2012/13 expenditure budget of $2.3 million.

Golf Fund Information:

Rounds for all three courses through December 2012 are down over the same period in the prior year; 57,240 in FY 2011/12 and 50,803 in FY 2012/13, a decrease 6,437 rounds or 11.2%.

The Golf Fund has needed a subsidy from the General Fund for operations totaling $947,992 over the last five completed fiscal years. The budgeted subsidy from the General Fund to the Golf Fund for FY 2012/13 is $268,174.

Parks, Recreation and Neighborhood (PR&N) staff are working to address the ongoing issues with the Golf Fund in FY 2012/13 and as a part of developing the FY 2013/14 budget.

Modesto Centre Plaza Fund

Modesto Centre Plaza Fund Revenues:

Modesto Centre Plaza Fund revenues include room rental, equipment rental and commissions. Revenues have been declining in the Modesto Centre Plaza Fund through the end of FY 2012/13. Revenues for FY 2012/13 continue to trend down through December, 2012; $340,965 in FY 2011/12 and $311,927 in FY 2012/13, a decrease of $29,038 or 8.52% under the prior year).

Staff is not recommending a change to the existing budget of $0.8 million for FY 2012/13 Modesto Centre Plaza revenue at this time. Revisions to the revenue budget are being developed.

Modesto Centre Plaza Expenses:

Expenditures contained in the Modesto Centre Plaza Fund account for the salary and benefit expense for 7.25 full-time equivalent (FTE) positions, utility expense, repair and maintenance expense as well as utilities and other miscellaneous costs.

Total Modesto Centre Plaza Fund expenditures through December 31, 2012 were $672,950 representing 47% of the total FY 2012/13 expenditure budget of $1.4 million.

Modesto Centre Plaza Information:

The Modesto Centre Plaza Fund has needed a subsidy from the General Fund for operations, averaging $573,000 over the last five completed fiscal years. The budgeted subsidy from the General Fund to the Modesto Centre Plaza Fund for FY 2012/13 is $430,000.

Parks, Recreation and Neighborhood (PR&N) staff are working to address the ongoing issues with the Modesto Centre Plaza Fund in FY 2012/13 and as a part of developing the FY 2013/14 budget. There is currently a reorganization being worked on. This strategy may include elements such as eliminating positions and recruiting for a new Centre Plaza Manager position in an effort to reduce the Modesto Centre Plaza General Fund subsidy.

Revenue

Account Number	Account Name	Department	Current Budget	Adjustment	Revised Budget
0100-90001-41201	Sales and Use Taxes	General	$ 18,742,536	$ 544,195	$ 19,286,731
0100-90001-41203	Utility Users Tax	General	$ 18,900,000	$ 100,000	$ 19,000,000
0100-90001-41204	Transient Occupancy Tax	General	$ 1,500,000	$ 100,000	$ 1,600,000
0100-90001-41301	Franchise Tax - Cable TV	General	$ 1,400,000	$ 150,000	$ 1,550,000
0100-90001-41402	Business License Tax - Mill Tax	General	$ 8,528,612	$ 109,000	$ 8,637,612

Expense

Account Number	Account Name	Department	Current Budget	Adjustment	Revised Budget
0100-12110-53300	Professional Services	Accounting	$ 231,834	$ 36,234	$ 268,068

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-154

RESOLUTION ACCEPTING A BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT IN THE AMOUNT OF $884,936, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATING TO THIS GRANT AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO AMEND THE FY2012-2013 CAPITAL IMPROVEMENT PROGRAM PROJECT VIRGINIA CORRIDOR PHASE VI (100308) BUDGET IN ORDER TO FULLY FUND THE PROJECT

WHEREAS, the City of Modesto received a grant from the Bicycle Transportation Account in the amount of $884,936 for construction of the Virginia Corridor Phase VI project, and

WHEREAS, Virginia Corridor Phase VI will construct an additional .75 mile of paved bicycle and pedestrian trail, and

WHEREAS, the City is being allocated $2,031,831 in FY2012-2013 Congestion Mitigation and Air Quality funds for construction of the Virginia Corridor Phase VI project, and

WHEREAS, the grant from the Bicycle Transportation Account will be utilized to fully fund the construction of the Virginia Corridor Phase VI project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves accepting the funds from the Bicycle Transportation Account and authorizes the City Manager, or his designee, to execute all documents relating to this grant.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to amend the FY2012-2013 Capital Improvement Program budget in order to fully fund the Virginia Corridor Phase VI project and 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 April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-155

RESOLUTION ACCEPTING THE WORK BY BC CONSTRUCTION FOR THE SENIOR CENTER ADA UPGRADES PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED BOND, AND AUTHORIZING FINAL PAYMENT IN ACCORDANCE WITH THE CONTRACT

WHEREAS, a report has been filed by the Director, Parks, Recreation and Neighborhoods that the work performed at the Senior Citizens Center has been completed by BC Construction in accordance with the contract agreement dated June 5, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Senior Center ADA Upgrades Project is hereby accepted as complete from said contractor BC Construction, and the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond, and that final payment is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-156

RESOLUTION ACCEPTING THE WORK BY PANTANO EXCAVATING, INC. DBA PANTANO DEMOLITION FOR THE WATER TOWER REMOVAL PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED BOND

WHEREAS, a Notice of Completion report has been filed with the Stanislaus County Recorder by the architect as directed by the Director, Parks, Recreation and Neighborhoods in accordance with the contract agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Water Tower Removal Project is hereby accepted as complete from said contractor Pantano Excavating, Inc. dba Pantano Demolition, and the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-157

RESOLUTION ACCEPTING THE WORK BY JHK CONSTRUCTION, INC. ESCALON FOR THE SENIOR CITIZENS CENTER ENERGY EFFICIENCY PROJECT – HVAC/ROOF REPLACEMENT PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED BOND

WHEREAS, a Notice of Completion report has been filed with the Stanislaus County Recorder by the architect as directed by the Director, Parks, Recreation and Neighborhoods in accordance with the contract agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Senior Citizens Center Energy Efficiency Project – HAVC/Roof Replacement Project is hereby accepted as complete from said contractors JHK Construction, Inc. Escalon and the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-158

RESOLUTION ACCEPTING THE WORK BY BARHAM, INC. DBA BC CONSTRUCTION, OF CERES FOR THE SENIOR CITIZENS CENTER ENERGY EFFICIENCY PROJECT – HVAC/ROOF REPLACEMENT PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED BOND

WHEREAS, a Notice of Completion report has been filed with the Stanislaus County Recorder by the architect as directed by the Director, Parks, Recreation and Neighborhoods in accordance with the contract agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Senior Citizens Center Energy Efficiency Project – HAVC/Roof Replacement Project is hereby accepted as complete from said contractor Barham, Inc. DBA BC Construction, Ceres, and the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO
RESOLUTION NO. 2013-159

A RESOLUTION APPROVING A LOAN REASSIGNMENT FOR THE PROPERTY LOCATED AT 1305 N. ROSEMORE AVENUE, FROM SAMANTHA BERRYHILL TO CECILIA GONZALEZ AND JERRY ANDERSON WHO ARE QUALIFIED TO PARTICIPATE IN THE PROGRAM, AND REQUIRED THAT THE NEW LOAN IS RECORDED IN FIRST POSITION, AS IT WAS PREVIOUSLY RECORDED, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN REASSIGNMENT DOCUMENTS ON BEHALF OF THE CITY OF MODESTO AS THE HOUSING SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO

WHEREAS, In 1996, the Redevelopment Agency of the City of Modesto (RDA) loaned Habitat for Humanity, Stanislaus (Habitat) $103,000 to assist Habitat with the acquisition and development of real property which is comprised of six (6) vacant parcels, including the 1305 N. Rosemore property, and

WHEREAS, in 1997, the RDA loaned Habitat $27,000 to assist in the acquisition and development of the same six (6) vacant parcels of real property, and

WHEREAS, the total amount of the two loans is $130,000, and

WHEREAS, Habitat agreed to use the RDA loans to acquire and construct on each of the six (6) parcels an affordable single-family home for low income and very low income families participating in Habitat's "Sweat Equity Program", and

WHEREAS, under the loan agreement, Habitat promised to divide the total loan funds into six (6) equal amounts and to allocate one-sixth (1/6) of the loan funds to each of the six (6) parcels on which a single family sweat equity unit would be constructed, and transfer one-sixth (1/6) of the RDA loans through a loan assumption to qualified homebuyers, and

WHEREAS, on April 23, 2003, Habitat and the homebuyers Jason Berryhill and Samantha Berryhill entered into an agreement for the sale and purchase of 1305 N. Rosemore Avenue, and

WHEREAS, as a condition of the sale, Mr. and Mrs. Berryhill agreed to assume one-sixth (1/6) of the RDA loans ($21,666.67) and executed a Promissory Note, a Deed of Trust, an Assumption Agreement and Affordable Housing Covenant, which was recorded on July 31, 2003, and

WHEREAS, On November 30, 2012, a document was recorded as instrument No. 2012-0107351, transferring the 1305 N. Rosemore property from Jason Berryhill and Samantha Berryhill who acquired title as husband and wife as joint tenants to Samantha Berryhill, and

WHEREAS, on February 22, 2013, City staff received a letter from Habitat requesting the City of Modesto's approval to reassign the RDA loan from Ms. Berryhill to the new homebuyer, and

WHEREAS, Ms. Berryhill notified Habitat that her needs have changed since acquiring the property and is ready to downsize, and

WHEREAS, Habitat has another family in the Habitat's "Sweat Equity Program" who has been qualified and approved by Habitat and is in need of a four (4) bedroom home, and

WHEREAS, in 2010, Habitat's Board of Directors amended their policy to allow qualified Habitat homeowners to transfer their home equity to larger or smaller housing units to meet changing household need, and

WHEREAS, all program participants were notified of this change and Ms. Berryhill would like to take advantage of this option, and

WHEREAS, the new homebuyers, Cecilia Gonzalez and Jerry Anderson, are qualified to purchase the property located at 1305 N. Rosemore Avenue, and

WHEREAS, on April 4, 2013 the Oversight Board of the City of Modesto Redevelopment Successor Agency reviewed this item and requested it be forwarded to the Citizen's Housing and Community Development Committee (CH&CDC) for review, and

WHEREAS, upon Council approval of the loan reassignment, staff will work with the City Attorney's Office to draft loan documents for the new homebuyer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that that the loan reassignment for the property located at 1305 N. Rosemore Avenue, from Samantha Berryhill to Cecilia Gonzalez and Jerry Anderson, who are qualified to participate in the program is hereby accepted, and that the City Manager, or his designee, is authorized to sign loan reassignment documents on behalf of the City of Modesto as the Housing Successor Agency to the Redevelopment Agency of the City of Modesto.

THEREFORE, BE IT FURTHER RESOLVED by the Council of the City of Modesto that the new loan is recorded in first position as it is currently recorded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-160

RESOLUTION AUTHORIZING THE ELIMINATION OF THE FIVE PERCENT (5%) RETENTION OF CONTRACTOR PAYMENTS IN CAPITAL IMPROVEMENT PROGRAM PROJECT TUOLUMNE RIVER REGIONAL PARK GATEWAY PHASE 1.3 TRAILS (100709)

WHEREAS, on December 11, 2012, by Resolution No. 2012-517, Council awarded the construction contract for TRRP Gateway Phase 1.3 Trails to Harris Builders, Inc. of Hilmar, CA, and

WHEREAS, Partial funding for this project is by a grant from the Habitat Conservation Fund in the amount of $200,000, and

WHEREAS, the performance period for this grant ends on June 30, 2013 and the project will be completed before that deadline, and

WHEREAS, with the current five percent (5%) retention policy in place it is possible that not all expenses will have been paid before the end of the grant performance period, and

WHEREAS, eliminating the requirement to retain five percent (5%) of the contractor payments and making this a zero percent (0%) retention project decreases that possibility, and

WHEREAS, eliminating the five percent (5%) retention allows for the City to pay 100% of the contractor's invoice for work completed, which is consistent with the invoice payment policy used in Federally-funded projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the elimination of the five percent (5%) retention of contractor

payments in the Tuolumne River Regional Park Gateway Phase 1.3 Trails project (100709) making it a zero percent (0%) retention Capital Improvement 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 April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-161

A RESOLUTION ACCEPTING THE ANTI-DRUG ABUSE (ADA) ENFORCEMENT PROGRAM GRANT FROM THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC), IN THE AMOUNT OF $251,372, FOR THE STANISLAUS DRUG ENFORCEMENT AGENCY (SDEA), TO COMBAT MAJOR DRUG TRAFFICKING AND MANUFACTURING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, the Modesto Police Department applied for funding from the Board of State and Community Corrections (BSCC) for the Stanislaus Anti-Drug Abuse (ADA) Enforcement Program, and

WHEREAS, this program is funded by the Edward Byrne Memorial Justice Assistance Grant (JAG), and

WHEREAS, the Stanislaus Anti-Drug Abuse Enforcement Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, the funding will allow the task force to work on special operations, service of warrants, arrests and seizure of drugs and assets, conduct probation searches, prosecute and convict arrestees, and major methamphetamine manufacturers and distributors, and

WHEREAS, the SDEA is responsible for compliance with all regulations pertaining to the ADA Enforcement Program grant, including all reporting requirements, and

WHEREAS, the City of Modesto is responsible for the financial reporting requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Anti-Drug Abuse (ADA) Enforcement Program Grant from the Board of State and Community Corrections (BSCC), in the amount of $251,372, for the Stanislaus Drug Enforcement Agency (SDEA), to combat major drug trafficking and manufacturing.

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 regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-162

A RESOLUTION AMENDING THE SDEA FISCAL YEAR 2012/2013 MULTI-YEAR AND OPERATING BUDGETS TO APPROPRIATE REVENUES AND EXPENDITURES OF $251,372 FROM THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC) FOR THE STANISLAUS DRUG ENFORCEMENT AGENCY (SDEA) TO COMBAT MAJOR DRUG TRAFFICKING AND MANUFACTURING; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Modesto Police Department desires to participate in the Anti-Drug Abuse Enforcement Team Grant Program supported by the Edward Byrne Memorial Justice Assistance Grant Program funds and administered by the Board of State and Community Corrections (hereafter referred to as the BSCC), and

WHEREAS, the Stanislaus Anti-Drug Abuse Enforcement Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, the SDEA has been a recipient of this grant for the past 21 years, and

WHEREAS, the grant is used to pay for personnel and training within the countywide Joint Powers Agreement unit, and

WHEREAS, federal grant funds received hereunder shall not be used to supplant expenditures, and

WHEREAS, partnering entities agree to abide by the statues and regulations governing the federal Justice Assistance Grant Program as well as the terms and conditions of the Grant Agreement as set forth by the BSCC,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2012/2013 Multi-Year and Operating Budgets are hereby amended as indicated in **attached Exhibit A**, which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, 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 April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Attachment A: Budget Adjustment for Multi-Year 12/13 BSCC ADA Grant

	Current Budget	Increase/ (Decrease)	Revised Budget	
Revenues				
TO:				
13-6600-80240-42090	$290,009	($ 38,637)	$251,372	Intergov-Federal-Misc.
Expenses				
FROM:				
13-6600-80240-51001	$194,977	($38,637)	$156,340	Salaries & Wages – Regular
TO:				
13-6600-80210-53503	$141,348	$38,637	$179,985	Intergov. Services - Local

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-163

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ROGER ALAN MCELROY FOR THE PROPERTY LOCATED AT 1124 F STREET, MODESTO, CALIFORNIA, FOR THE POLICE DEPARTMENT'S EVIDENCE AND PROPERTY BUILDING, FOR THE AMOUNT OF $3,300 PER MONTH; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO LEASE AGREEMENT

WHEREAS, the City of Modesto leases the property at 1124 F Street, Modesto for the Police Department's Property and Evidence Building, and

WHEREAS, the new lease is a five-year term, commencing upon Council approval, and

WHEREAS, the lease payments will increase from $2,500 per month to $3,300 per month, and

WHEREAS, the landlord has agreed to install and pay for a fire suppression system to the facility, and

WHEREAS, the cost of the project is approximately $48,000, and

WHEREAS, the Police Department wishes to continue this lease agreement and Police staff considers this reasonable and critically important for the protection of our evidence and property, and

WHEREAS, the landlord will pay all property taxes and general assessments levied and assessed against the premises during the term of the lease, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Lease Agreement between the City of Modesto and Roger Alan McElroy for the property located at 1124 F Street, Modesto, California, for the Police Department's Evidence and Property Building, for the amount of $3,300 per month.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-164

RESOLUTION APPROVING THE CITY OF MODESTO TRANSIT SERVICES TITLE VI PROGRAM

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 the benefits of the transit system are not denied to anyone on the basis of race, color or national origin pursuant to the requirements of Title VI of the Civil Rights Act of 1964, as amended, and

WHEREAS, rules established by the Federal Transit Administration (FTA) to implement the Act require the City to have a program in place to ensure compliance with the Act and,

WHEREAS, **Attached** hereto as **Exhibit A** is a Title VI Program prepared by City staff in compliance with the regulations set by the Federal Transit Administration (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 Title VI Program **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 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

City of Modesto Transit

Title VI Program

April 1, 2013

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Title VI Program

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.

On October 1, 2012, the Federal Transit Administration (FTA) released Circular 4702.1B to comply with the newly revised Department of Transportation (DOT) regulations issued to implement the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and Executive Order 13166. The City of Modesto Transit Services' Title VI Program has been updated to reflect the requirements of the new circular. As part of the program implementation, Modesto Transit is also required to submit a Title VI compliance report to the FTA Region 9 office every three years. This plan and report highlight Modesto Transit's efforts to support and comply with all aspects of Title VI.

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 program web site and at the Modesto Transit office. It is also provided to staff, citizens, consultants, and contracted transit providers. Notice of non-discrimination policy (**Appendix A**) is posted at the Modesto Area Express (MAX) office, at the Transit office, on the website, in the MAX Ride Guide, and in the Modesto Area Dial-A-Ride (MADAR) Consumer Guide. It is also included in all contracts, Memorandums of Understanding, public meetings, and bid advertisements.

COMPLAINTS

Modesto Transit has a formal 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 legal or administrative actions 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 Stanislaus Council of Governments' (StanCOG) 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. There were no major events during the preceding reporting period since Modesto Transit did not make any fare changes or major route changes.

Despite the lack of major changes, 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. At these public outreach activities 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 locations that are accessible as required by the Americans with Disabilities Act (ADA) and have ready access to public transit services (fixed-route and paratransit).

Information on public outreach meetings is widely disseminated and coordinated to ensure that the public is aware that they can participate in these activities through the use of readily available transit services and that the meetings are ADA accessible.
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.

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 D**). 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 revealed a need to provide language assistance in 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 at key transit sites and prominently displayed in all buses in both English and Spanish.

Both MAX and MADAR operations have special customer services staff members who are bi-lingual 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 bi-lingual supervisors and customer service representatives to assist Spanish speaking riders.

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 conduct MAX pass purchases 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 is the City of Ripon. During this reporting period, 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 E**). As a result of this agreement, the City of Ripon was able to perform the first step toward starting transit service by completing their first Short Range Transit Plan in January of 2011. Modesto Transit staff also coordinated with the City of Ripon to obtain Congestion Mitigation Air Quality (CMAQ) funding through San Joaquin Council of Governments (Ripon's Metropolitan Planning Organization) and the Stanislaus Council of Governments (Modesto's MPO) to purchase a bus in late 2012. In addition, an Amendment has been approved to the 2013 Federal Transportation Improvement Program (FTIP) for City of Ripon to purchase a second bus.

No public transit services were provided by City of Ripon during this reporting period. The process for monitoring City of Ripon as a subrecipient to enable Modesto Transit to meet its general reporting requirements has been achieved through the MOU and submission of annual certifications and assurances. The most recent letter requesting City of Ripon's annual certifications is included in **Appendix E**.

CONSTRUCTED FACILITIES

During the preceding reporting period Modesto Transit has constructed one facility. The new Bus Maintenance Facility was completed in July of 2012. The prior facility had been built as a creamery in 1917 and was later converted to a maintenance garage. That facility had only three small bays which required some larger buses to be maintained outside.

Planning and accumulation of grant funds began in 1996, which predates current requirements for a Title VI equity analysis. However, the basic principles were observed using the appropriate tools of the time within the 1999 Environmental Assessment report and the Finding of No Significant Impact (FONSI) received in 2000. The FONSI is included in **Appendix F**.

The environmental analysis performed in the planning process established that land acquisition would require relocation of four commercial tenants located on the two parcels needed. No further disruption of the neighborhood or commercial boundaries within the project vicinity would be caused by the project. The project was consistent with City of Modesto's general plan and zoning and was adjacent to existing City of Modesto facilities. The area was already dominated by vehicle maintenance and storage uses and built on an existing asphalt area so the project design would not conflict with any visual character near the site.

In addition, the Environmental Justice portion of the full environmental assessment concluded that the Bus Maintenance Facility would not displace or disrupt the cohesion or economic vitality of a minority or low income community. The attached FONSI was based, in part, upon this conclusion.

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 (50) 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 Title 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 thirty (30) minutes during the entire service day. Routes that average fewer than twenty-five (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 of Modesto'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 ninety (90) percent of all residents live within one-quarter 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 senior citizens 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 Oficinia de Transito, Title VI Coordinator, 1010 10th Street, Suite #4500, Modesto, CA 95354.

Su nombre:	Teléfono:
Dirección:	Segundo Teléfono :
	Ciudad, estado, y Código Postal :
Persona(s) que sufrieron discriminación (si es otra que el firmante): Nombre(s):	
Dirección, Ciudad, estado, y Codigo 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)

☐ Sí ☐ No

Si la respuesta es afirmativa, por favor, a continuación enumere la agencia or agencias y la información de contacto:

Agencia:_____ Nombre de contacto:_____
Dirección, Ciudad, estado, y Código Postal: Teléfono:

_____

Agencia:_____ Nombre de contacto:_____
Dirección, 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:_____

APPENDIX C

Public Participation Plan

Stanislaus Council of Governments' Public Participation Plan

September 2011

StanCOG

Stanislaus Council Of Governments

2011/12 Public Participation Plan

Planning for Tomorrow's Transportation Needs Today

Public Participation Plan

September 2011

Stanislaus Council of Governments
1111 I Street, Suite 308
Modesto, California 95954
209/525.4600
www.stancog.org

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ACKNOWLEDGMENTS

STANISLAUS COUNCIL OF GOVERNMENTS
POLICY BOARD

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VICE CHAIR
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Administrative Technician
Debbie Trujillo

Administrative Clerk III
Carla Alviso

"Never doubt that a small group of thoughtful, concerned citizens can change the world. Indeed, it is the only thing that ever has."

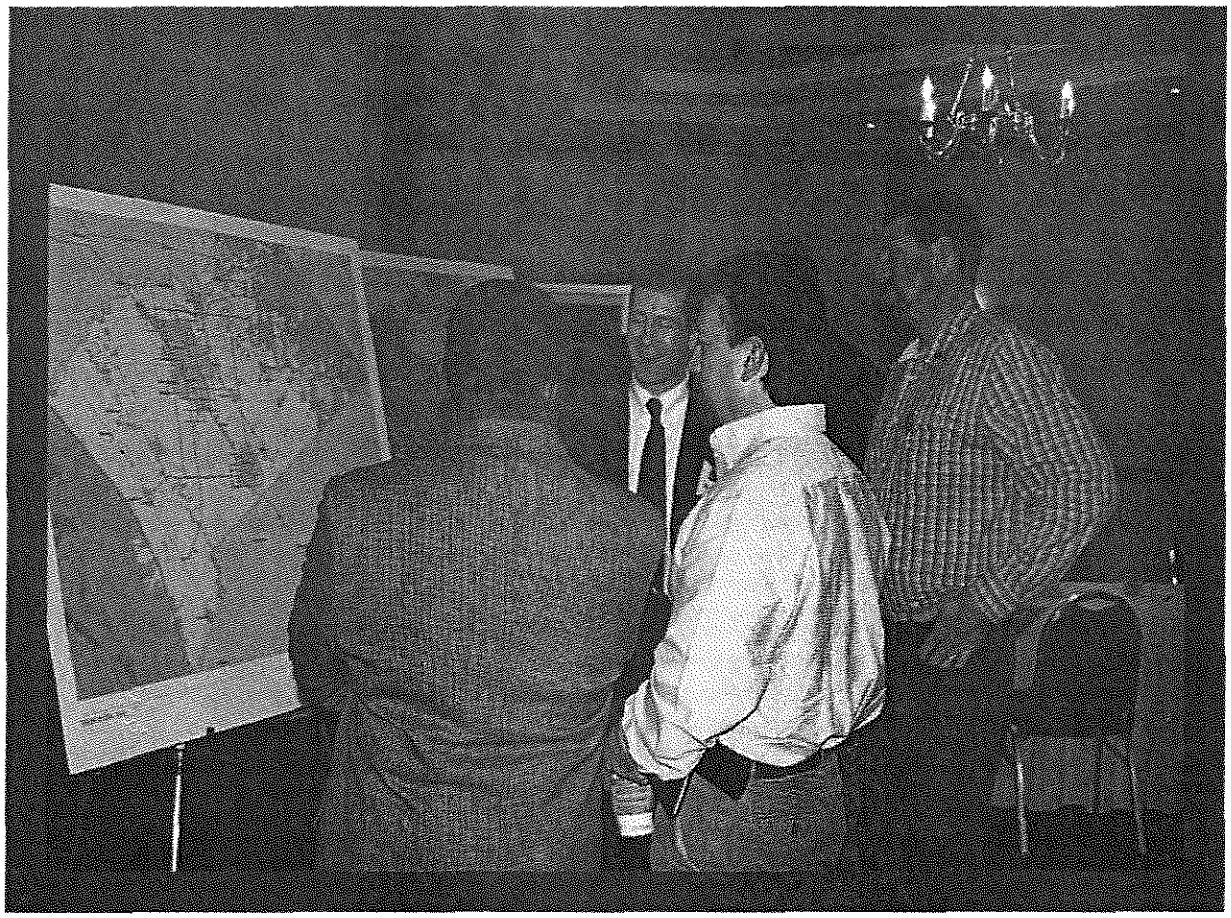
- *Margaret Mead*

1 INTRODUCTION

'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, [regional] 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*



Background

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.
1978	**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.

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 decision-making, 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) and Senate Bill 375 (SB 375), which are further discussed in Chapter 2.

Introduction

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 transportation law is clear that the public is to have access to, and participate in, the development of the long-range transportation plans (RTP) and capital programs (FTIP/STIP), as well as the development of other planning studies. SAFETEA-LU requires the MPOs to develop a participation plan [this Plan] that spells out the methods by which the MPO will provide reasonable opportunities for the public to comment on the two core planning documents and all other efforts.

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 to demystify 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. But, it is incumbent on the public to provide feedback on what kind of information is most helpful and the types of analysis that would provide a better indication of impacts that a project will have on issues or areas of concern to the public. 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.

During the planning process, there are 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. The earlier the public is involved and the better the information, the more likely it is that there will be successful outcomes.

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 in-depth 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).

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 a 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; and describes how to get involved.

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; and recommends improvements to the system.

5| **Appendix** provides detailed information on items referred to in the PPP.

2 PLANNING PROCESS

'Transportation planning in California is a long process that involves many different organizations, documents and procedures. There is no simple way to describe the whole process. Planning is as complex as the transportation system itself. Still there are some basic rules and procedures that govern the process. When you know how transportation planning works, you'll know how to get involved.'

- *Caltrans, Community Primer on Environmental Justice and Transportation Planning, April 2010*

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 (RTP) 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 (RTP), the Transportation Improvement Program (TIP) 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, 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. The TIP is a specific funding document, consisting of the first four years of the projects outlined in

the RTP. These projects are the more immediate, higher priority projects. The TIP 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 to it 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.

Technical Advisory Committee (TAC)

The first committee in the structure is the Technical Advisory Committee (TAC). The TAC is comprised of one technical-level staff member from each jurisdiction, plus one member from each transit operator within the County.

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.

Citizens' Advisory Committee (CAC)

The CAC, unlike the TAC and MFC, which are made up of professional local government employees, 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.

Sustainable Communities Strategy (SCS) Steering Committee, Social Services Transportation Advisory Council (SSTAC), and Bicycle/Pedestrian Advisory Committee (BPAC)

In addition, StanCOG has three standing committees, which are not directly related to providing recommendations to the Policy Board; the Sustainable Communities Strategy (SCS) Steering Committee Social Services Transportation Advisory Council (SSTAC) and the Bicycle/Pedestrian Advisory Committee (BPAC).

SCS 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 (RTP) to integrate with land uses, of which the local agencies still maintain control and authority. Therefore it is imperative to team up with the local agencies to determine how to best approach SB 375. StanCOG has created a standing committee which is open to the public to address this requirement. The Committee includes a representative from the 10 local agencies, a representative from the SSTAC, BPAC (below) and CAC, a member of the Policy Board and the Stanislaus Local Agency Formation Commission (LAFCo).

The SCS meets on the first Tuesday of each month at 10:00 am at the StanCOG offices.

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, handicapped, 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, such as street and road claims.

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. However, 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.

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 recently 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 in the region. This body will continue to review and assist in the development of the StanCOG NMTP.

The BPAC meets on the first Tuesday of every other month (starting in January) at 5:30 pm at the StanCOG offices.

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. 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.

The term ad-hoc refers to a temporary committee. Several of these committees have been formed and since been disbanded; for example, the Congestion Management Process committee, and the RTP Planning committee. Others are still in formation including the Planning and Programming Working Group (PPWG), which provides a venue to forecast and discuss issues in the pipeline to prepare for upcoming events.

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. The MAC meets every other month.

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

A recent state law, 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 will integrate transportation planning with land use planning to outline goals and a strategy for reducing greenhouse gas (GHG) emissions. SB 375 creates major changes to not only the way MPOs plan, but how they coordinate with local agencies and how they reach out to the public. The SCS Steering Committee, is in the process of further expanding the list of interested parties and is adding additional outreach and consultation provisions to ensure broad stakeholder participation in the development of this first SCS.

According to SB 375, 'each Metropolitan Planning Organization shall adopt a public participation plan for development of the sustainable communities strategy'. StanCOG, in conjunction with the SCS Steering Committee, will undertake the development of a Public Participation Plan (PPP) for the SCS process. The intent of the SCS PPP is to establish a process and outline specific activities for communicating with the public throughout the SCS development. The StanCOG SCS PPP will be rooted in the principles that are included in this document, the federally required agency-wide PPP. The overall concept of the 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 (RTP) and Transportation Improvement Program (TIP). Because these two documents are part of our five core functions, the Federal government requires that these documents are 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 Surface Transportation Authority Bill. The latest bill is called SAFETEA-LU, Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users. SAFETEA-LU was preceded by the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. This legislation set the stage for a new era in transportation planning. The law aimed to advance needed reforms, including the strengthening of planning requirements, flexibility in use of transportation funds, meaningful public participation, greater attention to safety and system preservation, higher transit investment, and control of a larger portion of funding for transportation. SAFETEA-LU has built on this foundation and made further improvements.

StanCOG is specifically required to consult with agencies and officials for other planning activities within the region that are affected by the RTP and TIP, including land management agencies, natural resource agencies, environmental protection agencies, and conservation and historic preservation agencies—referred to as Resource Agencies; in addition to local governments, organizations and the public—referred to as Stakeholders. 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 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.

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3 GOALS and PROCEDURES

'People should have the opportunity to participate in decisions that may affect their environment or health. For the full participation of all communities, decision-makers must actively try to involve the people affected by their decisions. The public's contribution must have a real influence on the decisions of government agencies.

Thus, to achieve true [public input], it is not enough that decision-makers simply be open to input from communities. Decision-makers must actively engage communities to obtain their input.'

- *Caltrans, Community Primer on Environmental Justice and Transportation Planning, April 2010*

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, FTIP, SCS 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 under represented 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 in 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 a interpreter for anyone wishing to address the Board (given 72 hour notice)*
- *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 make understandable to non-transportation planning professionals*
- *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 Sustainable Communities Strategies Steering Committee*
- *Continue to add 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 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 make understandable to non-transportation planning professionals*
- *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 demystify the 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; the Citizens' Advisory Committee (CAC) is held on first Wednesday at 6:00 pm; and the Management and Finance Committee (MFC) is held on the first Thursday at 3:30 pm. All meetings are held at the StanCOG offices, located at 1111 I Street, Suite 308 in downtown Modesto, California.

The agendas for the CAC and MFC are posted outside the StanCOG offices at least 72 hours before the first 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,* 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 committee 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 Regional Transportation Plan (RTP), 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.

During the early stages of the 2011 RTP development process, StanCOG held five public workshops throughout the County (in four cities) to gather public input into the planning process; this ensured that comments were used to produce the plan, not simply as input on a draft plan. StanCOG staff also provided updates to groups and organizations upon request.

FEDERAL AND STATE OUTREACH REQUIREMENTS

Safe, Accountable, Flexible and Efficient Transportation Equity Act – A Legacy of Users (SAFETEA-LU)

SAFETEA-LU is the 2005 Federal Transportation Authorization Bill, which outlines how federal transportation dollars are distributed and outlines the required planning process. SAFETEA-LU continues the strong federal emphasis on public participation from the 1991 ISTEA and 1998 TEA-21 Transportation Authorization Bills, requiring that the public participation plans of MPOs 'shall be developed in consultation with all interested parties and shall provide that all interested parties have reasonable opportunity to comment on the contents of the transportation plan.'

MPO public participation shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and costs.

Brown Act (Government Code sections 54950-54962)

The Policy Board and the Standing Committee meetings (except the TAC) 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, decision-making 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 decision-making 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'. An example of a 'project' that StanCOG took action on which was subject to CEQA/NEPA was the State Route 132 East widening project. In addition, StanCOG must complete some form of environmental analysis for the Regional Transportation Plan (RTP) 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, to elicit their input into the planning process. StanCOG will distribute notifications to these 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 update 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 as Appendix A.

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 (RTP) AND 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 and the TIP. These two documents are linked; the TIP is the programming document that identifies funding for only those programs and projects that are included in the RTP. The following is a description of each document.

Regional Transportation Plan (RTP)

Because of its comprehensive, long-term vision, the RTP 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. 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 prioritizes and guides all of the region's transportation development over 25 years. The RTP 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 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 new state law, SB 375, requires that future 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 StanCOG to develop a SCS to integrate planning for growth and housing with long-range transportation investments.

The law calls for increased public outreach efforts for this process. SB 375 requires StanCOG to develop a separate public outreach strategy for the development of the SCS that includes:

- 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.

StanCOG will develop a separate SCS PPP, expected to be adopted in fall 2011.

In association with the RTP 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 four years.

Only projects included in with the Regional Transportation Plan (RTP) 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 is the long range policy and planning document while the FTIP is the short range implementing document that enables those planned project to begin work. Specifically, the FTIP lists those projects from the RTP 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. 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

Federal regulations require that the FTIP be updated at least once every four years. From time to time, circumstances dictate that revisions be made to the FTIP between updates.

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.

In addition to an FTIP update, revisions to the FTIP may occur as an FTIP Formal Amendment, FTIP Administrative Modification or an FTIP Technical Correction. Further explanation about FTIP updates and how the types of amendments are processed are shown in the table and narrative that follows. The criteria for Administrative Modifications and Amendments are defined in federal legislation, specifically SAFETEA-LU in Title 23, CFR part 450.104.

The Federal Highway Administration, Federal Transit Administration, and Caltrans agreed on Amendment and Administrative Modification Guidelines on June 3, 2011. The guidelines are posted online at:

http://www.dot.ca.gov/hq/transporg/federal/fedfiles/res_publications/rev_amend_proc.pdf.

Expedited Project Selection Procedures (EPSP)

Outside of FTIP updates and revisions, Expedited Project Selection Procedures (EPSP) is a project selection process developed by the MPO, State, and public transportation operators, including transit operators, that provides for the advancement or delay of projects for implementation purposes within the active period of the approved FTIP and FSTIP without the need for immediately processing FTIP amendments, unless the EPSP action results in the project crossing analysis years for air quality conformity determinations. However, the impacts of the EPSP action must be included in future FTIP updates, amendments or administrative modifications. StanCOG does not require a formal public participation process for EPSP actions.

FTIP Update

This is a complete update of the existing FTIP, to reflect new or revised transportation investment strategies and priorities. An update of the FTIP is required at least once every four years. StanCOG has been updating the FTIP every two years. Because all projects included in the FTIP are consistent with the RTP, StanCOG's public outreach for development of the RTP is reflected in the FTIP as well. The FTIP implements, in the short-term, the financially constrained element of the RTP and is responsive to comments received during the development of the RTP. FTIP updates will be subject to the conformity and interagency consultation procedure.

FTIP Formal Amendment

This is a revision that involves a major change to the FTIP, such as the addition or deletion of a project; a major change in project cost or project/project phase initiation date; or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes).

A formal amendment is a revision that requires public review and comment, re-demonstration of fiscal constraint, or an air quality conformity determination. Formal amendments requiring a transportation-air quality conformity analysis will be subject to the conformity and interagency consultation procedures.

FTIP Administrative Modification

An administrative modification includes minor changes to a project's costs or to the cost of a project phase; minor changes to funding sources of previously included projects; and minor changes to the initiation date of a project or project phase. An administrative modification does not require public review and comment, re-demonstration of fiscal constraint, or conformity determination.

FTIP Technical Correction

Technical corrections may be made by StanCOG staff as necessary. Technical corrections are not subject to an administrative modification or a formal amendment, and may include revisions such as: changes to information and projects that are included only for illustrative purposes; changes to information outside of the FTIP period; changes to information not required to be included in the FTIP per federal regulations; or changes to correct simple errors or omissions including and data entry errors. These technical corrections cannot significantly impact the cost, scope, or schedule within the FTIP period, nor will they be subject to a public review and comment process, re-demonstration of fiscal constraint, or a conformity determination.

Stanislaus Council of Government's
Public Participation Process for Updating & Revising the
Federal Transportation Improvement Program (FTIP)

FTIP Update
1. Notify public of opportunities to participate using such methods as local media, newsletter and electronic mailings ▪ Conduct Publicized Workshops through various strategies, including a postcard mailer, a public notice in English & in Spanish, a news release to print & broadcast media, personal phone calls and visits, and through the StanCOG website.
2. Release Draft FTIP for 45-day public review and comment period ▪ Inform media, as appropriate ▪ Copies of the Draft FTIP distributed to (13) Libraries in County ▪ Respond to significant comments; and include in the final FTIP
3. Review by StanCOG's Advisory Committees
4. Adoption by Policy Board at a public meeting ▪ Approval by Caltrans
5. Approval by Federal Highway and Federal Transit Administrations (FHWA/FTA)
FTIP Formal Amendments
Amendment Type 2 – Funding Changes. Type 2 amendments primarily include project cost changes that are greater than 40% of the total project cost or $10 million, whichever is higher. Type 2 amendments require approval by StanCOG, Caltrans, and FHWA. Public notification of a Type 2 formal amendment is posted on StanCOG's website at least 14 days prior to StanCOG action, and are taken through the Advisory Committees and Policy Board structure for public input.
Amendment Type 3 – Exempt Projects. Type 3 amendments primarily include adding or deleting projects that are exempt from regional air quality emissions analyses. These amendments typically include transit or safety projects. Type 3 amendments require approval by StanCOG, Caltrans, and FHWA. Public notification of a Type 2 formal amendment is posted on StanCOG's website at least 14 days prior to StanCOG action, and are taken through the Advisory Committees and Policy Board structure for public input.

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Amendment Type 4 – Conformity Determination that Relies on a Previous Regional Emissions Analysis.
Type 4 amendments primarily include adding or deleting projects that have already been appropriately modeled for air quality purposes as part of the RTP. In this case, the federal approving agencies can use a previous analysis of the project's impact on air quality for approval purposes. Type 4 amendments may be accompanied by an RTP amendment to maintain consistency. The FTIP amendment and RTP Amendment (if applicable) follow the same public process. Type 4 amendments require approval by StanCOG, Caltrans, and FHWA.

Public notification of a Type 4 formal amendment includes:

1. Legally noticed 30-day public comment period.
2. Legally noticed public meeting.
3. Posting of amendment information on StanCOG's website during public comment period.
4. Publishing amendment information as part of the following publicly available StanCOG agendas: Technical Advisory Committee, Citizen's Advisory Council, Management and Finance Committee, and StanCOG Policy Board.
5. Consideration and response to public comments received during comment period.

Amendment Type 5 – Conformity Determination and New Regional Emissions Analysis.
Type 5 amendments are the highest level amendment and primarily involve adding or deleting new projects that must be modeled for their air quality impacts, or significantly changing the design concept, scope, or schedule of an existing project. Type 5 amendments are accompanied by a new Air Quality Conformity Document that demonstrates conformity with applicable air quality requirements, and if applicable, an RTP amendment to maintain consistency. The FTIP amendment, Air Quality Conformity Document, and RTP Amendment (if applicable) follow the same public process. Type 5 amendments require approval action by StanCOG, Caltrans, and FHWA.

Public notification of a Type 5 formal amendment includes:

1. Legally noticed 30-day public comment period.
2. Legally noticed public meeting.
3. Posting of amendment information on StanCOG's website during public comment period.
4. Publishing amendment information as part of the following publicly available StanCOG agendas: Technical Advisory Committee, Citizen's Advisory Council, Management and Finance Committee, and StanCOG Policy Board.
5. Consideration and response to public comments received during comment period.

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FTIP Administrative Modification
Administrative modifications include minor changes to project cost, schedule, or funding sources. Additional funding is limited to the lesser of 40 percent of the total project cost or $10 million; programming capacity must be available in the FSTIP/FTIP prior to programming the modification. Administrative modifications require approval by the Stanislaus Council of Governments Executive Director, who has the delegation authority to approve administrative modifications to the FTIP and FSTIP. Federal and State agencies are notified, but do not take approval action on an administrative modification.

Public notification of an administrative modification is posted on StanCOG's website at the time of StanCOG action, and subsequently posted on Caltrans website. No public review or comment is required.

FTIP Technical Correction
Technical corrections may be made by StanCOG staff as necessary. Corrections may include revisions such as: changes to information and projects that are included only for illustrative purposes; changes to information outside of the FTIP period; changes to information not required to be included in the FTIP per federal regulations; or changes to correct simple errors or omissions including data entry errors. No public review or comment is required.

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.

Congestion Management Process
Under Federal SAFETEA-LU regulations, StanCOG is required to prepare a congestion management process (CMP) for Stanislaus County that includes strategies for managing travel demand, traffic operational improvements, public transportation improvements, and other transportation issues. StanCOG adopts a CMP at a public hearing approximately every two years, with the results of this technical evaluation used to inform decisions on program and investment priorities, including the Regional Transportation Plan. Those interested in this exercise may obtain copies of the plan via StanCOG's web site, 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 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 and FTIP to ensure they conform to federal transportation conformity regulations via transportation-air quality conformity analysis.

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.

Through the course of the 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 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 such as street and road claims. 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" in compliance with the TDA requirements. As previously mentioned, any unmet transit need that is received during the UTN Assessment process is reviewed by the 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. This public hearing is 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.

A public hearing is 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 (AQC) Analysis

The Clean Air Act and U.S. Environmental Protection Act (EPA) transportation conformity regulations require that each new RTP and FTIP be demonstrated to conform to the State Implementation Plan (SIP) before the RTP 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 and FTIP; a finding of conformity is therefore supported.

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

Under 1998 guidance from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) on environmental justice, MPOs must, as part of the planning process:

- 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 and other major documents and through the development of standalone environmental justice analyses or those tied to the RTP.

Compliance with Federal Requirements

As illustrated in the Table on Page 3, 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, recently 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.

Executive Order 12898

Federal Action to Address Environment Justice in Minority Populations and Low Income Populations

On February 11, 1994, President Clinton signed Executive Order 12898. The Order requires that each federal agency or agency receiving federal dollars shall, to the greatest extent allowed by law, administer and implement its programs, policies, and activities that affect human health or the environment so as to avoid 'disproportionately high and adverse' effects on minority and low-income populations.

To comply with this Executive Order, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) issued a memorandum, *'Implementing Title VI Requirements in Metropolitan and Statewide Planning'* on October 7, 1999. The memorandum provides clarification for field offices on how to ensure that environmental justice is considered during current and future certification reviews of MPOs such as StanCOG. 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

EO 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 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 the disabled.

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. Agenda packages for public meetings containing reports and updates on a multitude of transportation topics are 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 reduce or eliminate jargon, 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 and understandable.

Executive Order 13166, Limited English Proficiency

This Executive Order 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. As a recipient of federal funds, StanCOG offers accommodation to individuals with special needs as identified on our agendas for public meetings. For the large amount of Spanish-speaking individuals in the Stanislaus Region, StanCOG includes information translated into Spanish on each public meeting agenda. The Executive Summary of the 2011 Regional Transportation Plan is also translated into Spanish. 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.

Publications-Newsletter and Annual Report

StanCOG maintains a database of stakeholders interested in the transportation planning process that includes a variety of groups ranging from governmental agencies to traditionally underserved groups and resource agencies. A quarterly e-newsletter, On the Move, is distributed to this growing list of approximately 1,000 individuals, groups and businesses. The newsletter is a valuable information tool that presents transportation planning information to the general public. Article topics range from project delivery and funding issues to highlights of the region's transportation activities. An annual report is also distributed by StanCOG summarizing the past fiscal year's activities. Copies of the newsletter and annual report can be viewed on the StanCOG website, and can be obtained at the StanCOG office, 1111 I Street, Suite 308, Modesto, California. To be placed on the distribution list, call the StanCOG office at 209-525-4600 or visit the website at www.stancog.org.

Media Relations

StanCOG maintains an open and cooperative relationship with the local media to help improve the community's awareness of StanCOG programs and ongoing work activities. Under direction of the Executive Director, StanCOG staff prepares press releases highlighting StanCOG's projects and programs. News releases and/or public service announcements encouraging involvement will continue to be published to address key decision-making points. When possible, the briefing of reporters and editorial boards of both newspaper and broadcast media with in-depth background on a project or program shall occur. This will assist them to understand StanCOG's approach, issues and challenges and foster objective and accurate reporting. StanCOG promptly returns all phone messages from reporters and other media representatives.

Public Notice and Review

It is important for the public to know when StanCOG is seeking their input. For this reason, press releases for public meetings, hearings or workshops are issued to the following local daily and weekly papers: Ceres Courier, Hughson Chronicle, Modesto Bee, Vida en el Valle, Oakdale Leader, Patterson Irrigator, Riverbank News, Turlock Journal, Waterford News, and the Westside Index (Newman).

Translation of Public Notices

StanCOG provides translated public notices for publication in the Spanish newspaper Vida en el Valle to involve and elicit the participation of the Spanish-speaking population of the Stanislaus region. StanCOG will translate public notices into other languages as deemed appropriate to the subject or project area and will post these to the website.

Website

StanCOG maintains a website at www.stancog.org that offers important information about the agency, its programs, projects, and events. The site is consistently updated to provide the public with the most up-to-date information available. The latest documents being reviewed or updated are posted for comment, public notices and public hearings are listed, and all public meeting agenda packages are downloadable. Comments from the public are encouraged and can be sent to StanCOG via the website. When questions or comments are received, StanCOG replies appropriately and in a timely fashion. Also provided on the site so that the public can garner further information if needed, are links to other transportation sites as well as phone and email contact information for StanCOG offices. The StanCOG website is also a link on a variety of governmental, transportation- and transit-related sites within the region as well as outside of the region.

Email Notifications

As appropriate, StanCOG notifies various sub-groups of the StanCOG stakeholders database to provide them with pertinent information related to trainings, grant opportunities, events and activities, and to encourage their involvement in the transportation planning process.

Events

StanCOG participates in a variety of community-based events, and fairs/festivals throughout the region. Participants are encouraged to view exhibits, ask questions, consider the information and give comments. Events create interest in a plan, program or project through visualized and interactive graphics. Several examples include:

Bike to Work Week

StanCOG takes part in activities to promote the annual Bike to Work Week. It hosts the kick-off awareness event along with the City of Modesto and Stanislaus County that is open to the public in downtown Modesto. There, a booth is staffed where information is provided about bicycle/pedestrian projects planned and included in the region. StanCOG also coordinates bike safety seminars and bicycling-related events at local Stanislaus area employers to encourage the workforce to bike instead of drive when possible.

Rideshare Week

StanCOG participates in events that encourage the public's involvement in Rideshare Week, an annual program. Presentations are made at area businesses to encourage commuting with others, where information is provided about the regional StanCOG Commute Connection program. An event is also held in Modesto where StanCOG hosts an exhibit so that information and handouts can be provided to the public about ridesharing.

Public Meetings/Workshops

Regularly-scheduled public meetings are held monthly for standing committees and the Policy Board. The opportunity for the public to provide comments in person on issues of importance to them is provided on every agenda so that StanCOG decision makers can hear what is on the public's mind. There is also a specific standing committee, the Citizens Advisory Committee (CAC), comprised of representatives of the general public from the various cities in the Stanislaus region, that meets monthly to provide their comments and feedback on issues. The opportunity to serve on this committee is open to anyone residing in the Stanislaus region.

Speakers Bureau

StanCOG provides speaking presentations about its programs, projects and activities to a variety of businesses, civic, community and faith-based organizations to involve them in the planning process, and to get their feedback on issues of importance in an interactive format. To request a speaker, contact StanCOG at 209-525-4600.

How To Get Involved

There are a number of ways to participate in the regional transportation planning process. For further information or to be added to the information/notice distribution list, please contact StanCOG at 209/525.4600 or visit our website at www.stancog.org.

StanCOG encourages and promotes the public's involvement in the transportation planning process, both through the attendance of workshops or meeting, but also through serving on a StanCOG committee. To become a member of one of the eligible standing or ad hoc committees, please contact Staff for further information.

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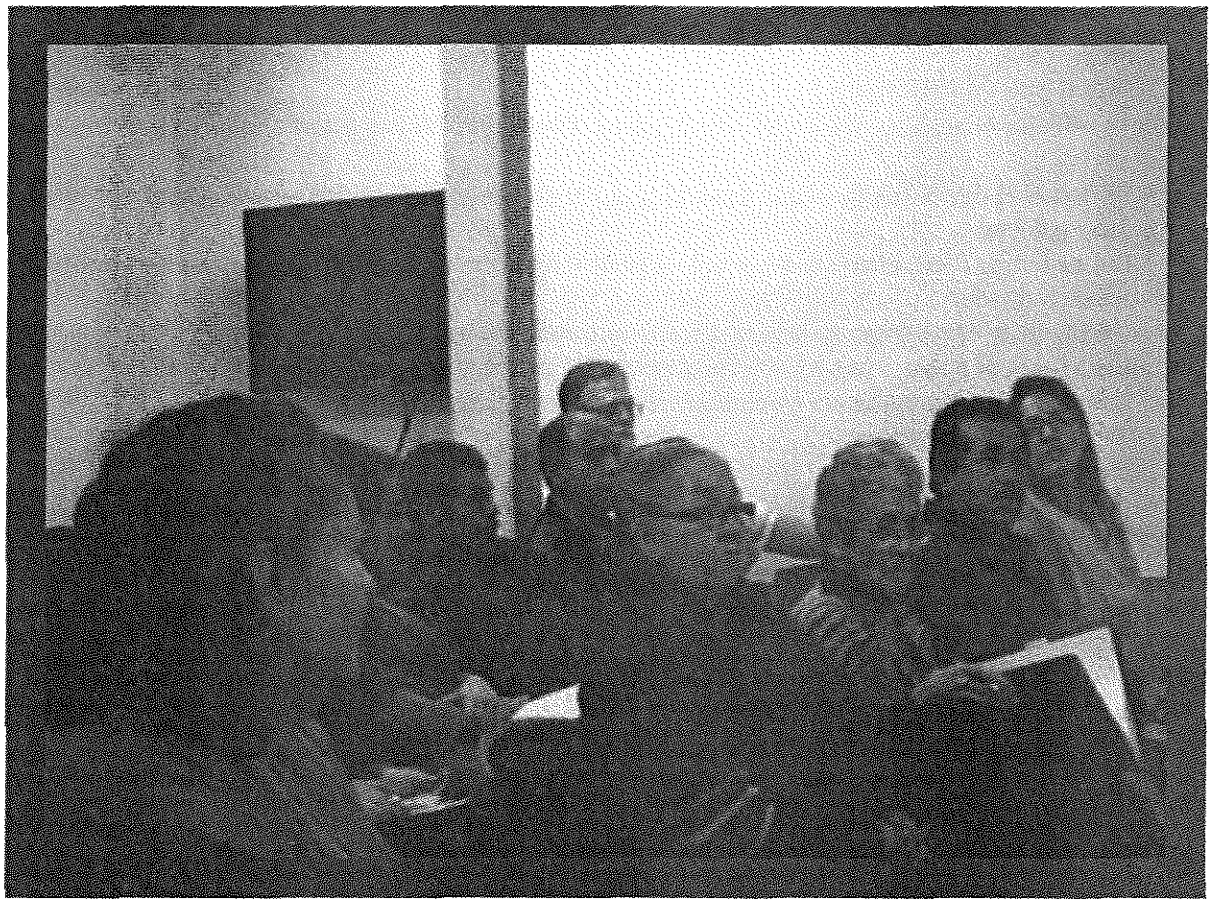
4 PUBLIC INVOLVEMENT EVALUATION

'By participating in the transportation planning and decision-making process, you can affect decisions about the transportation system serving your community. Making a difference does not take a lot of time or expertise.'

- *Caltrans, Community Primer on Environmental Justice and Transportation Planning, April 2010*



StanCOG's Public Participation Plan is not intended to be a static document, but an on-going strategy that will be periodically reviewed and updated based on our experiences, changes in legislation or changing circumstances of the Policy Board and the transportation community it serves. Updates to the Public Participation Plan are expected; all future updates shall be published and available for public review and comment atleast 45-days before final adoption of the Plan.

As part of this PPP update, and all future updates, StanCOG will include a public outreach evaluation process. StanCOG will set performance measures to measure the effectiveness of the participation plan. This will serve to inform and thus improve future outreach efforts.

This chapter identifies the specific performance measures used to gauge progress toward accomplishing the goals established in Chapter 3.

Performance Measures

In order to effectively evaluate the Public Participation Plan, StanCOG has established five performance measures:

- The accessibility of the outreach process to serve diverse geographic, language and ability needs (***Accessibility***);
- The extent or reach of the process in involving and informing as many members of the public as possible (***Extent***);
- The diversity of participants involved in the outreach process (***Diversity***);
- The impact of public outreach efforts on the plan, program or project (***Impact***); and
- The satisfaction with the outreach process as expressed by participants (***Participant Satisfaction***).

To determine if StanCOG's goals for public participation are being met, we need to be able to quantifiably measure the effectiveness of the outreach efforts. Therefore, for each of the five performance measures, StanCOG has created a set of quantifiable indicators, which correlate to the procedures outlined in Chapter 3.

<u>Accessibility</u>

1. Meetings are held throughout the County
2. All meetings are reasonably accessible via transit
3. All meetings are accessible under the requirements of the Americans with Disabilities Act (ADA)
4. All participants, including those with limited English proficiency, have reasonable access and the ability to contribute

<u>Extent</u>

1. Number of participants and comments logged
2. Number of news releases and other public notices

<u>Diversity</u>

1. Demographics of participants at workshop/event/meeting roughly mirror the demographics of the Stanislaus County region
2. Participants represent a cross-section of various interests, places of residence and primary modes of travel

Impact

1. All verbal, written and transcribed comments are logged, analyzed, summarized and communicated to the Policy Board prior to action or adoption of a plan or program
2. All verbal, written and transcribed comments are placed in a public comment appendix of each final plan or program

Participant Satisfaction

Participants overall satisfaction with...

1. The accessibility to meeting locations
2. The appropriateness of presented materials for all audiences
3. The adequateness of meeting notices
4. The opportunity to comment
5. The educational value of presentations and materials
6. The clearness and appropriateness of information presented
7. The responsiveness to which comments are received

StanCOG staff will collect attendance data at each meeting and will, as appropriate, conduct various surveys to gather and analyze the information from the indicators. StanCOG staff will use this information to ensure that we are meeting the goals of the PPP. Should the data collected indicate that StanCOG is not meeting a goal, a revision or modification to a policy or program of the PPP will be made and incorporated into an update of the PPP.

StanCOG Staff will record statistics pertaining to the performance measures and indicators and will periodically review this information in an effort to improve our outreach efforts. This will ensure that StanCOG maintains or exceeds the goals established in this Public Participation Plan.

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5 APPENDIX

Appendix A	Open Meeting Schedule
Appendix B	Stakeholders List
Appendix C	Resource Agency List
Appendix D	Public Hearing and Comment Period Chart
Appendix E	Comments Received during Public Review Period
Appendix F	Title VI Complaint Form (English and Spanish)

APPENDIX A
OPEN MEETING SCHEDULE

Policy Board	Citizens Advisory Committee	Management and Finance Committee	Sustainable Communities Strategy Steering Committee	Social Services Transportation Advisory Council	Bicycle/Pedestrian Advisory Committee
	(CAC)	(MFC)	(SCS)	(SSTAC)	(BPAC)
3rd Wednesday of the month	1st Wednesday of the month	1st Thursday of the month	1st Tuesday of the month	1st Tuesday of the month	1st Tuesday of every other month
6:00 p.m.	6:00 p.m.	3:00 p.m.	1:00 p.m.	8:30 a.m.	5:30 p.m.
Policy Board	Advisory Committees to Policy Board		Other Standing Committees		

Place
All public meetings are held at StanCOG, **1111 I Street, Suite 308, Modesto, California**, unless otherwise announced.

Agenda Information
Posted agendas for public meetings are available at StanCOG offices, or by visiting www.stancog.org.
Policy Board agendas are also available at all Stanislaus County Public Libraries.
To be placed on a list to receive email notification of public meetings, please call 209-525-4600.

Other Opportunities for Information
StanCOG is also available to provide information to the public in the following ways:
1. Call StanCOG during business hours (8 am to 5 pm) at 209-525-4600 with any questions/requests.
2. Email StanCOG at info@stancog.org with any questions/comments.
3. Make a request for StanCOG to speak to your club or organization by calling 209-525-4600.

APPENDIX B
RESOURCE AGENCY LIST

California Energy Commission
1516 Ninth St., MS-40
Sacramento, CA 95814
Dale Edwards, Manager
Environmental Protection Officer
T: 916-654-4074
F: 916-651-8868

Department of Conservation
801 K St., MS-24-02
Sacramento, CA 95814
Rebecca Salazar
T: 916-445-8735
F: 916-324-0948

Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001
Michelle Messenger
T: 916-653-5099
F: 916-653-9824

Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001
Environmental Stewardship Section
T: 916-653-6725
F: 916-657-3355

Central Valley Flood Protection Board
3310 El Camino Ave., Suite LL60
Sacramento, CA 95821
Jon Yego, Division of Flood Management
T: 916-574-2363
F: 916-574-0681

San Joaquin River Conservancy
1330 Broadway, Suite 100
Oakland, CA 94612-2530
T: 510-286-1015

Department of Water Resources
901 P St., 2nd Floor
Sacramento, CA 95814
Nadall Gayou, Senior Engineer
T: 916-651-9642
F: 916-651-9289

Department of Fish & Game
Environmental Services Division
1416 Ninth St., 13th Floor
Sacramento, CA 95814
Scott Flint
T: 916-653-9719
F: 916-653-2588

Business, Transportation & Housing Agency
Housing & Community Development
1800 Third St., Rm. 430
Sacramento, CA 95814
CEQA Coordinator, Housing Policy Division
T: 916-445-4775
F: 916-327-2643

California Highway Patrol
2555 1st Ave.
Sacramento, CA 95818
Scott Loetscher, Special Projects
T: 916-657-7222
F: 916-452-3151

Caltrans, Division of Aeronautics
1120 N St., Rm. 3300
P.O. Box 942874, MS-40
Sacramento, CA 94274-0001
Sandy Hesnard
T: 916-654-5314
F: 916-653-9531

Caltrans, Division of Transportation Planning
P.O. Box 942874, MS-32
Sacramento, CA 94274-0001
Mike Brady/Garth Hopkins
T: 916-653-1067
F: 916-653-0001

Caltrans, Division of Programming
P.O. Box 942874, MS-82
Sacramento, CA 94274
Muhaned Aljabiry

Caltrans, District 10
1976 E. Dr. Martin Luther King Jr. Blvd.
P.O. Box 2048
Stockton, CA 95205-7015
Ken Baxter/Tom Dumas
T: 209-941-1921
F: 209-948-7906
www.dot.ca.gov/dist10

California Air Resources Board
Airport Projects
1001 I St., PTSDAQTPB
Sacramento, CA 95814
James I. Lerner, Ph.D.
T: 916-322-6007
F: 916-322-3646

California Air Resources Board
1001 I St., PTSDAQTPB
Sacramento, CA 95814
Douglas Ito/Dennis Wade
T: 916-322-2085
F: 916-322-3646

Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
Sue Kiser

Federal Transit Administration
201 Mission St., Suite 1850
San Francisco, CA 94105
Alex Smith

Governor's Office of Planning & Research
1400 10th St.
Sacramento, CA 95812-3044
Scott Morgan
T: 916-445-0613
F: 916-323-3018

Native American Heritage Commission
915 Capitol Mall, Rm. 364
Sacramento, CA 95814
Debbie Treadway
T: 916-653-4038
F: 916-657-5390

San Joaquin Valley Air Pollution Control
District (SJVAPCD)
1990 E. Gettysburg Avenue
Fresno, CA 93726

State Lands Commission
100 Howe Ave., Suite 100-S
Sacramento, CA 95825
Marina Brand
T: 916-574-1880
F: 916-574-1885

Office of Emergency Services
3650 Schriever Ave.
Mather, CA 95655-4203
Dennis Castrillo
T: 916-845-8270
F: 916-845-8382

Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102
Leo Wong
T: 415-703-5933
F: 415-703-1184

U.S. Environmental Protection Agency
P.O. Box 6790
Incline Village, NV 89450
Karina O'Connor

U.S. Environmental Protection Agency
Office of Air Planning, Mail Code Air-2
75 Hawthorne St.
San Francisco, CA 94105
Lisa Hanf

U.S. Bureau of Land Management-Folsom
63 Natoma St.
Folsom, CA 95630
T: 916-985-4474
www.blm.gov/ca/folsom

U.S. Army Corps of Engineers
Sacramento District
1325 J St.
Sacramento, CA 95814-2922
T: 916-557-5100
www.spk.usace.army.mil

Department of Fish & Game
Central Region
1234 E. Shaw Ave.
Fresno, CA 93710
T: 559-243-4005
www.dfg.ca.gov/regions/4/

U.S. Fish Wildlife Service
Stockton Fish & Wildlife Office
4001 N. Wilson Way
Stockton, CA 95205
T: 209-946-6400
www.delta.dfg.ca.gov/usfws

National Forest Service
Stanislaus
100 Forni Rd.
Placerville, CA 95667
T: 530-622-5061

National Marine Fisheries Service-
Sacramento
650 Capitol Mall, Suite 6070
Sacramento, CA 95814-4706
T: 916-930-3600

Department of Water Resources
Central District
901 P St., 3rd Floor
Sacramento, CA 95814
T: 916-651-0725
www.cd.water.ca.gov

Department of Water Resources
San Joaquin District
3374 E. Shields Ave.
Fresno, CA 93726-6913
T: 559-230-3300
www.sjd.water.ca.gov

APPENDIX C
STAKEHOLDERS LIST

A C Trucking Company
A. L. Gilbert
AARP
AAUW Stanislaus County
AFL/CIO
Al Waggoner
American Citizens
American GI Forum
American GI Forum-Modesto Chapter
Angeles Perez
Anthony Valdez
Armando Castillo
Beard Land Improvement Co.
Beatriz Barocio
BIACC
Bill Axtell
Bill Strand
Blackburn Consulting
Bob Taylor
Bright Development
Burchell Nursery
Bureau of Indian Affairs
Burlington Northern Santa Fe
CalCOG
California Air Resources Board
California Highway Patrol
California Rural Legal Asst.
California Trucking Association
Caltrans District 10
Cari Anderson Consulting
Catholic Charities
CBS 13
Cent. Cal. Indian Tribal Council
Center for Senior Employment
Central Sierra Planning Council
Central Valley Credit Union
Central Valley Hispanic Chamber
Central Valley Report
Central Valley Water Board
Ceres Chamber of Commerce
Ceres Courier
Ceres Library
Ceres Planning Commission
Charter Communications
Charter Communications Channel 9
Chatom Union School District
Children & Adults of Stanislaus County
Chinese Association
Chris Esther
Chuck Shoup
Citizens League
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
Clear Channel Radio
Coalition On Aging
Coit
Coldwell Banker-Endsley & Associates
Comcast Cable
Comcast Channel 98
Comcast-Public Access
Community Resources Center
Congressman Jerry McNerney
Consolidated Transportation Services Agency
Continuum College
CRLAF
Dacy Rutter
Dale Parkinson
Darren Johnson

Dave & Millie Wing
David Ruby
Del Monte Foods
Del Puerto Health Care District
Denair Public Library
Denair School District
Department of Aging & Veterans Services
Department of Rehabilitation
DMC Foundation
Dolly & Jerry Hamby
Dolores Naranjo
Doris Kurtz
Dowling & Associates
DRAIL
Duarte Nursery
E & J Gallo Winery
Ecology Action
Employee Development Department
Edwin Penfold
Empire Public Library
Empire Union School District
Enedina Chavez
Environmental Science Associates (ESA)
Erika Arias
Esther Tovar
Federal Highway Administration
Federal Transit Administration
Fehr & Peers (F&P)
Frank Corwin
Fresno Council of Governments
Friends of the Tuolumne
G3 Enterprises
George Radanovich's office
Gil Bostwick
Gilton Waste Management
Great Valley Center
Greg Jacquay
Hart-Ransom Union School District
Haven's Women Center of Stanislaus County
Hispanic Leadership Council
Howard Training Center ARC of Stanislaus
Hughson Chamber of Commerce
Hughson Chronicle c/o Mid-Valley Publications
Hughson Library
Hughson Union School District
Ian Tovar
IMS Infrastructure Management Services
Innovative Paradigms
Integrated Marketing Systems (IMS)
Intermodal Terminal Operation
Inter-Tribal Council of California
Interwest Consulting Group
Irene and Doug Joe
Irma Y Rodriguez
Isabel Saucedo
J S West and Company
Jacobs Engineering
James Wright
Janet Neal
Jeff Lustgarten
Jenny Kenoyer
Jerry Osborne
Jerry Wylie
Jim & Suzanne Comfort
Joe Hollstein
John Arroyo
Jon Miller
Joyce & James Robinson
Joyce McClain
Judith Buethe Communications (JBC)
Judy Flodman
Julie Stanton
Justina Sezoviano
Karen Vella
KATM-KAT Country 103
KAZV Channel 14 UHF (Analog)
KCAG
KCFA 106-1
KCIV 99.9 Bott Radio Network
KCRA 3 NBC
KCRA Channel 3
Kelly Napuunoa
Kern Council of Governments
KESP 970 AM
Keyes MAC
Keyes Public Library
KHKK-Hawk 104.1

KHOP 95.1
Kim Teeples
KMPH 840 AM Talk Radio
KOVR Channel 13/CW Channel 31
KQCA My 58
KRVR The River 105.5
KTXL FOX 40
KVIN The Vine 920 AM
KWIN 97.7
KXTV Channel 10
Laidlaw Transit Services
Landing School District
Lark Downs
League of Women Voters
Lennox Harris
Linda Gonzales
Lori Presley
Manufacturer's Council
Mapes Ranch
Margaret Middleton
Maria E. Rodriquez
Marianne Fosnaugh
Mark Wallace
Martin Zonligt
Mary Van Loon
Maya Media LLC
Merced County Association of Governments
Madera County Transportation Commission
Meced Economic Development Corp
MECHA
Mickey Peabody
Mike Gilmore
Mike Lynch Consulting
Miquel Sanchez
Modesto Chamber of Commerce
Modesto City Schools
Modesto Convention & Visitor's Bureau
Modesto Irrigation District
Modesto Planning Commission
Modesto Public Library
Mohammed Fareek
Montie Rojas
Muir Trail Girl Scout Council
Mundo Hispano
NAACP
Native American Heritage
Neumiller & Beardslee
Newman Chamber of Commerce
Newman Library
Newman Planning Commission
Newman-Crowslanding USD
Noel Quesenberry
Nolte Associates, Inc.
Norm Fox
NOW
Oakdale Chamber of Commerce
Oakdale Irrigation District
Oakdale Joint Union School District
Oakdale Leader
Oakdale Library
Oakdale Planning Commission
Omnimeans
OMNI-MEANS, Ltd.
Operating Engineers 3
Outreach
P G & E
Parsons
Patterson Chamber of Commerce
Patterson Frozen Foods
Patterson Irrigation District
Patterson Irrigator
Patterson Library
Patterson Planning Commission
Patterson School District
Paula Graves
Port of Stockton
Prudential California Reality
Rajappan & Meyer Consulting Engineers, Inc.
Ray Mercado
Reuben Peterson
Rex Anderson
Richard Braun
Ripon City Council
Rita Konechney
Riverbank Chamber of Commerce
Riverbank Library
Riverbank News
Riverbank Union School District

Roberto Ortiz
Rocha Transportation
Roland Enz
Ron & Deb Losinski
ROTA
RRM Design Group
Ruben Solorno
Russ Garman
Salida Regional Library
Salida Union School District
Samuel Bribiesca
San Joaquin Council of Governments
San Joaquin LAFCO
SCFPD
Scott Calkins
Services District
Sierra Club
Sierra Pacific Warehouse Group
Silveira General Construction
SJRRC
San Joaquin Valley Air Pollution Control District
Smart Transport
Soroptimist
Specialty Gardens
Stanislaus County Department of Education
Stanislaus County Latino Round Table
Stanislaus County Rail Passenger Adv.
Stanislaus Audubon Society
Stanislaus Co. Farm Bureau
Stanislaus County
Stanislaus Food Products
Stanislaus LAFCO
Stanislaus Union School District
StanWORKS
Stephen Bonrepos
Susan Aced
Suzan Lopez
Suzanne Guthrie
Sylvan Union School District
Tulare County Association of Governments
Telemundo 34 KCSO
Terry Bearns
Thai Life Center
The Alliance
The Escalon Times
The Horizon Group
The Modesto Bee
The Ripon Record
The Turlock Journal
Thomas Wayne Johnson
Tim Colbert & Associates, Inc.
Timm LaVelle
Tom Lynd
Tony Avila
Tracy Sunde
Tuolumne Me-Wuk Tribal Council
Tuolumne River Trust
Turlock Chamber of Commerce
Turlock Irrigation District
Turlock Journal
Turlock Planning Commission
Turlock Public Library
Turlock Scavenger
Turlock Union School District
U.S Fish and Wildlife
U.S. Environmental Protection Agency
UCP of Stanislaus County
Union Pacific Railroad
United Way of Stanislaus County
Valley First Credit Union
Valley Mountain Regional Center
Vance Kennedy
Vicky Boyd
Vida en el Valle
Wallace Transport
Waterford Chamber of Commerce
Waterford Library
Waterford News
West and Associates
West Side Index
Westside Community Alliance
Women's Lawyer's Association
Xavier Lugo

APPENDIX D

Public Hearing and Comment Period Chart

DOCUMENT / PROGRAM ADOPTION		
Document	***Public Hearing***	***Comment Period***
Regional Transportation Plan (RTP)	Yes	30 Days (45 Days if EIR is required)
Federal Transportation Improvement Program (FTIP)	Yes	45 Days
Air Quality Conformity (AQC) Analysis	Yes	30 Days
Public Participation Plan (PPP)	Yes	45 Days
Unmet Transit Needs (UTN) Assessment	Yes	30 Days

DOCUMENT / PROGRAM AMENDMENT		
Document	***Public Hearing***	***Comment Period***
Regional Transportation Plan (RTP)	Yes	30 Days (45 Days if EIR is required)
Federal Transportation Improvement Program (FTIP)		
- Type 1	No	NONE
- Type 2	Yes	14 Days
- Type 3	Yes	14 Days
- Type 4	Yes	30 Days
- Type 5	Yes	30 Days
Public Participation Plan (PPP)	Yes	45 Days

Place
All Public Hearings are held at StanCOG, **1111 I Street, Suite 308, Modesto, California**, unless otherwise announced.

Comment Information
Posted agendas for public hearings are available at StanCOG offices, or by visiting www.stancog.org.
All comments can be mailed to 1111 I Street, Suite 308, Modesto, California or emailed to the project manager of the document being adopted

To be placed on a list to receive email notification of public meetings, please call 209-525-4600.

APPENDIX E
PUBLIC COMMENTS RECEIVED

No public comments were received during the 45-day Public Comment Period

APPENDIX F
TITLE VI COMPLAINT FORMS

A Title VI Complaint Form in English and in Spanish is attached.

Title VI Complaint Form
Stanislaus Council of Governments (StanCOG)
Office of Compliance

StanCOG 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 Rosa Park, Title VI Coordinator, by calling (209) 525-4642. The completed form must be returned to StanCOG's Office, Title VI Coordinator, 1111 "I" Street, Suite #308, 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 StanCOG employees responsible. 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
Stanislaus Council of Governments (StanCOG)
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
Stanislaus Council of Governments (StanCOG)
Oficina de Cumplimiento

StanCOG 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 Rosa Park, Coordinadora del Title VI, al teléfono (209) 525-4642. El formulario completo debe devolverse al StanCOG's Office, Title VI Coordinator, 1111 "I" Street, Suite #308, Modesto, CA 95354.

Su nombre:	Teléfono:
Dirección:	Segundo Teléfono :
	Ciudad, estado, y Código Postal :
Persona(s) que sufrieron discriminación (si es otra que el firmante): Nombre(s):	
Dirección, 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 los empleados de StanCOG 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 VI
Stanislaus Council of Governments (StanCOG)
Oficina de Cumplimiento

Pro 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:_____
Dirección, Ciudad, estado, y Código Postal: Teléfono:

_____

Agencia:_____ Nombre de contacto:_____
Dirección, 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:_____

APPENDIX D

Limited English Proficiency and 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.

Language Assistance Plan

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.

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	

2//2013

California Department of Education
Educational Demographics Office
Prepared: 2/13/2013 5:12:48 PM

Select Year: 2010-11

Select Report: Number of English Learners by Language

Select District: 5071167--MODESTO CITY ELEMENTARY

EL/FEP definition

Rank/Language Name	Kdgn.	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungr.	Total	% of Total
1 Spanish	822	877	806	792	631	433	361	329	286	0	0	0	0	0	5,337	92.9
2 Khmer (Cambodian)	23	25	22	20	14	11	18	12	13	0	0	0	0	0	158	2.8
3 Arabic	14	4	6	9	7	1	3	1	4	0	0	0	0	0	49	0.9
4 Lao	10	5	7	9	6	6	1	1	3	0	0	0	0	0	48	0.8
5 Hmong	4	7	2	5	4	1	5	3	2	0	0	0	0	0	33	0.6
6 Hindi	8	6	3	6	3	1	0	1	1	0	0	0	0	0	29	0.5
7 Punjabi	2	4	5	4	0	1	0	0	1	0	0	0	0	0	17	0.3
8 Vietnamese	2	4	0	2	0	2	0	0	1	0	0	0	0	0	11	0.2
9 Russian	3	2	2	0	0	0	1	0	0	0	0	0	0	0	8	0.1
10 Other non-English languages	1	0	3	0	2	0	0	0	1	0	0	0	0	0	7	0.1
11 Assyrian	1	1	0	1	0	3	1	0	0	0	0	0	0	0	7	0.1
12 Filipino (Pilipino or Tagalog)	1	0	0	2	0	0	1	0	1	0	0	0	0	0	5	0.1
13 Portuguese	0	2	2	0	1	0	0	0	0	0	0	0	0	0	5	0.1
14 Samoan	0	0	3	0	1	0	0	0	0	0	0	0	0	0	4	0.1
15 Rumanian	1	0	1	2	0	0	0	0	0	0	0	0	0	0	4	0.1
16 Thai	0	2	1	0	0	0	0	0	1	0	0	0	0	0	4	0.1
17 Korean	1	0	0	2	0	0	0	0	0	0	0	0	0	0	3	0.1
18 Gujarati	1	0	0	0	0	0	1	0	0	0	0	0	0	0	2	0.0
19 Bengali	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2	0.0

20 Cantonese	1	0	0	1	0	0	0	0	0	0	0	0	0	0	2	0.0
21 Farsi (Persian)	0	1	0	0	0	0	1	0	0	0	0	0	0	0	2	0.0
22 Urdu	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2	0.0
23 Japanese	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.0
24 Pashto	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0.0
25 Polish	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.0
EL Totals	895	941	865	855	669	461	393	347	316	0	0	0	0	0	5,742	100.0
% of Total	15.6	16.4	15.1	14.9	11.7	8.0	6.8	6.0	5.5	0.0	0.0	0.0	0.0	0.0	100.0	
County EL Totals	2,954	2,979	2,977	2,791	2,216	1,775	1,424	1,316	1,283	1,234	1,156	994	949	9	24,057	
% of County Total	12.3	12.4	12.4	11.6	9.2	7.4	5.9	5.5	5.3	5.1	4.8	4.1	3.9	0.0	100.0	
State EL Totals	134,369	136,143	129,035	111,764	96,437	78,598	63,868	55,806	53,549	56,165	51,118	46,386	42,323	1,514	1,057,075	

California Department of Education
Educational Demographics Office
Prepared: 2/13/2013 5:15:01 PM

Select Year: 2010-11

Select Report: Number of English Learners by Language

Select District: 5071290--SYLVAN UNION ELEMENTARY

EL/FEP definition

Rank/Language Name	Kdgn.	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungr.	Total	% of Total
1 Spanish	118	116	120	126	90	60	69	55	59	0	0	0	0	0	813	68.0
2 Assyrian	11	10	9	10	10	7	8	4	8	0	0	0	0	0	77	6.4
3 Hindi	9	7	6	5	1	4	3	3	6	0	0	0	0	0	44	3.7
4 Arabic	9	9	3	8	5	2	4	2	1	0	0	0	0	0	43	3.6
5 Punjabi	6	4	5	2	1	3	1	2	8	0	0	0	0	0	32	2.7
6 Filipino (Pilipino or Tagalog)	10	6	7	2	1	1	0	2	2	0	0	0	0	0	31	2.6

7 Vietnamese	8	4	7	3	4	1	2	0	1	0	0	0	0	0	30	2.5
8 Russian	5	2	4	1	3	0	0	1	1	0	0	0	0	0	17	1.4
9 Other non-English languages	3	2	10	0	2	0	0	0	0	0	0	0	0	0	17	1.4
10 Khmer (Cambodian)	4	3	3	2	3	0	0	0	2	0	0	0	0	0	17	1.4
11 Lao	1	2	0	0	3	1	0	1	1	0	0	0	0	0	9	0.8
12 Farsi (Persian)	2	0	4	0	1	0	0	1	1	0	0	0	0	0	9	0.8
13 Hmong	0	1	1	1	1	1	1	0	1	0	0	0	0	0	7	0.6
14 Cantonese	1	0	0	1	2	1	0	0	0	0	0	0	0	0	5	0.4
15 Pashto	0	1	1	0	1	2	0	0	0	0	0	0	0	0	5	0.4
16 Portuguese	1	0	1	1	1	0	0	0	1	0	0	0	0	0	5	0.4
17 Urdu	0	1	1	1	0	2	0	0	0	0	0	0	0	0	5	0.4
18 Ukrainian	0	0	1	0	0	2	1	0	0	0	0	0	0	0	4	0.3
19 Mandarin (Putonghua)	0	1	0	0	2	0	0	0	1	0	0	0	0	0	4	0.3
20 Cebuano (Visayan)	2	2	0	0	0	0	0	0	0	0	0	0	0	0	4	0.3
21 Armenian	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2	0.2
22 Ilocano	1	0	1	0	0	0	0	0	0	0	0	0	0	0	2	0.2
23 Japanese	0	0	1	0	1	0	0	0	0	0	0	0	0	0	2	0.2
24 French	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2	0.2
25 Tongan	1	0	0	0	1	0	0	0	0	0	0	0	0	0	2	0.2
26 Thai	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.1
27 Rumanian	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.1
28 Gujarati	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0.1
29 Korean	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1
30 Burmese	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0.1
31 Chaldean	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0.1
32 Chamorro (Guamanian)	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1
EL Totals	194	174	188	165	134	87	89	71	93	0	0	0	0	0	1,195	100.0
% of Total	16.2	14.6	15.7	13.8	11.2	7.3	7.4	5.9	7.8	0.0	0.0	0.0	0.0	0.0	100.0	
County EL Totals	2,954	2,979	2,977	2,791	2,216	1,775	1,424	1,316	1,283	1,234	1,156	994	949	9	24,057	
% of County Total	12.	12.	12.	11.	9.2	7.4	5.9	5.5	5.3	5.1	4.8	4.1	3.9	0	100.	

	3	4	4	6										.0	0
State EL Totals	13 4,369	136 ,143	129 ,035	111 ,764	96, 437	78, 598	63, 868	55, 806	53, 549	56, 165	51, 118	46, 386	42, 323	1 ,514	1,05 7,075
% of State Total	12. 7	12. 9	12. 2	10. 6	9.1	7.4	6.0	5.3	5.1	5.3	4.8	4.4	4.0	0 .1	100. 0

California Department of Education
Educational Demographics Office
Prepared: 2/13/2013 5:16:08 PM

Select Year: 2010-11

Select Report: Number of English Learners by Language

Select District: 5071282--STANISLAUS UNION ELEMENTARY

EL/FEP definition

Rank/Language Name	Kdgn.	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungr.	Total	% of Total
1 Spanish	83	93	79	80	66	52	42	32	25	0	0	0	0	0	552	70.2
2 Vietnamese	2	10	7	6	2	4	5	1	1	0	0	0	0	0	38	4.8
3 Assyrian	3	8	5	3	4	4	2	4	0	0	0	0	0	0	33	4.2
4 Hindi	5	4	6	3	1	0	2	1	1	0	0	0	0	0	23	2.9
5 Punjabi	4	4	2	2	0	4	1	3	3	0	0	0	0	0	23	2.9
6 Arabic	3	3	5	4	0	1	1	1	1	0	0	0	0	0	19	2.4
7 Other non-English languages	2	0	5	5	4	1	0	1	0	0	0	0	0	0	18	2.3
8 Khmer (Cambodian)	4	1	1	2	2	1	2	2	1	0	0	0	0	0	16	2.0
9 Cantonese	4	1	0	0	0	0	1	0	2	0	0	0	0	0	8	1.0
10 Russian	3	0	1	0	1	1	1	0	1	0	0	0	0	0	8	1.0
11 Filipino (Pilipino or Tagalog)	0	2	0	1	0	2	2	0	0	0	0	0	0	0	7	0.9
12 Gujarati	3	0	1	2	0	1	0	0	0	0	0	0	0	0	7	0.9
13 Japanese	1	1	0	1	1	0	0	1	0	0	0	0	0	0	5	0.6
14 Farsi (Persian)	1	0	1	1	2	0	0	0	0	0	0	0	0	0	5	0.6
15 Urdu	0	0	1	1	0	1	0	2	0	0	0	0	0	0	5	0.6
16 Lao	1	0	1	0	0	0	2	0	0	0	0	0	0	0	4	0.5
17 Korean	0	0	0	1	0	0	0	1	1	0	0	0	0	0	3	0.4
18 French	0	0	0	1	0	1	0	0	1	0	0	0	0	0	3	0.4
19 Portuguese	0	1	0	0	0	0	0	1	0	0	0	0	0	0	2	0.3
20 Thai	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2	0.3
21 Tongan	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.1
22 Rumanian	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0.1

23 Mandarin (Putonghua)	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1
24 Hungarian	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1
25 Armenian	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1
EL Totals	121	129	116	113	83	75	61	50	38	0	0	0	0	0	786	100.0
% of Total	15.4	16.4	14.8	14.4	10.6	9.5	7.8	6.4	4.8	0.0	0.0	0.0	0.0	0.0	100.0	
County EL Totals	2,954	2,979	2,977	2,791	2,216	1,775	1,424	1,316	1,283	1,234	1,156	994	949	9	24,057	
% of County Total	12.3	12.4	12.4	11.6	9.2	7.4	5.9	5.5	5.3	5.1	4.8	4.1	3.9	0.0	100.0	
State EL Totals	134,369	136,143	129,035	111,764	96,437	78,598	63,868	55,806	53,549	56,165	51,118	46,386	42,323	1,514	1,057,075	
% of State Total	12.7	12.9	12.2	10.6	9.1	7.4	6.0	5.3	5.1	5.3	4.8	4.4	4.0	0.1	100.0	

California Department of Education
Educational Demographics Office
Prepared: 2/13/2013 5:17:20 PM

Select Year: 2010-11

Select Report: Number of English Learners by Language

Select District: 5071076--EMPIRE UNION ELEMENTARY

EL/FEP definition

Rank/Language Name	Kdgn.	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungr.	Total	% of Total
1 Spanish	89	90	113	75	100	70	58	51	31	0	0	0	0	0	677	86.4
2 Hindi	1	6	2	7	2	4	2	4	3	0	0	0	0	0	31	4.0
3 Assyrian	5	4	5	1	5	2	2	2	3	0	0	0	0	0	29	3.7
4 Lao	0	3	0	2	1	4	1	0	1	0	0	0	0	0	12	1.5
5 Khmer (Cambodian)	1	1	1	1	2	0	0	2	2	0	0	0	0	0	10	1.3
6 Arabic	1	1	1	1	0	0	0	0	0	0	0	0	0	0	4	0.5
7 Filipino (Pilipino or Tagalog)	2	0	1	0	1	0	0	0	0	0	0	0	0	0	4	0.5
8 Punjabi	0	1	0	0	0	2	1	0	0	0	0	0	0	0	4	0.5
9 Ukrainian	0	0	0	0	0	0	2	0	1	0	0	0	0	0	3	0.4
10 Other non-English languages	0	0	1	0	0	0	1	0	0	0	0	0	0	0	2	0.3
11 Gujarati	0	0	0	0	1	0	1	0	0	0	0	0	0	0	2	0.3
12 Cantonese	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0.1
13 Farsi (Persian)	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1
14 Hmong	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0.1
15 Italian	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0.1
16 Samoan	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0.1
17 Vietnamese	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0.1
EL Totals	99	107	124	88	114	82	68	59	43	0	0	0	0	0	784	100.0
% of Total	12.	13.	15.	11.	14.	10.	8.7	7.5	5.5	0.0	0.0	0.0	0.0	0	100.	

	6	6	8	2	5	5								.0	0
County EL Totals	2,954	2,979	2,977	2,791	2,216	1,775	1,424	1,316	1,283	1,234	1,156	994	949	9	24,057
% of County Total	12.3	12.4	12.4	11.6	9.2	7.4	5.9	5.5	5.3	5.1	4.8	4.1	3.9	0.0	100.0
State EL Totals	134,369	136,143	129,035	111,764	96,437	78,598	63,868	55,806	53,549	56,165	51,118	46,386	42,323	1,514	1,057,075
% of State Total	12.7	12.9	12.2	10.6	9.1	7.4	6.0	5.3	5.1	5.3	4.8	4.4	4.0	0.1	100.0

California Department of Education
Educational Demographics Office
Prepared: 2/13/2013 5:19:42 PM

Select Year: 2008-09

Select Report: Number of English Learners by Language

Select District: 5071266--SALIDA UNION ELEMENTARY

EL/FEP definition

Rank/Language Name	Kdgn.	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungr.	Total	% of Total
1 Spanish	100	97	105	87	71	61	65	56	52	0	0	0	0	0	694	88.0
2 Punjabi	1	1	3	3	1	5	1	0	0	0	0	0	0	0	15	1.9
3 Arabic	2	2	2	1	2	1	1	1	2	0	0	0	0	0	14	1.8
4 Assyrian	3	2	3	1	1	2	0	1	0	0	0	0	0	0	13	1.6
5 Hindi	1	1	0	2	1	2	0	3	2	0	0	0	0	0	12	1.5
6 Farsi (Persian)	1	0	0	1	2	0	1	1	1	0	0	0	0	0	7	0.9
7 Khmer (Cambodian)	1	1	2	1	0	0	0	1	0	0	0	0	0	0	6	0.8
8 Pashto	0	1	2	0	2	0	0	0	0	0	0	0	0	0	5	0.6
9 All other non-English lan	0	0	1	2	1	0	0	0	0	0	0	0	0	0	4	0.5
10 Filipino (Pilipino or Tag	0	0	2	0	0	0	1	0	0	0	0	0	0	0	3	0.4
11 Portuguese	0	0	1	0	0	1	1	0	0	0	0	0	0	0	3	0.4
12 Vietnamese	0	0	1	1	0	0	1	0	0	0	0	0	0	0	3	0.4
13 Rumanian	1	0	1	0	0	0	0	0	0	0	0	0	0	0	2	0.3
14 Mandarin (Putonghua)	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2	0.3
15 German	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	0.3
16 Lao	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1
17 Urdu	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0.1
18 Thai	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.1
19 Russian	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1
20 Ukrainian	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0

21 French	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
EL Totals	111	106	126	101	81	72	71	63	58	0	0	0	0	0	789	100.0
% of Total	14.1	13.4	16.0	12.8	10.3	9.1	9.0	8.0	7.4	0.0	0.0	0.0	0.0	0.0	100.0	
County EL Totals	3,269	3,316	3,101	2,735	2,256	1,910	1,788	1,646	1,406	1,343	1,354	1,192	1,010	0	26,326	
% of County Total	12.4	12.6	11.8	10.4	8.6	7.3	6.8	6.3	5.3	5.1	5.1	4.5	3.8	0.0	100.0	
State EL Totals	184,770	186,337	179,892	149,641	127,604	106,370	96,063	90,058	80,436	92,571	78,147	64,980	57,447	18,917	1,513,233	
% of State Total	12.2	12.3	11.9	9.9	8.4	7.0	6.3	6.0	5.3	6.1	5.2	4.3	3.8	1.3	100.0	

Note: 2008-2009 Data used for Salida because this district did not complete and certify the Spring 2010-11 CALPADS Data Submission.

APPENDIX E

Memorandum of Understanding & 2013 Letter

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 Act 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 WITESS 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. 2009-449, 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 NYHOFF, 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:

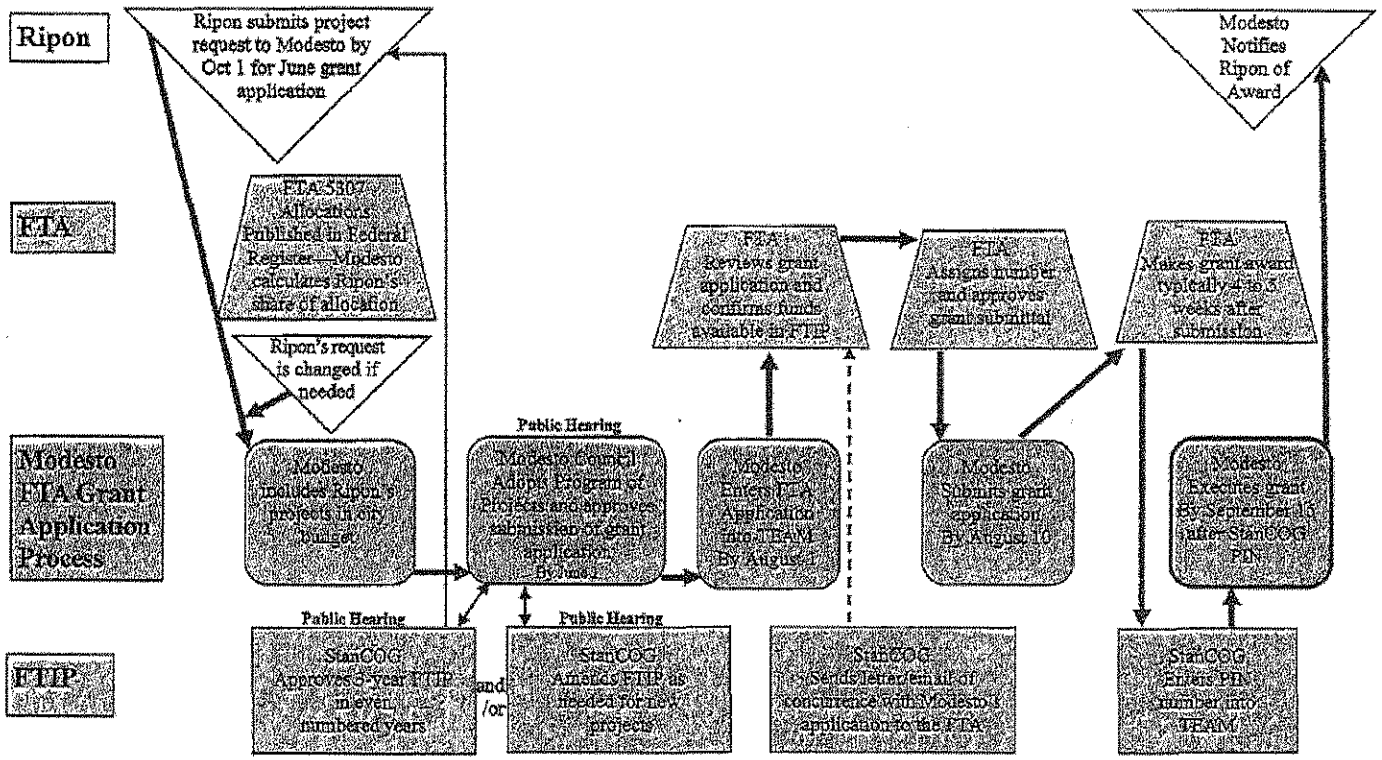
By: _____
MARY AKIN, Risk Manager

* Corporations – signature of two (2) officers required or one (1) officer plus corporate seal.

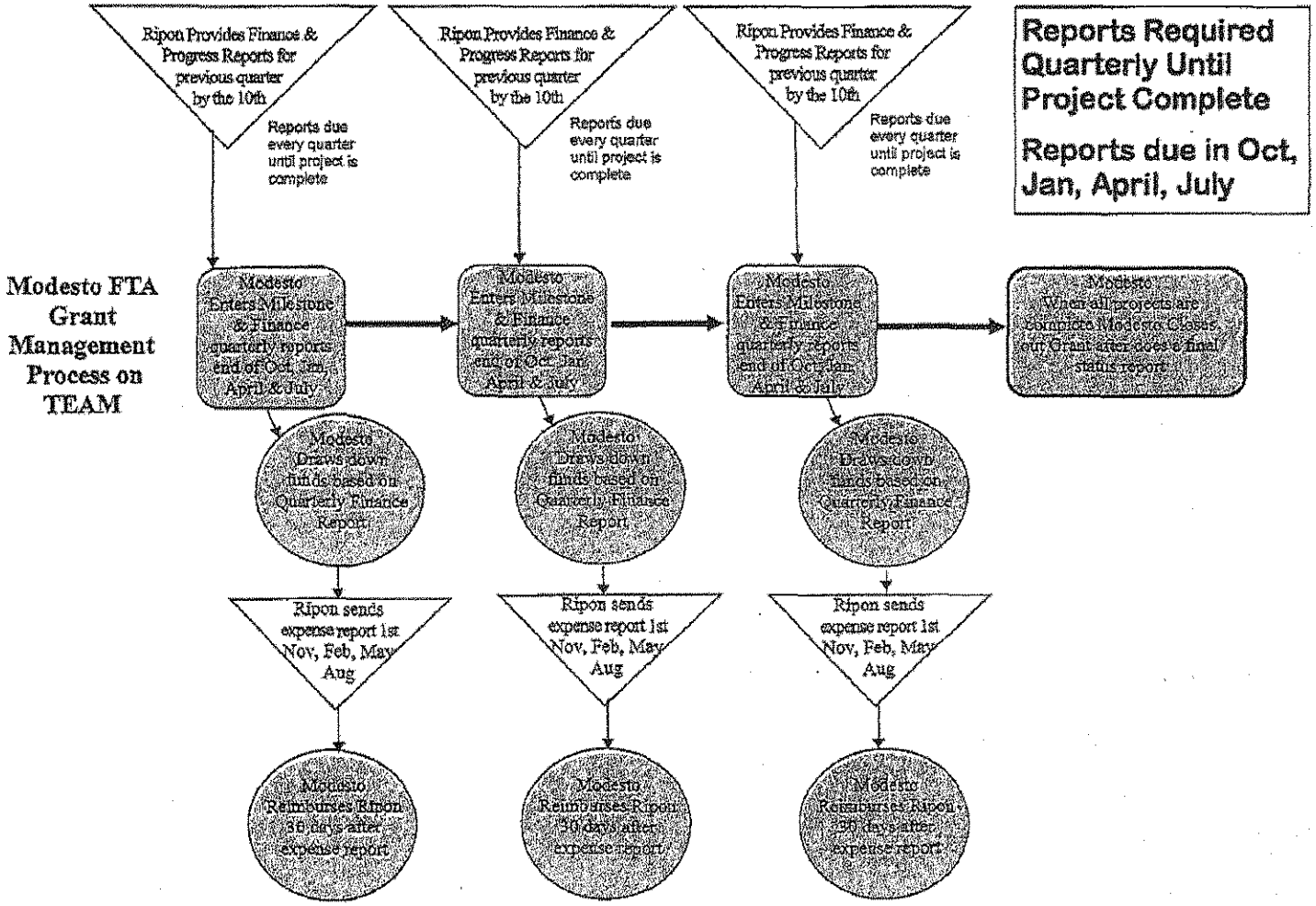
Partnership – signature of a partner required

Sole proprietorship – signature of proprietor required

Attachment B — FTA Section 5307 Grant Process Flow Chart



Attachment C — Quarterly FTA Grant Reporting



CITY of MODESTO

Department of Public Works
1010 Tenth Street
P.O. Box 642
Modesto, CA 95353

Administration
209/341-2934
209/577-5477 Fax

Airport
209/577-5318
209/576-1985 Fax

Fleet Services
209/342-2220
209/523-3730 Fax

Parking Services
209/342-2216
209/523-3730 Fax

Streets
209/342-2244
209/491-5930 Fax

Transit
209/577-5295
209/571-5521 Fax

Wastewater
209/577-6200
209/525-3911 Fax

Water
209/342-2246
209/577-4983 Fax

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www.modestogov.com/pwd

February 22, 2013

Kevin Werner
City of Ripon
259 N. Wilma Ave.
Ripon, CA 95366

Dear Kevin,

Now that Ripon has received its first bus funded by the Federal Transit Administration I would like to take the opportunity to remind you that Ripon needs to submit its annual Certifications and Assurances as required by Section 3.2 of our Memorandum of Understanding. I have attached a copy of the form for your convenience. This year's Certifications were published in the Federal Register this week and I have included the notice along with the form. Please send me a copy of the completed form along with the supporting documentation required by the FTA.

This annual submission is required to assure the FTA that all of the FTA Section 5307 requirements are being met. These Certifications confirm Ripon's compliance with Federal requirements. As we have discussed in previous meetings, these requirements include, but are not limited to, Title VI, Drug and Alcohol Testing of safety sensitive employees, the Americans with Disabilities Act and charter bus regulations.

Modesto needs to submit its Certification as soon as possible. We will need Ripon's Certification and documentation by the end of March 2013 to comply with FTA requirements.

Thank you for your attention to this important matter.

Fred Cavanah
Transit Manager

Citizens First!

APPENDIX F

Finding of No Significant Impact

U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam

201 Mission Street
Suite 2210
San Francisco, CA 94105-1839
415-744-3133
415-744-2726 (fax)

JUL 21 2000

Mr. Fred Cavanah
City of Modesto
Engineering and Transportation Department
1010 Tenth Street
Suite 4500
Modesto, CA 95353

Re: Finding of No Significant Impact for the
Modesto Bus Maintenance Facility

Dear Mr. Cavanah:

Based on our review of the Environmental Assessment dated June, 2000, we have issued a Finding of No Significant Impact (FONSI) for the Modesto Bus Maintenance Facility.

A copy of the FONSI is enclosed. A notice of availability of the FONSI shall be sent by the applicant to the affected units of Federal, State and local government and the document shall be available from the applicant and the FTA upon request by the public. Notice shall also be sent to the State intergovernmental review contacts established under Executive Order 12372.

Please note that when the grant is approved for this project, the standard terms and conditions of the grant contract will require the City of Modesto to undertake the mitigation measures identified in this document.

Thank you for your cooperation in meeting the requirements of the National Environmental Policy Act. If you have any questions, please contact your Transportation Representative, Jerome Wiggins at (415) 744-3115.

Sincerely,

Leslie T. Rogers
Regional Administrator

TRAFFIC ENGINEERING
& TRANSIT

JUL 27 2000

FINDING OF NO SIGNIFICANT IMPACT

FTA Project No.: CA 030562-00

Grant Applicant: City of Modesto

Proposed Project: Bus Maintenance Facility

Project Location: Modesto, California

A. Request

This is a request for approval of a Finding of No Significant Impact under 40 CFR 1508.13 to construct a bus maintenance facility for the Modesto Area Express.

B. Background

The City of Modesto proposes to construct a new bus maintenance facility on a site adjacent to the existing maintenance facility and the City Corporation Yard. The site is roughly bounded by 8th Street, Washington Street, Elm Street, and the Modesto Irrigation District Canal. The new bus maintenance facility will include a maintenance building, parking for 65 transit vehicles, fuel island, wash house, and 24 spaces of off-street employee and visitor parking. Two parcels would need to be acquired for this project; the four commercial tenants on these two parcels would be relocated.

C. Environmental Finding

The City in anticipation of submitting a Section 5309 application for the expansion of the existing operations and maintenance facility project has prepared an Environmental Assessment (EA) in accordance with 24 CFR 771.119. The project environmental document is in compliance with the City of Modesto's General Plan Master Environmental Impact Report, in accordance with the California Environmental Quality Act (CEQA).

1. The City has adopted specific environmental commitments as part of the project description to address typical impacts that occur from any construction preclose of the requirements of the Uniform Relocation Act will apply to the four commercial tenants.

2. The final Initial Study/Environmental Assessment identified potentially significant effects which the project could have in the areas of water quality, land use and aesthetics, safety/security, hazardous materials, and construction. The City has agreed to the mitigation measures listed in the EA which will avoid the effects or mitigate the effects to a level where no significant impacts will occur.

3. Compliance with Section 106 of the National Historic Preservation Act has been completed. No historic properties were identified.

TRAFFIC ENGINEERING
& TRANSIT

JUL 27 2000

D. Environmental Finding

Based on the Environmental Assessment (EA) and the above discussion, it is the Federal Transit Administration's finding under 23 CFR 771.121 that there are no significant impacts on the environment associated with the development and operation of the proposed project. In addition, the environmental assessment complies with the criteria set forth under 40 CFR 1508.13 and conforms to the guidance in FTA Circular 5620.1.

The Environmental Assessment has been independently evaluated by the Federal Transit Administration and determined to accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an EIS is not required.

The applicant is directed to distribute this Finding of No Significant Impact to the affected units of Federal, State and Local governments pursuant to 23 CFR 771.121(b) upon execution of this document.

Leslie Rogers
Regional Administrator

JUL 21 2000
Date

MODESTO TRANSIT CONTACTS

For further information regarding Modesto Transit Title VI Program, please contact the Title VI Program coordinator or the Transit Manager at 209.577.5295 or 1010 10th St, Suite 4500, Modesto CA 95353.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-165

RESOLUTION ACCEPTING THE WORK BY CONCO WEST, INC., FOR THE "JENNINGS WASTE WATER TREATMENT PLANT POTABLE WATER SUPPLY PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $333,417

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Jennings Waste Water Treatment Plant Potable Water Supply Project has been completed by Conco West, Inc., in accordance with the contract agreement dated October 4, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Jennings Waste Water Treatment Plant Potable Water Supply Project is hereby accepted as complete from said contractor, Conco West, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $333,417 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-166

RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A WASTEWATER TREATMENT FACILITY RELOCATION STUDY TO FURTHER EVALUATE THE CONCLUSIONS IDENTIFIED IN THE SUTTER AVENUE PRIMARY TREATMENT FACILITIES LAYOUT PLAN

WHEREAS, in 2007, Council, by Resolution No.2007-179, adopted the Wastewater Master Plan Update (WWMP Update), and

WHEREAS, the WWMP Update indicated that additional study is necessary to address flood protection at the Sutter Facility as it is vulnerable to flooding near the Tuolumne River, and

WHEREAS, the WWMP Update recommends that flood protection be accomplished by constructing various flood walls, levees, and berms around the Sutter Facility, and

WHEREAS, in 2012, the City contracted with Carollo Engineers to prepare the Sutter Avenue Primary Treatment Facilities Layout Plan (Sutter FLP) to serve as a guide for the near-term and future use of the Sutter Facility; specifically, to identify and avoid conflicts with proposed flood protection infrastructure and where to best locate current and future facilities, and

WHEREAS, Carrollo Engineers calculated that the estimated cost for upgrading the current primary facilities and providing flood protection at the Sutter Facility at approximately $80.5 million, and

WHEREAS, given the significant cost for flood protection and that the current facility has little land available for long term growth needs; consideration was given to the feasibility of this financial commitment at the present site, and

WHEREAS, Carollo has identified an alternative that would move the current primary wastewater treatment processes at the Sutter Facility to the Jennings Facility at a cost of approximately $80.5 million, and

WHEREAS, moving primary treatment processes to the Jennings Facility could provide some operational and treatment process advantages, as well as to create greater regional treatment opportunities, and

WHEREAS, in order to evaluate this alternative, this project will study the feasibility of relocating the primary wastewater facilities from the Sutter Facility to the Jennings Treatment Facility location. The anticipated length of the study is approximately 6 months,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to proceed with a Wastewater Treatment Facility Relocation Study to further evaluate the conclusions identified in the Sutter Avenue Primary Treatment Facilities Layout Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-167

RESOLUTION CREATING A NEW CAPITAL IMPROVEMENT PROGRAM PROJECT 100644 - WASTEWATER TREATMENT FACILITY RELOCATION STUDY, AND AMENDING THE FISCAL YEAR 2012-2013 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $200,000 FROM WASTEWATER RESERVES TO FUND THE PROJECT

WHEREAS, in 2007, Council, by Resolution No.2007-179, adopted the Wastewater Master Plan Update (WWMP Update), and

WHEREAS, the WWMP Update indicated that additional study is necessary to address flood protection at the Sutter Facility as it is vulnerable to flooding near the Tuolumne River, and

WHEREAS, the WWMP Update recommends that flood protection be accomplished by constructing various flood walls, levees, and berms around the Sutter Facility, and

WHEREAS, Carollo has identified an alternative that would move the current primary wastewater treatment processes at the Sutter Facility to the Jennings Facility at a cost of approximately $80.5 million, and

WHEREAS, City staff recommends creating new Capital Improvement Program Project 100644-"Wastewater Treatment Facility Relocation" to study this alternative, and

WHEREAS, certain budgetary transactions are necessary in the amount of $200,000, in order to fund the "Wastewater Treatment Facility Relocation Study" Project, including Engineering/Design/Administration support, and

WHEREAS, it is staff's recommendation to fund the CIP at this time, in order to complete the project in a timely manner, and

WHEREAS, the Fiscal Year 2012-2013 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 creation of Project 100644 "Wastewater Treatment Facility Relocation and the amendment of the Fiscal Year 2012-2013 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 April, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

In order to create Capital Improvement Program Project 100644 "Wastewater Treatment Facility Relocation" and establish a budget for Engineering/Design/Administration support, funds need to be transferred in the amount of $200,000. This would be done by reducing Wastewater Reserves by <$200,000> and appropriating funds to Project 100644 as follows: Engineering/Design/Administration by $200,000, within Project 100644 "Wastewater Treatment Facility Relocation".

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-168

RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LEE HEDGEPETH FROM THE CITIZENS' HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, Lee Hedgepeth was appointed a member of the Citizens' Housing and Community Development Committee on March 13, 2012, and

WHEREAS, Lee Hedgepeth has tendered his resignation from the Citizens' Housing and Community Development Committee, and

NOW, THERFORE, BE IT RESOLVED that the resignation of Lee Hedgepeth from the Citizens' Housing and Community Development Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of the City, hereby expresses its sincere appreciation to Lee Hedgepeth for his service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-169

A RESOLUTION RETAINING THE LAND VALUES FOR THE 2011 CAPITAL FACILITIES FEES PROGRAM AT $150,000 PER ACRE, AND WAIVING THE CAPITAL FACILITIES FEES ANNUAL INFLATIONARY ADJUSTMENT FOR FISCAL YEAR 2013-14

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Section 8-1.904 et seq., creating and establishing the authority for imposing and charging Capital Facilities Fees (CFF), and

WHEREAS, the current Capital Facilities Fees are set forth in Resolution No. 2003-309 as amended and restated by Resolution Nos. 2006-055, 2010-272, and 2011-105, and

WHEREAS, the current CFF Policies and Procedures (Policies and Procedures) are set forth in Resolution No. 2008-070, and

WHEREAS, according to Resolution No. 2011-106, the CFF land valuation costs shall be reviewed by staff and the Finance Committee to ensure that huge swings in land value are accounted for in the CFF Program, and

WHEREAS, in 2010, land values were set at $150,000 per acre, and

WHEREAS, in February 2012, the 2011 local land sales for residential, industrial, commercial and agricultural uses were examined to determine average sales prices, and

WHEREAS, the data revealed a considerable range in square footage costs for comparison, and

WHEREAS, the average price per square foot ranged from $0.69 for agricultural land to $97.15 for medical office properties, and

WHEREAS, it was found that the land values were within a reasonable range of the 2011 data and should remain the same, and

WHEREAS, the 2012 local land sales for residential, industrial, commercial and agricultural uses have been examined to determine average sales prices, and

WHEREAS, while there is a slight uptick in the struggling economy, the sample of sales data is still limited and the data revealed a considerable range in square footage costs for comparison, and

WHEREAS, the average price per square foot ranged from $0.61 for agricultural land up to $142.23 for medical office properties, and

WHEREAS, it has been found that the land values are somewhat low in comparison with the 2012 sales information; and

WHERAS, staff is not recommending an increase at this time as a comprehensive fee update will be undertaken in Fiscal Year 2013/14 to align the CFF Program with the Regional Transportation Impact Fee program and the City's General Plan update; and

WHEREAS, adjustments to land values will be considered during the comprehensive update; and

WHEREAS, according to Section 3C of the Policies and Procedures the CFF shall be automatically adjusted annually for all land use categories according to the annual change in the San Francisco Bay Area News Record Construction Cost Index through the month of December of the year preceding each inflation adjustment, and

WHEREAS, the construction cost index (CCI) inflation adjustment scheduled for the upcoming fiscal year is 1.5%, and

WHEREAS, the nation, State of California, and City of Modesto have been faced with unprecedented economic circumstances, and

WHEREAS, increasing the fee will not benefit the City of Modesto, and

WHEREAS, staff has recommended the 1.5% CCI be waived this year, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the land values for the 2011 Capital Facilities Fees Program shall be retained at $150,000 per acre.

NOW BE IT FURTHER RESOLVED, that the CFF annual inflationary adjustment for Fiscal Year 2013-14 shall be waived.

NOW BE IT FURTHER RESOLVED, the current 2011 CFF Program rate shall remain in effect through June 30, 2014.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-170

RESOLUTION APPROVING THE ANNUAL INFLATIONARY ADJUSTMENT OF CERTAIN DEVELOPMENT USER FEES AS IDENTIFIED IN THE DEVELOPMENT USER FEE SCHEDULE PER RESOLUTION NO. 2011-106 AND AMENDED BY RESOLUTION NO. 2011-231

WHEREAS, Resolution Nos. 2003-446 and 2005-278 previously allowed for an automatic annual inflationary adjustment to fees; and

WHEREAS, on March 22, 2011, Resolution No. 2011-106 amended those resolutions to require Finance Committee and City Council review and approval for the annual inflationary adjustment to fees; and

WHEREAS, on June 28, 2011, Resolution No. 2011-106 was amended by Resolution No. 2011-231; and

WHEREAS, Development User Fees recover the cost of service recovery, primarily composed of staff time; and

WHEREAS, Council's direction has been "full cost recovery" in most cases; and

WHEREAS, in order to achieve self-sustaining services, fees must be adjusted annually to reflect increases in administrative costs; and

WHEREAS, in 2011 the Fees Task Force recommended that Development User Fees be adjusted annually; and

WHEREAS, the adjustment is based on the U.S. Department of Labor Employment Cost Index – State & Local Government Employees, as published by the Bureau of Labor Statistics; and

WHEREAS, these figures are published on a quarterly bases; and

WHEREAS, the Development User Fees annual adjustment is based on the 4th quarter adjustment figure for the previous calendar year, ending December 31; and

WHEREAS, the adjustment percent for the 4th quarter ending December 31, 2012 was 1.9%; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 1.9% annual inflationary adjustment of certain Development User Fees as identified in the Development User Fee Schedule.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-171

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 5301 YOSEMITE BLVD., EMPIRE, APN: 133-014-023 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, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas.

WHEREAS, the property located at 5301 Yosemite Blvd. in Empire, is not connected to City's water system and

WHEREAS, this property is located outside Modesto City limits and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property 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 are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 5301 Yosemite Blvd. (APN 133-014-023) in Empire.

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 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-172

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND GUILLERMO G. OCHOA, A MARRIED MAN, FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 5301 YOSEMITE BLVD. IN EMPIRE, APN: (133-014-023) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 5301 Yosemite Blvd. is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and

WHEREAS, if it is determined that it is reasonable for the City to extend water service to this property, 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, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 5301 Yosemite Blvd. in Empire APN (133-014-023)

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-173

RESOLUTION REJECTING ALL BIDS FOR THE PURCHASE OF SHELTERS FOR CHLORINATION SYSTEMS FOR THE DEPARTMENT OF PUBLIC WORKS, WATER DIVISION, AND AUTHORIZE THE PURCHASING MANAGER TO RE-ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE OF SHELTERS FOR CHLORINATION SYSTEMS

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Shelters for Chlorination Systems for a two (2) year agreement with three (3) one-year options at the sole discretion of the City and

WHEREAS, the Purchasing Division issued RFB No. 1213-04 Shelters for Chlorination Equipment to thirty-four (34) prospective bidders, none of which are local vendors. The RFB was posted on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's office. Two (2) companies chose to respond and provided responsive and responsible bids. No local vendors can provide this equipment, and

WHEREAS, it was discovered that similar shelters were being provided to various agencies within California at a significantly lower cost than original bids received, and

WHEREAS, per RFB specifications, the City reserves the right to decline to award a contract if it is determined that the proposed pricing is not competitively priced based on similar contracts with public agencies within the State of California, and

WHEREAS, in the best interest of the City and to provide all vendors a fair and competitive process, staff recommends rejection of all bids and to re-issue a formal Request for Bid with revised specifications, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the bid rejection of all bids for the purchase of shelters for chlorination systems for the Public Works Department, Water Division.

BE IT FURTHER RESOLVED that the Purchasing Manager re-issue formal Request for Bids for the purchase of shelters for chlorination systems.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-174

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A BOBCAT COMPACT LOADER FOR THE PUBLIC WORKS DEPARTMENT, WATER DIVISION THROUGH THE FLEET SERVICES DIVISION, BY "ACCESSING THE TERMS" OF A COMPETITIVELY BID CONTRACT WITH THE NATIONAL JOINT POWERS ALLIANCE (NJPA), TO CLARK EQUIPMENT COMPANY, WEST FARGO, ND, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR A TOTAL ESTIMATED COST OF $94,445

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 12/13 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The compact loader is included in the FY 12/13 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the Public Works Department, Fleet Services Division, has requested the purchase of a compact loader for use by the Public Works Department, Water Division. The compact loader is used with several attachments to grind, sweep, and remove debris from utility cuts, and

WHEREAS, the compact loader is a replacement for a 2003 model year trench compactor unit that is at the end of its useful life. The trench compactor has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list. The trench compactor is being replaced with a more productive multi-use piece of equipment, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 12/13, in Fleet Replacement account 5409-53246-57003, and

WHEREAS, the National Joint Powers Alliance (NJPA) went through a competitive bid process for the purchase of heavy construction equipment and issued contract #060311. The most responsive and responsible bidder that met the bid specifications was Clark Equipment Company, West Fargo, ND. Clark Equipment Company is extending the NJPA discount to the City of Modesto, and

WHEREAS, there are no local vendors for this type of equipment. Taking advantage of this process and awarding a contract by "accessing the terms" of the NJPA contract is an efficient and effective way to purchase the compact loader, and saves the time and expense for the City to formally solicit RFB's, and

WHEREAS, The 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 8-3.204 (d), is available where the Purchasing Manager, in his discretion, determines that a process other than the usual formal bid procedure set forth in Section MMC 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.

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 Bobcat Compact Loader for the Public Works Department, Water Division through the Fleet Services Division, by "accessing the terms" of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Clark Equipment Company, West Fargo, ND.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of $94,445.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-175

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) ALTEC AERIAL BUCKET TRUCKS FOR THE COMMUNITY ECONOMIC DEVELOPMENT DIVISION, TRAFFIC AND ELECTRICAL DIVISION, THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, BY "ACCESSING THE TERMS" OF A COMPETITIVELY BID CONTRACT WITH THE NATIONAL JOINT POWERS ALLIANCE (NJPA), TO ALTEC INDUSTRIES, BIRMINGHAM, AL, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR A TOTAL ESTIMATED COST OF $272,780

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 12/13 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The two (2) aerial bucket trucks are included in the FY 12/13 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the Public Works Department, Fleet Services Division, has requested the purchase of two (2) Altec Aerial Bucket Trucks for use by the Community Economic and Development Division, Traffic and Electrical Section. Aerial Bucket Trucks are used by the Traffic and Electrical Section to maintain or repair street lights, and

WHEREAS, the Aerial Bucket Trucks are replacements for 2002 model year units that are at the end of their useful life. The trucks being replaced were part of the CARB retrofit program. The diesel exhaust filters approved for these units increased maintenance, operating costs, equipment downtime, and decreased overall dependability. The Aerial Bucket Trucks have been subjected to a thorough evaluation and have met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 12/13, in Fleet Replacement account 5409-53246-57003, and

WHEREAS, the National Joint Powers Alliance (NJPA) went through a competitive bid process for the purchase of heavy construction equipment and issued contract #060311. The most responsive and responsible bidder that met the bid specifications was Altec Industries, Birmingham, AL. Altec Industries is extending the NJPA discount to the City of Modesto, and

WHEREAS, there are no local vendors for this type of equipment. Taking advantage of this process and awarding a contract by "accessing the terms" of the NJPA contract is an efficient and effective way to purchase the two (2) Altec Aerial Bucket Trucks, and saves the time and expense for the City to formally solicit RFB's, and

WHEREAS, The 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 8-3.204 (d), is available where the Purchasing Manager, in his discretion, determines that a process other than the usual formal bid procedure set forth in Section MMC 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.

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 (2) Altec Aerial Bucket Trucks for the Community Economic and Development Division, Traffic and Electrical Section, through the Public Works Department, Fleet Services Division, by "accessing the terms" of a competitively bid contract with the National Joint Powers Alliance (NJPA) to Altec Industries, Birmingham, AL.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of $272,780.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-176

RESOLUTION ACCEPTING THE WORK BY EMPIRE & ASSOCIATES, INC. DBA SPRINTURF FOR THE PURCHASE AND INSTALLATION OF SYNTHETIC TURF AT MARY E. GROGAN COMMUNITY PARK AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY INSURANCE POLICY, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $1,016,260.46

WHEREAS, a report has been filed by the Director of Parks, Recreation and Neighborhoods that the purchase and installation of synthetic turf at Mary E. Grogan Community Park has been completed by Empire & Associates, Inc. dba Sprinturf in accordance with the contract agreement dated January 8, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase and installation of synthetic turf at Mary E. Grogan Community Park is hereby accepted as complete from Empire & Associates, Inc. dba Sprinturf, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Insurance Policy, and that payment of amounts totaling $1,016,260.46 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-177

RESOLUTION AMENDING THE CAPITAL FACILITIES FEES POLICIES AND PROCEDURES, RESCINDING RESOLUTION NOS. 94-562, 98-27, 99-32, 99-385, 2001-124, 2003-309, 2004-527, 2004-678, 2005-391, 2006-055, 2008-070, 2010-272, 2010-410, 2011-105, 2011-106 (Item Nos. 1, 2, 3 and 4) AND AMENDING RESOLUTION NO. 2011-106

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the City Council to establish a Capital Facilities Fees ("CFF") program by resolution, and

WHEREAS, the City is collecting CFF for the purpose of constructing public improvements that will be needed as a result of new development, and

WHEREAS, the CFF program is a pay-as-you go program that enables improvements to be constructed when enough monies have been accumulated, and

WHEREAS, the Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and

WHEREAS, the Transit CFF fund was established to accrue funds for the expansion of the City's transit system including additional buses and their associated facilities, and

WHEREAS, 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

WHEREAS, 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

This Resolution was Amended by Modesto City Council Resolution No. 2019-464 on October 08, 2019

WHEREAS, the Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and

WHEREAS, the Parks and Recreation 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 museum, and

WHEREAS, the General Government CFF Fund was established to accrue funds for the expansion of City Hall, expansion of the City's corporation yards, and technology expansions, and

WHEREAS, the City desires to adopt a comprehensive Policies and Procedures document to guide in the administration of the CFF Program, and

WHEREAS, Resolution Nos. 94-562, 98-27, 99-32, 99-385, 2001-124, 2003-309, 2004-527, 2004-678, 2005-391, 2006-055, 2008-070, 2010-272, 2010-410 and 2011-105 are hereby rescinded, and

WHEREAS, resolution No. 2011-106 is hereby amended, and

WHEREAS, this resolution will serve as a comprehensive overview and reaffirmation of the pertinent provisions of the resolutions listed above for rescission and amendment, and

WHEREAS, the City Council desires to allow an exemption from CFF on housing constructed or expanded by a Community Housing Development Organization (CHDO) found to be affordable to households earning sixty (60%) or less of the Area Median Income, and

WHEREAS, the Notice of Public Hearing was published in the Modesto Bee on April 24, 2013, 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 May 7, 2013, at 5:30 p.m., to enable the public to have the opportunity to comment,

NOW, THEREFORE, BE IT RESOLVED, that the Modesto City Council hereby rescinds Resolution Nos. 94-562, 98-27, 99-32, 99-385, 2001-124, 2003-309, 2004-527, 2004-678, 2005-391, 2006-055, 2008-070, 2010-272, 2010-410 and 2011-105, and

BE IT FURTHER RESOLVED, that the Modesto City Council hereby amends Resolution No. 2011-106, and

BE IT FURTHER RESOLVED, that the Modesto City Council hereby resolves that this resolution will serve as a comprehensive overview and reaffirmation of the pertinent provisions of the resolutions listed above for rescission and amendment, and

BE IT FURTHER RESOLVED, that the Modesto City Council hereby finds and reaffirms as follows:

1. There is a reasonable relationship between the need for the public facilities designated in the reports and analysis, and in the City's General Plan and Specific Plans generated in accordance with that plan, and the City's Capital Improvement Plan, and the impacts of the type of development for which the corresponding fees are charged.
2. There is a reasonable relationship between the fees, uses, and the types of development for which the fees are charged.
3. There is a reasonable relationship between the amount of the various fees and the cost of the public facilities or portions of the public facilities attributable to the development and types of development upon which the various fees are imposed.
4. The cost estimates set forth in the reports and analysis are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by future development will not exceed the total costs of constructing the public facilities just referenced.
5. The 2003 CFF Update Report and analysis established a linkage or nexus between development in the City's Annexation Areas (unincorporated area of the City's General Plan Area) and the need for additional public facilities or improvements to existing public facilities within the City of

Modesto as well as within the Annexation Areas. Therefore, the term "development" as used in the preceding four subparagraphs shall include but not be limited to, development in the City's Annexation Areas that may be approved or allowed by Stanislaus County, prior to the annexation of said Annexation Areas or portions thereof to the City of Modesto. Because of this clearly established nexus, it is the intention of the City Council of the City of Modesto that the fees created by this resolution for streets facilities, air quality facilities, and public transportation facilities be imposed by the County of Stanislaus on development approved of or allowed by the County of Stanislaus in the City's Annexation Areas area and collected by the City of Modesto, and

BE IT FURTHER RESOLVED, the City Council finds that only projects shown in the adopted *2003 CFF Update Report* including the acquisition of all right of way necessary to develop the expressways identified in the *2003 CFF Update Report*, are eligible for receipt of CFF funds and individual projects shall be flexibly budgeted within total dollar limits of the capital programs of the two principal fee components as follows:

1. Fees for Community Facilities which include Police, Fire, Parks, Government and Administration.
2. Fees for Transportation which include Streets, Transit and Air Quality.

As long as the overall dollar amounts of the capital programs for these two components are not exceeded, individual eligible projects may vary from the estimates shown in the *2003 CFF Update Report*, and

BE IT FURTHER RESOLVED that the Modesto City Council resolves to enact the *2003 CFF Update Report*, as set forth in **Exhibit "A" attached** hereto and incorporated by reference herein as though fully set forth in this resolution.

BE IT FURTHER RESOLVED that the Modesto City Council hereby finds and reaffirms as follows:

1. That 2011 Capital Facilities Fees were established to reflect the decrease in capital facilities projects and cost estimates, and

2. That implementation and payment of the 2011 Capital Facilities Fees (as adjusted annually for inflation) shall be for all new development and maps vested after September 3, 2003.

3. That the *2011 Capital Facilities Fees Summary Report*, **attached** hereto as **Exhibit "B"** is hereby reaffirmed and adopted in its entirety as though fully set forth in this resolution.

BE IT FURTHER RESOLVED by the City Council that in addition to other findings made by this resolution, the City Council further finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of this resolution pursuant to Sections 10561 and 15273 of the State CEQA Guidelines because:

1. The policies established by this resolution are in the scope of capital projects which are necessary to maintain the current level of services within the City, as well as to purchase certain items of capital equipment.

2. The policies contained in this resolution will not have the potential to affect the environment until there has been CEQA review of the development projects which will be paid for by Capital Facilities Fees and developer exaction. CEQA review will take place at the annexation, zoning, and/or subdivision stages of each development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which sets forth the City's policy with respect to reimbursement of developers for providing facilities which would otherwise be purchased with CFF funds, and provides for a uniform policy for street exactions will not, by themselves, have any possibility of causing any significant effect on the environment.

3. The fees established by this resolution will be collected, in part, for the purpose of obtaining funds to be used for capital projects which are necessary to maintain the current level of services within the City, including the construction of police, fire facilities, parks and recreation facilities, other city facilities, air quality facilities, public transportation facilities and street facilities as well as the purchase of certain items of capital equipment.

4. However, the addition of capital facilities to new neighborhoods will not take effect until there has been CEQA review of the development projects which will pay for said capital facilities via the Capital Facilities Fee mechanism established or increased by this resolution. Such CEQA review will take place at the annexation, zoning, and/or subdivision stages

of each development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which reaffirms the CFF program to fund capital facilities that will be necessary in the event growth continues to occur will not, by itself, have any possibility of causing a significant effect on the environment.

BE IT FURTHER RESOLVED by the City Council that should any fee provision, clause, paragraph or subparagraph be held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications thereof which can be given effect with the invalid fee, provision, clause, paragraph or subparagraph, and to this end, the provisions of this resolution are declared severable. By adopting this resolution, the City Council hereby declares that it would have adopted this resolution without that fee, provision, clause, paragraph or subparagraph.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the Capital Facilities Fee program, set forth herein, is a necessary program to fund future infrastructure needed for new development.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for constructing and/or purchasing additional fire stations, fire vehicles, and a new training station, have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for constructing and/or purchasing 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, have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure museum have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the expansion of City Hall, expansion of the City's corporation yards, and additional technology expansions is not yet known, but there is still a need as outlined, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the reduction of automobile travel, specifically for the

development of park and ride lots and Class I Bike Trails is not yet known, but there is still a need as outlined, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for arterial roadways, intersections, expressways, freeway interchanges and all of their associated landscaping is not yet known, but there is still a need as outlined and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the expansion of the transit system is not yet known, but there is still a need as outlined, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Modesto City Council that its Capital Facilities Policies and Procedures relating to the application and administration of Capital Facilities Fees, formerly adopted and amended by this Council, be further amended and adopted in their entirety as set forth in **Exhibit "C" attached** hereto and incorporated by reference herein as though fully set forth in this resolution.

BE IT FURTHER RESOLVED that the Capital Facilities Fees are hereby adopted as shown in **Exhibit "C" attached** hereto and incorporated by reference herein as though fully set forth in 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 May, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ACALA WOOD, City Attorney

EXHIBIT A

CFF Documentation

Documentation of Justification for Impact Fee Mitigation

For the

CITY OF MODESTO

Revised June 3, 2003

Prepared by:

Town Hall Services
830 Woodside Road
Redwood City, CA 94061

In association with
Omni-Means, Ltd.
2237 Douglas Boulevard
Suite 100
Roseville, CA 95661

EXHIBIT A

EXHIBIT A

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Modesto CFF Documentation -- Revised

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EXHIBIT A

Chapter I
INTRODUCTION AND SUMMARY

OVERVIEW

Community Facility Fees (CFF) is a program whereby new development in Modesto contributes to the costs of the public facilities necessary to accommodate it, thus mitigating its impact. The City of Modesto has the power to implement this program on constitutional grounds, but it must be implemented consistent with constitutional protections, including those to which the U. S. Supreme Court called attention in the Nollan and Dolan decision, and with the regulations in Sections 66000 *et sec* of the California Government code.

The imposition of development impact fees requires identification of the facilities to be provided and the fee amounts imposed must not exceed the cost of the necessary facilities. To fulfill this requirement the City has undertaken a study to identify the facilities needed and their costs, similar to studies undertaken in 1988-89 and 1997-98. This report describes the study and its findings, providing a basis for the City Council and the Modesto Community to update the facilities to be constructed and the fee amounts.

The preparation of the CFF program described in this report is a result of nine months of work. A "task force" guided the preparation of information regarding the public facilities to be in the CFF program. Representatives of each department using public capital facilities in the provision of its services — engineering and transportation, fire, parks, police, operations and maintenance — participated in the task force meetings whenever their facility needs were being considered. Representatives of the Building Inspection Department, the City Attorney's office, the City Manager's office, the Finance Department, and the Community and Economic Development Department were members of the task force. Finally, staff of Town Hall Services and Omni-Means, Inc., the consultants to the City on the update, were members of the task force.

The information prepared by the various City departments and the consultants was put in the form of decision packages. These were considered by the Finance Committee in both regular meetings and in special public meetings called specifically to review the CFF information. These decision packages are available as a supplemental report, *Information Details*. After revisions under the direction of the Committee, the packages were forwarded to the City Council with the recommendation that the Council consider and adopt an updated CFF program.

This report is provided so it can be reviewed and considered by the City Council and the citizens of Modesto. Assuming the Council adopts an update to the present program, this document, together with all of its exhibits, appendices, and supplemental reports, will be the document justifying its decision.

STUDY PROCEDURE

The procedure of designing this capital facilities fee program was composed of the following steps:

(1) projecting residential and commercial/industrial development;

(2) identifying the facilities necessary to accommodate this development;

(3) estimating the costs of these facilities;

(4) equitably allocating these costs among types of development;

(5) determining the appropriate fee schedule.

Development Projections

This CFF study was undertaken from the perspective of the development that would occur in the CFF study area and the facilities necessary for this growth. The CFF study area is the area in the City's General Plan, with the exception of a couple of small areas that the City Council has indicated are unlikely to ever become part of the City of Modesto. The unincorporated community of Salida is the most important of the areas in the General Plan but not included in the CFF study area; the remaining area not included is Kiernan/Carver North. An area essentially equivalent to the General Plan area was chosen for several reasons. The General Plan area is that area for which the City legally must plan. The General Plan is adopted City policy; its land use designations provide a basis for projecting the type of development that will occur. The City's traffic model provided information about the street improvements needed for buildout of this area. Finally, the study area is large enough to avoid distortions that could result from analysis of the needs of only growth in a small area; most of the facilities used by growth in a small area would be located outside of the area and the majority of the need for facilities in that area would result from growth outside of it.

The need for facilities to accommodate buildout, rather than development over a specified period of time, e.g. a decade, was selected for similar reasons. The City's General Plan was based on buildout forecasts; addressing facility need's for a shorter period would have required not only City-wide growth projections, but growth projections for small areas and a traffic analysis of the facilities needed for this pattern of development. And the extent to which the period's development contributed to the need for longer term projects and the use longer term development would make of facilities necessary for near term growth would be difficult to consider.

The land use designations and the traffic model information were analyzed and the characteristics of the development that would likely take place in the CFF study area at buildout were determined. The amount of residential development in terms of number of land area, units, and population were projected. The population of the City is projected to increase from about 198,600 at the present time to about 371,000 when and if buildout of the total area were to take place. Similarly, the amount of commercial/industrial development was projected in terms of land area, building area and employment. Employment is projected to increase from the present 71,000 employees to a total of 293,000 at buildout.

It should be understood that, while the buildout of the CFF study area is perhaps the most credible scenario for the calculation of fees, the scenario does not have to play out completely for the fees to be reasonable. In particular, the entire study area will probably not be annexed into the City, at least within a foreseeable time frame. The scenario is reasonable, however, as essentially all of this area will be developed, public facilities to serve it will be needed, and almost all of it will be within the City of Modesto.

Facilities Needed

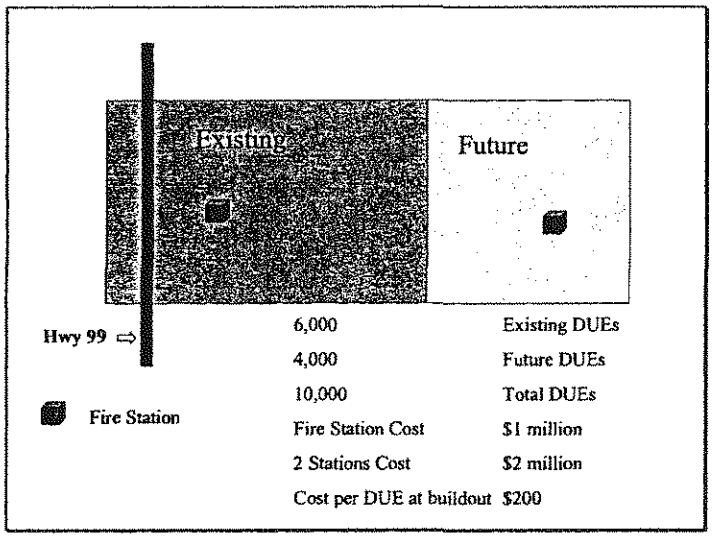
The determination of the facilities needed by each department to accommodate new development was, as noted above, a joint effort of City staff of that department, the consultant team, the task force and the Finance Committee of the City Council. The facilities needs expressed in this report include input from all of those participating and for the most part reflect a consensus among them.

There are two alternative approaches to determining the facilities needed to serve projected development. Each is used as appropriate in this study. One is to calculate directly the facilities impacts of new development. The additional streets that will be needed to maintain appropriate traffic standards is the most important example. This approach is often referred to as the marginal approach.

In most cases, it is more appropriate to picture the facilities that will be needed to serve the City at buildout and then to calculate new development's appropriate share of this total. The new City Hall is a good example, as it will serve not only the present City, but also, with some additional space, future development to a City the size of General Plan buildout. As another example, the Fire Department's resources are utilized as a system, with carefully designed involvement by multiple stations in every structural fire. Police facilities are also analyzed as a total operation serving both existing and new development. This approach is sometimes termed a systems approach.

Because of the importance of this concept, it is worthwhile to demonstrate the calculations in a simple example. Figure I-1 shows a small city with one existing fire station on the more developed side of town with another station needed as development is spreading over the other half of the city. At a per station cost of $1.0 million, the total cost of the system will be $2.0 million. Allocating this cost among 10,000 single family home equivalents (among development equal in the need for fire services of that number of single family homes) yields a cost of $200 per home, which could justify an impact fee of that amount. It should be noted that it would be unfair (and illegal) to allocate the $1.0 million cost of a second station solely to the 4,000 home equivalents remaining to be constructed, as existing homes already contribute to the need for the new station.

Figure I-1
Fire Stations



Note: A DUE is the service need resulting from one single family detached home (See Chapter II).

Whichever approach is used, facilities standards play a major role in the determination of needed facilities. Sometimes the standards are "direct," such as the example of neighborhood park area per 1,000 residents. In other situations, the standard is less direct, as in the Fire Department, where the facilities needed are determined by the standard of a response time of six minutes or less on 90 percent of calls. The standards relevant to facilities for each department were discussed extensively with the task force and the Council Finance Committee and attention is called to them in the chapters describing the facility needs of each department.

Cost Estimates

The cost estimates for the needed facilities come from several sources. In a few cases they are the budgets for facilities about to be constructed; fire stations and park improvements are examples. In some cases they came from a study; the planning for corporation yard facilities is an example. In some cases they reflected cost analyses by department staff; in almost all of these cases they were based on actual costs of comparable structures or equipment. Cost estimates for fire stations and fire engines are examples.

The estimates of street improvement costs are by far the most critical of cost estimates. The costs of street improvements constitute the majority of the costs of needed facilities. Even more important, they can differ significantly depending on assumptions regarding how the improvements will be made in circumstances where some of the desired right-of-way is already developed. The majority of the cost of this study was devoted to the estimation of the costs of street improvements, including preliminary designs for each of the 257 intersections and road segments included in the CFF program.

All of the costs are present construction costs; yet, the facilities will be built over the next couple of decades, presumably at gradually inflating costs. It would be an almost impossible task to estimate when each facility would be constructed and its inflated cost at that time. Even if this information were available, it would still be more equitable to base current fees on current costs. The problem of inflating costs in the future is met by escalating the cost impact amounts annually by an appropriate index of inflation. The City has used, and presumably will continue to use, the Engineering News Record construction cost index for the San Francisco Bay Area. The cost of land is a major share of the cost of needed facilities. If history is a guide, land costs will continue to escalate faster than the cost of construction. If the CFF fees are increased by this inflation index, they will probably gradually fall below the actual costs. It is thus likely that development will gradually be paying a little less than the actual costs (rather than being overcharged) until the next CFF update.

Equitable Cost Allocation

One aspect of cost allocation has already been described. **The cost of the share of facilities needed by existing development is not included in the cost impact of new development, whether it is the share of a system wide facility, such as the City Hall, or existing deficiencies, such as undeveloped neighborhood parks.**

The principal task referred to here is the allocation between different types of development (residential and commercial/industrial) and, eventually, to the development included in each individual building permit. The principle governing the analysis is as follows:

> For each type of capital facilities, each type of development is analyzed as to whether is contributes to the needs for such facilities and, if so, the relationship between the amount of that type of development and that type of facilities.

Three different allocations are used to apportion costs among types of development:

> Parks and Air Quality. The first method of allocation is used when facilities are necessary essentially because of residential development; therefore, their costs are appropriately allocated to residential development based on the average number of residents. Parks and recreation and air quality facilities are the only categories of facilities allocated in this fashion. The parks and air quality components of the CFF for various housing types is based on the average number of residents in each type of housing: single family detached units, and multiple family units.
>
> Other Facilities (except Transportation). All other facilities—for police, fire, general City functions, etc.—are needed to serve both residential and commercial/ industrial and are therefore allocated between them. Research findings generally conclude that residential development contributes significantly more than commercial/industrial development to the need for these facilities, i.e., that a resident should be weighted more heavily than an employee in estimating the need for services. The calculations in this report are based on the assumption that the impact of an employee is 40 percent of the impact of a resident. (This relationship is discussed more fully in Chapter II.) Using this ratio, the cost impact (per person and per employee) is determined. The fees on residential developments for these facilities are determined based on the number of residents in each housing

unit type, the same as for the parks component. The CFF schedule for non-residential development includes three commercial/industrial categories: office and other high density, retail and other medium density and industrial and other low density. The fee is calculated for each based on the density of employees times the cost impact per employee.

Transportation. Transportation related facilities are allocated based on the number of trips generated, whether the type of development is residential or commercial/industrial. In other words, the total cost is allocated based on the trips generated by each project determined by its land use type. The rates of trip generation are expressed in terms of units for the types of residential development and in terms of square feet of space for about two dozen categories of non-residential development and the fee amounts are expressed in the same terms. It is fortunate that a good indicator of contribution to the need for street facilities is available, as they are by far the largest share of the costs.

FACILITIES NEEDED FOR NEW DEVELOPMENT

Fire

Fire facilities at buildout will total 15 stations, including existing city stations and new stations built in the future. (The Salida station is not included.) Maintenance facilities, vehicles and equipment will be added as well, commensurate with the future level of fire prevention and emergency response needs.

The fire department operates as a system in which stations and their vehicles provide backup for neighboring areas beyond the immediate response radius. Similarly, maintenance and training facilities support the system as a whole. Buildout facilities needs are allocated evenly to existing and new development using a system-wide approach.

The fire department presently has only a modest existing deficiency under the allocation method of this analysis. New developments share of the system's cost is $17.4 million, including future annexed stations. The fee per DUE is $255.

Police

Until the construction of the new police building, completed in the year 2000, the Police Department was severely short of space. Its ability to house its current officers and support staff is much improved. The City is deficient, however, in that police staffing is far below the level deemed necessary as the City is changing from a modest sized town in a remote agricultural valley to a larger city on the periphery of a very large metropolitan area. The City Council has indicated its intent to raise the level of police staffing. Housing a larger police force results in a higher cost and hence higher fees for new development. However, the portion of the facilities needed to house existing development's share of the additional staff cannot be made the responsibility of new development; it is the major cause for the large existing deficiency in police capital facilities the City must acknowledge.

Subsequent additions will be necessary, including a parking structure, to accommodate buildout needs. These needs are calculated on a space standard of 263 square feet per department employee; at least one national standard is 300 square feet per employee.

Existing and new development will benefit similarly from the aggregate police facilities at buildout. Accordingly, the future inventory of buildings and equipment (primarily vehicles) is allocated on a system-wide basis, assigning new development a share of cost proportional to its share of buildout DUEs. New development's share of facilities at buildout is $56.7 million, and the fee per DUE is $830. There is a significant deficiency in police facilities, to a large part due to the intent to increase the staffing standard.

Parks and Recreation Facilities

Facilities managed by the Parks, Recreation and Neighborhoods Department include parks, open space, community centers, pools, sports centers and other recreational resources. The City standard is a total of three acres of parks, neighborhood and community, per 1,000 residents.

Park facilities are viewed from a system-wide approach, in which the estimated facilities are allocated to new development on the basis of buildout residential DUEs. The City currently has a large existing parks deficiency.

Facilities expansions are projected to total $348.1 million; the cost of the entire parks system at buildout is $506.4 million. New development's share of this cost is $194.2 million. The CFF fee is $4,384 per residential DUE

General Government Facilities

This category of facilities included in the "General Government" component of the CFF program includes (1) City Hall (the City's administrative space), (2) the City's corporation yard (the City's "industrial space"), and (3) other facilities supporting City operations not included in any other category.

The costs "not included in any other category" include the City's future information technology expansions. At buildout the City plans to provide an extensive fiber optic cable and wireless network to facilitate improved communications between city services.

Almost all general government facilities serve all development in the City; since it would be difficult to analyze them in terms of the facilities needed solely due to new development, they are analyzed as a citywide system. The government services clearly benefit both residential and non-residential development. Both types of development are therefore expected to contribute to their construction costs.

The buildout cost of the general government facilities is $72.0 million. Of this cost, $59.7 million consists of expansions of future facilities plus future costs incurred to service the City Hall bonds. New development's share of the total cost is $32.3 million, and the CFF fee is $474 per DUE.

Air Quality

The San Joaquin Valley air basin has been designated as a non-attainment area. This component of the CFF funds projects expected to mitigate the air quality impacts of new development. The projects include park and ride lots and a comprehensive system of Class I non-motorized bike trails.

The report identifies future facilities expansions with a cost of $65.0 million resulting in a total system value of $78.4 million. New developments' share of the cost is $30.1 million. A fee component of $679 per residential DUE will contribute new residential development's share of the total funding.

Streets

Street improvements are by far the largest component of the CFF program. The improvements needed had been projected as part of the preparation of the General Plan using the City's traffic model. These needs were evaluated in more detail in this study and extensive analysis was undertaken with regard to the costs of the improvements. This work was guided by a working committee of City staff and consultant team members.

It is necessary to view streets from a marginal perspective, as it would be very difficult to put a replacement value on the existing streets. The concept of traffic level-of-service is used to identify existing deficiencies that will be the responsibility of the City rather than new development.

The need for additional street facilities by buildout is determined based on trip generation projections for the land uses as specified in the City's General Plan. The allocation of the cost of the improvements is based on the same criterion, each type of development's responsibility for trips generated.

The portion of street costs to be funded with CFF revenues depends on the contributions required of developers of adjacent property. These contributions are referred to as exactions and adoption of this CFF program assumes implementation of the exaction policies included in the appendix.

A total of $1.19 billion was estimated as the cost of the street improvements identified in the General Plan exclusive of exactions. It is projected that $276 million of this amount will be funded from Federal and State sources, from direct developer exaction, and from the City funding existing deficiencies, for a net CFF cost of $914 million. The cost per single family home is $8,000.

Public Transportation

The Public Transportation component of the CFF funds the capital costs of the bus system operated by the City. Over $20 million in facilities is projected in necessary improvements. Federal transportation grants are expected to fund a proportion of some of the facilities. New development's responsibility of the remainder of these costs is estimated to be $10.4 million. The cost per DUE is $91.

Fee Administration

A modest expense is involved in the administration of the CFF program. The funding required is primarily for staff and consultants planning for the facilities needed to accommodate growth and monitoring the program's implementation. The fee component that funds such expenditures is set at 1.5 percent of the other fee components. The fee is set at this level with the proviso that it will be reviewed periodically to insure that it was neither too large nor too small an amount. There are plans to update the fees more often and to undertake more complete accounting of the funds. To date the revenue has just about matched the expenditures, as the current update study will exhaust the funds available. The annual review will provide an opportunity for continued review of the adequacy of this amount.

CFF FEES

Cost of Needed Facilities

The costs of the facilities needed to serve the new development anticipated in the City's General Plan is shown in Table I-1. The total cost is $1.25 billion. Over 70% of this amount is in street improvements. Parks accounts for half of the remainder. This is the total cost responsibility of new development of funding facilities. This is not the entire cost required to fund needed public facilities. To maintain the citywide standard at buildout, there is an existing deficiency of about $200 million that will need to be funded from sources other than developer mitigation.

Table I-1
Capital Facilities Fees Costs

Category of Cost	2002-03 Update Study
Community Facilities CFF	
Fire	$ 17,387,000
Police	56,714,000
Parks	194,227,000
General Government	32,347,000
Air Quality	30,073,000
Subtotal	$ 330,748,000
Transportation CFF	
Streets	913,800,000
Public Transportation	10,359,000
Subtotal	$ 924,159,000
Total	$ 1,254,907,000

Fee Schedule

The cost impact of single family detached homes, the CFF that would have to be levied to fully mitigate its impact, is shown in Table I-2 and I-3. The mitigation from each single family home

that the City would have to recover to fund the CFF improvements is $14,934. This amount is compared in the table with the current CFF. The cost impact far exceeds the current fees.

Table I-2
CFF Full Recovery Costs for Single Family Detached Homes (DUEs*)

Category of Cost	Current Fees	2003 Update
Community Facilities CFF		
Fire	$ 158	$ 255
Police	392	830
Parks	2,291	4,384
General Government	471	474
Air Quality	63	679
Subtotal	$3,375	$6,622
Transportation CFF		
Streets	3,088	8,000
Public Transportation	109	91
Subtotal	$3,197	$8,091
Sub Total	$6,572	$14,713
Administration	105	221
Total	$6,677	$14,934

* A "DUE" is a single family home or other development with the same facility cost impact.

Table I-3 shows the fees schedule necessary for full recovery of capital facilities costs associated with the three categories into which commercial/industrial development is broken out for the Community Facilities CFF.

Table I-3
CFF Fees for Non-Residential
Per 1,000 Square Feet

	General Office	Medium Size Retail*	Manufacturing, Industrial
Community Facilities	$ 644	$ 386	$ 276
Transportation	$8,125	$12,267	$3,150
Administrative	$ 132	$ 190	$ 51
Total	$8,901	$12,842	$3,477

* 50-100,000 square feet.

The full fee schedule for specific land use types is shown below in Table I-4.

Table I-4
Fee Schedule for Specific Land Use Categories

Residential (per unit)	**Fee**
Single Family	$14,934
Multi Family	$9,789
Senior Housing	$7,754
Non-residential (per 1,000 sq. ft.)	
Hotel/Motel (per room)	$4,958
Retail	
<50,000	$15,426
50-100,000	$12,842
100-300,000	$10,873
>300,000	$10,158
Medical Office	$19,866
General Office	$8,901
Hospital	$12,519
Daycare	$7,195
Church	$2,032
Nursing Home	$2,679
Business Park (Service)	$6,345
Business Park (Manufacturing)	$3,934
Industrial (Manufacturing)	$3,477
Industrial (Warehousing)	$2,523

New Information

The CFF program is, as required by State law, reviewed each year. The fee schedule should be adjusted at the time of this review if new information suggests such changes are appropriate. Inflation is one type of information that will indicate appropriate changes in the fee schedule. It is anticipated that the fee amounts will be increased (or decreased) each year to reflect inflation (or deflation).

The City's annual review of its Capital Improvements Program (CIP) is another source of such information. The CIP includes projects planned for construction/purchase over the next ten years. The funding for each, including any portion to be funded by CFF, is identified. Discussions about and changes in the CIP may indicate changes in the facilities needed to accommodate new development. Furthermore, the actual cost of capital projects will either confirm CFF cost estimates or suggest that some adjustment is appropriate. It should be understood that the costs of individual projects or even a half dozen projects are not necessarily an indication that the costs should be adjusted. Streets, for example consists of several hundred projects, each with some different characteristics yet almost all with the cost estimated based on a prototype estimate. In some cases a single project can indicate that some cost assumptions need to be revised. In other cases, it is the gradual appearance of a pattern that will be the key.

The majority of the information on which the updated CFF program is based comes from the departments that provide the services. City departments sometimes prepare (or have prepared) studies as to the facilities that will be needed and their costs. The study analyzing corporation yard needs is an example. When such studies are finalized the information should be used to adjust the CFF schedule as appropriate.

Finally, new information about alternative funding sources could indicate a change in the fee schedule. The most obvious example is the passage of a sales tax for street improvements. Some improvements currently in the CFF program would be funded from such a tax, necessitating changes in the fee schedule.

Chapter II
GROWTH PROJECTIONS

The amount of new development in a community bears a relationship to the facilities expansions required, as new homes and their residents and business activity and its employees contribute to the demand for public services. In this chapter projections of new development are provided as a basis for the public facilities needs discussed throughout the CFF report.

INTRODUCTION

Information about growth is needed for impact fee documentation. The amount and nature of new development indicates the amount and cost of facilities needed in the future. Information about existing development is also necessary. For some facilities it is used to determine present service standards; in other cases it is also needed to calculate the share of facility costs that are not the responsibility of new development.

Modesto's General Plan is used as the basis for projecting growth to maintain consistency among the City's planning efforts. As was explained in the first chapter, the CFF study area is almost all of the land area in the General Plan. Only a couple of areas, principally the community of Salida, are not included. All the land within the CFF study area boundaries is assumed to be developed. Although the potential for development exists beyond the General Plan boundaries, the General Plan level of development represents more than a doubling of the existing City of Modesto; it thus provides a sufficient indication of facility needs for many years into the future. The question of the CFF study area "buildout year" is taken up later in the chapter.

After a discussion of the geographic considerations relevant to this study, this chapter reviews the existing level of development in the City of Modesto and the remainder of the CFF study area, followed by projections of residential and non-residential development. The growth projections rely on a variety of available data sources, including information contained in the City's General Plan and related documents, as well as State and Federal Census information. The projections developed here are coordinated with the numbers used in the City's traffic model that, in turn, is a representation of the streets and traffic aspects of the General Plan. The projections used in the traffic model are discussed in the Streets section.

STUDY AREA BOUNDARIES

Several geographic designations are relevant for this study. From the perspective of the General Plan, growth is divided into two principal areas. First is the current incorporated area of the City of Modesto. This area is covered under City zoning land use designations such that future development patterns can be reasonably foreseen.

The remainder of the study area consists of annexation areas, currently unincorporated land assumed to be annexed to the City at some time in the future. The General Plan indicates land uses and acreages for comprehensive planning districts comprising the annexation areas. This information is used to project growth in these areas.

The growth scenario constructed for fee purposes, therefore, observes the following geographic categories:

Present City
- Existing Development
- New Development

Annexation Areas
- Existing Development
- New Development

Existing development within the existing City boundaries generally constitutes the City of Modesto's existing service area. As the General Plan area builds out, it is assumed that the City will become responsible for serving these areas, and they are included in the future year service demand. Some development has already occurred before becoming part of the City; much of this development in the annexation areas would not have paid CFF fees (no provision exists for retroactive development fees). On the other hand, unincorporated existing development in some areas could possibly bring some facilities, such as a fire station (station 10 owned by the Industrial Fire District) or a park, with it as it annexes. To the extent that facilities are lacking in the annexation areas, they will become a deficiency to the City.

EXISTING DEVELOPMENT

Existing development estimates are sometimes useful for determining existing service levels, though they are prepared primarily to provide a basis for allocating public facilities costs in situations where these costs are appropriately shared between new development and the existing City. Development is estimated in terms of housing units and population for residential, and employment for non-residential development. Development estimates are prepared for both the existing City limits and the developed portions of the growth areas presently outside of the City of Modesto.

Within the Present City Limits

Table II-1 shows existing population and housing units. According to the Planning Department, Modesto's total population is 198,600. Housing units totaled nearly 70,000. Employment in the City of Modesto is also shown in the table, estimated at 71,000 according to the State Economic Development Department's estimates and data from the Planning Department.

Table II-1
Existing Development Within the Present City Limits

POPULATION	
Population	198,600
HOUSING UNITS	
Single Family	53,922
Multiple Family	15,926
Total	69,848
EMPLOYMENT	
Employment	70,898

Sources: California State Department of Finance; State Department of Economic Development; Town Hall Services.

Annexation Areas

Some development exists in parts of the CFF study area outside of the City limits. For the purposes of determining existing service standards, these areas need to be excluded since they are not presently the responsibility of the City. Eventually, however, the General Plan assumes that

the unincorporated pockets of the planning areas would be absorbed into the City of Modesto and served by City departments. Estimation of the future facilities needs, therefore, should take into account the demands from the existing unincorporated development.

Table II-2
Existing Development in Future Annexation Areas

POPULATION	
Population in Annex Areas	29,900
HOUSING UNITS	
Single Family	6,984
Multi Family	2,016
Total	9,000
EMPLOYMENT	
Employment in Annexation Areas	30,756

Sources: Modesto General Plan and related background documents; Town Hall Services.

Existing development in these areas is estimated in General Plan background documents at around 9,000 housing units, with a corresponding population of 29,900. Substantial employment exists outside of the City limits. According to background information to the General Plan, employment in this area totals 30,800, including jobs at the Gallo facilities and at the businesses in the Beard Industrial Tract. Table II-2 summarizes the estimated development, population and employment, outside of the City limits.

GROWTH PROJECTIONS

This section anticipates new development in the City of Modesto. Buildout development capacity for residential and non-residential development are estimated from General Plan information; these are, in other words, the development levels at buildout within the CFF study area boundaries. The growth is the difference between the present level of development and development at buildout.

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Employment	70,898

Sources: California State Department of Finance; State Department of Economic Development; Town Hall Services.

Annexation Areas

Some development exists in parts of the CFF study area outside of the City limits. For the purposes of determining existing service standards, these areas need to be excluded since they are not presently the responsibility of the City. Eventually, however, the General Plan assumes that

the unincorporated pockets of the planning areas would be absorbed into the City of Modesto and served by City departments. Estimation of the future facilities needs, therefore, should take into account the demands from the existing unincorporated development.

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Population in Annex Areas	29,900
HOUSING UNITS	
Single Family	6,984
Multi Family	2,016
Total	9,000
EMPLOYMENT	
Employment in Annexation Areas	30,756

Sources: Modesto General Plan and related background documents; Town Hall Services.

Existing development in these areas is estimated in General Plan background documents at around 9,000 housing units, with a corresponding population of 29,900. Substantial employment exists outside of the City limits. According to background information to the General Plan, employment in this area totals 30,800, including jobs at the Gallo facilities and at the businesses in the Beard Industrial Tract. Table II-2 summarizes the estimated development, population and employment, outside of the City limits.

GROWTH PROJECTIONS

This section anticipates new development in the City of Modesto. Buildout development capacity for residential and non-residential development are estimated from General Plan information; these are, in other words, the development levels at buildout within the CFF study area boundaries. The growth is the difference between the present level of development and development at buildout.

Residential

Tables II-3 and II-4 show the housing unit and population projections. Existing development, including that in the annexation areas, is discussed above. The General Plan identifies all of the development areas in the study area and provides indications of land uses and acreage for each planning area sufficient to estimate growth.

Table II-3
Buildout Housing Units

	Single Family	Multi Family	Total	Percentage at Buildout
Existing Development				
Existing City	53,922	15,926	69,848	54%
Annexation Areas	6,984	2,016	9,000	7%
Subtotal	60,906	17,942	78,848	
New Development	33,506	16,809	50,315	39%
Buildout	94,412	34,751	129,163	100%

Sources: Modesto Planning Department and Town Hall Services

Table II-4
Buildout Population

	Total	Percentage at Buildout
Existing Development		
Existing City	198,600	54%
Annexation Areas	29,900	8%
Subtotal	228,500	
New Development	142,321	38%
Buildout	370,841	100%

Sources: Modesto Planning Department and Town Hall Services

The annexation of 9,000 existing homes outside of the City boundaries will add 29,900 residents. Development of Modesto's growth areas is estimated to add 50,300 new housing units with a population of 142,300 in the existing City and planned urbanizing areas. All together, total development is estimated at 129,200 housing units with a population of 370,800 persons. The existing population in the City is 54% of the total future population. The estimated population in all existing homes, including annexations, is 228,500, represents 62 % of the total future population. The remaining 38 % is the 142,300 population projected to be residing in new development. This growth is significantly less than the current population in the CFF study area.

Non-residential

Non-residential development and employment are projected for the existing developed areas and for new development in Table II-5. Development is related to total land area assuming a land utilization of 80 percent to account for streets and other undevelopable areas and an average floor-area-ratio of 0.30-0.45. An average employment density of 300-900 square feet of building per employee is used to relate gross developed floor area to employment, depending on land use category of new development.

Table II-5
Projected Employment

	Employment		
	Existing Development	New Development	Total
Within City Limits	70,898	51,937	122,835
Annexation Areas	30,756	140,330	171,086
Total	101,654	171,086	293,921

Sources: Modesto Planning Department and Town Hall Services

Development of new commercial and industrial space development is estimated to add approximately 192,000 employees. Including existing areas and annexation of areas within the general planning area, the buildout potential is estimated 294,000 employees. Relative to the existing employment in the City of 71,000, this represents an increase of 310%, though only a 190% increase above the employment in the CFF study area.

Jobs-Housing Balance

The population/housing and employment information above reflects the shift anticipated in the General Plan from Modesto as a city with a substantial out-commute (much of it to the Bay Area) to an urban center of its portion of the San Joaquin Valley. The common rule-of-thumb is 1.5 employees per household. The study area at the present time has a ratio of 1.3 employees per home. Growth per the land uses in the General Plan will result in 3.8 new jobs per additional home. At buildout, the ratio will be 2.3 employees per household. This information is summarized in Table II-6.

Table II-6
Jobs/Housing Ratios

	Present	Growth	Total
Employment	101,654	192,267	293,921
Household	78,848	50,315	129,163
Ratio	1.29	3.82	2.28

It is likely that the limited road capacity between Modesto and the Bay Area will limit the growth

in commuting to Bay Area jobs; more job opportunities in Modesto will limit the need for residents to look outside for jobs. However, whether the City can, or should, increase non-residential development to the extent assumed by the General Plan land use designations is a matter that needs to be investigated. The City plans to address jobs/housing balance in the soon to be undertaken General Plan update.

NEXUS AND DWELLING UNIT EQUIVALENTS

Nexus

While it is clear in theory that new development results in the need for fire stations, parks, streets, etc., the calculation of fees depends on a reasonable quantification of this relationship. This relationship is not the same for all types of facilities. Parks are needed essentially to serve the residential population; fire stations, for example, are needed to serve both residential and non-residential buildings and populations. Streets is another category of improvements on which both residential and non-residential development depend, though information about trip generation provides a basis for precision in analysis of the relationship that is not available for other types of facilities.

The quantitative relationship between residential development and its need for public facilities, for all but streets and public transportation, is expressed in terms of population. In other words, the impact of different housing types can be calculated weighted based on their average occupancy. This choice reflects the strong role that population plays in determining service demands: the overwhelming majority of fire department calls are for medical emergencies and peoples lives are at risk in a fire; park adequacy versus overcrowding is based on the number of people using the parks; people cause the need for police services, either as perpetrators or victims, etc. Even where population is not directly related to the need for a public service, it is often a surrogate for the need: single family (detached) homes are larger and more valuable than apartments and also have a larger average occupancy.

Employment is similarly used as the indicator of need for non-residential services, with the impact of different type of development calculated based on their employment density. Again the purpose of protecting lives or just serving people supports such an allocation. Employment is also a "roughly proportional" indicator of the property protected. There is not a large difference in employment densities among land uses. Employment, and non-residential development in general, is unrelated to needs for some facilities. Parks are the primary example; even employer sponsored softball leagues primarily serve residents of Modesto. The same is true for Air Quality Mitigation facilities, which are primarily bike and hiking trails that offer an alternative for some recreational and reasonably short shopping and school trips.

The toughest call arises when both residential and non-residential development generate the need for public facilities. Research findings generally conclude that a resident should be weighted more heavily than an employee in estimating the need for the facilities. One perspective that contributes to this conclusion is that the non-working time of a resident is far greater than the working time of an employee. (Of course, a person can be both a resident and an employee in Modesto.) Another consideration is the role residents play in police and fire calls while patronizing non-residential businesses. We assume that weighting an employee at 40% of a resident is an appropriate balance; it is the weighting factor that has been used in Modesto's CFF program since about 1989.

Streets are another matter. Because extensive average trip generation factors are available from Institute of Traffic Engineering publications, all types of development can be analyzed in terms of the traffic each generates and, with suitable adjustments, its share of the costs based on this analysis. The availability of this information allows for a much more direct and precise allocation of costs than if the causal relationship were based on population and employment measures. This is fortunate because streets are by far the largest component of CFF facility costs.

Dwelling Units Equivalents (DUEs)

It is convenient to express amounts of development, whether they are residential or commercial/industrial, in terms of a common measure. The commonly used measure is a single family (detached) home - a dwelling unit equivalent (DUE). In the context of this study, therefore, we will be analyzing the impacts of development in terms of the equivalent number of single family homes that would have the same impact.

Other facilities are related to transportation needs. The overwhelming share of these, in terms of cost, are streets (including intersections). Public transportation facilities and improvements designed to enhance air quality are also included, the latter because traffic is the principal cause of key components of air pollution. Traffic impacts are calculated based on trips generated. A DUE for this category is therefore equal to the number of trips assigned to a single family detached unit. Calculations regarding the number of DUEs served by road improvements are set forth in the chapter on the Streets component of the CFF.

DUEs for facility needs related only to population and facility needs related to a combination of population and employment both depend on population. The DUE calculations therefore require an estimate of average household sizes. Single family detached dwelling units are projected to average 3.32 persons per household in the future. This calculates to about 3.21 persons per single family unit (accounting for vacancy at an average of 3.3%). The DUEs of other types of

residential units are calculated based on the average number of persons occupying the units compared to the average occupancy of single family detached units. Multiple family units (apartments and condominiums) are projected to average about 2.10 persons per household, based on data from the Planning Department. However, multi-family dwellings have a higher vacancy rate (assumed to be seven percent), and calculate to 1.95 persons per multiple family unit. Thus, we calculate that based on the projected number of residents in any given multi-family unit, each multi-family unit at buildout is weighted as 0.61 DUEs (1.95/3.21).

Table II-7 shows the calculation of existing DUEs in the City of Modesto. The numbers in the table only apply to existing development within the City limits, and are useful for determining service standards in later chapters. The first part of the table calculates service population by adding residential population to weighted employees. The second part of the table calculates DUEs by applying the single family household size and the occupancy rate to convert total service population to an equivalent number of single family detached housing units.

Table II-7
Residential Development DUEs*

	Existing Development	Annexations	New Development	Buildout
Residential Population	198,600	29,900	142,341	370,841
	divided by	*divided by*	*divided by*	*divided by*
Average SFD Housing Unit Occupancy**	3.21	3.21	3.21	3.21
	equals	*equals*	*equals*	*equals*
DUEs	61,869	9,314	44,342	115,526
Round to	**61,900**	**9,300**	**44,300**	**115,500**

*Residential development DUEs, without any DUE's for non-residential development, are used for Parks and Air Quality analyses.
**Average household occupancy is 3.32 persons; occupancy rate assumed to be 96.7%, generating an average single family detached (SFD) housing unit occupancy of 3.21 persons.
Source: State Department of Finance, Town Hall Services

Future year DUEs are shown in the next table, Table II-8. The employee weights and occupancy relationships are applied to arrive at dwelling unit equivalents. Existing development applies to the existing City limits. Annexation areas are shown separately. The actual annexation number will probably be higher as some development continues in unincorporated areas before

annexations can occur. The amount of this development, however, depends on economic factors, as well as arrangements between the City and County, and is difficult to foresee. New development includes development within the existing city limits, and growth areas that are currently outside the City, but which will be annexed before development takes place. The existing development numbers in Table II-6 reflect annexation of unincorporated areas that are presently developed.

Table II-8
Residential and Non-Residential Development*

	Existing Development	Annexations	New Development	Buildout
Residents	198,600	29,900	142,341	370,841
Employees	70,898	30,756	192,267	293,921
Employee Weight	40%	40%	40%	40%
Weighted Employees	28,359	12,302	76,907	117,568
Total Service Population	226,959	42,202	219,248	488,409
	divided by	*divided by*	*divided by*	*divided by*
Average SFD Housing Unit Occupancy**	3.21	3.21	3.21	3.21
	equals	*equals*	*equals*	*equals*
DUEs	70,694	13,145	68,292	152,132
Round to	**70,700**	**13,100**	**68,300**	**152,100**

*Total (residential and non-residential) DUEs are used for all facilities except Parks, Air Quality, Streets and Public Transportation.
**Average household occupancy is 3.32 persons; occupancy rate assumed to be 96.7%, generating an average single family detached (SFD) housing unit occupancy of 3.21 persons.
Source: Town Hall Services

CONCLUSION

This chapter estimates the projected growth for the City of Modesto. The City's General Plan, and by extension the general plan traffic model, are used as underlying basis for the projections, supplemented with other available information where appropriate. The CFF study area boundaries are close to those of the General Plan, anticipating that all presently unincorporated

areas within the study area boundaries would be annexed as the City grows.

For the purposes of the fee study, existing and projected development are expressed in terms of equivalent single family dwelling units (DUEs). This permits (1) calculation of existing facilities standards and (2) allocation of the impacts and cost share to new development. Table II-9 summarizes the DUE estimates of this chapter.

Table II-9
DUE Summary*

Buildout DUEs (residential and non-residential)		
Existing Development	70,700	46.5%
Annexations	13,100	8.6%
New Development	68,300	44.9%
Subtotal	81,400	53.5%
Total	152,100	100.0%

*DUEs calculated in this table are used for facilities other than Parks, Air Quality, Streets, and Public Transportation.
Source: Town Hall Services

Chapter III
FIRE

The purpose of the Fire component of the CFF is to fund an appropriate share of the capital facilities needed by the Fire Department to serve residents and businesses in the City of Modesto. Facilities needed by the Modesto Fire Department to serve buildout are the subject of this chapter. After an introduction of the Fire Department's functions and facilities, the chapter discusses the facilities needs and estimated costs. Allocation of costs follows with calculation of cost per DUE of new development.

The fire facilities cost allocation follows a system-wide approach. Although individual fire stations have a defined primary service area, the Fire Department operates as an integrated system with each station also providing services outside of its primary service area. Accordingly, costs are allocated on a system-wide basis, in which the facilities at buildout are assigned proportionally between existing and new development.

OVERVIEW OF THE SYSTEM

The Modesto Fire Department provides fire suppression and emergency medical response throughout the City. In addition, the department presently contracts with the Industrial Fire District to protect the unincorporated industrial area, an area included in the CFF study area. Advanced life support medical response services is handled thorough a contract with a private company. Though fire prevention and suppression are critical functions, emergency services make up the large majority of the Department's calls.

The Department operates 10 fire stations. Station 14 is not included in the Department's count of capital facilities as it is located in Salida, an area that is not included in Modesto's CFF program area. Each of the stations is equipped with at least one fire engine; three stations carry extra vehicles and equipment. Station 8 has within its primary service area the Modesto airport, and is equipped with two crash-rescue vehicles. Station 5 has a second engine and is also equipped with a ladder truck. Station 1 is equipped with a ladder truck. Station 1 is also the location of the Department's administrative offices and equipment maintenance facility.

Station 9 was the last station built, completed in 1991 to add capacity to serve Empire North, part of Village 1 and surrounding existing development. The Department is in the process of planning to relocate Station 2. Station 10 is presently owned by the Industrial Fire District, but is operated by Modesto under the contract to serve the currently unincorporated industrial area. Other parts of Modesto are also in the primary service area of Station 10. The City also plans to construct a new Station 11 near Pelandale Avenue and Carver Road. Stations are staffed around-the-clock with three personnel per engine or truck, meaning that each vehicle has a total assignment of nine personnel covering three shifts.

The Department functions as a system in which station locations and vehicle assignments are designed to provide for multiple response capability and backup coverage. Each station has a primary service area within which it provides first response. At least two engines, thus usually at least one from another service area, respond to all structural fires. When two or more engines from one section of the City are responding to a fire, it is likely that an engine from further away will also be brought into that section to provide quick coverage. The adequacy of fire suppression and delivery of emergency services is closely related to response time. The Department targets a response time standard of 90 percent of responses within six minutes. The average response time is 4.5 minutes. In 1990 the department was upgraded from a class 3 to a class 2 Insurance Services Offices (ISO) insurance rating. The ISO rating is used to determine fire insurance rates; the improved rating results in savings to Modesto residents and businesses. This standard is clearly affected by distance and development density. The City will seek to optimize station locations and primary service areas to maintain the present standards.

Training is an important ongoing function of the Fire Department critical to its ability to provide services. The Department continues to invest in its training facilities and equipment. Under a joint powers agreement (JPA) with the Stanislaus county and Yosemite community college, Modesto has participated in the construction and operation of the regional training center. The Department's closed circuit television system and I-Net are maintained for instructional use as well.

STATION STANDARDS

The Modesto Fire Department has updated its standard for current and future fire stations. The standard has been updated to provide adequate square footage for double-wide double-depth drive though apparatus bays, which improve response capability and allow the department to house multiple apparatus at each station. The updated standards also provide room for public meeting space, meet Americans with Disabilities Act requirements, and include separate gender separated facilities for male and female firefighters. Station 11 and the relocated Station 2 are

designed to meet the updated standard. These designs require approximately 7,000 square feet per station, housed on a land parcel about three-quarters of an acre in size.

Based on architectural estimates for Stations 2 and 11, the construction cost (not including design and furnishing) of stations at the 7,000 square foot standard is approximately $1.25 million. An additional 27% should be added for design, architectural and administration costs. The cost of furnishing a new station is about $121,000. The cost of land acquisition for a parcel within the city able to house a standard station is estimated at about $165,000 per acre. The total cost of a standard, furnished, 7,000 square foot station, housed on a three-quarter acre parcel, is projected at $1,832,500. This cost is assumed for new stations expected to meet Department standards. (Details about these cost items are included in a supplementry report *Information Details.*)

EXISTING FACILITIES

A system-wide approach is taken to assigning fire department costs to new development. This involves assigning values to the existing capital inventory, determining future facility needs and their costs, and allocating the total facilities cost at buildout proportional to new and existing development. This section reviews the existing department capital and the cost of its replacement at current construction, last and equipment costs. The current Fire Department capital inventory is summarized in Table III-1 below. The cost items are grouped for fire stations, vehicles and other capital.

Fire Stations

Eight of the Modesto Fire Department's stations are one-engine companies, equipped with a single fire engine. The Departments single engine stations do not meet its updated standard for station size. Most of these stations do not meet the department's standards for gender seperate facilities, ADA access, or drive through apparatus bays. The most recently constructed station, Station 9, is severely limited in its facilities due to the size of the parcel of land on which it is located.

As these existing stations do not meet the current Department standard, the cost of their replacement should not be equated with the cost of building a new station at the standard. The replacement cost of existing stations is discounted proportionally in relation to the size of the station. For instance, since a standard 7,000 square foot station has a cost of $1.83 million, an existing 3,500 square foot station would have a replacement cost of half that amount. The per square foot cost of fire stations is about $262 including all land, planning and construction. Existing station size and their corresponding replacement costs are shown in the table below.

Table III-1
Existing Fire Stations

Station Number	Square Feet	Replacement Value
1	16,187	$0
2	1,600	$0
3	3,976	$1,041,000
4	5,358	$1,403,000
5	7,738	$2,026,000
6	4,496	$1,177,000
7	2,775	$726,000
8	4,668	$1,222,000
9	3,158	$827,000
10	5,148	$0
Total Replacement Value		**$8,421,000**

Source: City of Modesto and Town Hall Services

In an effort to bring existing stations into compliance with the updated standards, the Department has determined that an additional 2,300 square feet would typically be necessary to meet the required standards. It has determined that future station expansion to meet standards is feasible in four of the eight existing single engine stations. Expansion and upgrade is not feasible in the other stations because of constraints due to land area and location. The cost of expansions to existing stations is included in the section that discusses future facilities costs.

The Station 2 relocation is not yet underway. Accordingly, Station 2 is assigned a replacement value of zero. Its future cost as a standard 7,000 square foot station is included in the section below. Station 10 also exists at this time, but is currently leased from the Industrial Fire Department. Therefore it currently has a replacement value of zero to the city. However its value is also included in the section below that discusses future capital, assuming that it would eventually become the property of the City.

The City of Modesto currently operates two ladder companies. Stations housing ladder trucks are larger than one-engine companies to accommodate both the engine and the larger truck. The two existing truck companies are large enough to meet the Department's updated size standards

for new and existing stations. Station 1 in Downtown Modesto totals 16,800 square feet, including the Department's administrative services and fire engine maintenance facilities. Station 1 was built in 1939, and is now in need of substantial renovation, specifically including seismic upgrades. The Department has estimated that it would cost approximately $5 million to rebuild Station 1 completely, along with an expanded administrative services area, together with renovating the Station's existing apparatus bay for use as an equipment maintenance and storage area. This is somewhat less expensive than the estimated cost of renovating and retrofitting Station 1 and separately providing new administrative and maintenance facilities. Accordingly, a zero existing value is assigned to the existing building. The estimated cost for the Station 1 rebuild is included in the section on future facilities costs. Station 5 also houses a ladder truck. Its replacement value is calculated commensurate to its size, based on the per square foot values determined above.

Vehicles

Vehicles include fire engines, ladder trucks, rescue and other special purpose vehicles, and staff cars. The mainstays of the Department vehicle fleet are the fire engines, at least one of which is located at each fire station. Presently the City of Modesto owns 14 fire engines. Eleven of these are front line engines, and the remaining three are held in reserve, used when the front line engines are down for repair or service. Only front-line engines are valued for CFF proposes; reserve engines are retired front-line engines that have been replaced. Engines cost about $409,000 each for a total of $4,500,000. The costs of engines and ladder trucks are based on vehicles recently purchased or on order.

In addition to the 11 fire engines, the Department owns two ladder trucks. Ladder trucks are used for structural fires in situations where access to the upper floors of multiple story buildings is needed. One truck is housed at Station 1, and the other is at Station 5. Ladder trucks cost about $743,000 each, for a total of $1,487,000 for the front-line ladder trucks.

Two crash/rescue vehicles are included in the department's inventory. Both are located at Station 8 for proximity to the airport. One has a replacement cost of $515,000, and the other $215,000. Also included in the inventory is a type III vehicle outfitted for combating grass fires. It is located at Station 3 and costs $75,000. Finally, 17 staff cars, valued at $20,000 each, are maintained by the City for Fire Department use. Staff cars thus have a total value of $320,000. (These are not outfitted with any special equipment.) Vehicles total $7.13 million in replacement costs.

Training Facilities

An ongoing training program is necessary to maintain the skills of firefighters, as well as prepare for the circumstances of a growing community. In 1993 the Modesto fire department entered into a joint powers authority with Stanislaus County and Yosemite college to construct a facility located at Carpenter and Bridgemore. Modesto's share of the cost is $888,000, excluding the interest costs involved in financing the project over 20 years. The existing facility is deemed adequate as the principal training site for the long term needs of the City, and no further major expansion of this training facility is anticipated. However, a smaller training facility is planned as an annex to one of the new stations; it is discussed later. Costs for the Department's closed circuit television system, which allows materials to be delivered to the individual stations without interfering with the readiness of station staff, is already included in station costs.

Other Equipment

Three additional cost items are shown at the bottom of the table. The Department's data management system is valued at $60,000. Traffic Signal Preemption devices allow fire vehicles to control traffic lights as they approach; devices installed on existing signals are valued at $253,000.

Summary of Existing Capital

The replacement value of existing facilities and equipment shown in Table III-2 is totaled at $16,757,000. This excludes values for Stations 1, which needs substantial retrofitting, Station 2, which is in the process of being relocated, and Station 10, which is at this time owned by the Industrial Fire District.

Table III-2
Replacement Cost of Existing Facilities

Fire Stations		$8,421,000
Vehicles		$7,135,000
Training Site		$888,000
Other Facilities		$313,000
Total Replacement Cost		**$16,757,000**

FACILITIES EXPANSIONS

This section describes the anticipated expansions to the Modesto Fire Department to accommodate the development envisioned under the City's General Plan. Parallel to the format above, capital items are grouped by fire stations, vehicles, and other capital, and summarized below in Table III-4.

Fire Stations

The Modesto Fire Department will add fire stations to the system as the developed area it must protect increases in size. As noted above, the Station 2 relocation will result in the Station meeting the 7,000 square foot standard. Station 10 is currently owned by the Industrial Fire District, but is expected to be acquired by the City of Modesto at some point in time as the surrounding area annexes. Additionally, facilities are projected to be expanded at four existing stations. The upgrades and expansions planned for Stations 3, 6, 7 and 8 would require an average of 2,300 square feet of additional space each, at the standard cost of $262 per square foot. In addition, four new stations are anticipated at the following locations:

- Station 11 is planned to be located at the corner of Pelendale and Carver.
- Station 12 will be located in the Village III area.
- Station 13 is planned in the McHenry-Claribel area.
- Station 15 is planned for the Beckwith Dakota Triangle area.

New stations will be constructed per the Departments updated standard. At buildout, the city will require an additional two ladder companies. The third truck company will serve the northwest portion of the City and will be housed in Station 11. The fourth truck company is tentatively planned to be housed at Station 12. Since all new fire station are equipped with double wide, double depth drive through apparatus bays, Stations 11 and 12 will be equipped to house a truck company without construction beyond the 7,000 square foot standard. When Station 1 is rebuilt to include administrative facilities and a maintenance bay its total square footage will exceed the 7,000 square foot standard. The cost of rebuilding Station 1 and providing administrative and maintenance facilities is estimated at $5.0 million. The future cost of new stations and the expansion and/or replacement of existing stations are determined in the table below.

Table III-3
Future Station Cost

New Stations	Square Feet	Facilities Cost
1	N/A	$5,000,000
2	7,000	$1,832,500
10	5,148	$1,347,673
11	7,000	$1,832,500
12	7,000	$1,832,500
13	7,000	$1,832,500
15	7,000	$1,832,500
Station Expansions		
3	2,300	$602,107
6	2,300	$602,107
7	2,300	$602,107
8	2,300	$602,107
Total Future Station Costs		**$17,918,000**

Source: Town Hall Services

Vehicles

New stations will need to be equipped with vehicles; each will need a fire engine. Modesto already owns the engines assigned to Stations 2 and 10. This leaves a net of four front line fire engines to be added to the City's fleet. An extra reserve engine will be needed at some point in time, which can be satisfied by using a retired front-line engine. At about $409,000 each, the cost of engines is $1,637,000. Two new ladder trucks will be needed at $743,000 each, for a cost of $1,487,000. An air/lighting vehicle will be required at a cost of $310,000. Exact assignment of these vehicles will depend on actual land use patterns and location of potential hazards. A mobile service truck, $56,000, will permit maintenance in the field.

With expanded personnel, a corresponding increase in the number of staff vehicles will be needed as well. The Fire Department is one area where facilities growth will be less than proportional to the population increase. The Department estimates that three additional staff cars should be added to the fleet by buildout. At $20,000 each, new staff cars will total $60,000. Together, the fleet expansions are estimated to add to $3,550,000.

Remote Training Station

To facilitate less travel time for training purposes, an additional area is projected to be added to Station 12 or 13, large enough to accommodate a remote training site. This site would be used by the northeast fire companies for basic training exercises. This could be accomplished with approximately three additional acres, which could provide 50% of the training needs for stations 3, 9, 11, 12 and 13. This site could also be used jointly by the Police Department. At $165,000 per acre land cost, the cost of land for the remote training site is estimated at $500,000.

Summary of Facilities Expansions

Table III-4 summarizes facilities and capital expansions needed through buildout. The total is $12 million, including costs for the relocation of Station 2, acquisition of Station 10, and renovation of Station 1.

Table III-4
Future Facilities Cost

Fire Stations	$17,918,000
Vehicles	$3,550,000
Remote Training Site	$500,000
Total Future Cost	$21,968,000

NEW DEVELOPMENT COST ALLOCATION

The fire component of the CFF is one of three for which facilities costs are allocated to both residential and non-residential development and based on population and employment, with each employee counted as 40% of the impact of a resident. An explanation in greater detail of the basis for this allocation is given in Chapter 2. Here we address the reasons this allocation is appropriate specific to Fire Department facilities.

The total cost of fire facilities, including existing facilities and facilities to be built, are allocated among both existing and future development. Existing facilities will serve both existing and new development, as will the new facilities to be constructed. In other words, the Fire Department and its facilities are treated as a single system.

Fire services are required for all types of development, both residential and non-residential, as both bring persons and property needing protection by the department; this is the nexus between the development and the fire component of the CFF. The allocation based on population reflects not only the role the department plays in protecting lives in fire situations, but also its emergency medical services, which account for the large majority of its service calls. Employment is similarly often used as the indicator of need for non-residential services. Again the paramount purpose of protecting lives supports such an allocation. Employment is also a "roughly proportional" indicator of the property protected.

Most fire departments now track calls and the data shows the rough proportionality to employment, except for a few categories which evidence a much higher rate of fire calls; dry cleaners are an example. The problem in having a higher cost allocated to dry cleaners than to other retail is that dry cleaners are a building use rather than a type of building. There is no specific zoning for dry cleaners and space is often converted to such a use from other retail uses, and *vice versa*. The reasonable and standard solution is to treat all retail buildings the same. The fact that the department protects all lives and property, even though only a small percentage will actually call upon the department, also supports employee population as an indicator of services provided.

Table III-5 calculates the allocation between existing and new development based on buildout DUEs. The total cost of future facilities and the replacement cost of existing facilities is $38,721,000. Spread across the 152,100 DUEs projected at buildout, the cost per DUE becomes $255. New development is projected to amount to 68,300 new development DUEs, bringing growth's cost share to $17.4 million.

Comparing new development's cost allocation of the buildout facilities with the cost of future expansions, it can be seen that the Department is presently at a net facilities deficit under the allocation methodology of this analysis. Stated differently, existing facilities do not meet the needs of existing development. The difference is the City's existing deficit in its Fire Department facilities—a deficit that cannot be made up using funds collected for the CFF program.

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Table III-5
Fire Department CFF Summary

Capital Costs	
Existing	$16,757,000
Future	$21,964,000
Total	$38,721,000
Cost per DUE	
Total Capital Cost	$38,721,000
Buildout DUEs	152,100
Cost per DUE	$255
New Development Cost Allocation	
Cost per DUE	$255
New Development DUEs	68,300
New Development's Share	$17,387,000
Existing Development Cost Allocation	
Existing Development DUEs	70,700
Existing Development's Share of Cost	$17,998,000
Existing Capital	$16,757,000
Existing Deficiency	$1,241,000

Source: Town Hall Services

CHAPTER IV
POLICE

This chapter discusses the facilities needs of the Modesto Police Department. The Police Department faces a significant existing facilities deficit, due mainly to the policy decision to increase citywide department service standards. This chapter, therefore, emphasizes not only the facilities needed to serve growth, but the requirements to bring the department's facilities to an adequate level to serve the existing demands. After an introduction, the chapter discusses facilities standards, and then inventories facilities needed to serve the City by buildout. Costs are the allocated to existing and new development, using a system-wide approach, such that the buildout needs are assigned proportional to new and existing development's shares of buildout DUEs.

INTRODUCTION

For years the police department facilities were inadequate to support the existing city, much less the added demands associated with growth. Until recently the Police Department was housed in a 25,000 square foot station that it first occupied in 1964. That building was originally designed to house up to 160 employees, at density levels above the City's standard. As of 1997 police department staffing stood at 355 full time employees, excluding part time assistants, reserve officers and volunteers.

The City undertook several interim measures to cope with overcrowding. In 1991 the Police Department rented the former county employment building located at 12th and F Streets, adding 4,200 square feet. The City also rented the 5,000 square foot former Modesto Auto Parts building for property and evidence storage as well as two portable trailers. The Department also has four storefront offices located throughout the City. These, however, are part time facilities staffed by force members who otherwise report to, and for the purposes of this analysis are associated with, the main facility.

In August of 2000 the City completed construction on a new police building. This largely eliminated the need for the temporary space measures utilized by the Police Department in the years before, and it allowed the City to renovate its original station, which has just recently been completed. The Department's facilities are no longer terribly overcrowded as they were in the

past. Department facilities are not, however, sufficient to accommodate the significant growth projected to occur in Modesto, nor a gradual increase in Department staffing standards.

SERVICE STANDARDS

The Modesto Police Department's current staffing standards call for maintaining 1.3 sworn officers per thousand residential population. The Department is currently staffed somewhat below this standard. The Modesto Police and city staff have concluded that this staffing ratio is insufficient to meet the needs of a growing community. Were Modesto to remain at its current size, with minimal changes in its demographic make up, a staffing standard of 1.30 sworn officers per thousand might be sufficient. However, based on the projected growth characteristics of Modesto outlined in the general plan, and the comparable police staffing in other large California cities, it is clear that current standards will not allow the Department to provide its level of service as the city grows and transitions from a residential bedroom community to an urban hub.

As the City of Modesto grows, the ratio of officers to population should increase. Modesto currently serves as the urban center for the county and is the venue for federal and county services. Modesto is the business, medical, entertainment and sports hub for not only Stanislaus County, but for portions of Tuolomne, Calaveras, Amador, Merced and San Joaquin County as well. Modesto is transitioning into what Sacramento already is and Stockton is becoming; a major urban center with law enforcement needs outstripping its rural past. Stockton currently has a police staffing ratio of 1.53 sworn officers per thousand population while Sacramento has a standard of 1.69 per thousand. The other valley cities comparably sized or larger than Modesto generally fall between these ranges. From a more national perspective, due to funding constraints California as a whole is behind the rest of the nation in police staffing.

Modesto therefore seeks not only to match the standards set by its valley neighbors, but also to prepare for the growth and demographic changes expected in the City as it approaches General Plan buildout. Growth projections call for a greater percentage of high-density residential development—this type of development typically contributes to the heightened police demand found in urban centers. Also, the police staffing standard is pegged to residential population. Per the Modesto General Plan, a significantly greater proportion of non-residential development is projected to occur. This will require increase the staffing standard just to accommodate the added service need generated by non-residential growth.

The Modesto City Council, based on recommendations from the Police Department, thus

EXHIBIT A

increased its police staffing standard to 1.85 sworn officers per thousand population. This policy standard is set as a target for buildout. It would be impossible for the City to increase it police staffing immediately as the manpower and funding needs will take some time to meet. Instead, the City plans on increasing its staffing ratio incrementally as the city grows, dynamically meeting the needs of an expanding, changing community. At residential and non-residential buildout, the City intends to reach its standard target of 1.85 sworn per thousand.

The number of police personnel at buildout is shown in the table below. At buildout, the residential population is projected to be about 370,000. The number of sworn officers is driven by the buildout standard, while the projected number of non-sworn employees is proportionally driven by the increase in sworn officers, as many of the non sworn employees act as support staff to sworn officers.

Table IV-1
Police Staffing at Buildout

	Staffing at Buildout
Chief	1
Asst. Chief	2
Captain	8
Lieutenant	24
Sergeant	86
Corporal	
Detective	83
Computer Forensic	
Police Officer	482
TOTAL SWORN	686
CSO's	98
Identification Tech	8
Evidence & Property	13
Police Clerk	113
Police Support Supv.	14
Animal Control	13
Secretary	8
Executive Secretary	3
All other Civilian	26
TOTAL CIVILIAN	296
TOTAL EMPLOYEES	982

FACILITIES AT BUILDOUT

This section describes the police facilities at buildout. Cost allocation between existing and new development is based on a system-wide approach at buildout, recognizing that both present and future developed areas will receive the same nature of benefit from all police facilities. The inventory of major police capital items is shown in Table IV-2. The following discussion covers each of the items. Combined, the police department inventory of major capital items will total $53,691,799.

Police Stations

At buildout, the Modesto Police Department will require police station facilities to accommodate 982 projected employees at a 1.85 sworn officers per 1000 population standard. The RRM Design group advising the City estimates that each employee will require about 263 square feet, including office space, common areas, storage and gross calculation factor. This standard of 263 square feet per employee is the same adopted by the Fire Department for their administrative office space, and in the General Government component, in calculations for the future City Hall Annex. At 263 square feet per employee, the Modesto Police Department will require, at buildout, over 258,000 square feet of station space to accommodate its sworn and civilian force.

As mentioned earlier, the Department recently occupied the newly constructed main station facility. The final costs for this building have not yet been determined due to construction issues and ongoing arbitration. However, the current estimate, based upon expenditures and remaining encumbrances, is $300 per square foot. Beyond design and construction, the cost includes furnishings, infrastructure for the computer and communications systems, and other specific station equipment required by the police.

As a comparison, the Santa Clara Police Department recently constructed a new 51,500 square foot station. That building cost about $16 million, not including the cost of toxic waste removal and a million dollar three story glass atrium. The cost for the Santa Clara police station, with these exclusions, comes out to just over $310 per square foot.

At $300 per square foot, police station facilities at buildout are projected to cost about $77.5 million. It should be noted that the Department is also planning a police evidence and property facility. It is anticipated that the evidence and property facility will be included in the police facilities at buildout.

Vehicles

The Police Department uses a large number of vehicles in the performance of its duties. The majority of the vehicles are used as patrol sedans or staff cars; for this they must be of good quality, and in excellent condition. Other department vehicles are usually former patrol sedans, which are no longer suitable for that use, animal control vehicles and motorcycles. Patrol sedans must be outfitted with expensive equipment; the cost of this equipment is the subject of the next category of police facilities. A total of 518 vehicles will be needed at buildout, assuming the fleet size is proportional to the number or sworn and non-sworn employees in the Department. The number, and cost of police vehicles are summarized in the table below.

Table IV-2
Police Department Vehicles

Vehicles		**At Buildout**	
Type	Cost	Quantity	Total Cost
Patrol	$26,000	222	$5,772,000
Detective/Staff	$16,500	119	$1,963,500
Community Service Officer	$20,000	25	$500,000
Animal Control Officer	$40,000	7	$280,000
Motorcycles	$14,000	41	$574,000
Others	$20,000	104	$2,080,000
Total Vehicles		518	**$11,169,500**

Source: Police Department, City of Modesto

Vehicle Special Equipment

The equipment outfitting the police cars is included here. By buildout, the police fleet will total 518 vehicles. Police vehicles are equipped to different standards. Patrol vehicles are the most heavily equipped to handle the range of circumstances encountered by officers on the street. Mobile data computers, at a cost of $15,000 apiece, are installed in all Patrol, CSO, and ACO vehicles, as well as 25% of vehicles in the "other" category. Other special vehicle equipment installed in Patrol, ACO and CSO vehicles costs $6,000 per vehicles, while the additional equipment required for Detective, Staff and Other vehicles costs $1,500. The total buildout cost of equipping the Departments fleet of 518 vehicles is projected at $6,120,000.

Parking Garage

The Modesto Police Department currently has inadequate parking facilities for its needs. At buildout new parking facilities will be required to accommodate both use of the police facilities and parking for its fleet of vehicles. The City of Modesto Community Development Department

has a parking standard of one space for every 300 square feet of office development to meet the needs of employee and visitor parking. At this standard, the City would have to provide 861 parking spaces to meet the need generated by the Police Department's 258,000 square feet of station space at buildout.

In addition to this standard, a parking space is required to house each police vehicle. However Detectives and some staff are provided department vehicles that they take to and from work. Thus these vehicles do not require parking spaces as both employee vehicles and as part of the police fleet. If we subtract the 119 Detective/Staff cars from the total fleet, and add that to the 861 parking spaces required to serve employees and visitors, the Police Department will require a total of 1260 parking spaces to serve its needs at buildout.

It costs an estimate $12,500 to construct a parking space, based of the cost of the parking facility for the new City Hall. The total cost of providing parking facilities for the Police Department at buildout is estimated to be about $15.75 million.

Northeast Area Precinct

The City of Modesto, especially including the areas to be annexed, is of considerable physical size. Given that a great deal of residential and commercial/industrial growth is projected to occur some distance from the downtown core, the Police Department sees the need for a fully staffed precinct office in the Northeast Area. This facility is needed in the short term to provide service coverage to the rapidly growing area near Village One.

This office is planned to be a joint facility with the Fire Department. The square footage construction needs for the police share of this facility are included in the cost of police station facilities calculated above. However, additional land for this facility will need to be purchased. An estimated two acres of additional land is required. Based on cost estimates from the Fire Department for land in the Northeast area of the city, land for a Northeast Area Precinct is projected to cost $330,000.

Training Facility

The Police Department does not currently have a full range training facility in the City. A full range training facility is necessary to provide the level of training needed for the department. The City has land available that is currently in the beginning stages of development as a regional training facility. In the future, the site will be used for required training for executive protection, tactical live fire simulation, homeland defense, hazardous materials, crowd control, etc. This facility will include classrooms, an equestrian area, a canine training course, caretaker residence,

defensive tactics facility, a shooting range with observation deck and a defensive driving course. The estimated cost for this facility is $5,065,000. A detailed cost breakdown is provided in the appendix.

Modesto/Stanislaus Emergency Services Facility

In 1999, the County Dispatch Center and Emergency Operations Center (EOC) moved into a city/county jointly owned facility on Oakdale Road. As the city grows, the 911 Dispatch Center and EOC will also require funding for new technology and systems upgrades as well as for housing additional employees related to growth. Future communications needs include:

- Computer Aided Dispatch (CAD) Hardware Servers
- CAD / GIS (Geographic Information System) Interface
- Additional 9-1-1 Base Radio System to Eliminate Dead Zones
- Phone System Enhancements to Support Wireless (Cell) 9-1-1 calls

Total cost estimates exceed $4 million for these upgrades. The City's share of costs for the Communications Center is based on usage and population. Its current share is approximately 57%. Modesto's share of these improvements at buildout is estimated at $2,000,000. This amount is a conservative estimate on the technological upgrades needed as the region grows. This item includes the total costs for the City of Modesto, which are actually paid 80% by Police and 20% by the Fire Department. For the purposes of CFF documentation, the entire cost is included within the police component, and excluded from the cost calculations in the fire component.

Radio System

The department's radio communications system "backbone" is also up for replacement, largely a result of new federal requirements reallocating radio frequencies. Most of the current radio system is 20 to 30 years old. A new 800 MHz radio system is planned, which will require replacement of the backbone and all mobile radio units. The cost of replacing the Department's existing 450 band UHF radio system with an 800 MHz radio system is estimated at $8.4 million. Costs include replacement radio transmitters, receivers and microwave radio backup relays for voter sites and installation and engineering of the new system. Replacement of the radio system for Police, Fire and Neighborhood Preservation Code Enforcement units are included in the cost calculation. Again these costs are not included in other components of the CFF fee program. Detailed costs are included in the attachment.

The buildout cost of the Department's capital facilities are summarized in the table below. The calculation assumes a Police Department staffing standard of 1.85 sworn officers per thousand

residential population.

Table IV-3
Buildout Cost of Facilities

Component	Cost
Police Buildings	$77,479,800
Vehicles	$11,169,500
Vehicles Equipment	$6,120,000
Parking Facilities	$15,748,600
Northeast Area Precinct	$330,000
Training Facility	$5,065,000
Emergency services Facility	$2,000,000
Radio System	$8,386,500
Total Buildout Cost	**$126,299,400**

NEW DEVELOPMENT COST ALLOCATION

The previous section estimated the Modesto Police Department's major capital inventory to total $126 million by buildout of the City. The calculation of police fees views the capital requirements from a systemwide perspective on the basis that (1) police facilities must be expanded essentially in proportion to the level of development in the City and (2) the police department operates as an integrated system, such that it is not possible to identify individual components expressly with existing or new development. Accordingly, the cost per DUE is the total cost divided by the number of DUEs, or $830. Table IV.4 makes this calculation. With 68,300 DUEs of projected new development, the share of the cost that is the responsibility of new development is $57 million.

Table IV-4
Cost per DUE

COST PER DUE	
Police Capital	$126,299,400
Buildout DUEs	152,100
Capital Facilities Cost per DUE	$830
NEW DEVELOPMENT'S SHARE	
Cost per DUE	$830
New Development DUEs	68,300
New Development's Share	$56,714,000

Source: Town Hall Services

EXISTING DEFICIENCY

Increasing the Police Department staffing ratio from 1.30 to 1.85 sworn officers per thousand population represents a significant increase in the Department's standards, targeted at buildout. Progress towards the increased standard will be incremental; with the goal of reaching 1.85 sworn per thousand by the time the City reaches General Plan buildout. The Department's standard will be increasing system wide, providing a higher level of service to both new and existing development. However, new development cannot be responsible for funding improvements beyond its fair share.

Higher standards create the need for additional facility cost to serve existing and new development. Because the Department's existing facilities are appropriate to serve the City at a staffing level of 1.30 sworn per thousand, as the staffing standard increases, so will the deficiency of the City's existing police facilities. The existing deficiency is calculated by comparing the replacement value of the departments existing facilities to existing development's share of facilities at buildout. Because the staffing standard at buildout is higher than it is today, the deficiency calculated is significant.

First we must calculate the replacement value of the Department's existing facilities.

Existing Facilities

The Police Department's total existing building space covers about 65,000 square feet. At the

estimated new construction cost of $300 per square foot, the replacement cost of the existing police buildings would be $19.5 million.

The Police Department currently has 198 vehicles in its fleet. The replacement value of the Department's fleet is shown in the table below.

Table IV-5
Replacement Cost of Police Vehicles

Type	Cost	Quantity	Total Cost
Patrol	$26,000	85	$2,210,000
Detective/Staff	$16,500	47	$775,500
CSO	$20,000	7	$140,000
ACO	$40,000	3	$120,000
Motorcycles	$14,000	16	$224,000
Others	$20,000	40	$800,000
Total Vehicles		198	**$4,269,500**

Source: Police Department, City of Modesto

The replacement cost of special equipment for existing police vehicles, including mobile data computers and other equipment is $2,209,500.

Finally, the replacement cost of the parking facilities currently serving the Department's employees and vehicle fleet is $4,312,500.

All in all, the replacement value of the Modesto Police Department's existing capital facilities totals $30,291,500.

Existing Deficiency

Of the 152,100 DUEs projected at buildout, 70,700 exist within the Modesto city limits. Thus, existing development within the incorporated city limits is responsible for approximately 46% of the buildout cost of police facilities. Another nine percent is the responsibility of existing development within the CFF study area, but outside of the city limits (annexations). The remaining balance is the responsibility of new development. The difference between existing development's share of the total cost, and the replacement value of existing facilities is the existing deficiency. This deficiency must be made up as the system moves towards buildout to provide existing development with the same level of service as new development. Furthermore this deficiency must be made up with funding other than new development mitigation.

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Table IV-6
Existing Deficiency

EXISTING DEVELOPMENT'S SHARE	
Existing DUEs	70,700
Cost per DUE	$830
Existing Developments Share	$58,707,000
EXISTING DEFICIENCY	
Existing Development's Share	$58,707,000
Replacement Value of Existing Facilities	$30,291,500
Existing Deficiency	**$28,415,500**

Source: Town Hall Services

Chapter V
PARKS AND RECREATION FACILITIES

The Modesto Parks, Recreation and Neighborhoods Department provides a variety of facilities and services that contribute to the quality of life of the community. Neighborhood parks are located to serve the surrounding neighborhoods. Community and regional parks, with their pools, community centers and other facilities, serve larger portions of the City. After an introductory overview of issues related to the parks and recreation facilities analysis, this chapter inventories existing and proposed facilities before arriving at the buildout facilities needs and allocation of a fair share of the cost to new development.

INTRODUCTION

The number of issues involved in the analysis of park facilities requirements warrants some additional introduction to allocation methods, residential dwelling unit equivalents (DUEs), service standards, and background information.

The allocation of parks costs involves a system-wide allocation approach. The localized service area of neighborhood parks would allow for a marginal cost analysis in which neighborhood parks costs are directly related to the level of new development. However, because the City is committed to providing the same service standard to existing and new neighborhoods throughout Modesto, the cost responsibility of new development for neighborhood parks is exactly the same whether the costs are considered through a marginal or a system wide approach. For the sake of consistency, neighborhood parks costs are calculated here as part of the parks system. The remaining parks facilities maintained by the Parks, Recreation and Neighborhoods Department should be viewed from a community-wide perspective, as they serve both existing and future development throughout the City. Thus, they are also allocated on a system-wide basis in which new and existing development are assigned cost responsibility proportional to their share of DUEs at buildout.

Dwelling unit equivalents were discussed in Chapter II, and are used throughout the CFF documentation as the common measure for the level of development. The Parks CFF is unusual in that it and Air Quality are the only components that assign facility costs solely to residential development. The DUE measurement used here, therefore, includes only the residential

population component. Table V-1 shows the residential DUE calculations as they were made in Chapter II. Existing DUEs are calculated directly from the 2002 Modesto City population. In the calculation of future DUEs, existing developed areas includes the City plus any presently developed unincorporated areas that presumably would be annexed later. New development is the projected growth. By buildout, the level of development in Modesto is projected to total 115,500 DUEs. Parks needs at buildout are equivalent to the needs of 115,500 single family homes.

Table V-1
Residential DUEs

	Existing Development	Annexations	New Development	Buildout
Residents	198,6000	29,000	172,241	370,841
Persons per Single Family Household	3.32	3.32	3.32	3.32
Occupancy Rate	96.7%	96.7%	96.7%	96.7%
Residential DUEs	61,900	9,300	44,300	115,500

The Department periodically reviews its mix of programs and facilities to supply those that are most responsive to prevailing community needs and interests. In preparation for this update of the CFF study, the Department has undertaken such a review, and has updated facilities and service standards in light of the community's present needs and future trends. The facilities needs discussed below are based upon the City's General Plan, Council approved Capital Improvement Programs, and specific park Project Master Plans. These documents provide background information on service standards and costs suitable for inclusion in the CFF. The City's Parks and Facilities inventory, and other sources of information, are used as well where appropriate.

The Subdivision Map Act (Gov. Code, §§ 66410-66499.37) allows the City to regulate land use when subdivisions are proposed for development. In the course of regulating the design and improvement of subdivisions, the City may require the dedication of land or the payment of fees in lieu thereof for park or recreational purposes made necessary by the subdivision. This provision is known as the Quimby Act (Government Code Section 66477). Any land or financial contribution made under the Quimby Act are treated as a credit against CFF park fees.

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The City of Modesto General Plan has identified open space and recreation land as park land. In the General Plan, the Baseline Developed Area is assigned standards of 2.0 acres of neighborhood park and 1.0 acre of community park per 1,000 residents. In the Planned Urbanizing Area the acreages are reversed to 1.0 acre of neighborhood and 2.0 acres community parks per 1,000 residents. The standard assumed for the improvements in the CFF parks program is thus a total of 3.0 acres per thousand population. The mix of parks planned to fulfill this standard consist of almost two acres per thousand population of neighborhood parks and over one acre per thousand of community parks.

LAND AND CONSTRUCTION COSTS

The Modesto Department of Parks, Recreation and Neighborhoods has provided a great deal of information regarding the costs of bringing the parks system to its General Plan standards at buildout. Hundreds of project estimates are provided, together with the detailed costs of individual phases. The information is too extensive to consider in detail in this text; all of it is included in *Information Details*, a supplemental report. Before we consider the components — existing and future — that make up the parks system, we should briefly address and summarize the cost assumptions that drive the replacement values of existing facilities and the future costs of planned expansions.

The costs of land for parks used in this report are based primarily on the last three parkland purchases made by the City. The costs are estimated at $140,000 for land for neighborhood park land and $120,000 for land for community parks. The lower cost for community park land reflects the larger site size (typically 25-40 acres) compared to neighborhood parks (typically seven acres); the larger size does not require as much infrastructure expense (access streets, for example) per acre.

These land cost estimates can be compared with the estimates used for fire station sites. These sites are estimated to cost $165,000 per acre, based on the experience of the Fire Department in seeking sites. The standard station site size is 0.75 acre; again, the higher price reflects the smaller site size.

It can be noted that the price of land in Modesto has increased rapidly over the past decade. This is particularly true of land in residential subdivisions, which is where parks are likely to be located. This suggests that the City should buy land as early as it can, securing parcels before home builders value it higher because it is ready for home construction. However, there are difficulties in doing so. Parks fees come along with development, rather than prior to it, with the result that funds are scarce. Furthermore, it is difficult for the Department to identify appropriate

park sites until street plans are known. Because land costs are such a large share of park costs, it would be helpful if these problems could be mitigated and with the result that earlier purchases resulted in lower land purchase costs.

For regional parks, most of the land exists within the 100-year flood plain. It is not feasible to have significant residential commercial or industrial development in these areas, and so, the price of land is considerably less. The Parks department estimates that the cost of land for regional parks within the 100-year flood plain is about $30,000 per acre.

The construction cost of developing parkland is calculated on a per acre basis. The average cost of full phase development varies from $250,000 per acre for neighborhood parks to $400,000 per acre for community parks. The Parks Department has provided a detailed cost summary leading to these per acre assumptions. This summary is included in the *Information Details* supplement.

For existing parks facilities, many parks were not fully developed per the General Plan guidelines. Furthermore, much of the development in the parks system is old and in need of replacement. From irrigation systems to buildings and trees, the capital infrastructure that goes into park improvements has a general life expectancy. Most of the components vary in life expectancy from 20-50 years. The average life expectancy of park improvements is between 30 and 40 years.

According to the Parks staff, there has been very little improvement or replacement of existing facilities in the last twenty years, due to funding constraints. Many of the City's existing parks have facilities that are dated and are badly in need of renovation and replacement. If these facilities cannot be expected to continue to provide service at buildout, then they should not be counted towards the existing value of the parks system, as they will have to be replaced soon with alternative funding methods.

The Parks Department conservatively estimates that 30% of the existing construction and improvements to the parks system needs to be renovated or replaced soon. Because these facilities will not last to buildout, they cannot be valued as existing facilities at buildout. They are given a zero value, and the cost of replacing these facilities is added to the future cost of the parks system. To illustrate this, in the calculations of the parks systems existing facilities, 30% of the replacement cost (only of construction) is not included in the value of existing facilities and is added to the cost of future expansions and improvements. Practically this serves to increase the deficiency of the existing parks system. New development is **not** disproportionately burdened by shifting the cost of aged improvements from existing facilities to future costs.

EXISTING SYSTEM

This section describes the existing parks and recreation facilities. All major types of facilities, except golf courses, are evaluated below, and summarized in a table at the end of the section. Golf courses are excluded from the inventory due to (1) City's intention not to develop new courses or expand existing facilities and (2) the decision not to hold new development responsible for reimbursing the city for past golf course expenditures.

Neighborhood Parks

Neighborhood parks are intended to be accessible within walking distance of local residences, preferably within a service radius of three-quarters of a mile. The process by which the City brings neighborhood parks on-line is fairly complex. It is desirable for parkland to be secured before a neighborhood is being developed; otherwise parcels of an appropriate size are quite expensive and may not even be available. The City therefore uses whatever funds are available to purchase land in anticipation of development, i.e. as long as possible before parks fees from that neighborhood are available. For this reason it currently owns several undeveloped park sites in neighborhoods either undeveloped or partially developed.

The City would like to make basic site improvements relatively early in the neighborhood's development, so useable park space is available when most of the new residents move in. Given the need for anticipatory purchases of parkland and the fact that the majority of fee revenue is not available until the majority of the neighborhood is occupied, the City usually lacks funds to accomplish this in a timely manner. This is why the City is frequently using CFF revenues to complete parks in recently developed or partially developed neighborhoods.

Presently, the City owns 45 developed neighborhood parks totaling about 249 acres. The desired park size is seven acres, though there are some undersized parks. The City also owns several undeveloped neighborhood park sites; some of these have funds appropriated for Phase I development, and are expected to be completed in the next several years. There are also tentative plans to continue construction on existing parks beyond Phase I. This construction is projected to occur as funds become available. The need for more construction on neighborhood parks in developed neighborhoods should be considered part of the existing deficiency. Funding for these projects should come from sources other than new development mitigation.

The replacement cost of the City's existing neighborhood park inventory is $76.2 million, after deductions of 30% for existing deficiency. Again the specific cost breakdown is detailed in the supplement.

Community Parks

Community parks are larger, have more extensive facilities, and serve a larger area (1 to 1 ½ mile service radius) than neighborhood parks. The City owns six fully developed community parks, totaling 125.5 acres. The preferred size is 25-40 acres; several of the existing parks are smaller than this size. The replacement value of the existing community parks is $38.9 million.

Regional Parks

For years The City of Modesto has been a key player in the development of the regional park system. An agreement with Stanislaus County and the City of Ceres established the groundwork for implementing the Tuolumne River Regional Park portion of the regional system envisioned in the City's General Plan.

To date the regional park contains two facilities, Tuolumne River Regional Park (TRRP) and Dry Creek Regional Park. In total, the City has accumulated 539.3 acres of regional park land. For the purposes of this study, most of the regional park land is valued at $30,000 per acre for areas in the flood plain, though about 23 acres of Tuolumne River Park are above the flood plain, and are valued at a residential land value of $140,000 per acre. Since funding for Tuolumne River Park is shared with the other agencies, only the City of Modesto's share, 41.8 percent, is shown here. Dry Creek, the other regional park, is solely funded by the City. Currently, the City's regional park system is only minimally improved. Significant improvements to the land are planned as funding becomes available. The replacement value of the City's regional parks, including land, planning and minimal levels of construction, is $33.9 million.

Community Centers

The Modesto Parks Department has seven existing community centers. These are summarized in detail in the *Information Details* report. Community centers, for the most part, are located on community park lands. Accordingly the value of the land on which the community centers are built is included in the community parks component of the CFF. The City's seven community centers currently total 64,367 square feet of floor space. The Department has estimated that the construction cost of new community buildings is about $160 per square foot. Due to the extent of deferred maintenance, this figure is reduced by 30%, to $112 per square foot. At this replacement cost,
the value of the City's existing community centers is $7,209,000. While only one new community center is planned, there are significant expansions and improvements to existing community centers as well. These costs are captured in the next section of future expansions.

McClure Expansion

McClure Country Place is a historical museum of sorts, providing a wide array of educational and cultural opportunities for the residents of Modesto, as well as visitors to the City. The parks and recreation CFF component also includes funding for the expansion of the McClure facilities.

Construction has yet to commence on the expansion and upgrade of the McClure facilities. However, the City has already purchased 18 acres of new land to accommodate the expansion. At the residential land price of $140,000 per acre, the replacement value of the existing land purchases for the McClure expansion is valued at just over $2.2 million. The City has conservatively decided not to include the value of the existing buildings and land in the inventory of existing facilities.

Summary of Existing Facilities

Table V-2 summarizes the City's existing parks and recreation facilities that are allocated system-wide. Much of the cost includes facilities that only consist of land purchased by the City well prior to development, as well as facilities developed through the beginning phases only. Scarcity of funding has slowed the development of many existing projects to full final phase construction.

Table V-2
Summary of Existing Facilities

CAPITAL INVENTORY	
Neighborhood Parks	$76,174,000
Community Parks	38,855,000
Regional Parks	33,923,000
Community Centers	7,209,000
McClure Expansion Land	2,160,000
Total	$158,321,000

Source: Modesto Parks and Recreation Department; Town Hall Services.

FACILITIES EXPANSIONS

This section describes the parks and recreation facilities expansions envisioned through buildout, and is based on the recommended park development plan prepared for the purposes of the CFF update. The plan anticipates that neighborhood parks would be added in pace with new development to maintain the City's standard. In addition, at least two community parks would be added, and sized to maintain the park standard. The new community parks would each include a community center and would be the location of recreation-oriented swim centers. The City also anticipates continued development of regional park acreage as envisioned in the General Plan, as well as full development of remaining community centers and the regional sports complex.

Neighborhood parks

The City of Modesto expects to add neighborhood parks in proportion to new development to maintain a minimum standard of 1.0 city-owned acres per 1,000 residents in newly developing areas. New neighborhood parks will have a typical size of seven acres of city-owned land and will serve a local population of about 7,000 residents. This prototype represents a minimum size, and actual parks may be larger.

To serve the projected residential population, the City will add about 180 acres of neighborhood parks to serve new development. To do this the Department plans to construct another 26 neighborhood parks averaging about seven acres each. This excludes any neighborhood park acreage needed to serve existing development in annexed areas. The future cost of expanding the neighborhood park system to buildout is estimated as $107,352,000. This cost includes acquisition and development of the 26 new parks as well as full phase development of several existing parks.

Community Parks

In planning for growth, the City anticipates developing at least two more community parks, tentatively located in the Northwest and Southwest quadrants of the City. (This count does not include the Sports Complex.) The actual number and location of parks will depend on future decisions regarding park size and placement as well as growth patterns in Modesto. By buildout the City plans to add 80 community park acres at the two sites. The replacement cost of land acquisition and full development of two new community parks, as well as the expansion and full phase improvement of the City's six existing community parks is valued at $72,869,000.

Regional Parks

The City of Modesto expects to continue its plans to further expand the regional park system along the lines envisioned in the Modesto General Plan. The Plan includes expanded preservation of open space along the Tuolumne River, Dry Creek and the Stanislaus River. It also assumes that a variety of preservation mechanisms in addition to fee simple ownership may be used, such as purchasing conservation easements.

The City plans significant improvements along the regional park corridors. Funding constraints have prevented the City from moving beyond basic Phase I improvements, while much of the land earmarked for development remains unimproved altogether. At buildout the City expects to have funded the full development of the regional park system, in conjunction with the General Plan and preservation requirements.

As noted earlier, the Tuolumne River Regional Park is a joint venture with the county.

Modesto's share of funding the park has historically been about 41% and the expectation is that this cost sharing plan will continue. The Dry Creek and Stanislaus River parks will be fully funded by the City.

Under the regional parks expansion envisioned, Modesto's future expenditures for full phase improvements are $70,978,000.

Sports Complex

The City is in the planning stages for a large regional sports facility serving the entire community. The facility may be implemented either as a single facility, or as a combination of separate facilities in different locations in the City. The sports center, containing multiple ball fields at one or more locations, will be a supplement to the City's community park system. Under the existing system, ball fields are located at the individual community parks. The sports center will consolidate a number of ball fields, together with parking, at one or more locations, offering a number of advantages. The sports complex will total 110 acres and include 27 ball fields of different types and on-site maintenance facilities. The City has yet to purchase the land for the various sports facilities. The cost of the land is valued at $120,000 per acre. With land, planning and design, and construction costs, future cost of development of the regional sports complex is estimated at $73 million.

Community Centers

One new community center is planned for location other than at the site of a new community park. The center is expected to be 5,175 square feet. At $165 per square foot in construction cost, this new community center is projected to cost about $850,000, not including planning. In addition, there are four new community centers planned on community parkland– Grogan, Sutton, One in the Morrow Park Planning District, and one in the Vineyard Park Planning District. Each community center will cost approximately $2.42 Million – totaling $10 Million. However, these costs are included in the cost of community parks.

The remaining expansion and full phase improvements to the seven existing community centers in the parks system will have a significant cost. Future construction costs for these projects total over $5 million dollars. The cost of repairing/replacing the 30% deducted from the replacement cost of the centers is $3.1 million. Including planning, design and review, the total future cost to the city of additions and improvements to the community centers is estimated at $9,902,648.

McClure Expansion

The expansion of the McClure Country place is expected to involve development of the 18 acres previously purchased by the City. Additionally some 30 small structures are planned to be built, at the cost of $120,000 each. Six larger structures are also planned, at a cost of $750,000 each,

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per Department data. The total future cost of construction and improvement to buildout of the McClure Country place is estimated at $14,040,000.

Summary of Proposed Expansions

Table V-3 summarizes the cost of the facilities expansions estimated though buildout.

Table V-3
Future Expansions of the Parks System

FUTURE COST OF EXPANSION	
Neighborhood Parks	$107,352,000
Community Parks	72,869,000
Regional Parks	70,978,000
Sports Complex	72,930,000
Community Centers	9,903,000
McClure Expansion	14,040,000
Total	$348,072,000

Source: Modesto Parks and Recreation Department; Town Hall Services

BUILDOUT COST OF PARKS SYSTEM

Adding the replacement value of the existing parks system facilities to the future cost of expansion and improvements to the parks system, we can calculate the total cost of the entire parks system at buildout. The buildout cost is the responsibility of both existing and new development. New development is responsible to fund only its fair share of the buildout cost of the parks system through impact mitigation. Other funding beyond new development's share, necessary to fund fully the system at buildout becomes part of the system's existing deficiency. This deficiency must be funding by means other than developer mitigation.

Adding $158,321,000 in replacement value of the existing parks system to $348,072,000 in expansions and improvements of the system, the buildout cost of the entire parks system is $506,393,000.

FEE PER DUE

The parks system cost per DUE is calculated in the table below. The buildout cost of the parks system is divided by the number of buildout residential DUEs. The ensuing amount is the cost per residential DUE. The fair share that new development will be expected to fund at buildout is also calculated.

Table V-4
Parks, Recreation and Neighborhoods Department Facilities CFF Summary

Capital Costs	
Existing	$158,321,000
Future	$348,071,000
Total	$506,393,000
Cost per DUE	
Total Capital Cost	$506,393,000
Buildout DUEs	115,500
Cost per DUE	$4,384
New Development Cost Allocation	
Cost per DUE	$4,384
New Development DUEs	44,300
New Development's Share	$194,227,000
Existing Development Cost Allocation	
Existing Development DUEs	61,900
Existing Development's Share of Cost	$271,392,000
Existing Capital	$158,321,000
Existing Deficiency	$113,070,000

Source: Town Hall Services

EXISTING DEFICIENCY

This analysis of parks and recreation facilities indicates that the City of Modesto is presently operating at an existing deficiency if present facilities are compared with the projected inventory at buildout. A review of existing facilities shows that the replacement value of the system-wide facilities amounts to an investment of $158 million.

However, as was calculated in Table V-1, there are 61,900 residential DUEs from existing development. At $4,384 per DUE, existing development's responsibility for the system at

buildout is $271 million. The $113 million difference between the replacement value of existing facilities and the share of existing development is the existing deficiency. This amount will need to be made up, if the parks system is to be fully funded at buildout. Funding will have to come from sources other than new development, such as state and federal grants, or through the general fund.

The primary reason for this large deficiency is that the city plans several facilities, such as the sports complex, that will serve both existing and new development. However existing development has not funded its fair share of such facilities. Also, many of the City's parks and other facilities are not up to standard. Funding constraints have prevented existing parks from developing beyond the minimal levels of improvement. If the City expects all of its parks to be fully developed by buildout, the cost of improving existing parks adds to the existing deficiency significantly.

Chapter VI
GENERAL GOVERNMENT

All of the previous chapters have considered the facilities involved in a single department's provision of services. This chapter addresses facilities used by a number of Modesto departments; in fact it includes all the other (not covered in previous chapters) capital facilities involved in City services except those associated with transportation.

First, we will consider the value of the City's existing public facilities that can be included in the CFF program. City Hall is the most significant component of these facilities and it is addressed first. Also considered are the City's corporation yard and some specific computer facilities within City Hall.

Then, we will address the improvements and expansions required to serve the City, per standards, at buildout. This includes an annex to City Hall, satellite equipment yards, and other smaller facilities. Finally the City's plans for a fiber optic, and wireless communication network are included, along with other infrastructure necessary to serve the City's technology needs in the future.

EXISTING FACILITIES

City Hall

The current City Hall Building at Tenth Street Place was completed and occupied in late 1999. The complex was a joint project of Stanislaus County, the City of Modesto, and the Modesto Redevelopment Agency. Space in the City Hall building is shared between the City and County. Additionally, space occupied by departments within City Hall that earn revenue and pay rent to the City for office space cannot be included in the CFF program. These enterprise departments, such as sewer, collect enough revenue from residents through utility charges to fully fund their operational needs, including capital and office space. As the City's cost of providing space for enterprise departments is recouped from the department's themselves, it is not appropriate to include these facilities in the CFF fee program. The City's non-enterprise share of the Tenth Street Place office space costs approximately $18.5 million dollars, per the Modesto Finance Department.

Financing

Fee revenue from CFF was expected to be collected over approximately 30 years. However, the City incurred the full construction cost of its share of City Hall at the time of its construction. Borrowing to fund the construction solves that timing problem, but it also means that interest costs will be incurred on the debt. These interest costs are part of the cost of the project and are included in the CFF.

The complex issues involved in financing and its inclusion in CFF has been studied as part of the earlier CFF update. The calculations there determined that the inclusion of the cost of financing increased the facility's cost by 56% from $18.5 million to $28.9 million

Because it's been approximately five years since the construction of the new City Hall and because the cost of construction is expected to be collected over about 30 years, it is reasonable to assume that about one sixth of the cost of the City Hall, including debt service, has been paid. One sixth of $28.9 million is counted towards existing capital facilities cost, with a replacement value of $4.8 million. The balance is counted as future costs to be paid by the city totaling $24.0 million per the current CFF calculation.

Corporation Yard

In contrast to the offices of City Hall, this component consists of the facilities serving functions better located in a lower cost, more industrial neighborhood. The Corporation Yard currently houses the majority of such functions. Divisions with activities included in this group are:

wastewater collections	electrical
fleet services	parks & recreation
store/supplies	streets
traffic meters	traffic signs
street striping	water
fire vehicle maintenance	

The existing corporation yard is housed on a 10.5 acre parcel of industrial land. The replacement cost of this land is valued significantly below that of land developed for residential purposes. Also, because the parcel is large, the per acre cost of land is somewhat discounted. The per acre cost of land for the existing corporation yard is estimated to be about half that cost of new residential land. At $82,000 per acre, the replacement value of the corporation yard land parcel is $860,000.

The existing corporation yard consists of a variety of building types. It includes both offices and low-density warehouse and storage. The average cost of the building improvements to the corporation yard is estimated at $120 per square foot. At just over 54,000 square feet in floor space, the replacement cost of the corporation yard structures is valued at $6,487,000. The total of land and buildings is $7,347,000.

City Hall Computer Room

The City Hall building includes a city computer room which houses the information technology equipment used by the City necessary to maintain its computer system and network. The replacement value of infrastructure improvements to the computer room is calculated at about $146,000. This cost does not include the room itself, which is included in the total cost of the City Hall building. Also, this cost excludes any technology or computer equipment that is not a permanent fixture in the room and needs to be replaced and updated periodically.

The total replacement cost of the City's General Government capital facilities is calculated in the table below.

Table VI-1
Replacement Cost of Existing Facilities

Component	Cost
City Hall (one sixth of total cost)	$4,810,000
Corporation Yard	$7,347,000
City Hall Computer Room	$146,000
Total Existing Facilities	**$12,303,000**

FUTURE FACILITIES

City Hall

As was discussed earlier, the City has only been able to fund a fraction of the construction costs of the City Hall building completed in 1999. The City will attempt to fund a substantial amount of the cost, plus debt service, over the next 25 years. The projected future cost to the City of debt service for the City Hall building is $24.05 million.

City Hall Annex

The City Hall building at Tenth Street Place currently houses 332 employees in its non-enterprise city offices. Based on the employee density standards recommended by RRM Design group, working with the City, the existing facility can be expected to accommodate an additional 34 employees, for a total of 366.

If we assume that employee to population ratios are maintained as the City approaches buildout, the number of city employees requiring space in the City Hall building will be 615. This number may be conservative, as it does not take into account the needs of commercial and industrial development, which, at General Plan buildout, will have grown at a greater rate than residential development and population.

Additional space will be required for 249 city employees at buildout. At the recommended density standard of 263 square feet per employee, the City will require an annex to the City Hall building, providing an additional 65,500 square feet of office space. The City estimates that this additional space, including land, construction and associated expenses will cost about $300 per square foot, comparable to the per square foot cost estimates for the City's future police facilities. The total cost of a 65,500 square foot annex to the City Hall building is projected to cost about $19.65 million.

Corporation Yard Expansions

In contrast to the offices of City Hall, this component consists of the facilities serving functions better located in a lower cost, more industrial neighborhood. The Corporation Yard currently houses the majority of such functions. Divisions with activities included in this group are:

wastewater collections	streets	traffic signs
electrical	street striping	water
fleet services	traffic meters	fire vehicle maintenance
parks & recreation	store/supplies	

The City has undertaken a study of the future space needs of these divisions. Bus maintenance functions, not currently in the corporation yard, are also included in the study as its integration with the other city facilities would offer economies of operation. The study approach was to estimate the space needs of each division and then to determine the necessary additions to existing facilities to fulfill these needs. Alternative plans to provide the additional space were then identified and one option was recommended (option 4b). That alternative is used here as the basis for estimating the facilities needed for growth.

Satellite Yards

One of the principal considerations was whether the present corporation yard should be expanded or satellite yards established; the recommended alternative includes satellite yards. (The capital costs would not be significantly different for an expansion of the present yard.) These yards would be composed of crew reporting areas, material storage, vehicle and equipment storage and employee parking; their purpose would be to have these service facilities located more accessibly to various parts of the city. It was assumed that about two-thirds of the crews of the streets (except street sweeping), water and parks (except building services) would be relocated to satellite facilities, freeing up space for expansion of other divisions at the central corporation yard. The City has purchased some, but not all of the land required to house its planned satellite yards. The satellite yards are expected to require an additional five acres, at a cost of $165,000 per acre. This is the typical cost of land in residential areas. Industrial land is more typically used for a corporation yard—it generally costs somewhat less than land zoned for residential development. However, there are not sufficient lands zoned for industrial development within the City limits. Unless a satellite facility is located in a portion of the unincorporated outlying areas, it is likely the land costs will reflect the more expensive range within residential land use zones. Construction costs for the satellite yards are estimated to total about $2.0 million. With the $825,000 land cost, the total cost of the satellite yards is $2,825,000

Vehicle Maintenance Facility

A Vehicle Maintenance Facility is planned to be completed as the second phase of the Bus Maintenance Facility Project, currently in the planning and design stages. (Costs for the Bus Maintenance project are included in the Public Transportation component of the CFF update.) Using the same cost estimate of $150 per square foot being used for the Bus Maintenance Facility, the planned 20,000 square foot Vehicle Maintenance Facility will cost about $3.0 million to complete.

Wash and Fare Retrieval Facility

All of the alternatives considered included a new vehicle washing facility (not including maintenance, but including a secure fare retrieval capability) to be constructed at the existing corporation yard. Its cost is estimated at $200,000.

Light Vehicle Facility

Another City facility is included in this component of the CFF. The City operates a light vehicle maintenance facility on the same block as the Police Station. While the majority of the vehicles serviced there are police vehicles, it also services the City's other light vehicles. The facility will either need to be refurbished or replaced, either on the Police Station block or elsewhere. Planning for this project is currently underway, and the total cost is estimated at $425,000.

Parking Facilities

Finally, the addition of City employees in the Downtown Core of Modesto to accommodate public service needs at buildout will require additional parking facilities. The City Hall Annex, as planned, will create the need for parking facilities providing an additional 249 spaces. The per space cost is $12,500. The total cost of providing these new spaces in the Downtown Core is estimated at $3,112,500.

Additionally, the completion of the Bus Maintenance Facility and the Vehicle Maintenance Facility will displace some of the existing parking in the Corporation Yard. About 60 spaces will need to be relocated and replaced. Replacement costs are estimated at $1,000 per space, for a total cost of $60,000. The total cost of parking facilities is thus $3,172,500.

Information Technology

The City has included an information technology component to the General Government CFF fee. The city plans both a fiber optic cable network, as well as a wireless network, to connect the city and facilitate improved communication between centralized city services and public facilities in the field. The planned networks are also expected to improve response and communication between the City's public safety services. The City does not have the existing infrastructure to serve its needs and thus it will be responsible for providing new IT networking infrastructure to meet its standards for both existing and new development throughout the City.

The City's Information and Technology Department has provided detailed cost estimates and plans for serving and connecting the City at buildout. The specific costs are detailed in the supplement report *Information Details.*

EXHIBIT A

Fiber Optic Communication

The City of Modesto plans an extended fiber optic cable network to meet the current and future service demands and technology needs of the City. This network would connect peripheral public facilities like community centers, historical buildings and fire stations, through a fiber optic network based and centralized through City Hall. The IT Department has calculated the total cost, including the cost of trenching and laying miles of fiber optic cable and providing the network infrastructure for the City's various facilities. The total cost of the fiber optic network at buildout is estimated at about $4.73 million.

Citywide Wireless Network

The citywide wireless network is projected to provide high-speed communications to mobile city and public safety services. Infrastructure for the wireless system includes network towers at locations dispersed throughout the city to ensure total coverage, and the equipment necessary to connect public safety facilities and other facilities used for field operations including building permit, code enforcement and maintenance operations. The estimated cost of the wireless network system is $931,000.

IT Training Facility Expansion

Plans for a future City Hall Annex include floor space for the purposes of technology training, as the City expands and becomes more reliant on technology. This site would be used by staff to train on city systems related to business workflow, upgrades, replacement systems, etc. Technology related improvements are estimated to cost $42,000. The cost of the office space required to house a training facility is included in the City Hall Annex cost calculations. Only the major permanent technology infrastructure improvements are included in the cost here. The cost does not include computers, servers, or other equipment that requires replacement and upgrade less than every ten years.

Computer Room Facilities

At buildout, expanded and improved computer room facilities are planned in both the City Hall Annex, and the Police Department. Expansion of these facilities is needed to accommodate growth, and the incorporation of fiber optic, and wireless network facilities. The estimated cost of improvements to the City Hall Annex computer room is about $146,000. Improvements to the Police computer room are estimated to cost about $286,000. Again, these costs, a total of $432,000, cover only the permanent technology infrastructure improvements—they do not include office space, or computer equipment.

Phone Room

The new City Hall Annex will require a phone system to support the new staff needed to serve residential and non-residential growth at buildout. Phone system costs include infrastructure for voice mail, call accounting, automated call distribution and general phone service to facilities in the annex. The estimated cost of $276,000 does not include floor space, or equipment that must regularly be replaced or upgraded.

Total Cost of Future Facilities

Adding the City's Information Technology system costs to the cost of other facilities included in the General Government component, the total future cost of the City's General Government Facilities is estimated to be $72,027,000. The components are shown in Table VI-2.

Table VI-2
Cost of Future Facilities

City Hall	$24,050,000
City Hall Annex	$19,650,000
Corporation Yard Expansion	
Satellite corporation yards	$ 2,825,000
Vehicle maintenance facility	$ 3,000,000
Wash and fare retrieval facility	$ 200,000
Light Vehicle Facility	$ 425,000
Parking Facilities	$ 3,172,000
Information Technology	
Fiber Optic Communication	$ 4,727,000
Citywide Wireless Network	$ 931,000
IT Training Facility Expansion	$ 42,000
Computer Room Facilities	$ 432,000
Phone Room	$ 276,000
Total	**$ 59,731,000**

NEW DEVELOPMENT COST ALLOCATION

The General Government component of the CFF is the last of the three for which facilities costs are allocated to both residential and non-residential development, with the allocation based on population and employment, each employee counted as 40% of the impact of a resident. An explanation in greater detail of the basis for this allocation is given in Chapter 2. Here we address reasons this allocation is appropriate specific to General Government facilities.

The total cost of public facilities, including existing facilities and facilities to be built, are allocated among both existing and future development. Existing facilities will serve both existing and new development, as will the new facilities to be constructed. For instance, the new wireless network will serve existing development within the City as well as new growth areas. Both existing and new development will similarly be served by facilities in the existing corporation yard. In other words, the General Government facilities are treated as a single system.

City government facilities are required to serve all types of development, both residential and non-residential, as both bring persons and property that require the services provided by the City; this is the nexus between the development and the General Government component of the CFF. As in the case of fire and police, the allocation of other city government costs among residential development is based on population. The measure results in an equitable, rough proportionality allocation.

Employment is similarly often used as the indicator of need for non-residential services. Again, employment is an indicator of persons involved, and also a "roughly proportional" indicator of the property involved.

Table VI-3 calculates the allocation between existing and new development based on buildout DUEs. The total cost of future facilities and the replacement cost of existing facilities is $72,034,000. Spread across the 152,100 DUEs projected at buildout, the cost per DUE becomes $474. New development is projected to amount to 68,300 new development DUEs, bringing growth's cost share to $32.3 million.

Comparing new development's cost allocation of the buildout facilities with the cost of future expansions, it can be seen that the Department is presently at a net facilities deficit under the allocation methodology of this analysis. The majority of the deficiency is due to the financing of City Hall. Stated differently, existing facilities do not meet the needs of existing development.

EXHIBIT A

The difference is the City's existing deficit in its general government facilities — a deficit that cannot be made up using funds collected for the CFF program.

Table VI-3
General Government Facilities Summary

Capital Costs	
Existing	$12,303,000
Future	$59,731,000
Total	$72,034,000
Cost per DUE	
Total Capital Cost	$72,034,000
Buildout DUEs	152,100
Cost per DUE	$474
New Development Cost Allocation	
Cost per DUE	$474
New Development DUEs	68,300
New Development's Share	$32,347,000
Existing Development Cost Allocation	
Existing Development DUEs	70,700
Existing Development's Share of Cost	$33,483,000
Existing Capital	$12,303,000
Existing Deficiency	$21,180,000

Source: Town Hall Services

Chapter VII
AIR QUALITY MITIGATION

The Environmental Protection Agency (EPA) has designated the San Joaquin Valley air basin as a "non-attainment" area based on the standards set out in the Federal and State Clean Air Acts. Specifically, standards for ozone, carbon monoxide, and particulate matter have been exceeded on a broad basis and the Modesto urbanized area is in non-attainment of carbon monoxide standards. Ninety percent of the area's carbon monoxide problem is associated with automobile emissions and the ozone and particulate pollution are also to a large extent caused by automobile emissions. This component of the fee program therefore focuses on facilities that reduce automobile and transit travel by facilitating alternative non-gasoline modes of travel.

The San Joaquin Valley Unified Air Pollution Control District (SJVUACD) has authority over the monitoring of air quality and the development of a regional program to regulate sources of air pollution. The District is preparing a report "Guide for Assessing Air quality Impacts." It has also identified specific means of mitigating air quality impacts through projects that reduce existing source emissions (offsets).

The Air Quality component of the CFF is different from the City's other fees in that it has not been calculated by identifying the facilities (the type and the amount) necessary to directly mitigate the impact. The City cannot yet measure separately the impacts of new development on its existing level of air quality. It also cannot determine the cost of correcting its existing deficiency (the current non-attainment). The City therefore intends to continue to construct improvements designed to reduce automobile travel, funding them with both development fee revenues and monies from other sources. In so doing, together with the expansion of public transportation services, it expects to mitigate significantly the air quality impacts of new development and to improve current air quality.

FACILITIES FOR MITIGATING IMPACTS

The City's Air Quality Mitigation fee will fund projects that reduce automobile and transit travel or make such travel more efficient. This fee, however, will not go towards capital improvements of the City's bus system. Another fee component, the Public Transportation fee, funds the additional capital facilities that the City's bus system requires to serve growth.

Two types of projects have been identified as appropriate to be funded by the City's fee. These are park and ride facilities and Class 1 bike trails. It is expected that over time analysis of the effectiveness of early projects will lead to a revised more definitive program. The following is a list of projects that now appear appropriate to be funded with revenues of the Air Quality fee component.

FACILITIES AT BUILDOUT

Park and Ride Lots

These lots serve as a staging area for car and vanpools, shuttle busses and public transit. They provide a convenience to single passenger commuters to meet other commuters and thus are an incentive to rideshare. This incentive could be promoted further with high occupancy vehicle lanes designated on the major corridors. Standard costs for park and ride lots are $5 per square foot. There are on average 350 square feet per parking stall and 100 spaces per lot. At the cost of $1,750 per space, a 100-stall lot would cost approximately $175,000. The City is tentatively planning to construct four new park-and-ride lots for a total cost of approximately $700,000.

Class I Bike Trails:

Convenient and safe bike paths would allow many residents to replace short car trips and daily commuting to school (especially) or work with bicycle use. Extensive information is available regarding bikeways in the Modesto Non-Motorized Transportation Master Plan. The City has identified 13 Class 1 bike trails needed for its construction program at buildout. Class I (off-street) bike trails are planned to be situated throughout the city to provide both a recreational option for residents as well as a non-motorized alternative for commuters. They will also provide safe non-motorized routes to schools, shopping and recreation destinations.

Class II (on street) bike lanes are included as an integrated component in new (and widened) roads. Thus the cost for including on street bike lanes is incorporated into the streets component of the CFF update.

The Parks, Recreation and Neighborhoods Department provided detailed cost estimates for the construction of new bike trails. Because the location of each proposed bike trail varies significantly, the per acre cost of land acquisition varies a great deal as well. For land in the 100-year flood plain, the cost is about $30,000 per acre. For the 5 acres required to construct the Monterosso Trailhead bike trail, the cost of land was $200,000 per acre. For a small number of bike trails, the land is already owned and operated by the Parks and Recreation department, and was included in the cost of land of regional parks in the Parks component in Chapter 5. Land acquisition costs for these trails are assumed to be zero.

The construction costs also vary somewhat depending on the location and the facilities provided for each bike trail. Construction costs include landscape improvements, hardscape, lighting, trail amenities and signage. The average construction cost for Class I bike trails is approximately $400,000 per acre. This cost compares reasonably to the average cost per acre to construct neighborhood and community parks. Though bike trails do not have all of the amenities of neighborhood and community parks (i.e. sports and playground equipment), the cost per acre of bike trails is comparably high because bike trails have many more amendments spread over a linear area. There are more trees, lighting, landscaping and irrigation required. Trailheads are typically hardscaped and contain adequate lighting and signage in kiosks.

The total cost of the City's Class I bike trails, at buildout, is estimated at $77,708,000. A detailed breakdown of the costs per trail is included in the *Information Details* supplemental report.

With $700,000 for park and ride lots added, the buildout cost of public facilities for the City's Air Quality Mitigation program is $78,408,000.

EXISTING FACILITIES

The City's Air Quality Mitigation program is comparably new, and so the City does not have many public facilities to promote air pollution mitigation. The City has not yet constructed any park and ride lots, and has begun construction on only a fraction of the Class I bike trails planned

at buildout. The city has already purchased, or otherwise owns the land for five of its planned bike trails. The City has begun significant land improvement on three of these trails. The total replacement cost of the existing program facilities is $13,480,000.

FEE CALCULATION

The City has indicated that its existing Class I bike trail facilities are used primarily by residents for recreational purposes, or as an alternative means of transportation to retail and recreational facilities. It is less likely that the Class I bike trails system will replace car trips to and from work, because of the longer relative lengths of work commutes, and the fact that Class I trails do not extend to many places of business (as opposed to Class II street bike trails). For these reasons, it is reasonable to assume that residential development is primarily responsible for the need for and use of the Class I bike trail system. Accordingly, in calculating the Air Quality Mitigation fee, the total cost of facilities is shared amongst buildout residential DUEs. While it is true that future park and ride lots will serve work commuters, their proportionate cost as part of the Air Quality Mitigation program (less than one percent) makes the per DUE cost of park and ride lots almost negligible.

Because the bulk of the fee goes towards bike trail facilities, which primarily serve the residential population, and because the cost is shared amongst residential DUEs like the parks and recreation facilities, it could be argued that bike trails would be more appropriately included in the parks component rather than the Air Mitigation component. Even if this were the case, because the total cost and number of residential DUEs does not change, it would make no difference in the total fee charged to new residential development.

The total facilities cost of the Air Quality Mitigation program at buildout is $78,408,000. The responsibility for this cost is shared by the buildout stock of residential development, equivalent to 115,500 DUEs. The cost per DUE and new and existing development's share of the total is calculated in the table below.

Table VII-1
Air Mitigation Facilities Summary

Buildout Cost of Air Mitigation Capital Facilities	
13 class I trails	
Total Trail Cost	**$77,708,000.00**
Park and Ride	$700,000
Total Facilities Cost at Buildout	**$78,408,000**
Cost per DUE	
Buildout DUEs	115,500
Cost Per DUE	**$679**
New Development Cost Allocation	
New Development DUEs	44,300
New Development Share of Costs	**$30,073,000**
Existing Deficiency	
Replacement Cost of Existing Facilities	$13,480,000
Existing DUEs	61,900
Existing Development's Share of Total Cost	$42,021,000
Existing Deficiency	**$28,541,000**

EXISTING DEFICIENCY

Because the Class I bike trail system is still in the early stages of development, there is a large existing deficiency in facilities currently serving the existing population. At a cost of $679 per residential DUE, existing development's share of the cost is over $42 million. However, the replacement value of the existing Air Quality Mitigation system is only $13.5 million. That leaves the City with an existing deficiency of over $28.5 million that it must make up with funds outside of CFF fees to provide facilities for the entire City.

Chapter VIII
STREETS

The generation of traffic is the aspect of new development that potentially impacts most directly the citizens and businesses of the City of Modesto. Mitigation in the form of street improvements is, not surprisingly, the dominant component of the CFF program. The net cost of CFF street improvements necessary to accommodate the traffic generated by new development is over $900 million; revenues from the streets component of CFF are projected to constitute over 70% percent of future CFF revenues.

The CFF component for public transportation has many structural similarities to streets. This is a separate component, however, and is described in Chapter IX following.

The determination of needed street improvements and the estimation of the costs of these improvements has been the responsibility of Omni-Means, Ltd., a firm of traffic engineers and planners. A separate supplemental report describes their work and the results in greater detail; it is entitled *Capital Facilities Fees — Street Projects Update.*

INTRODUCTION

Street Improvements Included in Streets CFF

Street facilities range from local neighborhood streets at the smallest to freeways at the largest. They include the stretches of roadway and the intersections where they come together, as well as the rights-of-way on which they are located.

CFF is a critical part of a funding package for street improvements, but only a minority of the total cost. Developers are directly responsible for providing local streets as specified in the tentative and final maps approved on the property. Off-site minor collectors are also the total responsibility of developers, often in the form of a community financing district (CFD). These streets are therefore not included in the CFF program. Another way to view the exclusion of most two lane streets from the CFF is to know that development is responsible for contributing right-of-way and making specified improvements to a CFF street that fronts their property. This requirement covers completely the smaller streets and two lanes of larger arterials and expressways. These requirements are known as street exactions. The street costs used to determine the streets CFF do not include the share of the cost covered by exactions.

No changes are planned for downtown streets; they are therefore also not included in the CFF program. Freeways are State facilities. They are not addressed in this study. Freeway interchanges include streets other than freeways and it is doubtful the State will undertake needed improvements; they are therefore included.

The remainder of street improvements - those other than local streets, downtown streets, freeways and those covered by exactions - are addressed in this report and reflected in the CFF calculations. These include expressways, arterials and major collectors, as well as their intersections. They are expensive components of Modesto's street system.

The CFF is calculated based on the cost of street facilities that need to be added in order to allow the street system to function at, or as close to as possible, the level specified in the City's General Plan. The facilities necessary to accommodate traffic at this standard are determined by the City's traffic model. This computerized tool allows the street planners to simulate traffic and to develop a street network adequate to accommodate that traffic. Such a network is specified in the General Plan. The work in this study by Omni Means verified the need for the 266 improvement projects necessary to complete the network; these are the streets improvements addressed in this study.

Some of street improvements necessary for a system adequate for traffic at buildout are improvements that would be needed even in the absence of any new development. These are referred to as existing deficiencies.

Street Improvement Costs

The single most expensive task, by far, in this CFF study is the estimation of the costs of street improvements. The estimating has been the responsibility of Omni Means engineers. It has been undertaken, however, with the direct involvement of the staff of the City of Modesto's Department of Engineering.

The first step consisted of mapping each of the 267 improvement projects (e.g. Carpenter from Kansas to Maze). Engineers then "conceptually designed" and estimated the cost of each of the projects on a preliminary basis. The costs were estimated for each component of each project, e.g. for additional traffic lanes and, as well, for the necessary right-of-way additions (including information about surface improvements or buildings located thereon) This is the first time the City has had preliminary cost estimates with this level of detail for all anticipated street projects to use in planning and budgeting.

It should be noted that the analysis indicated that some funding other than CFF revenues should be assumed for a few of the street projects included in the list of CFF street improvements. The principal other funding sources included in the analysis are state and federal funds (principally the State Transportation Improvement Program - STIP) which are allocated through the Stanislaus County Council of Governments (StanCOG).

CFF Calculations

The traffic to be accommodated was projected based on standard trip generation information. For example, each single family home was assumed to generate 9.57 trips per weekday. Adding together the trip generation of all categories of new development provides a total number of additional daily trips that will be generated by new development at buildout of the CFF study area.

The streets CFF cost per trip is calculated by dividing the total cost of street improvements to be funded by CFF by the number of trips. The streets CFF for each type of land use development is determined by multiplying the per trip CFF cost times the trips for which the development is responsible.

STREET IMPROVEMENTS

Approach/The Traffic Model

The street improvements to be funded by the CFF program are identified using the following approach:

> The City used its computerized traffic model which assigns vehicle trips to a street network; this allows measurement of the level-of-service (LOS) on each segment of the network by comparison of the traffic with each street's capacity.
>
> Potential development - residential and non-residential, existing and new - is projected assuming buildout of the CFF study area. The trips that will be generated by this amount of development are projected and input into the model.
>
> The capacities of all existing streets are input and the model is run to allocate the trips to the street network. This determines which street segments (especially intersections) are unable to accommodate the traffic, i.e. fail to meet the City's LOS standard.

Street improvements (providing additional traffic capacity) are added as needed to bring the network's performance up to the City's standards. The added street improvements are a tentative list of improvements needed for buildout of the City.

The list is reviewed to identify improvements that the transportation planners decide are unnecessary or are unjustified because of their cost, in dollar terms or in terms of the disruption to homes and businesses involved.

The running of the model and adding (or eliminating) improvements and evaluating the resulting network is an iterative process; it is continued until an appropriate street network is determined.

The City of Modesto General Plan

The City's present General Plan was adopted in August of 1995. Some amendments to the Plan along with a Master Environmental Impact Report (MEIR) were adopted in February 2003. The Plan is fundamental to this study in several ways. One is that the CFF study area includes almost all of the area in the General Plan. Only a couple of areas, most importantly the community of Salida, for which the City is unlikely to ever assume the responsibility for public facilities, are not included. The amount of development for which facilities are identified is buildout of the CFF study area consistent with the land use designations in the Plan. The use of this amount of development for analytic purposes is advantageous in that it is a comprehensive picture; spreading the cost of a relatively large street network among a correspondingly large amount of development minimizes the distortions that can occur in a smaller area. For example, a major intersection located in a smaller area may require expensive improvements due, to a large extent, to traffic generated outside of the area. Allocating the full cost of the improvements to the development in the smaller area would be unfair and contrary to the laws governing impact fees.

Buildout is used as a time frame for similar reasons, rather than, for example, ten years. The traffic generated by development in one decade could be sufficient to cause the need for several very expensive improvements. Assigning their cost sole to development in that decade would again be unfair and unlawful.

There is also a very practical consideration involved. The calculations of the amount of development allowed per the General Plan and the identification of the streets network required had already been completed and adopted by the City. Undertaking the task of specifying development and designing the necessary streets for a portion of the CFF study area or for partial

development (e.g. that that would occur in the next decade) would have been quite expensive and would have delayed the study for at least a year. Even more important, it would have raised the policy question as to whether (1) development is to be constrained to areas that can be efficiently served by a list of priority street improvements or (2) development is allowed throughout the City requiring a more extensive set of street improvements. The trade-off between fewer constraints on development and a higher streets cost (when planning for less than study area buildout) is obvious.

As well as approximating the territory to be analyzed, the General Plan is also fundamental in that its land use designations provided the basis for projections of the amount of development that would occur on the undeveloped land in each traffic analysis zone (TAZ). Residential development is projected in terms of single family and multi-family units, reflecting the General Plan designations. Non-residential development is projected in terms of retail, service, government and other employment. These projections of development are the basis for the projection of trips generated.

The General Plan defines the categories of streets and the development standards for each. The categories are as follows:

Freeways	Principal Arterials
Class A Expressways	Minor Arterials
Class B Expressways	Major Collectors
Class C Expressways	Minor Collectors
	Local Streets

The description of each category as given in the General Plan is included in the *Information Details* supplemental report. The CFF program includes freeway interchanges, expressways and principal arterials.

The General Plan is also critical in that it specifies the City's standard of performance for its street system. The common method of looking at system-wide conditions is to compare the traffic volume on the important facilities to the carrying capacity of those facilities. This comparison establishes a relationship between a roadway or intersection's capacity and the actual volume using that facility, the "volume/capacity" ratio. This can be translated into a "level-of-service," which is defined using letter grades ranging from "A" through "F." The General Plan sets level-of-service D as the City's standard. LOS D is a middle ground between "stable flow" (LOS C) and "unstable flow" (LOS E). Phrases used in the Highway Capacity Manual to

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describe it include:

> "The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume-to-capacity ratios."

Methods used to assess LOS and V/C (volume to capacity) ratios are described in the *1997 Highway Capacity Manual.* The capacities for various types of roadway (e.g. four lane undivided arterial) are given in a table on Page 16 of the Omni-Means report. It should be understood that the level-of-service standard refers to service at the period of peak traffic congestion. If it is level D at that time, it will presumably be at a higher level the rest of the day.

Over-riding Considerations

It is obvious to anyone driving on some Modesto streets at about 5 p.m. that some streets currently do not meet the LOS D standard during rush hour. The traffic resulting from buildout of the City will cause LOS D to be exceeded in some additional locations, even with the planned improvements. Modesto's traffic engineers have focused substantial attention on these situations. After years of study and consideration it became apparent that there existed specific situations in which building the improvements necessary to achieve LOS D would not be in the City's interest. Some improvements may simply cost too much for the relatively small amount of benefit they provide. More commonly, the addition of the improvements estimated as necessary to achieve the standard would require the removal of too many existing homes and/or businesses. (The southern end of McHenry is a prime example.) In some of these situations it was concluded preferable, based on these over-riding considerations, to add additional capacity in newer street facilities where possible and to endure some lower levels of service than to widen some streets along which development has already taken place.

Section 65302b of the California Government Code requires that each city's general plan include a circulation element indicating the major planned streets. In the case of Modesto these are the streets determined by the traffic model analysis to be necessary to meet the LOS D standard. These are shown on the *Circulation and Transportation Diagram* included in the Plan and are the basis of the street cost estimating and evaluation described in the next section. The Plan identifies the streets for which the City has determined that "over-riding considerations" justify not making the improvements that would be required to bring traffic conditions to Level D during peak hour.

Existing Deficiencies

Not all of the streets that currently fail to meet LOS D are affected by such over-riding considerations. Improvement in these situations is expected. The costs of improvements adequate to bring these situations up to LOS D are referred to as "existing deficiencies". The City study has identified $5 million in CFF program existing deficiencies. In addition, it should be remembered that existing deficiencies relative to the CFF program refer only to road segments included in the CFF program. Minor collectors and below and buildout downtown streets are not included. Finally, existing residents as well as new will benefit from the new overpass and freeway intersection, which will relieve some existing congestion. Much of the funding for these will come from sources other than CFF funding.

The cost of curing existing deficiencies cannot be made the responsibility of new development, as new development did not contribute to the deficiency situation. The funds required will need to come from the City of Modesto or from grants that they secure.

COSTING METHODOLOGY

The key to the cost estimates was, as indicated earlier, the detailed descriptions of the 267 street projects. This information made it possible for each component of a project to be separately estimated. The specific methodology and cost assumptions utilized are fully described in the supplemental *Streets Projects Update* report to this document. Following is a partial list of the items considered in the cost estimating process.

- Roadway Excavation
- Roadway Structural Section
- Median Island Treatment
- Storm Drainage
- Sound Walls
- Right-of-Way
- Support Costs and Contingencies

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COSTS

Street Improvements Costs

The product of the cost estimating described above is a list of the street improvements included in the CFF program together with their costs. This list is included here as Appendix VIII-A. The projects are grouped by type of improvement in the table below. Costs summarized by types are as shown in Table VIII-1. The table shows the allocation of the cost of CFF street improvements across the various land use categories together with funding responsibilities.

Table VIII-1
Costs by Type of Project

	Total Cost	- Exactions	- StanCOG Funding	- City & Other Funding	CFF Cost
Intersection Projects*	$288,747,405	$47,251,267			$241,496,138
Roadway Projects	$638,281,185	$111,742,858			$526,538,326
Traffic Signal Projects	$9,893,505				$9,893,50
Interchange and Fwy Projects	$256,361,152		$58,019,577		$198,341,
Existing Deficiencies*				$4,587,669	*-$4,587,669*
Adjustments			$57,878,309		*-$57,878,309*
Total Street Improvement Projects	$1,193,283,247	$158,994,125	$115,897,886	$4,587,669	**$913,803,566**

*Includes existing deficiencies of CFF facilities only
Source: Omni-Means, Ltd.

Adjacent Development Responsibility — Exactions

As part of the last update of the CFF program, the City adopted a set of street exactions policies. (A copy of the proposed exaction policies is included in the *Information Details* supplement.) These policies require a developer of adjacent land to contribute the cost of one traffic lane and associated frontage improvements, together with the land required for these improvements. In essence, the developer is responsible for the same improvements that would occur in a situation where only a two-lane road was required. In general, the policy states that a width of 40 feet shall be dedicated and improved (30 feet in from face of curb improvements plus 10 feet behind curb improvements); it is applicable to all CFF funded streets, except expressways. (Expressways do not provide access from adjacent property; property owners adjacent to

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expressways dedicate the right-of-way, but are not required to make improvements.) In existing circumstances, where at least 40 feet of dedication and improvements have previously been made, and standards change requiring additional right-of-way, such additional right-of-way and improvements shall be acquired with reimbursement. Estimates were made of the cost of exaction improvements but, as Table VIII-1 shows, they are not included in the costs used as a basis for CFF fees.

Alternate Funding Sources

It was mentioned earlier that CFF is only part of a package of funding sources for street improvements. One task of the CFF update study has been to identify other sources of funding outside of CFF to which some of the identified projects could be assigned. Other possible funding sources include Stanislaus County public facilities fee (PFF) projects, contributions by adjacent cities for boundary streets, potential sales tax revenue, as well as review of StanCOG funding plans.

The largest source of alternative funds is the StanCOG, which allocates State Transportation Improvement Program (STIP) funds. This CFF update assumes $116 million in StanCOG funding, based on the projects in the Regional Transportation Plan and their budgeted StanCOG funding.

The most critical assumption made is with regard to the possibility of a Stanislaus County sales tax component for street funding (and perhaps for other purposes as well). Such a tax is common in California, having been approved by the voters in a majority of counties. (Neighboring San Joaquin County levies a half-cent sales tax for funding of transportation projects.) A quarter or half cent sales tax would generate a substantial amount of funding of revenue, with funding most likely for large projects that benefit both existing residents and new development. StanCOG is the designated agency developing information about such a tax. It is difficult to estimate how much would be available for funding projects on the CFF list; perhaps between 10 and 20 percent is a reasonable estimate. However, sales tax funding is assumed in this analysis.

Finally, it can be noted that some of the streets included in the CFF program lie on the border between Modesto and another city. It would appear reasonable, though not likely, that the fee program of the adjoining city would contribute one-half of the project costs in these situations. Also, Stanislaus County has a public facilities fee (PFF) program to fund regional street improvements. The only such contribution assumed in this analysis is funding for Pellendale ($10.0 million) and for Kiernan ($650,000), both of which are already budgeted in the PFF program.

This discussion has indicated that only exactions (project costs of $159 million), the projected StanCOG allocated funds ($116 million) and City expenditures for existing deficiencies not funded with StanCOG funds ($5 million) funding contributions are assumed as alternative funding for the CFF streets. Funding from these sources reduces the total cost of $1.2 billion for the projected improvements to CFF streets to $914 million. Unless some other sources of funds are identified, this is the amount needed from CFF fees if the improvements necessary to complete the buildout road system are to be completed.

CALCULATION OF STREETS CFF

Trip Generation

Trip generation was the basis for the determination of the street improvements needed to accommodate traffic at buildout. It is also the basis for the allocation of the costs among new development. Having the variable used to calculate the fee be the same variable used to determine the facilities to be built is the best possible nexus. It guarantees the proportionality that must be present in a fee program. This is fortunate because street fees are by far the largest component of the CFF program.

The traffic model inputs are, as described earlier, based on General Plan land use designations. The model allocates the trips for all existing and new development. We are interested here, however, in allocating the cost of future improvements needed for new development to the trips generated by new development. To identify the increase in development occurring over the life of the General Plan, current land use activity was subtracted from activity at buildout.

Current data for residential development was based on 2000 U. S. Census of Population and Housing information. The 2000 Census counts were increased by two percent to reflect development between 2000 and 2002. No single information source has comparable information for current commercial and industrial activity. Non-residential activity, expressed in terms of employment, was therefore estimated based on several data sources. These included the California Employment Development Department, the 1997 Economic Census, and employment counts estimated from City of Modesto Planning Department land use data. Subtracting current residential and non-residential activity from the activity counts in the traffic model, which is based on General Plan buildout, yielded the amounts of projected growth. This growth is used to project the count of trips generated by new development and, as described in the next section, to allocate the cost to the various land use activities.

Allocation of Costs

The calculation of the streets fee for the various categories of land use activity on trip generation for which each category is responsible is shown on Tables VIII-2 and 3. Each row in Table 2 represents a category of land use activity. The first information column shows the number of dwelling units (for the two residential categories) or employees (for the non-residential categories) associated with new development in that category.

A subsequent column shows the daily average trip generation per unit or per employee. It should be understood that each trip has two ends, one associated with the land use at its source and the other with the land use at its destination. The count of trips in the discussion here and in the tables is therefore actually a count of trip-ends, double the number of trips. (The results would be the same if we counted total trips and allocated half-trips to each end.)

The deduction of retail pass-by trips and the assignment of causal responsibility for neighborhood retail and medical trips to residential are shown in the following two columns. Trip reduction factors of 60%, 65%, 70% and 75% have been applied for retail "pass-by/multi-purpose" trips, the factor used depending on the size of the projected retail facility. The smaller the retail facility, the greater the trip reduction factor due to "pass-by/multi-purpose travel" (e.g. a stop at a gas station on the way home from work). Trips to a mall or to a big box retail are more likely to be to only one retail destination.

For most categories the count of trip ends is roughly proportional to the trips caused. For retail (and medical offices), however, the count distorts the situation. These activities exist at their locations to a large extent because of the shopping needs of the residential population. Said another way, the homes were not built because of the availability of retail outlets; the retail outlets were largely constructed because of the local residential population. It can also be noted that home to shopping strips are shorter than the average trip length. This study takes a step toward a better nexus by assigning approximately half of the retail (and medical office) trip ends beginning or ending at homes to those residences. More specifically, 13% of retail site trip ends are shifted to residential development, a 14% increase in residential trip ends. It can be noted that such an adjustment to improve the nexus is reasonably common. In particular, it has been a considered and acknowledged part of the two earlier City of Modesto fee justification studies and a much larger adjustment is used in the Stanislaus County fee program.

The number of daily trips generated is then shown, with the column showing a total of 1.25 million trips. The total cost of street improvements to be funded by CFF revenues is $913.8

million. Allocating this cost amount to the various land uses proportional to their percentage of daily trip generation yields the costs shown in the next to last column. Dividing each of these costs by the number of homes or employees in the first information column yields a cost/fee per home or per employee.

The cost amounts per home can be directly used as a basis for the CFF fee amount. The cost per employee amounts have to be converted (1) to reflect the typical mix of land use activities in typical projects and (2) to be expressed as cost per thousand of square feet of floor space, the basis on which the fees are levied. These conversions are shown in Table VIII-3. The rows here represent typical City of Modesto land use codes. For some land use codes these are the same land use activities shown in Table VIII-2. For others, the typical land use project is a mix of the activities shown in Table VIII-2.

The first information column in Table VIII-3 shows the employment density assumptions used in the traffic model. The following three columns show the estimated average share of each activity for projects in that land use category. The percentages in these three columns allow the calculation of the cost/fee per employee weighted by the percentages. The final step in the calculations is to convert the fee per employee to a fee per thousand square feet of floor space. The employment densities from the Institute of Traffic Engineering Handbook database are shown, followed by the final calculated fees.

Streets Fees

The calculation of the total trips generated by new development was accomplished using the land use code categories in the current CFF program. Having determined the average cost per trip, using these current categories, more precise determinations, and hence a better nexus, can be utilized recognizing that specific uses within each category may generate more or less trips than the average used for that category. The Institute of Traffic Engineering (ITE) Handbook provides information about trip generation for a large number of specific land uses. Thus, for example, we can use the average generation specifically for daycare centers rather than just for the broader category of service businesses. In this way, each use can more appropriately pay their fair share based on their anticipated trip generation characteristic rather than an average within their land use category. This approach does allow for the potential to generate more or less revenue than the projected average, however, over time and a presumed reasonable balance of potential uses within a category, the average should remain representative.

The final determination of fees that would provide the funds needed for the street facilities at buildout is shown in Table VIII-4. It utilizes the trip-generation data for more specific land uses

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to improve the nexus between the impacts of each project and its share of the cost of the facilities needed. The table also shows the existing CFF streets fee and the percentage by which the costs developed in this study exceed the existing fee. (The large increase in the warehousing fee reflects the fact that the current fee assumes the warehouse buildings are used for storage of agricultural products.)

Table VIII-2
Fee Spread by Activity

Land Use Activity	New Development ("Buildout -minus Existing")	Units	ITE-based Daily Trip Generation Rate[1] per Unit	Pass-by Adjustment Factor[2]	Trip Length/ Causality Factor[3]	Daily Trip Generation	Percentage Share of Daily Trips	Spread of CFF Improvement Costs	Fee per Unit
SFDU	33,506	D.U.'s	9.57	100%	114%	366,801	29.3%	$ 268,056,703	$ 8,000
MFDU	16,089	D.U.'s	6.63	100%	114%	122,022	9.8%	$ 89,173,278	$ 5,542
etail (lesser than 50,000 sq.ft.floor area)	10,234	Employees	50.31	25%	87%	111,734	8.9%	$ 81,654,589	$ 7,979
etail (50,000 sq.ft.to 99,999 sq.ft. floor area)	10,234	Employees	33.99	30%	87%	90,586	7.2%	$ 66,200,107	$ 6,469
etail (100,000 sq.ft.to 300,000 sq.ft. floor area)	10,234	Employees	23.95	35%	87%	74,467	6.0%	$ 54,420,162	$ 5,318
etail (greater than 300,000 sq.ft. floor area)	10,234	Employees	19.31	40%	87%	68,617	5.5%	$ 50,145,104	$ 4,900
Service (Medical Office)	7,652	Employees	8.91	100%	87%	59,183	4.7%	$ 43,250,738	$ 5,652
Service (General Office)	30,609	Employees	3.32	100%	100%	101,622	8.1%	$ 74,264,856	$ 2,426
Government (General Office)	14,700	Employees	3.32	100%	100%	48,804	3.9%	$ 35,665,764	$ 2,426
Other (Industrial)	98,372	Employees	2.10	100%	100%	206,581	16.5%	$ 150,968,699	$ 1,535
Total Employees	*192,269*	*Employees*							
Population	*171,000*	*Residents*							
TOTAL TRIPS				**1,250,417**		**1,250,417**	**100.0%**	**$ 913,800,000**	

Notes:

. Daily trip-ends for which this category is a source on desitination

. A 60%, 65%, 70% and 75% trip reduction factor has been applied for retail "pass-by/multi-purpose" trips based on the size of the projected retail facility.

The smaller the retail facility, the greater the trip reduction factor due to "pass-by/multi-purpose travel.

. Responsibility for all home based trips to local retail and medical offices is assigned to residential development.

Source: Omni-Means

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Table VIII-3
Conversion to General Plan Land Use Code Fees

Land Use Code Category[1]	Model Employee Density (per gross acre)	Retail Employee Density Share	Service Employee Density Share	Other Employee Density Share	Weighted Fee per Employee	Density Factor (KSF per Employee)[2]	Final Weighted Fee per Unit	Unit
SFDU	N/A	N/A	N/A	N/A	N/A	N/A	$ 8,000	D.U.
MFDU	N/A	N/A	N/A	N/A	N/A	N/A	$ 5,542	D.U.
Retail (lesser than 50,000 sq.ft.floor area)	24	75%	25%	0%	$ 6,591	0.450	$ 14,646	KSF
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	24	75%	25%	0%	$ 5,458	0.450	$ 12,129	KSF
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	24	75%	25%	0%	$ 4,595	0.450	$ 10,211	KSF
Retail (greater than 300,000 sq.ft. floor area)	24	75%	25%	0%	$ 4,281	0.450	$ 9,514	KSF
Office (Medical Office)	45	0%	100%	0%	$ 5,652	0.302	$ 18,716	KSF
Office (General Office)	45	0%	100%	0%	$ 2,426	0.302	$ 8,034	KSF
Business Park (Service)	25	0%	25%	75%	$ 1,758	0.317	$ 5,544	KSF
Business Park (Manufacturing)	25	0%	25%	75%	$ 1,758	0.550	$ 3,196	KSF
Industrial (Manufacturing)	18	0%	20%	80%	$ 1,713	0.550	$ 3,115	KSF
Industrial (Warehousing)	18	0%	20%	80%	$ 1,713	0.784	$ 2,185	KSF

1. Assuming average mix of activities for the General Plan land use codes.
2. Institute of Traffic Engineering handbook
Source: Omni-Means, Ltd.

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Table VIII-4
Final Streets Fee Determination

Landuse Code Category[1]	Density Factor (KSF per Employee)	Final Weighted Fee per Unit	Unit	Existing Streets Fee per Unit	Percent Increase in Fee
SFDU	N/A	$ 8,000	D.U.	$ 3,168	153%
MFDU	N/A	$ 5,542	D.U.	$ 2,172	155%
Senior Housing (37% of SFDU rate)	N/A	$ 2,960	D.U.	$ 619	378%
Hotel/Motel (94% of SFDU rate, 60% occupancy factor)	N/A	$ 4,512	Room	$ 538	739%
Retail (lesser than 50,000 sq.ft.floor area)	0.450	$ 14,646	KSF	$ 4,500	225%
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	0.450	$ 12,129	KSF	$ 3,989	204%
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	0.450	$ 10,211	KSF	$ 3,799	169%
Retail (greater than 300,000 sq.ft. floor area)	0.450	$ 9,514	KSF	$ 3,763	153%
Office (Medical Office)	0.302	$ 18,716	KSF	$ 7,449	151%
Office (General Office)	0.302	$ 8,034	KSF	$ 4,109	96%
Hospital (33% Med. Office, 67% Gen.Office)	0.302	$ 11,559	KSF	$ 2,184	429%
Daycare Ctr.(92% of Retail 50K-100K rate per empl.,50% pass-by reduction)	0.394	$ 6,372	KSF	$ 1,736	267%
Church (83% of Gen.Office rate per KSF used on per-employee basis)	1.500	$ 1,343	KSF	$ 292	360%
Nursing Home (122% of Gen.Office rate per empl.)	1.500	$ 1,973	KSF	$ 149	1224%
Business Park (Service)	0.317	$ 5,544	KSF		
Business Park (Manufacturing)	0.550	$ 3,196	KSF		
Industrial (Manufacturing)	0.550	$ 3,115	KSF	$ 1,510	106%
Industrial (Warehousing)	0.784	$ 2,185	KSF	$ 362	504%

1. Assuming average mix of activities for the General Plan land use codes.

Source: Omni-Means

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CITY of MODESTO
Capital Facility Fee

Prepared By:

omni · means
ENGINEERS · PLANNERS

Street Improvement Projects Summary

	Total Cost	- Exactions	- StanCOG Funding	- City & Other Funding	CFF Cost
Subtotal Intersection Projects*	$ 288,747,405	$ 47,251,267			$ 241,496,138
Subtotal Roadway Projects	$ 635,281,873	$ 108,743,547			$ 526,538,326
Subtotal Traffic Signal Projects	$ 9,893,505	$ -			$ 9,893,505
Subtotal Interchange & Fwy Projec	$ 256,361,152	$ -	$ 58,019,577		$ 198,341,575
Existing Deficiencies		$ -	$ -	$ 4,587,669	$ (4,587,669)
Adjustments			$ 57,878,309		$ (57,878,309)
Total Street Improvement Projects	$ 1,190,283,936	$ 155,994,814	$ 115,897,886	$ 4,587,669	$ 913,803,566

No.	PROJECT ID	PROJECT EXTENTS	TOTAL COST	CFF COST
Intersections				
1	XBECKWITH01	NEW ROAD	$ 3,301,995	$ 1,777,024
2	XBECKWITH02	DAKOTA	$ 14,126,495	$ 12,665,686
3	XBECKWITH03	BRINK	$ 4,598,533	$ 3,007,444
4	XBRIGGSMORE01	MCHENRY	$ 5,323,515	$ 5,323,512
5	XBRIGGSMORE02	OAKDALE	$ 5,591,199	$ 5,473,907
6	XBRIGGSMORE03	ROSELLE	$ 4,268,511	$ 4,033,230
7	XBRIGGSMORE04	CLAUS	$ 7,389,509	$ 6,217,140
8	XCALIFORNIA01	NEBRASKA	$ 4,003,871	$ 2,467,938
9	XCALIFORNIA02	CARPENTER	$ 4,555,545	$ 3,569,671
10	XCARPENTER01	BLUE GUM	$ 4,526,378	$ 4,377,040
11	XCARPENTER02	KANSAS	$ 3,654,485	$ 3,654,482
12	XCLARATINA01	COFFEE	$ 4,908,015	$ 4,524,117
13	XCLARATINA02	OAKDALE	$ 5,031,150	$ 3,286,750
14	XCLARATINA03	ROSELLE	$ 4,327,073	$ 3,140,351
15	XCLARIBEL01	COFFEE	$ 3,092,774	$ 2,706,932
16	XCLARIBEL02	OAKDALE	$ 2,739,693	$ 1,512,918
17	XCLARIBEL03	ROSELLE	$ 3,070,807	$ 2,033,224
18	XCLARIBEL04	CLAUS	$ 5,731,182	$ 5,320,315
19	XCROWSLANDING01	7TH	$ 9,207,633	$ 9,228,413
20	XDAKOTA01	SALIDA	$ 3,504,273	$ 1,970,440
21	XFINCH01	MITCHELL	$ 1,629,104	$ 1,570,332
22	XFINCH02	GARNER	$ 7,344,729	$ 6,707,427
23	XFLOYD01	OAKDALE	$ 256,050	$ 256,050
24	XFLOYD02	ROSELLE	$ 256,050	$ 256,050
25	XFLOYD03	CLAUS	$ 3,827,567	$ 1,068,362
26	XGARST01	CLAUS	$ 3,389,022	$ 2,816,149
27	XHATCH01	CARPENTER	$ 10,211,358	$ 9,656,364
28	XHATCH02	CROWS LANDING	$ 6,437,168	$ 6,437,166
29	XHATCH03	7TH	$ 3,698,588	$ 3,698,588
30	XKIERNAN01	CHAPMAN	$ 3,732,241	$ 2,874,011
31	XKIERNAN02	DALE	$ 3,288,838	$ 2,409,541
No.	PROJECT ID	PROJECT EXTENTS	TOTAL COST	CFF COST

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32	XKIERNAN03	PRESCOTT	$ 4,502,992	$ 2,751,229
33	XKIERNAN04	TULLY	$ 2,811,376	$ 1,952,930
34	XKIERNAN05	MCHENRY	$ 2,859,616	$ 2,166,003
35	XMAZE01	MORSE	$ 4,034,615	$ 1,980,426
36	XMAZE02	CARPENTER	$ 8,460,443	$ 7,806,632
37	XPARADISE01	NEBRASKA	$ 4,081,494	$ 2,303,479
38	XPARADISE02	CARPENTER	$ 9,623,373	$ 8,868,985
39	XPELANDALE01	SISK	$ 882,870	$ 846,682
40	XPELANDALE02	CHAPMAN	$ 745,844	$ 711,609
41	XPELANDALE03	DALE	$ 1,620,129	$ 1,550,759
42	XPELANDALE04	PRESCOTT	$ 2,462,753	$ 2,175,924
43	XPELANDALE05	TULLY	$ 3,883,566	$ 3,231,823
44	XPELANDALE06	MCHENRY	$ 2,933,947	$ 2,631,775
45	XSCENIC01	COFFEE	$ -	$ -
46	XSCENIC02	OAKDALE	$ 4,475,805	$ 4,410,910
47	XSCENIC03	LAKEWOOD	$ 14,334,727	$ 14,334,727
48	XSCENIC04	CLAUS	$ 4,225,284	$ 3,947,404
49	XSHOEMAKE01	MORSE	$ 4,385,825	$ 2,171,857
50	XSHOEMAKE02	BRINK	$ 2,121,800	$ 1,506,041
51	XSTANDIFORD01	TULLY	$ 6,054,213	$ 6,054,210
52	XSTANDIFORD02	MCHENRY	$ 8,031,822	$ 8,031,820
53	XSYLVAN01	OAKDALE	$ 2,057,512	$ 256,050
54	XSYLVAN02	ROSELLE	$ 4,184,465	$ 288,952
55	XSYLVAN03	CLAUS	$ 3,592,541	$ 1,519,038
56	XWHITMORE01	CARPENTER	$ 2,952,827	$ 2,368,168
57	XWHITMORE02	CROWS LANDING	$ 1,962,386	$ 1,289,835
58	XWHITMORE03	MORGAN	$ 2,422,502	$ 975,736
59	XYOSEMITE01	EL VISTA	$ 13,200,515	$ 13,200,512
60	XYOSEMITE02	LINCOLN	$ 1,845,623	$ 1,842,136
61	XYOSEMITE03	CLAUS	$ 5,509,708	$ 4,817,096
62	XYOSEMITE04	SANTA FE	$ 11,463,480	$ 11,462,818
Road Segments				
63	R7TH01	SIERRA TO RIVER	$ 23,169,209	$ 23,161,987
64	R7TH02	CROWSLANDING TO HATCH	$ 8,918,436	$ 8,918,436
65	R9TH01	CARPENTER TO NEEDHAM	$ 15,467,405	$ 15,467,405
66	RBANGS01	TULLY TO MCHENRY	$ 5,511,741	$ 1,835,932
67	RBECKWITH01	NEW ROAD TO DAKOTA	$ 1,880,979	$ 937,202
68	RBECKWITH02	DAKOTA TO BRINK	$ 4,855,266	$ 4,020,719
69	RBLUEGUM01	POUST TO ROSEMORE	$ 1,136,532	$ 1,136,532
70	RBRIGGSMORE01	SISK TO MCHENRY	$ 18,341,954	$ 18,341,954
71	RBRIGGSMORE02	MCHENRY TO OAKDALE	$ 11,940,687	$ 11,940,687
72	RBRIGGSMORE03	OAKDALE TO ROSELLE	$ 4,437,016	$ 4,437,016
73	RBRIGGSMORE04	ROSELLE TO CLAUS	$ 4,366,599	$ 4,366,599
74	RBRIGGSMORE05	CLAUS TO CITY GEN. PLAN BDRY	$ 3,978,790	$ 3,115,823
75	RBRINK01	PELANDALE TO DAKOTA	$ 3,190,479	$ 2,568,403
76	RBRINK02	DAKOTA TO BECKWITH	$ 7,052,926	$ 3,709,989
77	RBRINK03	BECKWITH TO SHOEMAKE	$ 8,201,401	$ 3,656,514
78	RBRINK04	SHOEMAKE TO CARPENTER	$ 1,562,010	$ 1,562,010
79	RCALIFORNIA01	NEBRASKA TO CARPENTER	$ 5,818,322	$ 1,244,113
80	RCARPENTER01	9TH TO BLUE GUM	$ 1,239,113	$ 1,239,113
81	RCARPENTER02	BLUE GUM TO KANSAS	$ 6,115,400	$ 6,392,441
82	RCARPENTER03	KANSAS TO MAZE	$ 2,853,071	$ 2,853,071
83	RCARPENTER04	MAZE TO CALIFORNIA	$ 1,084,999	$ 836,482
84	RCARPENTER05	CALIFORNIA TO PARADISE	$ 8,874,267	$ 8,679,347
85	RCARPENTER06	PARADISE TO HATCH	$ 6,573,273	$ 6,369,98
No.	**PROJECT ID**	**PROJECT EXTENTS**	**TOTAL COST**	**CFF COST**

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	RCARPENTER07	HATCH TO WHITMORE	$ 6,151,598	$ 5,347,564
87	RCHAPMAN01	KIERNAN TO PELANDALE	$ 2,602,969	$ 389,685
88	RCLARATINA01	MCHENRY TO COFFEE	$ 6,247,651	$ 3,943,646
89	RCLARATINA02	COFFEE TO OAKDALE	$ 5,147,002	$ 5,022,840
90	RCLARATINA03	OAKDALE TO ROSELLE	$ 6,875,844	$ 5,246,645
91	RCLARATINA04	ROSELLE TO R/R TRACKS	$ 4,953,420	$ 838,624
92	RCLARIBEL01	MCHENRY TO COFFEE	$ 5,451,513	$ 4,322,451
93	RCLARIBEL02	COFFEE TO OAKDALE	$ 6,655,285	$ 5,312,141
94	RCLARIBEL03	OAKDALE TO ROSELLE	$ 6,113,194	$ 4,687,121
95	RCLARIBEL04	ROSELLE TO CLAUS	$ 9,684,132	$ 8,493,487
96	RCLAUS01	CLARIBEL TO SYLVAN	$ 8,829,471	$ 4,894,167
97	RCLAUS02	SYLVAN TO FLOYD	$ 2,102,917	$ 632,767
98	RCLAUS03	FLOYD TO BRIGGSMORE	$ 2,595,319	$ 1,099,010
99	RCLAUS04	BRIGGSMORE TO SCENIC	$ 3,017,734	$ 3,017,734
100	RCLAUS05	SCENIC TO GARST	$ 1,012,421	$ 873,119
101	RCLAUS06	GARST TO YOSEMITE	$ 1,973,268	$ 1,729,179
102	RCOFFEE01	CLARIBEL TO CLARATINA	$ 5,581,381	$ 2,010,887
103	RCOFFEE02	CLARATINA TO MABLE	$ 1,023,843	$ 472,267
104	RCROWSLANDING01	7TH TO 99	$ 1,148,606	$ 1,148,606
105	RCROWSLANDING02	99 TO HATCH	$ 1,710,923	$ 1,464,653
106	RCROWSLANDING03	HATCH TO WHITMORE	$ 4,404,816	$ 4,156,588
107	RDAKOTA01	SALIDA TO BECKWITH	$ 7,362,871	$ 6,153,891
108	RDAKOTA02	BECKWITH TO SR 132	$ 23,084,705	$ 22,730,885
109	RDALE01	KIERNAN TO PELANDALE	$ 4,364,781	$ 1,218,045
110	RDALE02	PELANDALE TO VENEMAN	$ 1,794,493	$ 1,155,426
111	RELVISTA01	SCENIC TO YOSEMITE	$ 8,392,215	$ 8,392,215
112	RFINCH01	MITCHELL TO GARNER	$ 5,175,029	$ 3,852,236
113	RFLOYD01	OAKDALE TO ROSELLE	$ -	$ -
114	RFLOYD02	ROSELLE TO CLAUS	$ -	$ -
115	RGARNER01	YOSEMITE TO FINCH	$ 5,047,588	$ 3,507,101
116	RGARNER02	FINCH TO TOULUMNE RIVER	$ 4,496,997	$ 2,919,612
117	RGARST01	CLAUS TO CHURCH	$ 9,564,819	$ 7,676,385
118	RHATCH01	CARPENTER TO CROWS LANDING	$ 9,776,925	$ 9,031,037
119	RHATCH02	CROWS LANDING TO 7TH	$ 5,931,912	$ 5,931,912
120	RKIERNAN01	CHAPMAN TO DALE	$ 3,686,739	$ 2,723,909
121	RKIERNAN02	DALE TO PRESCOTT	$ 8,491,831	$ 7,052,294
122	RKIERNAN03	PRESCOTT TO TULLY	$ 6,949,279	$ 5,194,977
123	RKIERNAN04	TULLY TO MCHENRY	$ 6,242,653	$ 5,244,425
124	RLAKEWOOD01	BRIGGSMORE TO SCENIC	$ 1,223,986	$ 1,223,986
125	RLINCOLN01	SCENIC TO YOSEMITE	$ 4,121,659	$ 4,121,659
126	RMAZE01	MORSE TO CARPENTER	$ 4,893,137	$ 1,698,935
127	RMAZE02	CARPENTER TO 99	$ 8,987,425	$ 7,981,495
128	RMCHENRY01	KIIERNAN TO PELANDALE	$ 1,722,185	$ 1,240,377
129	RMCHENRY02	PELANDALE TO STANDIFORD	$ 1,872,769	$ 1,872,769
130	RMITCHELL01	YOSEMITE TO FINCH	$ 5,047,588	$ 3,507,101
131	RMITCHELL02	FINCH TO CITY LIMIT	$ 1,236,140	$ 457,478
132	RMORGAN01	HATCH TO WHITMORE	$ 5,497,582	$ 4,167,249
133	RMORSE01	NORTH TO SHOEMAKE	$ 4,873,502	$ 2,468,665
134	RMORSE02	SHOEMAKE TO MAZE	$ 14,145,694	$ 12,653,183
135	RNEBRASKA01	MAZE TO CALIFORNIA	$ 1,476,494	$ 756,973
136	RNEBRASKA02	CALIFORNIA TO PARADISE	$ -	$ -
137	RNEWROAD01	MURPHY TO BECKWITH	$ 7,520,229	$ 4,968,211
138	RNORSEMAN01	CITY LIMIT TO YOSEMITE	$ 1,655,765	$ 818,719
139	ROAKDALE01	CLARIBEL TO CLARATINA	$ 3,907,983	$ 1,309,749
140	ROAKDALE02	CLARATINA TOO SYLVAN	$ 3,932,784	$ 2,399,228
No.	**PROJECT ID**	**PROJECT EXTENTS**	**TOTAL COST**	**CFF COST**

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141	ROAKDALE03	SYLVAN TO FLOYD	$ -	$ -
142	ROAKDALE04	FLOYD TO BRIGGSMORE	$ 3,343,291	$ 3,343,291
143	ROAKDALE05	BRIGGSMORE TO SCENIC	$ 7,531,930	$ 7,531,930
144	RPARADISE01	NEBRASKA TO CARPENTER	$ 6,822,359	$ 5,427,703
145	RPARADISE02	CARPENTER TO MARTIN LUTHER KING	$ 4,364,147	$ 4,364,147
146	RPELANDALE01	CHAPMAN TO DALE	$ 2,417,172	$ 2,417,172
147	RPELANDALE02	DALE TO PRESCOTT	$ 3,413,092	$ 3,156,752
148	RPELANDALE03	PRESCOTT TO TULLY	$ 4,236,779	$ 3,718,642
149	RPELANDALE04	TULLY TO MCHENRY	$ 7,790,721	$ 6,739,908
150	RPRESCOTT01	KIERNAN TO PELANDALE	$ 3,041,853	$ 894,226
151	RPRESCOTT02	PELANDALE TO SNYDER	$ 508,432	$ 508,432
152	RROSELLE01	CLARIBEL TO CLARATINA	$ 3,599,581	$ 1,130,746
153	RROSELLE02	CLARATINA TO SLYVAN	$ 3,117,732	$ 539,227
154	RROSELLE03	SLYVAN TO FLOYD	$ -	$ -
155	RROSELLE04	FLOYD TO BRIGGSMORE	$ -	$ -
156	RSANTAFE01	TOULUMNE RIVER TO YOSEMITE	$ 8,392,215	$ 8,392,215
157	RSCENIC01	OAKDALE TO LAKEWOOD	$ 4,955,114	$ 3,578,209
158	RSCENIC02	LAKEWOOD TO CLAUS	$ 5,371,439	$ 5,405,859
159	RSHOEMAKE01	MORSE TO BRINK	$ 2,975,024	$ 578,064
160	RSTANDIFORD01	DALE TO PRESCOTT	$ 8,917,529	$ 8,917,529
161	RSTANDIFORD02	PRESCOTT TO TULLY	$ 8,058,596	$ 8,058,596
162	RSTANDIFORD03	TULLY TO MCHENRY	$ 20,363,785	$ 20,363,785
163	RSYLVAN01	MCHENRY TO OAKDALE	$ 21,170,355	$ 21,170,355
164	RSYLVAN02	OAKDALE TO ROSELLE	$ -	$ -
165	RSYLVAN03	ROSELLE TO CLAUS	$ -	$ -
166	RTULLY01	KIERNAN TO PELANDALE	$ 3,655,746	$ 762,564
167	RTULLY02	PELANDALE TO STANDIFORD	$ 5,772,266	$ 5,422,889
168	RWHITMORE01	CARPENTER TO CROWS LANDING	$ 11,434,902	$ 9,088,185
169	RWHITMORE02	CROWS LANDING TO MORGAN	$ 3,927,643	$ 2,665,222
170	WOODLAND01	CARPENTER TO KEARNEY	$ 7,104,714	$ 7,104,714
171	RYOSEMITE01	D TO EL VISTA	$ 16,399,417	$ 16,399,417
172	RYOSEMITE02	EL VISTA TO LINCOLN	$ 12,319,173	$ 11,662,728
173	RYOSEMITE03	LINCOLN TO CLAUS	$ 4,895,665	$ 4,794,751
174	RYOSEMITE04	CLAUS TO SANTA FE	$ 6,029,240	$ 5,254,894
175	RYOSEMITE05	SANTA FE TO CITY LIMIT	$ 1,021,024	$ 821,105

No.	PROJECT ID	Project Description		CFF COST
Traffic Signal Projects				
176	Carver Road and Future Road South of Kiernan Avenu	New Signal		$ 155,090
177	Prescott Road and Cheyenne Avenue	New Signal		$ 195,910
178	Coffee Road and Sylvan Meadows Drive	New Signal		$ 195,910
179	College Avenue and Bowen Avenue	New Signal		$ 195,910
180	Coffee Road and Brighton Avenue	New Signal		$ 195,910
181	Tully Road and Princeton Avenue	New Signal		$ 195,910
182	College Avenue and Princeton Avenue / Griswold Ave	New Signal		$ 195,910
183	Rosemore Avenue and Woodland Avenue	New Signal		$ 155,090
184	Coffee Road and East Morris Avenue	New Signal		$ 146,933
185	Rosemore Avenue and Kansas Avenue	New Signal		$ 155,090
186	Tuolumne Boulevard and Neece Drive	New Signal		$ 146,933
187	La Loma Avenue and Buena Vista Avenue	New Signal		$ 155,090
188	La Loma Avenue and Miller Avenue	New Signal		$ 193,863
189	Orangeburg Avenue and Sonoma Avenue	New Signal		$ 116,318
190	Orangeburg Avenue and Lillian Drive	New Signal		$ 116,318
191	Floyd Avenue and Dana Lane	New Signal		$ 116,318
192	Seventh Street and K Street	New Signal		$ 155,0
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193	Sixth Street and K Street	New Signal		$ 155,090
194	Sisk Road and Conant Avenue	New Signal		$ 146,933
195	Snyder Avenue and Carver Road	New Signal		$ 155,090
196	Snyder Avenue and Marsalia Way	New Signal		$ 116,318
197	Sisk Road and Brenner	New Signal		$ 146,933
198	Orangeburg Avenue and Rose Avenue	New Signal		$ 119,300
199	Tully Road and Stoddard Avenue	New Signal		$ 146,933
200	Eleventh Avenue and M Street	New Signal		$ 119,300
201	Bangs Avenue and Carver Road	New Signal		$ 155,090
202	Prescott Road and Sheldon Avenue	New Signal		$ 146,933
203	Orangeburg Avenue and Enslen Avenue	New Signal		$ 195,910
204	Orangeburg Avenue and Florida Avenue	New Signal		$ 146,933
205	Sylvan Avenue and Esta Avenue	New Signal		$ 146,933
206	Sylvan Avenue and Road F	New Signal		$ 146,933
207	Sylvan Avenue and Litt Road	New Signal		$ 195,910
208	Floyd Avenue and Lincoln Oak Dr.	New Signal		$ 146,933
209	Floyd Avenue and Esta Avenue	New Signal		$ 195,910
210	Oakdale Road and Road G	New Signal		$ 146,933
211	Roselle Avenue and Road D	New Signal		$ 195,910
212	Roselle Avenue and Kodiak Drive	New Signal		$ 195,910
213	Roselle Avenue and Bellharbour Drive	New Signal		$ 195,910
214	Roselle Avenue and Merle Avenue	New Signal		$ 195,910
215	G Street and Seventh Street	High Cost Modification		$ 147,453
216	H Street and Seventh Street	High Cost Modification		$ 147,453
217	I Street and Seventh Street	High Cost Modification		$ 195,000
218	Seventh Street and L Street	High Cost Modification		$ 168,090
219	Needham Street and L Street	High Cost Modification		$ 152,978
220	Needham Street and 14th Street	High Cost Modification		$ 152,978
221	McHenry / Downey / Avenue and J Street	High Cost Modification		$ 277,388
222	10th Street and D Street	High Cost Modification		$ 156,000
223	Bodem Street and Scenic Drive	High Cost Modification		$ 152,978
224	Ninth Street and Tuolumne Boulevard	High Cost Modification		$ 221,910
225	Yosemite Boulevard and Church Street	High Cost Modification		$ 152,978
226	McHenry Avenue and Rumble Road	High Cost Modification		$ 210,860
227	McHenry Avenue and Floyd Avenue	High Cost Modification		$ 210,860
228	North Emerald Avenue and Kansas Avenue	High Cost Modification		$ 168,090
229	Coffee Road and Scenic Drive	High Cost Modification		$ 166,433
230	Tully Road and Caldwell Avenue	Low Cost Modification		$ 54,210
231	Tully Road and West Roseburg Avenue	Low Cost Modification		$ 54,210
232	Tully Road and West Granger Avenue	Low Cost Modification		$ 54,210
233	Tully Road and Woodrow Avenue	Low Cost Modification		$ 54,210
234	Tully Road and West Rumble Road	Low Cost Modification		$ 54,210
235	Tully Road and Mount Vernon Drive	Low Cost Modification		$ 54,210
236	College Avenue and Stoddard Avenue	Low Cost Modification		$ 54,210
237	College Avenue and Caldwell Avenue	Low Cost Modification		$ 54,210
238	College Avenue West Roseburg Avenue	Low Cost Modification		$ 54,210
239	College Avenue and West Granger Avenue	Low Cost Modification		$ 54,210
240	Ninth Street and G Street	Low Cost Modification		$ 53,170
241	Ninth Street and H Street	Low Cost Modification		$ 53,170
242	Ninth Street and I Street	Low Cost Modification		$ 65,520
243	Ninth Street and J Street	Low Cost Modification		$ 65,520
244	Ninth Street and K Street	Low Cost Modification		$ 65,520
245	College Avenue and Orangeburg	Low Cost Modification		$ 65,520

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No.	PROJECT ID	PROJECT EXTENTS	TOTAL COST	CFF COST
Interchanges				
246	IKIERNAN01	SR99	$ 26,130,000	$ 17,190,789
247	IPELANDALE01	SR99	$ 46,700,000	$ 28,547,248
248	IBECKWITH01	SR99	$ 29,400,000	$ 13,116,923
249	IBriggsmore Avenue	CLAUS	$ 14,299,764	$ 14,299,764
250	IFloyd Avenue	CLAUS	$ 15,520,590	$ 15,520,590
251	ISylvan Avenue	CLAUS	$ 16,576,500	$ 16,576,500
252	ISanta Fe Railroad OH	CLAUS	$ 9,089,760	$ 9,089,760
253	ICLARIBEL01	COFFEE	$ 15,000,000	$ 15,000,000
254	ICLARIBEL02	OAKDALE	$ 15,000,000	$ 15,000,000
255	IKIERNAN02	MCHENRY	$ 15,000,000	$ 15,000,000
256	IPELANDALE02	MCHENRY	$ 15,000,000	$ 15,000,000
257	SR132 from SR99 to Morse*		$ 38,644,538	$ 24,000,000
Existing Defieciencies				
258	SR 99 West Ramp (SB)/Pelandale Avenue			$ 180,078
259	SR 99 West Ramp (SB)/Standiford Avenue			$ 306,515
260	Standiford Avenue/Tully Road			$ 750,076
261	Standiford Avenue - Sylvan Avenue / McHenry Avenu			$ 750,153
262	Briggsmore Avenue/ McHenry Avenue			$ 631,300
263	Carpenter Road/Woodland Avenue			$ 226,470
264	Carpenter Road/Kansas Avenue			$ 283,711
265	Carpenter Road/Maze Boulevard			$ 136,445
266	El Vista Ave-Mitchell Road/Yosemite Boulevard			$ 936,952
267	Oakdale Road/Scenic Drive			$ 385,967

Chapter IX
PUBLIC TRANSPORTATION

EXISTING SYSTEM

The City of Modesto currently operates a public bus system covering 232 route miles for a service population of about 198,600 persons. In addition the City operates two commuter express routes—one to the Pleasanton/Dublin BART station and the other to the Manteca/Lathrop ACE Train station. These two express routes cover 132 one-way route miles. The system requires about 35 buses operating each day, necessitating a total of 46 buses as about 25% of the fleet is being rotated through either maintenance or reserve at any time. New buses, which are on order, will allow for replacement of some older buses and bring the number of system vehicles to 48.

The bus routes are laid out in a "radial" system, facilitating travel from the peripheral suburbs to the central areas and vice versa. The City currently has 64 bus shelters (one shelter for every 3,100 residents) and 775 fixed stops. The average speed of buses system-wide is currently 13 miles per hour. Transportation planners consider this type of configuration and service level appropriate for a city of Modesto's current population.

The current headway between on eleven routes is 30 minutes; its 60 minutes for five other routes. Staff would prefer to shorten the headways of the 60 minute routes to 30 minutes, and the 30 minute routes to 15 minutes, as the convenience would hopefully make the service much more attractive to users. However, unless other factors, such as much higher fuel costs or limited parking, made auto use less convenient, it is questionable whether the increased patronage would justify much of the expense. The present headway scheduling is therefore assumed to continue in this analysis.

The historical sources of funding for the system's capital facilities consist predominately of Federal Transit Administration (FTA) funds. Funding is apportioned annually by Congress and usually requires approximately a 20% local match. For matching FTA capital grants the city uses CFF revenues and the City's share of the quarter cent of the state sales tax, the latter a source that may be used for either capital or operating expenses. The FTA program has been undergoing changes. Most capital and operating support are now integrated into one program. The City of Modesto received FTA funding of $3.2 million in fiscal year 2002. This amount was expended approximately equally between operating and capital funding. City staff does not regard FTA

funding as secure over the next twenty years. It is vulnerable from 1) the budgetary discretion of Congress or the current administration and 2) competition for funding of streets and highways.

EXPANSION TO ACCOMMODATE GROWTH

The existing radial route system will, with some route extensions and modification, provide appropriate service to the City's forecasted buildout population. City staff has prepared estimates of the facilities and their costs necessary to serve a city of 370,800 residents spread over 67 square miles with a mix of 30 minute headway for most of the system and 60 minute headway in some sparsely populated areas. The proposed system configuration and its ratio of buses to population will continue to be analogous to the Fresno public transit system.

A total of 75 buses would be needed (27 buses in addition to the existing fleet of 48). At $310,000 per bus the cost for the addition of 27 buses is $8.37 million (2002 dollars). The ultimate system will require 54 additional bus shelters, for a total of 118, and 664 more bus stops for a total of approximately 1,439. Shelters cost $3,500 each and bus stops cost $100.

The City is also planning a maintenance and bus storage facility. The City has received FTA earmarks beginning with the 1998 appropriation bill to cover a portion of the cost and expects to receive the remaining funds in the fiscal year 2004 federal budget. The cost of initial construction is estimated at $10.0 million. It is expected that this facility will accommodate a substantial increase in the bus fleet, but probably not the total 75 buses required at buildout. A future addition, estimated to cost $1.0 million, is therefore assumed.

Finally, a transit center (bus transfer) facility, similar to the downtown center on 9th Street, is planned for the growing northeast portion of the City. It is expected to be located in conjunction with a major shopping area north of Village 1. The cost is estimated at $800,000. Table IX-1 presents these calculations and the estimated costs for other auxiliary facilities.

The critical question remaining is the percentage of the eligible projects that will be funded, as the city generally qualifies for more funding than is available. It is assumed here that the funding available will be used for purposes such as the replacement of worn-out buses and not be available to expand the fleet. Funding is assumed for the bus maintenance facility and the Northeast Bus Transfer Station, because the funds for these facilities would come from a separate discretionary grant program. The maintenance facility is assumed to be funded at 70% of its cost; funding for the transfer station is less certain and therefore assumed for only 40% of the cost. It should be recognized, however, that there is no guarantee that any expansion of the

current system can be funded with federal or state assistance. If a substantial change in funding probabilities occurs, the fees should be recalculated consistent with the new circumstances.

Table IX-1
Additional Public Transportation Facilities Needed

	Cost Each	Number Needed	Total Cost	Local Share*
Buses	$ 310,000	27	$ 8,370,000	$ 8,370,000
Bus Shelters	$ 3,500	54	$ 189,000	$ 189,000
Bus Stops	$ 100	664	$ 66,400	$ 66,400
Bus Maintenance Facility**	$ 11,000,000	1	$ 11,000,000	$ 3,300,000
Northeast Transfer Station	$ 800,000	1	$ 800,000	$ 480,000
			$ 20,425,400	**$ 12,405,400**

* An average of 70% grant funding is assumed for all facilities except the Northeast Transfer Station. Because the Transfer Station must compete for discretionary grants, only 40% funding is assumed.
** Ten million is to be expended for the initial construction. A later expansion is budgeted here at roughly $1.0 million.
Sources: City of Modesto Transportation and Townhall Services

NEW DEVELOPMENT'S SHARE OF THE COST

Table IX-2 shows the local share of costs along with the share estimated to be paid with impact fees. The buses, shelters and stops added to the system are all needed solely to accommodate new development. A bus maintenance facility is needed even if no new development were to occur, though it could then be of a smaller size. It, therefore, is apportioned among existing and new development, with new development responsible for 38% of the cost. The Northeast Transfer Station is fully the cost of new development, as existing development has already contributed the relatively new Downtown Transfer Station to the system. The total share allocated to new development is $10.36 million.

Table IX-2
New Development's Share of the Costs

	Total Costs		New Share
Buses	$ 8,370,000	100%	$ 8,370,000
Bus Shelters	$ 189,000	100%	$ 189,000
Bus Stops	$ 66,400	100%	$ 66,400
Bus Maintenance Facility	$ 3,300,000	38%	$ 1,254,000
Northeast Transfer Station	$ 480,000	100%	$ 480,000
	$ 12,405,400		**$ 10,359,400**

Sources: City of Modesto Transportation and Townhall Services

As the public transportation system acts as an alternative to motor vehicle trips, it is reasonable to assign responsibility for the costs of the public transportation improvements on the basis of trips generated. This is the same methodology for setting the streets fee. For a detailed explanation of this methodology refer to the chapter on streets fees.

The following tables calculate the appropriate Public Transportation fee for the residential and non-residential development types covered in the CFF program. The explanation for the tables is the same as that explaining the similar tables in the chapter in streets fees.

Table IX-3
Traffic Model Fee Spread by Activity (Transit)

Landuse Category	Net New Development ("Buildout -minus Existing")	Units	Daily Trip Generation Rate per Unit	Trip Adjustment Factor	Trip Length/ Causality Factor	Daily Trip Generation	Percentage Share of Daily Trips	Estimated Spread of CFF Improvement Costs	Estimated Fee per Unit
SFDU	33,506	D.U.'s	9.57	100%	114%	366,801	29.3%	$ 3,038,856	$ 91
MFDU	16,089	D.U.'s	6.63	100%	114%	122,022	9.8%	$ 1,010,923	$ 63
Retail (lesser than 50,000 sq.ft.floor area)	10,234	Employees	50.31	25%	87%	111,734	8.9%	$ 925,687	$ 90
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	10,234	Employees	33.99	30%	87%	90,586	7.2%	$ 750,485	$ 73
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	10,234	Employees	23.95	35%	87%	74,467	6.0%	$ 616,941	$ 60
Retail (greater than 300,000 sq.ft. floor area)	10,234	Employees	19.31	40%	87%	68,617	5.5%	$ 568,476	$ 56
Service (Medical Office)	7,652	Employees	8.91	100%	87%	59,183	4.7%	$ 490,317	$ 64
Service (General Office)	30,609	Employees	3.32	100%	100%	101,622	8.1%	$ 841,912	$ 28
Government (General Office)	14,700	Employees	3.32	100%	100%	48,804	3.9%	$ 404,329	$ 28
Other (Industrial)	98,372	Employees	2.10	100%	100%	206,581	16.5%	$ 1,711,474	$ 17
Total Employees	*192,269*	*Employees*							
Population	*171,000*	*Residents*							
TOTAL TRIPS				**1,250,417**		**1,250,417**	**100.0%**	**$ 10,359,400**	

Notes:

1. Daily trip-ends for which this category is a source on desitination
2. A 60%, 65%, 70% and 75% trip reduction factor has been applied for retail "pass-by/multi-purpose" trips based on the size of the projected retail facility. The smaller the retail facility, the greater the trip reduction factor due to "pass-by/multi-purpose travel.
3. Responsibility for all home based trips to local retail and medical offices is assigned to residential development.

Source: Omni-Means

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Table IX-4
Corvenrsion to General Plan Land Use Codes (Transit)

Landuse Category	Model Employee Density (per gross acre)	Retail Employee Density Share	Service Employee Density Share	Other Employee Density Share	Weighted Fee per Employee	Density Factor (KSF per Employee)	Final Weighted Fee per Unit	Unit
SFDU	N/A	N/A	N/A	N/A	N/A	N/A	$ 91	D.U.
MFDU	N/A	N/A	N/A	N/A	N/A	N/A	$ 63	D.U.
Senior Housing (37% of SFDU rate)	N/A	N/A	N/A	N/A	N/A	N/A	$ 34	D.U.
Hotel/Motel (94% of SFDU rate, 60% occupancy factor)	N/A	N/A	N/A	N/A	N/A	N/A	$ 51	Room
Retail (lesser than 50,000 sq.ft.floor area)	24	75%	25%	0%	$ 75	0.450	$ 166	KSF
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	24	75%	25%	0%	$ 62	0.450	$ 138	KSF
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	24	75%	25%	0%	$ 52	0.450	$ 116	KSF
Retail (greater than 300,000 sq.ft. floor area)	24	75%	25%	0%	$ 49	0.450	$ 108	KSF
Office (Medical Office)	45	0%	100%	0%	$ 64	0.302	$ 212	KSF
Office (General Office)	45	0%	100%	0%	$ 28	0.302	$ 91	KSF
Hospital (33% Med. Office, 67% Gen.Office)					$ 40	0.302	$ 131	KSF
Daycare Ctr.(92% of Retail 50K-100K rate per empl.,50% pass-by reduction)					$ 28	0.394	$ 72	KSF
Church (83% of Gen.Office rate per KSF used on per-employee basis)					$ 23	1.500	$ 15	KSF
Nursing Home (122% of Gen.Office rate per empl.)					$ 34	1.500	$ 22	KSF
Business Park (Service)	25	0%	25%	75%	$ 20	0.317	$ 63	KSF
Business Park (Manufacturing)	25	0%	25%	75%	$ 20	0.550	$ 36	KSF
Industrial (Manufacturing)	18	0%	20%	80%	$ 19	0.550	$ 35	KSF
Industrial (Warehousing)	18	0%	20%	80%	$ 19	0.784	$ 25	KSF

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Information Details

Addendum to

CFF Documentation: Documentation of Justification for Impact Fee Mitigation

For the

CITY OF MODESTO

June 3, 2003

Prepared by:

Town Hall Services
830 Woodside Road
Redwood City, CA 94061

EXHIBIT A

EXHIBIT A

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EXHIBIT A

Fire Department
Capital Costs Analysis

Replacement Cost of Existing Facilities	**$16,756,995**
Cost of Additional Facilities	**$21,963,705**
Total Cost	**$38,720,700**
Buildout DUES	**$152,100**
Cost Per DUE	**$255**
New Development DUES	**$68,300**
New Development's Share of Cost	**$17,387,402**
Existing Development DUES	**$70,700**
Existing Development's Share of Cost	**$17,998,379**
Existing Capital	**$16,756,995**
Existing Deficiency*	**$1,241,385**

* The share of the Total Cost allocated to existing development located outside of current city limits but within the CFF study is about $3.3 million. Upon annexation, this amount would be added to the existing deficiency, offset by any CFF improvements already in place at that time.

Fire Department
Replacement Cost of Existing Facilities

Station Costs

Standards for 7,000 sq ft station

Construction	Land	Furnish & Tech	Total
$1,587,500	$124,000	$121,000	$1,832,500

Per Square Foot Cost
$262

Existing Station	sq ft	cost
3	3976	$1,040,860
4	5358	$1,402,648
5	7738	$2,025,698
6	4496	$1,176,989
7	2775	$726,455
8	4668	$1,222,016
9	3158	$826,719
Total Existing Station Replacement Cost		**$8,421,385**

Vehicle Costs

Type	Quantity	Price*	Total Cost
Fire Engine	11	$409,358	$4,502,938
Ladder Truck	2	$743,336	$1,486,672
Crash Rescue	2	$365,000	$730,000
Grass Fire	1	$75,000	$75,000
Staff Cars	17	$20,000	$340,000
* Includes equipment for engines and ladder trucks			
Total Existing Vehicle Replacement Cost			**$7,134,610**

Other

Carpenter and Bridgemont Training Facility Cost	$888,000
Traffic Preemption Equipment	$253,000
Data Management System	$60,000
Total	**$1,201,000**

Total Existing Capital **$16,756,995**

Fire Department
Cost of Additional Facilities

Station Costs

New Stations	sq. ft.	cost
2	7,000	$1,832,500
10	5,148	$1,347,673
11	7,000	$1,832,500
12	7,000	$1,832,500
13	7,000	$1,832,500
15	7,000	$1,832,500
Station Expansions		
3	2,300	$602,107
6	2,300	$602,107
7	2,300	$602,107
8	2,300	$602,107
Total Future Station Costs		**$12,918,601**

Vehicle Cost

Type	Quantity	Price***	Total Cost
Engine	4	$409,358	$1,637,432
Ladder Truck	2	$743,336	$1,486,672
Air Light & Rescue	1	$310,000	$310,000
Mobile Service	1	$56,000	$56,000
Staff Cars	3	$20,000	$60,000
*** Includes equipment for engines and ladder trucks			
Total Vehicle Cost			**$3,550,104**

Station 1 and Fire Administration
(To replace Fire Prevention offices at 10th St. and Station 1 and to adapt existing Station 1 vehicle bay into a maintenance and repair facility.)

$5,000,000

Remote Training Site **$495,000**

Total Cost of New Facilities **$21,963,705**

Community Facilities Fee Update

Decision Package

Fire Department

CFF Item	Discussion	Policy Decision
1. Fire Station Standard *Revise to 7,000 square feet*	This design is the standard for current and future fire stations. The prior CFF report references Station 9, as that was the last station built. Station 9 is not a good example to use as the standard, as it was built on an undersized parcel and is inadequate to meet our needs. The design of Station 2 (relocated to Paradise Rd & Sutter Av) and Station 11 (Pelandale Av & Carver Rd) resembles that of the majority of our other stations (3, 4, 5, 6, 7 and 8) and provides for adequate square footage for drive-through apparatus bays, unisex facilities, public space and ADA requirements. The standard should be revised to reflect current needs: Base Station – 5,500 sq ft ADA Requirements (5% of base) – 300 sq ft Unisex Restroom Facilities – 115 sq ft Unisex Dormitory Facilities – 400 sq ft Physical Fitness room – 320 sq ft Shop Area – 150 sq ft Public Restroom and lobby - 100 sq ft **Total - 6,885 sq ft**	
2. Fire Station Cost *Revise cost to $1.59 Million (excluding land acquisition)*	The current CFF contains a cost of $487,000, which is based upon the cost for construction of Fire Station 9. We are presently designing Fire Stations 2 & 11. The average architectural estimate for construction of these new stations is $1.25 million. An additional 27% should be added for architectural and construction administration costs. Total station cost is $1,587,500.	
3. Fire Apparatus *Revise engine cost to $348,000, unequipped. Revise truck (ladder/rescue) cost to $631,000, unequipped*	Our most recent fire engine was purchased in 2001, at a cost of $324,000. We have budgeted for a new engine in 2002-03, at a cost of $348,000. We recently ordered a new fire truck (ladder/rescue), which was delivered in December 2002. The purchase price was $631,000. At build-out we will require: 2 additional trucks and 4 additional engines	

CFF Item	Discussion	Policy Decision
4. 3rd Truck Company *Add third truck company at Fire Station 11 in 2005-06*	A third truck company, located in the new growth area of the City in the northwest, is needed. This was eliminated from the 10 year C.I.P. due to staffing cost impacts to the general fund. Station 11 is being built with room to house both an engine and a truck company, should funding be available	
5. 4th Truck Company *Add fourth truck company at Station 12*	At build out, an additional truck will be necessary in the northeast area in order to adequately provide fire and rescue services throughout this area. The most logical location for this would be Station 12.	
6. Air Light & Rescue Unit *Add one vehicle at $310,000, equipped*	An Air, light and Rescue unit is also needed to improve response capabilities and firefighter safety. This is quite likely to be combined with future Weapons of Mass Destruction needs, and one vehicle would be operationally functional. The estimated cost is $310,000.	
7. Mobile Service Vehicle *Add one mobile service vehicle at $56,000*	A service vehicle to provide mobile apparatus maintenance and repairs will be necessary to optimize fleet service.	
8. New Facilities *a. Fire Station 11 – [redacted] (architect's estimate), excluding land* *b. Fire Station 2 – [redacted] million excluding land cost* *c. Fire Station 12* *d. Fire Station 13*	Located at the corner of Pelandale Ave. and Carver Rd, Fire Station 11 is currently being designed and is anticipated to open in spring of 2004. [redacted] Relocation of Fire Station 2 is also in the design phase, slightly ahead of Station 11. This station should be ready to occupy in [redacted] Fire Station 12 will be located in the Village III area. This station will ultimately house both an engine and truck company. We are currently experiencing growth to the northeast at a similar rate to our experience in the Pelandale-Snyder area. Fire Station 13 is planned in the McHenry-Claribel area.	

CFF Item	Discussion	Policy Decision
e. Fire Station 15	Station 15 (Dakota) is planned for the Beckwith Triangle area on the west side. In the absence of Salida as part of the City's fire system, Station 15 is necessary to provide adequate fire protection services to this area.	
9. Remote Training Site *Add Remote Training Facility to either Station 12 or 13 (3 acres), estimated cost - $495,000*	The site for either station 12 or 13 should be large enough to accommodate a remote training site. This site would be used by northeast fire companies for basic training activities. This could be accomplished with approximately 3 acres, which could provide 50% of the training needs for stations 3, 9, 11, 12, and 13 and could be used jointly by the Police Department.	
10. Fire Station Furnishings & Technology *Add furnishings and technology needs for new Fire Stations - [redacted] / station (estimate)*	Furnishings and computer and communications technology will cost $121,000 per new fire station. This includes fire fighter training equipment, office and living furniture, appliances, and phone and emergency communications equipment. Cost estimate details are included at Attachment 1.	
11. Fire Administration & Station 1 Rebuild *Add an administrative facility to plans to rebuild Station 1 - $5 million (estimate)*	Our administrative facilities are currently inadequate, and funding for a new facility needs to be addressed in this study. This issue is intertwined with the need to make major renovation to Station 1 and the need for improved apparatus maintenance facilities. These projects are likely best combined, and much more study will be required to determine long- term needs. The total cost of the seismic retrofit and renovation of Station 1 and separate administrative and maintenance facilities is projected to be over $6 million dollars. The department is considering as an alternative, rebuilding Station 1 completely, combined with a new administrative building and housing the maintenance facility in existing space. This alternative is projected to cost about $5 million. Though this second estimate is less concrete, it is more likely to be implemented.	

CFF Item	Discussion	Policy Decision
16. Expansion of Existing Stations *Add 2,300 square feet to Stations 3, 6, 7 and 8*	Many of the department's existing fire stations have inadequate facilities. The department, taking into consideration constraints such as land area and surrounding development, recommends that four existing stations could feasibly be expanded to meet existing standards, as well as ADA requirements, and the need for unisex facilities. These expansions would consist of about 2,300 square feet per station.	

Attachment 1

Fire Department Technology Furnishings Cost Estimates

STATION FURNISHINGS SUMMARY

KITCHEN	$8,015
DAYROOM	$10,330
CAPTAIN'S OFFICE	$11,480
CAPTAIN'S DORMS	$2,740
ENGINEER'S DORM	$2,740
FIREFIGHTERS DORM	$2,740
EXERCISE ROOM	$16,330
CONFERENCE ROOM	$4,180
TURNOUT ROOM	$1,300
MISCELLANEOUS	$2,000
APPARATUS BAY	$8,250
HOSE ROOM	$500
FIRE STATION RADIO EQUIPMENT	$8,527
VOTING RECEIVER	$5,165
REPEATER	$10,382
RADIO TOWER, 50 FT	$10,940
WAG, LINE, INSTALLATION	$1,000
COMPUTER SYSTEM	$4,950
PHONE SYSTEM	$9,850
TOTAL COST:	**$121,419**

Attachment 2

Fire Department Equipment

ENGINE INVENTORY SUMMARY

ADMINISTRATIVE	$4,102
EMS	$5,457
FIRE FIGHTING TOOLS/EQUIPMNET	$49,329
RESCUE	$2,420
HAZMAT	$50
TOTAL COST:	**$61,358**

TRUCK INVENTORY SUMMARY

ADMINISTRATIVE	$7,775
EMS	$6,080
FIRE FIGHTING TOOLS/EQUIPMNET	$42,133
RESCUE	$53,098
HAZMAT	$3,250
TOTAL COST:	**$112,336**

Attachment 3

Fire Station Square Footages and Station Ages

Station	Square Footage	Date Built	Comments
#1	16,817	1939	Addition in 1975
#2	1,600	1924	
#3	3,976	1969	
#4	5,358	1975	
#5	7,738	1964	Addition in 1973
#6	4,496	1979	
#7	2,775	1981	
#8	4,688	1980	
#9	3,158	1991	
#10	5,148	1960	
Administration	2,238		

Modesto Police Department
Capital Cost Analysis

Sworn Officers per 1000 population	1.85 Staffing	**1998 CFF**
Buildout Cost of Facilities	$126,299,383	$53,692,000
Replacement Cost of Existing Facilities	$30,291,500	$14,456,000
Costs to Complete System	$96,007,883	$39,236,000
Buildout DUES	152,100	163,300
Cost per DUE	**$830**	**$329**
New Development DUEs	68,300	90,200
New Development's Share	$56,714,319	$29,657,186
Existing Development DUEs	70,700	61,400
Existing Development's Share	$58,707,208	$20,187,929
Existing Capital	$30,291,500	$14,456,000
Existing Deficiency*	**$28,415,708**	**$5,731,929**

Police Department
Buildout Capital Facilities

Police Buildings		1.85 Staffing	
Standard sq. ft. per employee		Employees	Size
	263	982	258,266
	Cost per sq. ft.	Total Cost	
	$300	**$77,479,800**	

Vehicles		1.85 Staffing	
Type	Cost	Quantity	Total Cost
Patrol	$26,000	222	$5,772,000
Detective/Staff	$16,500	119	$1,963,500
CSO	$20,000	25	$500,000
ACO	$40,000	7	$280,000
Motorcycles	$14,000	41	$574,000
Others	$20,000	104	$2,080,000
Total Vehicles		518	**$11,169,500**

Vehicle Equipment		1.85 Staffing	
	Cost	Quantity	Total Cost
Mobile Data Computers (in Patrol, CSO, ASO, .25 Other)	$15,000	280	$4,200,000
Special Equipment (Patrol, CSO, ACO)	$6,000	254	$1,524,000
Other Equipment (Detective, Staff, Other)	$1,500	264	$396,000
Total Vehicle Equipment			**$6,120,000**

Parking Facilities		1.85 Staffing	
	Cost	Quantity	Total Cost
1 space/ 300 sq ft buildings*	$12,500	742	
1 space/ dept. vehicle	$12,500	518	
Total Parking	$12,500	1260	**$15,748,583**

*based on 263 sq feet building space per employee
less 150 spaces at 2.0 and 122 spaces at 1.6 for staff cars

Other Costs (independent of staffing ratio)	
Training Facility	$5,065,000
Land for Northeast Area Precinct 2 acres at $165,000/ acre	$330,000
Modesto/Stanislaus Emergency Services Facility (Modesto share)	$2,000,000
800 MHz Radio System	$8,386,500
Total	**$15,781,500**

	1.85 Staffing
Total Cost of Buildout Capital Facilities	**$126,299,383**

Police Department
Replacement Cost of Existing Facilities

Replacement Cost of Police Facility		
Cost per sq. ft.	Size	Total Cost
$300	65,000	**$19,500,000**

Replacement Cost of Vehicles			
Type	Cost	Quantity	Total Cost
Patrol	$26,000	85	$2,210,000
Detective/Staff	$16,500	47	$775,500
CSO	$20,000	7	$140,000
ACO	$40,000	3	$120,000
Motorcycles	$14,000	16	$224,000
Others	$20,000	40	$800,000
Total Vehicles		198	**$4,269,500**

Replacement Cost of Vehicle Equipment			
	Cost	Quantity	Total Cost
Mobile Data Computers (in 50% of Vehicles)	$15,000	99	$1,485,000
Special Equipment (Patrol, CSO, ACO)	$6,000	95	$570,000
Other Equipment (Detective, Staff, Other)	$1,500	103	$154,500
Total Vehicle Equipment			**$2,209,500**

Replacement Cost of Parking Facilities			
	Cost	Quantity	Total Cost
1 space/ 2.5 employees	$12,500	147	$1,837,500
1 space/ dept. vehicle	$12,500	198	$2,475,000
Total Parking	$12,500	345	**$4,312,500**

Total Replacement Cost of Existing Capital Facilities **$30,291,500**

Note: No existing value is given to the department's radio and communications system, as the entire system will be replaced at buildout.

EXHIBIT A

Community Facilities Fee Update

Decision Package

Police Department

CFF Item	Discussion	Policy Decision
1. Personnel Staffing Standard *Revise to 2.0 sworn per 1,000 population.*	The existing CFF report references 2.0 total police personnel per 1,000 population as the standard. For California, the Law Enforcement Management and Administrative Statistics for 1999, show an average of 1.6 sworn per 1,000 population statewide. Staffing levels for several large police departments in California are appended as Attachment 1. Within the valley, from Bakersfield to Sacramento, the average is also 1.6 sworn per 1,000 population for police departments with more than 100 officers. However, 1.6 staffing is not sufficient for the needs of the future. The Modesto Police Department sworn staffing is currently at 1.3 sworn per 1,000 population and is severely understaffed. The Chief of Police feels strongly that 2.0 sworn staffing ratio needs to be the standard for the future. California is behind the rest of the nation in staffing and, as the City of Modesto grows, the ratio of officers to population should also increase. Modesto currently serves as the urban center for the county and is the venue for all federal and county services. Modesto is the business, medical, entertainment, sports, theater and restaurant, and cultural hub for not only Stanislaus County but for Tuolumne, Calaveras, Amador, Merced and portions of San Joaquin counties. It is also the county center for interstate transportation and additional police services are needed. Modesto is transitioning into what Stockton and Sacramento already are – major urban centers with law enforcement needs that have outstripped our rural past. The impacts on equipment, space requirements and parking at standards of 2.0 sworn and 1.6 sworn standard are shown in Attachment 2.	☐ Approve ☐ Disapprove ☐ Modify

CFF Item	Discussion	Policy Decision
2. Space Requirements *Revise square footage standard from 200 sq. ft to 263 sq. ft. for each employee.*	The last CFF report used a standard of 200 sq. ft. per employee for determining future facility needs. The original report referred to a national standard of 300 sq. ft. per employee as stated by the National Clearing House for Criminal Justice Planning and Architecture. We have been unable to locate this source for current updated standards. From the 300 sq. ft. standard, 200 sq. ft. was used in the original report "given funding limitations". The revised 263 sq. ft. standard is based on the estimate by RRM Design Group architects of 100 to 150 sq. ft. standard per employee plus 35% for gross calculation factor and 75% for common areas – storage, restrooms, conference rooms, etc. This is the same standard adopted by the Fire Department for their administration office space. The Santa Clara Police Department recently constructed a new police building of 51,500 sq. ft. for its 202 employees, at a rate of 255 sq. ft. per employee. The 300 sq. ft. per employee general space requirement for police departments is lessened by the fact that many of the employees work in shifts, or are on patrol at any one time. However, police stations also require space for meeting rooms and public areas to interact with the citizenry.	☐ Approve ☐ Disapprove ☐ Modify
3. Square Footage Construction Costs *Revise square footage costs from $177 per sq. ft. to $300 per sq. ft. (excluding land).*	The last CFF Report contains estimated construction costs. In 2000, the Police Department occupied the newly constructed 40,000 sq. ft. main facility. The final costs for building have not yet been determined due to construction issues and on-going arbitration. However, the current estimate, based upon expenditures and remaining encumbrances, is $300 per square foot. The cost includes office furnishings, telephones and necessary hardware to make connections to existing computer systems. The 51,500 sq. ft. Santa Clara police building cost about $16 million not including the costs of toxic waste removal and a million-dollar three-story glass atrium. This calculates to just over $310 per sq. ft.	☐ Approve ☐ Disapprove ☐ Modify

CFF Item	Discussion	Policy Decision
4. Department Vehicles *Revise total cost for department vehicles to reflect specific vehicle allocation and updated costs.*	The last report had a buildout department vehicle standard of 484 total vehicles at an average price of $15,400 for a total cost of $7.45 million. Standards have been updated to take into account the specific vehicle needs of the department based on new staffing standards. The updated costs of each type of new vehicle have also been updated. A detailed report on the need, number, and cost of department vehicles in appended to this document as Attachment 3	☐ Approve ☐ Disapprove ☐ Modify
5. Parking Needs *Revise standard for parking to 1 space for every 300 square feet of office space and 1 space for each department vehicle.*	The last report assumed 959 buildout employees would require 302 parking spaces. The City of Modesto Community Development has a standard of 1 space for every 300 square feet of office space to meet the needs of employee and visitor parking. In addition to this standard, a parking space is included for each city vehicle. Detectives and some other staff are provided city cars and therefore a space is included. So for the purpose of this report, a calculation of 1 space for each 300 sq. ft. was made and the number of detective/staff vehicles was deducted from the amount. Added in was a parking space for every department vehicle. The cost for each parking space was estimated at $12,500 based on the cost of building the 10th Street Place parking facility.	☐ Approve ☐ Disapprove ☐ Modify
6. Northeast Area Precinct *Add land costs of $330,000 for a Northeast Area fully staffed precinct.*	In the last CFF report, all building needs for additional personnel are accommodated within the G.L. McKinsey Police Complex bordered by 11th, 10th, F and G Streets. The land is currently owned. Due to the challenges of serving a City of considerable physical size, staff now sees the need to have a fully staffed precinct office in the Northeast area. The office will be a joint facility with the Fire Department. The revised square footage construction costs provided within the report would cover the cost of the building and parking but there was never any provision for additional land. The estimate of $165,000 per acre is being used by the Fire Department for acreage in the NE area of the city. It is estimated that at least two acres would be required for a facility, and employee and department parking needs.	☐ Approve ☐ Disapprove ☐ Modify

CFF Item	Discussion	Policy Decision
7. Training Facility *Add Training Facility at a cost of $5,065,000.*	The last report had no provision for future training needs of the department. A full range training facility is necessary to provide the level of training needed for the department. The city has land available that is currently in the beginning stages of development as a regional training facility. In the future, the site will be used for required training for: executive protection, tactical live firing simulation, homeland defense, hazardous materials, crowd control, etc. The facility will include classrooms, an equestrian arena, a canine training course, caretaker residence, defensive tactics facility, a shooting range with observation deck and a defensive driving course. Estimated costs are $5,065,000 outlined in Attachment 4.	☐ Approve ☐ Disapprove ☐ Modify
8. Modesto Stanislaus Emergency Service Facilities *Add City of Modesto's Share of Costs for Future Expansion of Dispatch and EOC Facilities -$2,000,000*	The last CFF contains no provision for future expansion costs for dispatch and EOC services. In 1999, the County Dispatch Center and Emergency Operations Center (EOC) moved into a city/county jointly owned facility on Oakdale Road. As the city grows, the 911 Dispatch Center and EOC will also require funding for new technology and systems upgrades as well as for housing additional employees related to growth. Future communications needs include: • Computer Aided Dispatch (CAD) Hardware Servers • CAD / GIS (Geographic Information System) Interface • Additional 9-1-1 Base Radio System to Eliminate Dead Zones • Phone System Enhancements to Support Wireless (Cell) 9-1-1 calls Total cost estimates exceed $4 million for these upgrades. The City's share of costs for the Communications Center is based on usage and population. Its current share is approximately 57%. The amount of $2,000,000 we believe is a conservative estimate on the technological upgrades needed as the region grows. This item includes the total costs for the City of Modesto, which are actually paid 80% by Police and 20% by the Fire Department.	☐ Approve ☐ Disapprove ☐ Modify

CFF Item	Discussion	Policy Decision
9. Convert Radio System to 800 MHz *Replace existing 450 band UHF radio system at a cost of $8,408,000*	The Department's radio communication system will need to be replaced, due largely to new federal requirements reallocating radio frequencies. Most of the current radio system is 20 to 30 years old. Costs include replacement radio transmitters, receivers and microwave radio backup relays for voter sites, installation and engineering for the new system. Replacement of portable and mobile radio equipment for Police and Fire Departments as well as Neighborhood Preservation Code Enforcement units is also included. Attachment 5 outlines the cost for the replacement system for the City.	☐ Approve ☐ Disapprove ☐ Modify

EXHIBIT A

Attachment 1
Police Department Staffing – California Departments

San Diego	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	2100	1,250,700	1.68
Total Personnel	2875	1,250,700	2.30
San Jose	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	1379	918,800	1.50
Total Personnel	1838	918,800	2.00
Long Beach	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	913	473,600	1.93
Total Personnel	1459	473,600	3.08
Fresno	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	715	441,200	1.62
Total Personnel	1109	441,200	2.51
Sacramento	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	706	418,700	1.69
Total Personnel	1085	418,700	2.59
Oakland	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	757	408,800	1.85
Total Personnel	1202	408,800	2.94
Bakersfield	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	320	254,400	1.26
Total Personnel	447	254,500	1.76
Riverside	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	366	265,700	1.38
Total Personnel	547	265,700	2.06
Stockton	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	383	251,100	1.53
Total Personnel	572	251,100	2.28
Fremont	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	219	207,200	1.06
Total Personnel	345	207,200	1.67
Modesto	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	253	194,400	**1.30**
Total Personnel	358	194,400	**1.84**
Salinas	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	166	156,500	1.06
Total Personnel	221	156,500	1.41

EXHIBIT A

Ceres	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	43	36,656	1.17
Total Personnel	68	36,656	1.86

Oakdale	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	26	16,200	1.60
Total Personnel	38	16,200	2.35

Turlock	number authorized	population	staffing ratios per 1000 residents
Sworn Officers	64	59,400	1.08
Total Personnel	108	59,400	1.82

***Staffing data from telephone survey, Town Hall Services, October 7, 2002**
Population data from California Department of Finance, January 1, 2001.

EXHIBIT A

Attachment 2

CFF Update Decision Package – Police Department

Facilities & Equipment Cost Estimates for 2.0 and 1.6 Sworn Officers Standard

	2.0 Sworn Standard	1.85 Sworn Standard
Total Personnel at Buildout	1,061	982
Number of Sworn	741	686
Facilities (263 sq. ft per employee)	279,043	258,266
Cost for Facilities ($300 per sq. ft.)	$83,712,900	$77,479,800
Parking Garage ($12,500 ea. Space)	$17,014,292	$15,748,583
Vehicles	$12,025,000	$11,169,500
Vehicle Equipment	$6,584,250	$6,120,000
TOTAL COSTS DEPENDENT ON STAFF STANDARD	$119,336,442	$110,517,883
Difference Between 2.0 and 1.6 Staffing	$8,818,559	

Attachment 3

CFF Update Decision Package – Police Department

Vehicle Costs and Needs for 2.0 and 1.6 Sworn Officers Standard

Department Vehicle Standards

Patrol Vehicles – 43% of fleet

One vehicle for each Chief, Captain, Lieutenant and Detective

One vehicle for every four Community Service Officers

One vehicle for every two Animal Control Officers

Motorcycles – 8% of fleet

Vehicles	Cost	Quantity at 2.0	Quantity at 1.85
Total Fleet	-	558	518
Patrol	$26,000	240	222
Detective/Staff	$16,500	127	119
CSO	$20,000	26	25
ACO	$40,000	7	7
Motorcycles	$14,000	45	41
Others	$20,000	113	104
		2.0	**1.85**
Total Vehicle Cost at Buildout		**$12,025,500**	**$11,169,500**

EXHIBIT A

Attachment 4

CFF Update Decision Package – Police Department

Training Center Construction Costs

EVOC (Emergency Vehicle Operations Center) Track 1.6 miles of 80' asphalt flat and banked for speeds up to 150 MPH	$ 1,600,000
.75 mile of 40' asphalt roadway in 300' squares in a layout to resemble a typical residential street	400,000
Concrete skid pan	349,000
Range concrete work, landscaping, patio covering	119,500
Restrooms at Classroom and Equestrian areas	75,000
Range House/Classroom/Restrooms/Picnic tables and benches	512,000
Aeration System for Slough	28,000
Rifle Range Concrete Work and Landscaping	26,000
Caretakers Home	100,000
Tactical Live Fire House	100,000
Swat Training Area/Obstacle Course/Landscaping	18,800
Tactical Training Area and Obstacle Course	30,700
Maintenance Building and Area Improvements	80,000
Canine Training Course and Scent Building	43,000
Equestrian Covered Arena	150,000
Barn/Outbuildings/Stables	84,000
Bleachers for Equestrian and Range Areas, Landscaping	99,000
Gymnasium and Classrooms	500,000
Dining Hall	750,000
	$ 5,065,000

EXHIBIT A

Attachment 5

CFF Update Decision Package – Police Department

800 MHz System – Summary of Equipment

2 Radio Transmitter sites at $80,000 each:	$ 160,000
2 Radio Antenna structures for transmitters at $38,000 each:	76,000
20 Voter Receiver sites at $42,000 each (based upon receivers at 15 city fire stations, Mt. Oso, Mt. Rushmore, the Kraft Cereal plant, and a tall building structure in the downtown area):	840,000
20 Microwave radio backup relays for voter sites at $10,000 each:	200,000
20 Bi-Directional Broadband Amplifiers at $20,000 each for in-building repeating from basements and other large building structures:	400,000
884 Portable Radios for all MPD sworn officers), 100 for Police support personnel, 196 portables for the Fire Dept, and 13 portables for Neighborhood Preservation Code Enforcement officers at buildout (1,193 @ $2,000)	2,386,000
665 Mobile Radios for all Police vehicles, 56 for Fire and 6 for NPU (727 @ $2,500)	1,817,500
Install/program all radio's (either by shop or a vendor) at $150.00 each:	288,000
	$ 6,167,500
Engineering and propagation study for new system:	60,000
Project Administration (10%)	617,000
Project Contingency (25%)	1,542,000
Total:	$ 8,386,500

Modesto Parks Department
Capital Cost Analysis

	2003 CFF	1998 CFF
Buildout Capital Costs	$506,392,992	$140,703,000
Replacement Cost of Existing Facilities	$158,321,394	$42,100,000
Cost of Additional Facilities	$348,071,598	$98,603,000
Buildout Residential DUES	115,500	128,000
Cost per DUE	$4,384	$1,955 *
New Development DUES	44,300	65,600
New Development's Share of Cost	$194,226,922	$128,263,888
Existing Development DUES	61,900	52,000
Existing Development's Share of Cost	$271,391,569	$101,672,594
Existing Capital	$158,321,394	$42,100,000
Existing Deficiency**	$113,070,175	$59,572,594

*The 1998 report assumed a marginal cost for new neighborhood parks in additional to system wide buildout cost. With financing, neighborhood parks add $856 per new DUE to the system cost of $1099

** The share of the Total Cost allocated to existing development located outside of current city limits but within the CFF study is about $40.9 million. Upon annexation, this amount would be added to the existing deficiency, offset by any CFF improvements already in place at that time.

Buildout Capital Facilities Cost - Parks

Neighborhood Parks			Replacement Value	Future Cost
45 existing parks - 5.8 acres average				
land acquisition	249 acres	$140,000	$34,860,000	
land acquisition (flood plain)	11.5 acres	$30,000	$345,000	
planning and design	260.5 acres	$30,000	$7,815,000	
current construction	154 phases		$33,153,750	$14,208,750
future construction	59 phases			$17,362,500
26 planned parks - 6.9 acres average				
land acquisition	179.3 acres	$140,000		$25,102,000
planning and design	179.3 acres	$30,000		$5,379,000
current construction	0 phases			
future construction	130 phases			$45,300,000
Total Neighborhood Parks			**$76,173,750**	**$107,352,250**

Community Parks			Replacement Value	Future Cost
6 existing parks - 22.3 acres average				
land acquisition	125.5 acres	$120,000	$15,060,000	
land acquisition	8.4 acres	$140,000	$1,176,000	
planning and design	88.9 acres	$30,000*	$3,847,680	
current construction	20 phases		$18,771,676	$8,045,004
future construction	6 phases			$19,768,000
2 planned parks - 40 acres average				
land acquisition	80 acres	$120,000		$9,600,000
planning and design	80 acres	$30,000		$2,400,000
current construction	0 phases			
future construction	10 phases			$33,056,000
*Planning and design for Grogan Park is a lump sum of $1.2 M				
Total Community Parks			**$38,855,356**	**$72,869,004**

Regional Parks		Replacement Value	Future Cost
2 Regional Parks - city's share of land costs vary between $12,000 and $30,000 per acre			
land acquisition	539.32 acres	$9,004,440	
planning and design	539.32 acres	$9,004,440	
current construction	16 phases	$15,914,304	$6,820,416
future construction	14 phases		$64,157,280
Total Regional Parks		**$33,923,184**	**$70,977,696**

Sports Complex			Replacement Value	Future Cost
land acquisition	110 acres	$120,000		$13,200,000
planning and design	110 acres	$30,000		$3,300,000
current construction	0 phases			
future construction	5 phases			$56,430,000
Total Sports Complex			**$0**	**$72,930,000**

Community Centers			Replacement Value	Future Cost
7 existing community centers				
community center value	64,367 sq. ft.	$160	$7,209,104	$3,089,616
future planning				$1,766,342
future construction				$3,893,959
1 planned community center				
planning and design	5,175	$57.75		$298,856
future construction	5,175 sq. ft.	$165		$853,875
Total Community Centers			**$7,209,104**	**$9,902,648**

Historical Buildings			Replacement Value	Future Cost
McClure Expansion				
land acquisition	18 acres	$120,000	$2,160,000	
future planning and design	18 acres	$30,000		$540,000
future construction estimate	18 acres	$300,000		$5,400,000
small structures	30 structures	$120,000		$3,600,000
large structures	6 structures	$750,000		$4,500,000
Total Historical Buildings			**$2,160,000**	**$14,040,000**

Total Replacement Cost of Existing Capital Facilities	**$158,321,394**	
Total Cost of Future Capital Facilities		**$348,071,598**
Total Capital Facilities Cost at Buildout	**$506,392,992**	

Modesto Parks Department
Capital Facilities Cost Summary

	cost	cost per DUE
Neighborhood Parks	$183,526,000	$1,589
Community Parks	$111,724,360	$967
Regional Parks	$104,900,880	$908
Community Centers	$17,111,752	$148
Sports Complex	$72,930,000	$631
McClure Expansion	$16,200,000	$140
Buildout Cost of System	$506,392,992	$4,384
Buildout DUES	115,500	
Cost Per DUE	**$4,384**	

Summary of Costs - Regional Parks

18-Nov-02

Name	Acquisition	Design	Phase	Cost/Unit	Sub-Total	Total
Tuolumne River Regional Park (TRRP)	Land Acquisition	268.75	acre	$12,000.00	$3,225,000.00	
(Remainder)	Planning and Design	268.75	acre	$12,000.00	$3,225,000.00	
Note: reflects 40% of JPA resposibility	Construction to date	0	LS	$9,675,000.00	$0.00	
	Remaining Phases	4	LS	$9,675,000.00	$38,700,000.00	
TOTAL in 2002 Dollars						**$45,150,000.00**
Legion Park (TRRP)	Land Acquisition	12.3	acre	$12,000.00	$147,600.00	
Note: reflects 40% of JPA resposibility	Planning and Design	12.3	acre	$12,000.00	$147,600.00	
	Construction to date	1	LS	$442,800.00	$442,800.00	
	Remaining Phases	3	LS	$442,800.00	$1,328,400.00	
TOTAL in 2002 Dollars						**$2,066,400.00**
Mancini Park (TRRP)	Land Acquisition	23.17	acre	$12,000.00	$278,040.00	
Note: reflects 40% of JPA resposibility	Planning and Design	23.17	acre	$12,000.00	$278,040.00	
	Construction to date	1	LS	$834,120.00	$834,120.00	
	Remaining Phases	3	LS	$834,120.00	$2,502,360.00	
TOTAL in 2002 Dollars						**$3,892,560.00**
Gateway Parcel (TRRP)	Land Acquisition	90	acre	$12,000.00	$1,080,000.00	
Note: reflects 40% of JPA resposibility	Planning and Design	90	acre	$12,000.00	$1,080,000.00	
	Construction to date	0	LS	$3,240,000.00	$0.00	
	Remaining Phases	4	LS	$3,240,000.00	$12,960,000.00	
TOTAL in 2002 Dollars						**$15,120,000.00**
Bellanita Park (TRRP)	Land Acquisition	4.4	acre	$12,000.00	$52,800.00	
Note: reflects 40% of JPA resposibility	Planning and Design	4.4	acre	$12,000.00	$52,800.00	
	Construction to date	0	EA	$158,400.00	$0.00	
	Remaining Phases	4	EA	$158,400.00	$633,600.00	
TOTAL in 2002 Dollars						**$739,200.00**
Dry Creek Regional Park (DCRP)	Land Acquisition	106.4	acre	$30,000.00	$3,192,000.00	
Baseline Developed Area	Planning and Design	106.4	acre	$30,000.00	$3,192,000.00	
	Construction to date	3	LS	$5,575,360.00	$16,726,080.00	
	Remaining Phases	1	LS	$5,575,360.00	$5,575,360.00	
TOTAL in 2002 Dollars						**$28,685,440.00**
East La Loma Park (DCRP)	Land Acquisition	12	acre	$30,000.00	$360,000.00	

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Baseline Developed Area	Planning and Design	12	acre	$30,000.00	$360,000.00	
	Construction to date	4	EA	$628,800.00	$2,515,200.00	
	Remaining Phases	0	EA	$628,800.00	$0.00	
TOTAL in 2002 Dollars						**$3,235,200.00**
Kewin Park (DCRP)	Land Acquisition	10	acre	$30,000.00	$300,000.00	
Baseline Developed Area	Planning and Design	10	acre	$30,000.00	$300,000.00	
	Construction to date	3	EA	$524,000.00	$1,572,000.00	
	Remaining Phases	1	EA	$524,000.00	$524,000.00	
TOTAL in 2002 Dollars						**$2,696,000.00**
Thousand Oaks Park (DCRP)	Land Acquisition	12.3	acre	$30,000.00	$369,000.00	
Baseline Developed Area	Planning and Design	12.3	acre	$30,000.00	$369,000.00	
	Construction to date	1	EA	$644,520.00	$644,520.00	
	Remaining Phases	3	EA	$644,520.00	$1,933,560.00	
TOTAL in 2002 Dollars						**$3,316,080.00**
Total Acres (TRRP)		398.62	acres			
TOTAL						**$104,900,880.00**

EXHIBIT A

Summary of Costs - Community Parks

18-Nov-02

Name	Acquisition	Design	Phase	Cost/Unit	Sub-Total	Total
Beyer Park	Land Acquisition	20	acre	$120,000.00	$2,400,000.00	
Baseline Developed Area	Planning and Design	20	acre	$30,000.00	$600,000.00	
	Construction to date	4	LS	$2,066,000.00	$8,264,000.00	
	Remaining Phases	0	LS	$2,066,000.00	$0.00	
TOTAL in 2002 Dollars						**$11,264,000.00**
Davis Park	Land Acquisition	19	acre	$120,000.00	$2,280,000.00	
Baseline Developed Area	Planning and Design	19	acre	$30,000.00	$570,000.00	
	Construction to date	4	LS	$1,962,700.00	$7,850,800.00	
	Remaining Phases	0	LS	$1,962,700.00	$0.00	
TOTAL in 2002 Dollars						**$10,700,800.00**
Downey Park	Land Acquisition	17.5	acre	$120,000.00	$2,100,000.00	
Baseline Developed Area	Planning and Design	17.5	acre	$30,000.00	$525,000.00	
	Construction to date	4	LS	$1,807,750.00	$7,231,000.00	
	Remaining Phases	0	LS	$1,807,750.00	$0.00	
TOTAL in 2002 Dollars						**$9,856,000.00**
Graceada Park	Land Acquisition	8.4	acre	$140,000.00	$1,176,000.00	
Baseline Developed Area	Planning and Design	8.4	acre	$30,000.00	$252,000.00	
	Construction to date	4	LS	$867,720.00	$3,470,880.00	
	Remaining Phases	0	LS	$867,720.00	$0.00	
TOTAL in 2002 Dollars						**$4,898,880.00**
Mary E. Grogan Park	Land Acquisition	46	acre	$120,000.00	$5,520,000.00	
future	Planning and Design	1	LS	$1,210,680.00	$1,210,680.00	
Planned Urbanizing Area	Construction to date	0	EA	$0.00	$0.00	
CFF commitment shown - CFD not shown	Remaining Phases	1	LS	$8,828,400.00	$8,828,400.00	
	Agricultural Buffer	1	LS	$220,000.00	$220,000.00	
	Street Improvements	1	LS	$1,216,000.00	$1,216,000.00	
TOTAL in 2002 Dollars						**$16,995,080.00**
Sutton Park	Land Acquisition	23	acre	$120,000.00	$2,760,000.00	
Planned Urbanizing Area	Planning and Design	23	acre	$30,000.00	$690,000.00	
	Construction to date	0	LS	$2,375,900.00	$0.00	
	Remaining Phases	4	LS	$2,375,900.00	$9,503,600.00	
TOTAL in 2002 Dollars						**$12,953,600.00**

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Morrow Community Park (NW)	Land Acquisition	40	acre	$120,000.00	$4,800,000.00	
future	Planning and Design	40	acre	$30,000.00	$1,200,000.00	
Planned Urbanizing Area	Construction to date	0	LS	$4,132,000.00	$0.00	
	Remaining Phases	4	LS	$4,132,000.00	$16,528,000.00	
TOTAL in 2002 Dollars						**$22,528,000.00**
Vineyard Community Park (SW)	Land Acquisition	40	acre	$120,000.00	$4,800,000.00	
future	Planning and Design	40	acre	$30,000.00	$1,200,000.00	
Planned Urbanizing Area	Construction to date	0	LS	$4,132,000.00	$0.00	
	Remaining Phases	4	LS	$4,132,000.00	$16,528,000.00	
TOTAL in 2002 Dollars						**$22,528,000.00**
Total Acres		213.9	acres			
TOTAL						**$111,724,360.00**

EXHIBIT A

Summary of Costs - Neighborhood Parks

18-Nov-02

Name	Acquisition	Design	Phase	Cost/Unit	Sub-Total	Total
EXISITNG NEIGHBORHOOD PARKS						
Aqueduct Park	Land Acquisition	5	acre	$140,000.00	$700,000.00	
Baseline Developed Area	Planning and Design	5	acre	$30,000.00	$150,000.00	
	Construction to date	3	EA	$250,000.00	$750,000.00	
	Remaining Phases	2	EA	$250,000.00	$500,000.00	
TOTAL in 2002 Dollars						**$2,100,000.00**
Beard Brook Park	Land Acquisition	11.5	acre	$30,000.00	$345,000.00	
Baseline Developed Area	Planning and Design	11.5	acre	$30,000.00	$345,000.00	
	Construction to date	5	EA	$575,000.00	$2,875,000.00	
	Remaining Phases	0	EA	$575,000.00	$0.00	
TOTAL in 2002 Dollars						**$3,565,000.00**
Brewer's Rose Park	Land Acquisition	9.1	acre	$140,000.00	$1,274,000.00	
Baseline Developed Area	Planning and Design	9.1	acre	$30,000.00	$273,000.00	
	Construction to date	3	EA	$455,000.00	$1,365,000.00	
	Remaining Phases	2	EA	$455,000.00	$910,000.00	
TOTAL in 2002 Dollars						**$3,822,000.00**
Catherine Everette Park	Land Acquisition	4.6	acre	$140,000.00	$644,000.00	
Baseline Developed Area	Planning and Design	4.6	acre	$30,000.00	$138,000.00	
	Construction to date	5	EA	$230,000.00	$1,150,000.00	
	Remaining Phases	0	EA	$230,000.00	$0.00	
TOTAL in 2002 Dollars						**$1,932,000.00**
Cezar E. Chavez Park	Land Acquisition	6.3	acre	$140,000.00	$882,000.00	
Baseline Developed Area	Planning and Design	6.3	acre	$30,000.00	$189,000.00	
	Construction to date	5	EA	$315,000.00	$1,575,000.00	
	Remaining Phases	0	EA	$315,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,646,000.00**
Charles M. Sharp Park	Land Acquisition	6.75	acre	$140,000.00	$945,000.00	
Baseline Developed Area	Planning and Design	6.75	acre	$30,000.00	$202,500.00	
	Construction to date	1	EA	$337,500.00	$337,500.00	
	Remaining Phases	4	EA	$337,500.00	$1,350,000.00	
TOTAL in 2002 Dollars						**$2,835,000.00**

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Chysler 99 Park	Land Acquisition	5.5	acre	$140,000.00	$770,000.00	
Baseline Developed Area	Planning and Design	5.5	acre	$30,000.00	$165,000.00	
	Construction to date	2	EA	$275,000.00	$550,000.00	
	Remaining Phases	3	EA	$275,000.00	$825,000.00	
TOTAL in 2002 Dollars						**$2,310,000.00**
Chrysler Park	Land Acquisition	6.7	acre	$140,000.00	$938,000.00	
Baseline Developed Area	Planning and Design	6.7	acre	$30,000.00	$201,000.00	
	Construction to date	5	EA	$335,000.00	$1,675,000.00	
	Remaining Phases	0	EA	$335,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,814,000.00**
Coleman Brown Park	Land Acquisition	4.9	acre	$140,000.00	$686,000.00	
Baseline Developed Area	Planning and Design	4.9	acre	$30,000.00	$147,000.00	
	Construction to date	5	EA	$245,000.00	$1,225,000.00	
	Remaining Phases	0	EA	$245,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,058,000.00**
Creekwood Park	Land Acquisition	5	acre	$140,000.00	$700,000.00	
Baseline Developed Area	Planning and Design	5	acre	$30,000.00	$150,000.00	
	Construction to date	3	EA	$250,000.00	$750,000.00	
	Remaining Phases	2	EA	$250,000.00	$500,000.00	
TOTAL in 2002 Dollars						**$2,100,000.00**
Eisenhut Park	Land Acquisition	5	acre	$140,000.00	$700,000.00	
Baseline Developed Area	Planning and Design	5	acre	$30,000.00	$150,000.00	
	Construction to date	1	EA	$250,000.00	$250,000.00	
	Remaining Phases	4	EA	$250,000.00	$1,000,000.00	
TOTAL in 2002 Dollars						**$2,100,000.00**
Ensien Park	Land Acquisition	8.2	acre	$140,000.00	$1,148,000.00	
Baseline Developed Area	Planning and Design	8.2	acre	$30,000.00	$246,000.00	
	Construction to date	5	EA	$410,000.00	$2,050,000.00	
	Remaining Phases	0	EA	$410,000.00	$0.00	
TOTAL in 2002 Dollars						**$3,444,000.00**
Garrison Park	Land Acquisition	6.5	acre	$140,000.00	$910,000.00	
Baseline Developed Area	Planning and Design	6.5	acre	$30,000.00	$195,000.00	
	Construction to date	5	EA	$325,000.00	$1,625,000.00	
	Remaining Phases	0	EA	$325,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,730,000.00**

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Garst Road Park	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Baseline Developed Area	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	1	EA	$350,000.00	$350,000.00	
	Remaining Phases	4	EA	$350,000.00	$1,400,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
J.M. Pike Park	Land Acquisition	6.2	acre	$140,000.00	$868,000.00	
Baseline Developed Area	Planning and Design	6.2	acre	$30,000.00	$186,000.00	
	Construction to date	5	EA	$310,000.00	$1,550,000.00	
	Remaining Phases	0	EA	$310,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,604,000.00**
John Muir Park	Land Acquisition	3	acre	$140,000.00	$420,000.00	
Baseline Developed Area	Planning and Design	3	acre	$30,000.00	$90,000.00	
	Construction to date	1	EA	$150,000.00	$150,000.00	
	Remaining Phases	4	EA	$150,000.00	$600,000.00	
TOTAL in 2002 Dollars						**$1,260,000.00**
Lakewood Park	Land Acquisition	5	acre	$140,000.00	$700,000.00	
Baseline Developed Area	Planning and Design	5	acre	$30,000.00	$150,000.00	
	Construction to date	5	EA	$250,000.00	$1,250,000.00	
	Remaining Phases	0	EA	$250,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,100,000.00**
Mark Twain Park	Land Acquisition	8	acre	$140,000.00	$1,120,000.00	
Baseline Developed Area	Planning and Design	8	acre	$30,000.00	$240,000.00	
	Construction to date	1	EA	$400,000.00	$400,000.00	
	Remaining Phases	4	EA	$400,000.00	$1,600,000.00	
TOTAL in 2002 Dollars						**$3,360,000.00**
Marshall Park	Land Acquisition	6.8	acre	$140,000.00	$952,000.00	
Baseline Developed Area	Planning and Design	6.8	acre	$30,000.00	$204,000.00	
	Construction to date	5	EA	$340,000.00	$1,700,000.00	
	Remaining Phases	0	EA	$340,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,856,000.00**
Martone Tot Lot	Land Acquisition	1	acre	$140,000.00	$140,000.00	
Baseline Developed Area	Planning and Design	1	acre	$30,000.00	$30,000.00	
	Construction to date	1	EA	$50,000.00	$50,000.00	
	Remaining Phases	0	EA	$50,000.00	$0.00	
TOTAL in 2002 Dollars						**$220,000.00**

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McKinney Colony Park	Land Acquisition	5	acre	$140,000.00	$700,000.00	
Baseline Developed Area	Planning and Design	5	acre	$30,000.00	$150,000.00	
	Construction to date	1	EA	$250,000.00	$250,000.00	
	Remaining Phases	4	EA	$250,000.00	$1,000,000.00	
TOTAL in 2002 Dollars						**$2,100,000.00**
Mellis Park	Land Acquisition	9.4	acre	$140,000.00	$1,316,000.00	
Baseline Developed Area	Planning and Design	9.4	acre	$30,000.00	$282,000.00	
	Construction to date	5	EA	$470,000.00	$2,350,000.00	
	Remaining Phases	0	EA	$470,000.00	$0.00	
TOTAL in 2002 Dollars						**$3,948,000.00**
Mildred Perkins Park	Land Acquisition	6.1	acre	$140,000.00	$854,000.00	
Baseline Developed Area	Planning and Design	6.1	acre	$30,000.00	$183,000.00	
	Construction to date	3	EA	$305,000.00	$915,000.00	
	Remaining Phases	2	EA	$305,000.00	$610,000.00	
TOTAL in 2002 Dollars						**$2,562,000.00**
Moose Park	Land Acquisition	4.7	acre	$140,000.00	$658,000.00	
Baseline Developed Area	Planning and Design	4.7	acre	$30,000.00	$141,000.00	
	Construction to date	2	EA	$235,000.00	$470,000.00	
	Remaining Phases	3	EA	$235,000.00	$705,000.00	
TOTAL in 2002 Dollars						**$1,974,000.00**
Moran Estates Park	Land Acquisition	2.7	acre	$140,000.00	$378,000.00	
Baseline Developed Area	Planning and Design	2.7	acre	$30,000.00	$81,000.00	
	Construction to date	1	EA	$135,000.00	$135,000.00	
	Remaining Phases	4	EA	$135,000.00	$540,000.00	
TOTAL in 2002 Dollars						**$1,134,000.00**
Muncy Park	Land Acquisition	3.7	acre	$140,000.00	$518,000.00	
Baseline Developed Area	Planning and Design	3.7	acre	$30,000.00	$111,000.00	
	Construction to date	4	EA	$185,000.00	$740,000.00	
	Remaining Phases	1	EA	$185,000.00	$185,000.00	
TOTAL in 2002 Dollars						**$1,554,000.00**
Orchard Park	Land Acquisition	10.3	acre	$140,000.00	$1,442,000.00	
Baseline Developed Area	Planning and Design	10.3	acre	$30,000.00	$309,000.00	
	Construction to date	3	EA	$515,000.00	$1,545,000.00	
	Remaining Phases	2	EA	$515,000.00	$1,030,000.00	
TOTAL in 2002 Dollars						**$4,326,000.00**

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Pierre Park	Land Acquisition	0.5	acre	$140,000.00	$70,000.00	
Baseline Developed Area	Planning and Design	0.5	acre	$30,000.00	$15,000.00	
	Construction to date	1	EA	$25,000.00	$25,000.00	
	Remaining Phases	0	EA	$25,000.00	$0.00	
TOTAL in 2002 Dollars						**$110,000.00**
Ralston Towers Park	Land Acquisition	0.5	acre	$140,000.00	$70,000.00	
Baseline Developed Area	Planning and Design	0.5	acre	$30,000.00	$15,000.00	
	Construction to date	1	EA	$25,000.00	$25,000.00	
	Remaining Phases	0	EA	$25,000.00	$0.00	
TOTAL in 2002 Dollars						**$110,000.00**
Revard Park	Land Acquisition	3.5	acre	$140,000.00	$490,000.00	
Baseline Developed Area	Planning and Design	3.5	acre	$30,000.00	$105,000.00	
	Construction to date	5	EA	$175,000.00	$875,000.00	
	Remaining Phases	0	EA	$175,000.00	$0.00	
TOTAL in 2002 Dollars						**$1,470,000.00**
Riverside Park	Land Acquisition	12	acre	$140,000.00	$1,680,000.00	
Baseline Developed Area	Planning and Design	12	acre	$30,000.00	$360,000.00	
	Construction to date	3	EA	$600,000.00	$1,800,000.00	
	Remaining Phases	2	EA	$600,000.00	$1,200,000.00	
TOTAL in 2002 Dollars						**$5,040,000.00**
Robertson Road Park	Land Acquisition	6.65	acre	$140,000.00	$931,000.00	
Baseline Developed Area	Planning and Design	6.65	acre	$30,000.00	$199,500.00	
	Construction to date	2	EA	$332,500.00	$665,000.00	
	Remaining Phases	3	EA	$332,500.00	$997,500.00	
TOTAL in 2002 Dollars						**$2,793,000.00**
Roosevelt Park	Land Acquisition	8.5	acre	$140,000.00	$1,190,000.00	
Baseline Developed Area	Planning and Design	8.5	acre	$30,000.00	$255,000.00	
	Construction to date	5	EA	$425,000.00	$2,125,000.00	
	Remaining Phases	0	EA	$425,000.00	$0.00	
TOTAL in 2002 Dollars						**$3,570,000.00**
Rose Avenue Park	Land Acquisition	4.5	acre	$140,000.00	$630,000.00	
Baseline Developed Area	Planning and Design	4.5	acre	$30,000.00	$135,000.00	
	Construction to date	5	EA	$225,000.00	$1,125,000.00	
	Remaining Phases	0	EA	$225,000.00	$0.00	
TOTAL in 2002 Dollars						**$1,890,000.00**

EXHIBIT A

Sherwood Park	Land Acquisition	6.6	acre	$140,000.00	$924,000.00	
Baseline Developed Area	Planning and Design	6.6	acre	$30,000.00	$198,000.00	
	Construction to date	5	EA	$330,000.00	$1,650,000.00	
	Remaining Phases	0	EA	$330,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,772,000.00**
Sipherd Park	Land Acquisition	5.6	acre	$140,000.00	$784,000.00	
Baseline Developed Area	Planning and Design	5.6	acre	$30,000.00	$168,000.00	
	Construction to date	5	EA	$280,000.00	$1,400,000.00	
	Remaining Phases	0	EA	$280,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,352,000.00**
Sonoma Park	Land Acquisition	4.9	acre	$140,000.00	$686,000.00	
Baseline Developed Area	Planning and Design	4.9	acre	$30,000.00	$147,000.00	
	Construction to date	5	EA	$245,000.00	$1,225,000.00	
	Remaining Phases	0	EA	$245,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,058,000.00**
Standiford Park	Land Acquisition	4.9	acre	$140,000.00	$686,000.00	
Baseline Developed Area	Planning and Design	4.9	acre	$30,000.00	$147,000.00	
	Construction to date	5	EA	$245,000.00	$1,225,000.00	
	Remaining Phases	0	EA	$245,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,058,000.00**
Stockard Coffee Park	Land Acquisition	5	acre	$140,000.00	$700,000.00	
Baseline Developed Area	Planning and Design	5	acre	$30,000.00	$150,000.00	
	Construction to date	1	EA	$250,000.00	$250,000.00	
	Remaining Phases	4	EA	$250,000.00	$1,000,000.00	
TOTAL in 2002 Dollars						**$2,100,000.00**
Sutter Park	Land Acquisition	3.9	acre	$140,000.00	$546,000.00	
Baseline Developed Area	Planning and Design	3.9	acre	$30,000.00	$117,000.00	
	Construction to date	4	EA	$195,000.00	$780,000.00	
	Remaining Phases	1	EA	$195,000.00	$195,000.00	
TOTAL in 2002 Dollars						**$1,638,000.00**
Sylvan Park	Land Acquisition	5.2	acre	$140,000.00	$728,000.00	
Baseline Developed Area	Planning and Design	5.2	acre	$30,000.00	$156,000.00	
	Construction to date	5	EA	$260,000.00	$1,300,000.00	
	Remaining Phases	0	EA	$260,000.00	$0.00	
TOTAL in 2002 Dollars						**$2,184,000.00**

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T.B. Scott Park	Land Acquisition	4.5	acre	$140,000.00	$630,000.00	
Baseline Developed Area	Planning and Design	4.5	acre	$30,000.00	$135,000.00	
	Construction to date	4	EA	$225,000.00	$900,000.00	
	Remaining Phases	1	EA	$225,000.00	$225,000.00	
TOTAL in 2002 Dollars						**$1,890,000.00**
Wesson Ranch Park	Land Acquisition	9.3	acre	$140,000.00	$1,302,000.00	
Baseline Developed Area	Planning and Design	9.3	acre	$30,000.00	$279,000.00	
	Construction to date	4	EA	$465,000.00	$1,860,000.00	
	Remaining Phases	1	EA	$465,000.00	$465,000.00	
TOTAL in 2002 Dollars						**$3,906,000.00**
Whitmore Park	Land Acquisition	5.4	acre	$140,000.00	$756,000.00	
Baseline Developed Area	Planning and Design	5.4	acre	$30,000.00	$162,000.00	
	Construction to date	4	EA	$270,000.00	$1,080,000.00	
	Remaining Phases	1	EA	$270,000.00	$270,000.00	
TOTAL in 2002 Dollars						**$2,268,000.00**
Woodrow Park	Land Acquisition	5.1	acre	$140,000.00	$714,000.00	
Baseline Developed Area	Planning and Design	5.1	acre	$30,000.00	$153,000.00	
	Construction to date	4	EA	$255,000.00	$1,020,000.00	
	Remaining Phases	1	EA	$255,000.00	$255,000.00	
TOTAL in 2002 Dollars						**$2,142,000.00**

PLANNED NEIGHBORHOOD PARKS

Claus Park	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Coffee-Claratina Park	Land Acquisition	7.5	acre	$140,000.00	$1,050,000.00	
Planned Urbanizing Area future park	Planning and Design	7.5	acre	$30,000.00	$225,000.00	
	Construction to date	0	EA	$375,000.00	$0.00	
	Remaining Phases	5	EA	$375,000.00	$1,875,000.00	
TOTAL in 2002 Dollars						**$3,150,000.00**
Fairway Park	Land Acquisition	5	acre	$140,000.00	$700,000.00	
Baseline Developed Area future park	Planning and Design	5	acre	$30,000.00	$150,000.00	
	Construction to date	0	EA	$250,000.00	$0.00	

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	Remaining Phases	5	EA	$250,000.00	$1,250,000.00	
TOTAL in 2002 Dollars						**$2,100,000.00**
Merle Park	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Orville Wright Park	Land Acquisition	3.8	acre	$140,000.00	$532,000.00	
Baseline Developed Area future park	Planning and Design	3.8	acre	$30,000.00	$114,000.00	
	Construction to date	0	EA	$285,000.00	$0.00	
	Remaining Phases	5	EA	$285,000.00	$1,425,000.00	
TOTAL in 2002 Dollars						**$2,071,000.00**
Ustach Park	Land Acquisition	9	acre	$140,000.00	$1,260,000.00	
Planned Urbanizing Area future park	Planning and Design	9	acre	$30,000.00	$270,000.00	
	Construction to date	0	EA	$450,000.00	$0.00	
	Remaining Phases	5	EA	$450,000.00	$2,250,000.00	
TOTAL in 2002 Dollars						**$3,780,000.00**
Morrow Park Area (56)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Stanislaus Park Area (57)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Kiernan Park Area (58)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Claribel Park Area (59)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	

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	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Hetch-Hetchy Park Area (60)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Oakdale Park Area (61)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Plainview Park Area (63)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Mabel Park Area (62)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Santa Fe Park Area (64)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Lakewood East Park Area (72)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Empire East Park Area (69)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	

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	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Gallo Park Area (47)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Shackleford Park Area (39)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Brete Harte Park Area (38)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Fairview Park Area (37)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Paradise West Park Area (33)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Vineyard Park Area (30)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL in 2002 Dollars						**$2,940,000.00**
Maze-Wren Park Area (29)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	

EXHIBIT A

	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL In 2002 Dollars						**$2,940,000.00**
West Maze Park Area (28)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL In 2002 Dollars						**$2,940,000.00**
College West Park Area (48)	Land Acquisition	7	acre	$140,000.00	$980,000.00	
Planned Urbanizing Area future park	Planning and Design	7	acre	$30,000.00	$210,000.00	
	Construction to date	0	EA	$350,000.00	$0.00	
	Remaining Phases	5	EA	$350,000.00	$1,750,000.00	
TOTAL In 2002 Dollars						**$2,940,000.00**
Total Acres of Future Development		439.8	acres			
TOTAL						**$183,526,000.00**

EXHIBIT A

Summary of Costs - Sports Complex

18-Nov-02

Name	Acquisition	Design	Phase	Cost/Unit	Sub-Total	Total
Sports Complex Sytem	Land Acquisition	110	acre	$120,000.00	$13,200,000.00	
future	Planning and Design	110	acre	$30,000.00	$3,300,000.00	
	Construction to date	0	LS	$11,286,000.00	$0.00	
	Remaining Phases	5	LS	$11,286,000.00	$56,430,000.00	
TOTAL in 2002 Dollars						**$72,930,000.00**
Total Acres		110	acres			
TOTAL						**$72,930,000.00**

EXHIBIT A

Summary of Costs - Community Centers

18-Nov-02

Name	Expenditure	Design	Phase	Cost/Unit	Sub-Total	Total
Boy Scout Clubhouse	Value	2635	SF	$160.00	$421,600.00	
Constructed						
TOTAL in 2002 Dollars						**$421,600.00**
American Legion Hall	Value	13673	SF	$160.00	$2,187,680.00	
Constructed 1952						
TOTAL in 2002 Dollars						**$2,187,680.00**
Recreation Office Building	Value	2520	SF	$160.00	$403,200.00	
TOTAL in 2002 Dollars						**$403,200.00**
Senior Center	Value	10145	SF	$160.00	$1,623,200.00	
Constructed 1968						
TOTAL in 2002 Dollars						**$1,623,200.00**
Maddux Youth Center	Value	9451	SF	$160.00	$1,512,160.00	
Constructed 1952	Planning and Design (future)	9451	SF	$57.75	$545,795.25	
	Construction Estimate (future)	9451	SF	$165.00	$1,559,415.00	
TOTAL in 2002 Dollars						**$3,617,370.25**
King/Kennedy Multi-use Center	Value	9583	SF	$160.00	$1,533,280.00	
Constructed 1969	Planning and Design (future)	1200	SF	$57.75	$69,300.00	
	Construction Estimate (future)	1200	SF	$165.00	$198,000.00	
TOTAL in 2002 Dollars						**$1,800,580.00**
Modesto Westside Service Center	Planning and Design (future)	5175	SF	$57.75	$298,856.25	
To be constructed 2004	Construction Estmate (future)	5175	SF	$165.00	$853,875.00	
TOTAL in 2002 Dollars						**$1,152,731.25**
Modesto Community Service Center	Value	14760	SF	$160.00	$2,361,600.00	
Constructed 1923	Planning and Design (future)	14760	SF	$57.75	$852,390.00	
to be reconstructed in future	Construction Estmate (future)	14760	SF	$165.00	$2,435,400.00	
TOTAL in 2002 Dollars						**$5,649,390.00**
Tea House	Value	1600	SF	$160.00	$256,000.00	
TOTAL in 2002 Dollars						**$256,000.00**
TOTAL						**$17,111,751.50**

EXHIBIT A

Summary of Costs - Historical Buildings

18-Nov-02

Name	Expenditure	Design	Phase	Cost/Unit	Sub-Total	Total
McClure Country Place	Value	4000	SF	$250.00		
Constructed 1881	Land Acquisition	18	acre	$120,000.00	$2,160,000.00	
Remodeled 1940's	Planning and Design (future)	18	acre	$30,000.00	$540,000.00	
Future development to include	Construction Est. (future)	18	LS	$300,000.00	$5,400,000.00	
conference facility	Small Structures (future)	30	EA	$120,000.00	$3,600,000.00	
	Large Structures (future)	6	EA	$750,000.00	$4,500,000.00	
TOTAL in 2002 Dollars						**$16,200,000.00**
TOTAL						**$16,200,000.00**

EXHIBIT A

REGIONAL PARK COST BRAKEDOWN

Note: All prices are given in 2002 dollars

Land acquisition: Average cost of $30,000/acre in the 100 year flood zone, $120,000/acre for large parcel and $140,000/acre for small parcel acq.

Planning and Design: Average costs for planning, design, engineering, citywide overhead and staff costs are $30,000 per acre

Construction to date: LS = Lump sum - this value calculated on a per park basis

Remaining Phases: LS = Lump Sum - this is the estimated value of future construction costs to complete these projects

Regional Parks are to be constructed in phases divided as follows:

Regional Parks Phases:

Phase I	project start up, rough grading, restoration, trails, electrical Work
Phase II	site preparation, grading, drainage, concrete and masonry, irrigation system, roads, shaded picnic area(s), landscaping, off-street parking, security lighting, restrooms, signage
Phase III	site furniture, play areas, specialized lighting
Phase IV	support structures - specialty structures

CIP: costs listed below represent an avg. cost per component per acre. Each park varies in number and type of unit, which will affect overall costs.

Phase	Park CIP Component:	Cost per acre	Average Life Span of Unit
I	project start up	$2,625.00	*
I	rough grading	$8,000.00	*
I	restoration	$6,500.00	*
I	trails	$5,500.00	30 years
I	electrical work	$10,075.00	30 years
	PHASE I TOTAL	**$32,700.00**	
II	site prep	$4,468.50	30 years
II	grading	$6,356.25	30 years
II	drainage	$11,548.75	30 years
II	concrete and masonry	$8,731.25	30 years
II	irrigation system	$31,915.00	30 years
II	asphault/concrete work - road	$17,155.00	10 years
II	shaded picnic area(s)	$12,675.00	30 years
II	landscaping	$17,147.50	30 years
II	asphault/concrete work - 2 acre parking lot	$8,925.00	10 years
II	security lighting	$3,625.00	30 years
II	restrooms	$3,000.00	20 years
II	signage	$2,000.00	30 years
II	fencing and walls	$9,500.00	30 years
	PHASE II TOTAL	**$137,047.25**	
III	site furniture	$8,303.75	10 years
III	play areas	$3,146.25	20 years

EXHIBIT A

III	specialized lighting - staging	$5,000.00	30 years
	PHASE III TOTAL	**$16,450.00**	
IV	out buildings	$12,500.00	30 years
IV	survey/geotech	$2,500.00	30 years
	PHASE IV TOTAL	**$15,000.00**	
	TOTAL ALL PHASES	**$201,197.25**	
	Average cost per phase	**$50,299.31**	
	ADDITONAL SPECIALIZED FEATURES - TO BE INSTALLED IN PHASE IV		
Additional	Interpretive center (TRRP)	$150,000.00	30 years
Additional	Dam Removal (TRRP)	$8,750.00	*
Additional	bridge (DCRP)	$16,250.00	80 years
	TRRP COSTS	$359,947.25	
	(x40%)	$143,978.90	
	Average cost per phase (TRRP) (40% contrib.)	**$35,994.73**	
	DCRP COSTS	$209,947.25	
	Average cost per phase (DCRP)	**$52,486.81**	

TYPICAL REGIONAL PARK COST ESTIMATE - 40 ACRE PARK - W/ ALLOWANCES FOR POTENTIAL EXISTING CONDITIONS

	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL	COLUMN TOTAL	COST PER ACRE
	PROJECT START UP						
	Bonding and Mobilization	1	LS	$75,000.00	$75,000.00		
	Tree Protection (allowance)	50	EACH	$500.00	$25,000.00		
	Stormwater Pollution Measures (allowance)	1	LS	$5,000.00	$5,000.00		cost per acre
PHASE I	**SUB TOTAL PROJECT START UP**					**$105,000.00**	**$2,625.00**
	ROUGH GRADING						
	Clearing & Grubbing	40	ACRE	$3,000.00	$120,000.00		
	Rough Grading balance Cut/fill (allowance)	40	ACRE	$5,000.00	$200,000.00		cost per acre
PHASE I	**SUB TOTAL ROUGH GRADING**					**$320,000.00**	**$8,000.00**
	RESTORATION						
	soils analysis, prep and planting	40	ACRE	$6,500.00	$260,000.00		cost per acre
PHASE I	**SUB TOTAL RESTORATION**					**$260,000.00**	**$6,500.00**

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	TRAILS						
	rough out trail alignment	40	ACRE	$1,000.00	$40,000.00		
	fine grade trails	80000	SF	$0.25	$20,000.00		
	Dec. Granite trails	80000	SF	$2.00	$160,000.00		cost per acre
PHASE I	**SUB TOTAL TRAILS**					**$220,000.00**	**$5,500.00**
	ELECTRICAL WORK						
	Traffic Signals (average allowance)	1	EA	$250,000.00	$250,000.00		
	Electircal Panel Box (service cabinet)	1	EA	$2,500.00	$2,500.00		
	Electrical Conduit	7500	LF	$15.00	$112,500.00		
	Streetlight Electrolier	5	EA	$6,000.00	$30,000.00		
	#3 1/2 Pullbox	40	EA	$125.00	$5,000.00		
	#5 Interconnect Pullbox	15	EA	$200.00	$3,000.00		cost per acre
PHASE I	**SUBTOTAL ELECTRICAL WORK**					**$403,000.00**	**$10,075.00**
	SITE PREPARATION						
	Demolition of Trees (average 10")	50	EACH	$500.00	$25,000.00		
	Removal of Turf & Groundcover (5 acre allowance)	217,800	SF	$0.30	$65,340.00		
	Demolition of Chain Link Fence (5 acre allowance)	5000	LF	$3.00	$15,000.00		
	Relocation of Trees (average 10") (allowance)	5	EACH	$1,500.00	$7,500.00		
	Demo of Irrig. Heads/Laterals (5 acre allowance)	5	ACRE	$1,000.00	$5,000.00		
	Demolition of P.C.C. Curb & Gutter (allowance)	5000	LF	$2.50	$12,500.00		
	Sawcutting of P.C.C. Pavement (4") (allowance)	2000	LF	$1.50	$3,000.00		
	Removal of Tree Stumps (allowance)	50	EACH	$150.00	$7,500.00		
	Removal of Soil ($1K/Day Min.) (allowance)	200	CY	$7.00	$1,400.00		
	Removal of Storm Inlet or Manhole (allowance)	5	EACH	$700.00	$3,500.00		
	Removal of Storm Drain Pipe (allowance)	1000	LF	$20.00	$20,000.00		
	Project Construction Sign (allowance)	2	EACH	$1,500.00	$3,000.00		
	Traffic Control (allowance)	1	LS	$10,000.00	$10,000.00		cost per acre
PHASE II	**SUBTOTAL SITE PREPARATION**					**$178,740.00**	**$4,468.50**
	GRADING						
	Grading/Earthwork (>5 acres)	40	ACRE	$5,000.00	$200,000.00		
	Fine Grading Only (allow 5 acres)	217000	SF	$0.25	$54,250.00		cost per acre
PHASE II	**SUBTOTAL GRADING**					**$254,250.00**	**$6,356.25**
	DRAINAGE						
	Storm Laterals (12" R.C.P.)	7000	LF	$15.00	$105,000.00		
	Sanitary Laterals (4" V.C.P.)	2000	LF	$8.00	$16,000.00		
	Sanitary Laterals (6" V.C.P. in street)	600	LF	$60.00	$36,000.00		
	Storm Inlets (24" dia.)	20	EA	$1,000.00	$20,000.00		

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	Storm Inlets (play areas)	6 EA	$1,200.00	$7,200.00		
	Hooded Inlet	5 EA	$1,100.00	$5,500.00		
	Street Cuts (average 40' to 60')	2 EA	$1,500.00	$3,000.00		
	Manholes (up to 7' depth)	5 EA	$2,000.00	$10,000.00		
	Jack and Bore under Streets (allowance)	50 LF	$75.00	$3,750.00		
	Roadway Excavation (allowance)	50 LF	$25.00	$1,250.00		cost per acre
PHASE II	**SUBTOTAL DRAINAGE**				**$461,950.00**	**$11,548.75**
	CONCRETE/MASONRY					
	PCC Walkways (3-1/2")	30000 SF	$3.25	$97,500.00		
	PCC Paving (6")	7000 SF	$4.50	$31,500.00		
	PCC Paving w/ Integral Color (3-1/2")	2000 SF	$5.00	$10,000.00		
	PCC Curb & Gutter	6000 LF	$15.00	$90,000.00		
	PCC Mowband (8")	3000 LF	$9.00	$27,000.00		
	PCC Separator Band (6")	1500 LF	$7.00	$10,500.00		
	Sitting Walls (12" X 17" high)	2000 LF	$25.00	$50,000.00		
	Sign Wall (12" X 42" high w/letters)	30 LF	$150.00	$4,500.00		
	Wheelchair Ramp	5 EA	$800.00	$4,000.00		
	Brick Pavers on PCC Base & Mortar	1000 SF	$16.25	$16,250.00		
	Concrete Bus Loading Pad (8" X 10' X 50')	1 EA	$8,000.00	$8,000.00		cost per acre
PHASE II	**SUBTOTAL CONCRETE/MASONRY**				**$349,250.00**	**$8,731.25**
	IRRIGATION					
	Irrigation of Turf Areas >3 Acres	30 AC	$23,000.00	$690,000.00		
	Irrigation of Small Turf Areas	217000 SF	$1.30	$282,100.00		
	Irrigation Groundcover Areas	100000 SF	$1.60	$160,000.00		
	Irrigation Median Islands (typical allowance)	5000 SF	$2.25	$11,250.00		
	Tree Bubblers (allowance)	200 EA	$50.00	$10,000.00		
	Class 315 Irrigation Main (4")	5000 LF	$10.50	$52,500.00		
	Strainer	1 EA	$1,500.00	$1,500.00		
	Backflow Prevention Unit	1 EA	$2,300.00	$2,300.00		
	Controller	1 EA	$15,000.00	$15,000.00		
	Controller Housing	1 EA	$2,000.00	$2,000.00		
	Quick Coupler Valves	30 EA	$80.00	$2,400.00		
	Remote Control Valves	50 EA	$200.00	$10,000.00		
	Potable Water Line (2")	1000 LF	$4.00	$4,000.00		
	Quick Coupler Line (1-1/2")	3000 LF	$3.75	$11,250.00		
	BFP Cage (>2-1/2")	1 EA	$2,300.00	$2,300.00		
	Well (allowance)	1 EA	$20,000.00	$20,000.00		cost per acre
PHASE II	**SUBTOTAL IRRIGATION**				**$1,276,600.00**	**$31,915.00**
	ASPHALT-CONCRETE WORK - ROAD					

EXHIBIT A

	AC Paving (6")	200000 SF	$3.20	$640,000.00		
	Striping	20000 LF	$1.50	$30,000.00		
	"Petromat" (large areas)	18000 SY	$0.90	$16,200.00		cost per acre
PHASE II	**SUBTOTAL ASPHALT-CONCRETE WORK - ROAD**				**$686,200.00**	**$17,155.00**
	SHADED PICNIC AREA					
	Gazebo (3600 sq. ft.)	1 SF	$180,000.00	$180,000.00		
	Picnic Table Shelter (120 sq. ft.)	20 EA	$15,000.00	$300,000.00		
	Pads for Large Gazebo	3600 SF	$4.50	$16,200.00		
	Pads for Table shelters	2400 SF	$4.50	$10,800.00		cost per acre
PHASE II	**SUBTOTAL SHADED PICNIC AREA**				**$507,000.00**	**$12,675.00**
	LANDSCAPING					
	Tree - 24" Box	20 EA	$300.00	$6,000.00		
	Tree - 15 Gallon	500 EA	$100.00	$50,000.00		
	Shrub - 15 Gallon	300 EA	$50.00	$15,000.00		
	Shrub - 5 Gallon	400 EA	$30.00	$12,000.00		
	Shrub - 1 Gallon	400 EA	$12.00	$4,800.00		
	Groundcover - 1 Gallon	400 EA	$1.50	$600.00		
	Turf - Seeded	30 AC	$6,000.00	$180,000.00		
	Turf - Seeded (small areas)	200000 SF	$0.20	$40,000.00		
	Soil Preparation	35 AC	$2,500.00	$87,500.00		
	Soil Preparation (small areas)	200000 SF	$0.20	$40,000.00		
	Imported Topsoil (allowance)	50000 CY	$5.00	$250,000.00		cost per acre
PHASE II	**SUBTOTAL LANDSCAPING**				**$685,900.00**	**$17,147.50**
	ASPHALT-CONCRETE WORK - PARKING LOT - 2 ACRES					
	AC Paving (6")	100000 SF	$3.20	$320,000.00		
	Parking Lot Striping	50000 LF	$0.40	$20,000.00		
	Wheel Stops	200 EA	$40.00	$8,000.00		
	"Petromat" (large areas)	10000 SY	$0.90	$9,000.00		cost per acre
PHASE II	**SUBTOTAL ASPHALT-CONCRETE WORK - PARKING LOT**				**$357,000.00**	**$8,925.00**
	SECURITY LIGHTING					
	Security Lighting Fixtures (20' high)	15 EA	$4,000.00	$60,000.00		
	Parking Lot Lighting Double Luminaire (20' high)	10 EA	$8,500.00	$85,000.00		cost per acre
PHASE II	**SUBTOTAL SECURITY LIGHTING**				**$145,000.00**	**$3,625.00**
	RESTROOMS					
	Fairview Series	2 LS	$60,000.00	$120,000.00		cost per acre
PHASE II	**SUBTOTAL RESTROOMS**				**$120,000.00**	**$3,000.00**

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	SIGNAGE					
	Signage Package	1 LS	$80,000.00	$80,000.00		cost per acre
PHASE II	**SUBTOTAL SIGNAGE**				**$80,000.00**	**$2,000.00**
	FENCING & WALLS					
	Chain Link Fencing w/black Vinyl Coating (6')	10000 LF	$18.00	$180,000.00		
	Wrought Iron Fencing (6')	1000 LF	$40.00	$40,000.00		
	Temporary Construction Fence	10000 LF	$6.50	$65,000.00		
	Concrete Block Wall (6' high) (allowance)	1000 LF	$65.00	$65,000.00		
	Concrete Block seat wall w/ cap	1000 LF	$30.00	$30,000.00		cost per acre
PHASE II	**SUBTOTAL FENCING & WALLS**				**$380,000.00**	**$9,500.00**
	SITE FURNITURE/MISCELLANEOUS					
	Picnic Table ("Form")	80 EA	$1,500.00	$120,000.00		
	Barbecue Unit ("Iron Mtn. Forge")	40 EA	$1,000.00	$40,000.00		
	Bench w/Back ("Victor Stanley" or "DuMor")	50 EA	$1,000.00	$50,000.00		
	Drinking Fountain	5 EA	$2,500.00	$12,500.00		
	Removable Bollard	8 EA	$800.00	$6,400.00		
	Bicycle Rack ("Pipeline")	3 EA	$750.00	$2,250.00		
	Landscape Boulder	25 EA	$200.00	$5,000.00		
	Barbecue Area Counter Block Walls	300 CF	$45.00	$13,500.00		
	River-Washed Cobble (4" dia.)	5000 SF	$6.00	$30,000.00		
	Trash Receptacle	50 EA	$750.00	$37,500.00		
	Steel Edging	5000 LF	$3.00	$15,000.00		cost per acre
PHASE III	**SUBTOTAL SITE FURNITURE**				**$332,150.00**	**$8,303.75**
	PLAY AREAS					
	Sand for Play Area	200 CY	$10.00	$2,000.00		
	"Fibar"	2500 SF	$4.50	$11,250.00		
	Decomposed Granite Paving (Calif. Gold Fines)	12000 SF	$2.00	$24,000.00		
	Resilient Rubber Surface (w/PCC base)	400 SF	$16.50	$6,600.00		
	Horseshoe Pits (set of 2 each)	2 SET	$6,000.00	$12,000.00		
	Play Apparatus	1 LS	$70,000.00	$70,000.00		cost per acre
PHASE III	**SUBTOTAL PLAY AREAS**				**$125,850.00**	**$3,146.25**
	SPECIALIZED LIGHTING					
	Specialized lighting allowance	1 LS	$200,000.00	$200,000.00		cost per acre
PHASE III	**SUBTOTAL SPECIALIZED LIGHTING**				**$200,000.00**	**$5,000.00**
	OUT BUILDINGS					
	Out building allowance	1 LS	$500,000.00	$500,000.00		cost per acre
PHASE IV	**SUBTOTAL OUT BUILDINGS**				**$500,000.00**	**$12,500.00**

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	SURVEY/GEOTECH					
	Survey/geotech allowance	1 LS	$100,000.00	$100,000.00		cost per acre
PHASE IV	**SUBTOTAL SURVEY/GEOTECH**				**$100,000.00**	**$2,500.00**
	BRIDGE					
	Bridge Allowance	1 LS	$350,000.00	$650,000.00		cost per acre
DCRP	**SUBTOTAL BRIGDE**				**$650,000.00**	**$16,250.00**
	INTERPRETIVE CENTER					
	Interperetive center allowance	1 LS	$6,000,000.00	$6,000,000.00		cost per acre
TRRP	**SUBTOTAL INTERPRETIVE CENTER**				**$6,000,000.00**	**$150,000.00**
	DENNET DAM REMOVAL					
	Dennet Dam Removal allowance	1 LS	$350,000.00	$350,000.00		cost per acre
TRRP	**SUBTOTAL DENNET DAM REMOVAL**				**$350,000.00**	**$8,750.00**

MAINTENANCE EQUIPMENT	Cost per unit	# acres per unit	area	# units required	total maint. equipment cost	Average Life Span of Unit
mower	$76,000.00	100	7	0.07	$5,320.00	5 years
mechanics van	$40,000.00	50	7	0.14	$5,600.00	10 years
mechanics equipment	$10,000.00	50	7	0.14	$1,400.00	8 years
crew cab	$35,000.00	40	7	0.18	$6,125.00	10 years
1 ton dump truck	$35,000.00	100	7	0.07	$2,450.00	10 years
trash compactor	$50,000.00	400	7	0.02	$875.00	15 years
pick up & trailer	$30,000.00	100	7	0.07	$2,100.00	10 years
pick up	$25,000.00	25	7	0.28	$7,000.00	10 years
Total Cost for one time maintenance equipment expenditure					**$30,870.00**	

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COMMUNITY PARK COST BRAKEDOWN

Note: All prices are given in 2002 dollars

Land acquisition: Average cost of $30,000/acre in the 100 year flood zone, $120,000/acre for large parcel and $140,000/acre for small parcel acq.

Planning and Design: Average costs for planning, design, engineering, citywide overhead and staff costs are $30,000 per acre

Construction to date: LS = Lump sum - this value calculated on a per park basis

Remaining Phases: LS = Lump Sum - this is the estimated value of future construction costs to complete these projects

Community Parks are to be constructed in phases divided as follows:

Construction Phases:

Phase I	project start up, rough grading, electrical work, site preparation, grading, drainage, concrete and masonry, irrigation, road work, landscaping, parking lot, security lighting, restrooms, fencing and walls
Phase II	signage, shaded picnic area(s), site furniture, playareas, athletic court and field lighting, out buildings, survey/geotech
Phase III	Aquatics Center
Phase IV	Community Center (approx. 15,000 sq. ft. structure)

CIP: costs listed below represent an avg. cost per component per acre. Each park varies in number and type of unit, which will affect overall costs.

Phase	Park CIP Component:	Cost per acre	Average Life Span of Unit
I	project start up	$2,000.00	*
I	rough grading	$7,000.00	*
I	electrical work	$10,075.00	30 years
I	athletic fields	$64,150.00	5 years
I	game courts	$8,750.00	5 years
I	site prep	$435.00	30 years
I	grading	$1,356.25	30 years
I	drainage	$6,548.75	30 years
I	concrete and masonry	$8,731.25	30 years
I	irrigation system	$24,687.50	30 years
I	asphault/concrete work - road	$17,155.00	10 years
I	landscaping	$10,272.50	30 years
I	asphault/concrete work - 2 acre parking lot	$8,925.00	10 years
I	security lighting	$3,625.00	30 years
I	restrooms	$3,000.00	20 years
I	fencing and walls	$9,500.00	30 years
	TOTAL PHASE I	**$186,211.25**	
II	signage	$2,000.00	30 years
II	shaded picnic area(s)	$6,459.00	30 years

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II	site furniture	$3,546.25	10 years
II	play areas	$2,846.25	20 years
II	athletic field and game court lighting	$46,250.00	30 years
II	out buildings	$12,500.00	30 years
II	survey/geotech	$2,500.00	30 years
	TOTAL PHASE II	**$76,101.50**	
III	aquatics center	$90,750.00	30 years
	TOTAL PHASE III	**$90,750.00**	
IV	community center	$60,500.00	30 years
	TOTAL PHASE IV	**$60,500.00**	
	TOTAL ALL PHASES	**$413,562.75**	
	Average cost per phase	**$103,390.69**	

EXHIBIT A

TYPICAL COMMUNITY PARK COST ESTIMATE - 40 ACRE PARK - W/ ALLOWANCES FOR POTENTIAL EXISTING CONDITIONS

	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL	COLUMN TOTAL	COST PER ACRE
	PROJECT START UP						
	Bonding and Mobilization	1	LS	$75,000.00	$75,000.00		
	Stormwater Pollution Measures (allowance)	1	LS	$5,000.00	$5,000.00		cost per acre
PHASE I	**SUB TOTAL PROJECT START UP**					**$80,000.00**	**$2,000.00**
	ROUGH GRADING						
	Clearing & Grubbing	40	ACRE	$2,000.00	$80,000.00		
	Rough Grading balance Cut/fill (allowance)	40	ACRE	$5,000.00	$200,000.00		cost per acre
PHASE I	**SUB TOTAL ROUGH GRADING**					**$280,000.00**	**$7,000.00**
	ELECTRICAL WORK						
	Traffic Signals (average allowance)	1	EA	$250,000.00	$250,000.00		
	Electircal Panel Box (service cabinet)	1	EA	$2,500.00	$2,500.00		

	Electrical Conduit	7500 LF	$15.00	$112,500.00		
	Streetlight Electrolier	5 EA	$6,000.00	$30,000.00		
	#3 1/2 Pullbox	40 EA	$125.00	$5,000.00		
	#5 Interconnect Pullbox	15 EA	$200.00	$3,000.00		cost per acre
PHASE I	**SUBTOTAL ELECTRICAL WORK**				**$403,000.00**	**$10,075.00**
	ATHLETIC FIELDS					
	Soccer field - turf	5 EA	$250,000.00	$1,250,000.00		
	Baseball/softball fields	2	$250,000.00	$500,000.00		
	Baseball backstop apparatus	2	$40,000.00	$80,000.00		
	Bleachers	16	$6,000.00	$96,000.00		
	Scoreboards	8	$5,000.00	$40,000.00		
	synthetic turf field - soccer	1	$600,000.00	$600,000.00		cost per acre
PHASE I	**SUB TOTAL ATHLETIC FIELDS**				**$2,566,000.00**	**$64,150.00**
	GAME COURTS					
	Tennis with net and fencing	2 EA	$55,000.00	$110,000.00		
	Basketball with hoops and standards	2	$50,000.00	$100,000.00		
	Volleyball - hard surface	2	$40,000.00	$80,000.00		
	Volleyball - soft surface	1	$12,000.00	$12,000.00		
	Horseshoe pits	8	$6,000.00	$48,000.00		cost per acre
PHASE I	**SUB TOTAL GAME COURT**				**$350,000.00**	**$8,750.00**
	SITE PREPARATION					
	Sawcutting of P.C.C. Pavement (4") (allowance)	2000 LF	$1.50	$3,000.00		
	Removal of Soil ($1K/Day Min.) (allowance)	200 CY	$7.00	$1,400.00		
	Project Construction Sign (allowance)	2 EACH	$1,500.00	$3,000.00		
	Traffic Control (allowance)	1 LS	$10,000.00	$10,000.00		cost per acre
PHASE I	**SUBTOTAL SITE PREPARATION**				**$17,400.00**	**$435.00**
	GRADING					
	Fine Grading Only (allow 5 acres)	217000 SF	$0.25	$54,250.00		cost per acre
PHASE I	**SUBTOTAL GRADING**				**$54,250.00**	**$1,356.25**
	DRAINAGE					
	Storm Laterals (12" R.C.P.)	7000 LF	$15.00	$105,000.00		
	Sanitary Laterals (4" V.C.P.)	2000 LF	$8.00	$16,000.00		

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	Sanitary Laterals (6" V.C.P. in street)	600 LF	$60.00	$36,000.00		
	Storm Inlets (24" dia.)	20 EA	$1,000.00	$20,000.00		
	Storm Inlets (play areas)	6 EA	$1,200.00	$7,200.00		
	Hooded Inlet	5 EA	$1,100.00	$5,500.00		
	Street Cuts (average 40' to 60')	2 EA	$1,500.00	$3,000.00		
	Manholes (up to 7' depth)	5 EA	$2,000.00	$10,000.00		
	Jack and Bore under Streets (allowance)	50 LF	$75.00	$3,750.00		
	Roadway Excavation (allowance)	50 LF	$25.00	$1,250.00		cost per acre
PHASE I	**SUBTOTAL DRAINAGE**				**$261,950.00**	**$6,548.75**
	CONCRETE/MASONRY					
	PCC Walkways (3-1/2")	30000 SF	$3.25	$97,500.00		
	PCC Paving (6")	7000 SF	$4.50	$31,500.00		
	PCC Paving w/ Integral Color (3-1/2")	2000 SF	$5.00	$10,000.00		
	PCC Curb & Gutter	6000 LF	$15.00	$90,000.00		
	PCC Mowband (8")	3000 LF	$9.00	$27,000.00		
	PCC Separator Band (6")	1500 LF	$7.00	$10,500.00		
	Sitting Walls (12" X 17" high)	2000 LF	$25.00	$50,000.00		
	Sign Wall (12" X 42" high w/letters)	30 LF	$150.00	$4,500.00		
	Wheelchair Ramp	5 EA	$800.00	$4,000.00		
	Brick Pavers on PCC Base & Mortar	1000 SF	$16.25	$16,250.00		
	Concrete Bus Loading Pad (8" X 10' X 50')	1 EA	$8,000.00	$8,000.00		cost per acre
PHASE I	**SUBTOTAL CONCRETE/MASONRY**				**$349,250.00**	**$8,731.25**
	IRRIGATION					
	Irrigation of Turf Areas >3 Acres	30 AC	$23,000.00	$690,000.00		
	Irrigation Groundcover Areas	100000 SF	$1.60	$160,000.00		
	Irrigation Median Islands (typical allowance)	5000 SF	$2.25	$11,250.00		
	Tree Bubblers (allowance)	60 EA	$50.00	$3,000.00		
	Class 315 Irrigation Main (4")	5000 LF	$10.50	$52,500.00		
	Strainer	1 EA	$1,500.00	$1,500.00		
	Backflow Prevention Unit	1 EA	$2,300.00	$2,300.00		
	Controller	1 EA	$15,000.00	$15,000.00		
	Controller Housing	1 EA	$2,000.00	$2,000.00		
	Quick Coupler Valves	30 EA	$80.00	$2,400.00		
	Remote Control Valves	50 EA	$200.00	$10,000.00		
	Potable Water Line (2")	1000 LF	$4.00	$4,000.00		

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	Quick Coupler Line (1-1/2")	3000 LF	$3.75	$11,250.00		
	BFP Cage (>2-1/2")	1 EA	$2,300.00	$2,300.00		
	Well (allowance)	1 EA	$20,000.00	$20,000.00		cost per acre
PHASE I	**SUBTOTAL IRRIGATION**				**$987,500.00**	**$24,687.50**
	ASPHALT-CONCRETE WORK - ROAD					
	AC Paving (6")	200000 SF	$3.20	$640,000.00		
	Striping	20000 LF	$1.50	$30,000.00		
	"Petromat" (large areas)	18000 SY	$0.90	$16,200.00		cost per acre
PHASE I	**SUBTOTAL ASPHALT-CONCRETE WORK - ROAD**				**$686,200.00**	**$17,155.00**
	LANDSCAPING					
	Tree - 15 Gallon	120 EA	$100.00	$12,000.00		
	Shrub - 15 Gallon	200 EA	$50.00	$10,000.00		
	Shrub - 5 Gallon	200 EA	$30.00	$6,000.00		
	Shrub - 1 Gallon	400 EA	$12.00	$4,800.00		
	Groundcover - 1 Gallon	400 EA	$1.50	$600.00		
	Soil Preparation	35 AC	$2,500.00	$87,500.00		
	Soil Preparation (small areas)	200000 SF	$0.20	$40,000.00		
	Imported Topsoil (allowance)	50000 CY	$5.00	$250,000.00		cost per acre
PHASE I	**SUBTOTAL LANDSCAPING**				**$410,900.00**	**$10,272.50**
	ASPHALT-CONCRETE WORK - PARKING LOT - 2 ACRES					
	AC Paving (6")	100000 SF	$3.20	$320,000.00		
	Parking Lot Striping	50000 LF	$0.40	$20,000.00		
	Wheel Stops	200 EA	$40.00	$8,000.00		
	"Petromat" (large areas)	10000 SY	$0.90	$9,000.00		cost per acre
PHASE I	**SUBTOTAL ASPHALT-CONCRETE WORK - PARKING LOT**				**$357,000.00**	**$8,925.00**
	SECURITY LIGHTING					
	Security Lighting Fixtures (20' high)	15 EA	$4,000.00	$60,000.00		
	Parking Lot Lighting Double Luminaire (20' high)	10 EA	$8,500.00	$85,000.00		cost per acre
PHASE I	**SUBTOTAL SECURITY LIGHTING**				**$145,000.00**	**$3,625.00**
	RESTROOMS					
	Fairview Series	2 LS	$60,000.00	$120,000.00		cost per acre
PHASE I	**SUBTOTAL RESTROOMS**				**$120,000.00**	**$3,000.00**

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	FENCING & WALLS					
	Chain Link Fencing w/black Vinyl Coating (6')	10000 LF	$18.00	$180,000.00		
	Wrought Iron Fencing (6')	1000 LF	$40.00	$40,000.00		
	Temporary Construction Fence	10000 LF	$6.50	$65,000.00		
	Concrete Block Wall (6' high) (allowance)	1000 LF	$65.00	$65,000.00		
	Concrete Block seat wall w/ cap	1000 LF	$30.00	$30,000.00		cost per acre
PHASE I	**SUBTOTAL FENCING & WALLS**				**$380,000.00**	**$9,500.00**
	SIGNAGE					
	Signage Package	1 LS	$80,000.00	$80,000.00		cost per acre
PHASE II	**SUBTOTAL SIGNAGE**				**$80,000.00**	**$2,000.00**
	SHADED PICNIC AREA					
	Gazebo (3600 sq. ft.)	1 SF	$180,000.00	$180,000.00		
	Picnic Table Shelter (120 sq. ft.)	4 EA	$15,000.00	$60,000.00		
	Pads for Large Gazebo	3600 SF	$4.50	$16,200.00		
	Pads for Table shelters	480 SF	$4.50	$2,160.00		cost per acre
PHASE II	**SUBTOTAL SHADED PICNIC AREA**				**$258,360.00**	**$6,459.00**
	SITE FURNITURE/MISCELLANEOUS					
	Picnic Table ("Form")	10 EA	$1,500.00	$15,000.00		
	Bench w/Back ("Victor Stanley" or "DuMor")	20 EA	$1,000.00	$20,000.00		
	Drinking Fountain	5 EA	$2,500.00	$12,500.00		
	Removable Bollard	12 EA	$800.00	$9,600.00		
	Bicycle Rack ("Pipeline")	3 EA	$750.00	$2,250.00		
	River-Washed Cobble (4" dia.)	5000 SF	$6.00	$30,000.00		
	Trash Receptacle	50 EA	$750.00	$37,500.00		
	Steel Edging	5000 LF	$3.00	$15,000.00		
PHASE II	**SUBTOTAL SITE FURNITURE**				**$141,850.00**	**$3,546.25**
	PLAY AREAS					
	Sand for Play Area	200 CY	$10.00	$2,000.00		
	"Fibar"	2500 SF	$4.50	$11,250.00		
	Decomposed Granite Paving (Calif. Gold Fines)	12000 SF	$2.00	$24,000.00		
	Resilient Rubber Surface (w/PCC base)	400 SF	$16.50	$6,600.00		
	Play Apparatus	1 LS	$70,000.00	$70,000.00		cost per acre

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PHASE II	**SUBTOTAL PLAY AREAS**				**$113,850.00**	**$2,846.25**
	ATHLETIC FIELD AND GAME COURT LIGHTING					
	Soccer field lighting	20 LS	$55,000.00	$1,100,000.00		cost per acre
	Game court lighting	10 LS	$75,000.00	$750,000.00		
PHASE II	**SUBTOTAL ATHLETIC FIELD AND GAME COURT LIGHTING**				**$1,850,000.00**	**$46,250.00**
	OUT BUILDINGS					
	Out building allowance	1 LS	$500,000.00	$500,000.00		cost per acre
PHASE II	**SUBTOTAL OUT BUILDINGS**				**$500,000.00**	**$12,500.00**
	SURVEY/GEOTECH					
	Survey/geotech allowance	1 LS	$100,000.00	$100,000.00		cost per acre
PHASE II	**SUBTOTAL SURVEY/GEOTECH**				**$100,000.00**	**$2,500.00**
	AQUATICS CENTER					
	Aquatics center allowance	1 LS	$3,630,000.00	$3,630,000.00		cost per acre
PHASE III	**SUBTOTAL AQUATICS CENTER**				**$3,630,000.00**	**$90,750.00**
	COMMUNITY CENTER					
	Community center allowance	1 LS	$2,420,000.00	$2,420,000.00		cost per acre
PHASE IV	**SUBTOTAL COMMUNITY CENTER**				**$2,420,000.00**	**$60,500.00**

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NEIGHBORHOOD PARK COST BRAKEDOWN

Note: All prices are given in 2002 dollars

Land acquisition: Average cost of $30,000/acre in the 100 year flood zone, $120,000/acre for large parcel and $140,000/acre for small parcel acq.

Planning and Design: Average costs for planning, design, engineering, citywide overhead and staff costs are $30,000 per acre

Construction to date: LS = Lump sum - this value calculated on a per park basis

Remaining Phases: LS = Lump Sum - this is the estimated value of future construction costs to complete these projects

Neighborhood Parks are to be constructed in phases divided as follows:

Construction Phases:

Phase I

Site Prep, grading, drainage, paving (to include Curb, gutter and sidewalk, walks through park, bordered area for future play equipment, restroom pad with utility connection to sanitary sewer, pads for benches, shade structure pad, picnic table pads, landscaping (to include turf, ground cover, shrubs and trees), includes utility connections, irrigation system, security lighting, drinking fountains, site furnishings

Phase II Play Equipment, Water Play Feature

Phase III Restroom/Utility Building

Phase IV Game Courts, Athletic Fields (if included in Master Plan)

Phase V Picnic Facilities and Shelter

CIP: costs listed below represent an avg. cost per component per acre. Each park varies in number and type of unit, which will affect overall costs.

Phase	Park CIP Component:	Cost per acre	Average Life Span of Unit
I	project start up	$5,000.00	*
I	rough grading	$7,000.00	*
I	electrical work	$7,710.71	30 years
I	site prep	$950.00	30 years
I	grading	$10,892.86	30 years
I	drainage	$21,192.86	30 years
I	concrete and masonry	$11,225.00	30 years
I	irrigation system	$49,477.14	30 years
I	asphault/concrete work - road	$3,980.71	10 years
I	landscaping	$4,972.86	30 years
I	fencing and walls	$24,485.71	30 years
I	signage	$2,142.86	30 years
I	site furniture	$6,200.00	10 years
		$155,230.71	
II	play areas	$11,264.29	20 years
II	water play feature	$2,857.14	
		$14,121.43	

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III	restrooms	$8,571.43	20 years
		$8,571.43	
IV	game courts	$8,857.14	
IV	athletic field	$37,285.71	
		$46,142.86	
V	security lighting	$9,142.86	30 years
V	shaded picnic area(s)	$17,451.43	30 years
		$26,594.29	
	TOTAL ALL PHASES	**$250,660.71**	
	Average Cost per Phase	**$50,132.14**	

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NEIGHBORHOOD PARK COST ESTIMATE - 7 ACRE PARK SITE - W/ ALLOWANCES FOR POTENTIAL EXISTING CONDITIONS

	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL	COLUMN TOTAL	COST PER ACRE
PHASE I	**PROJECT START UP**						
	Bonding and Mobilization	1	LS	$30,000.00	$30,000.00		
	Stormwater Pollution Measures (allowance)	1	LS	$5,000.00	$5,000.00		cost per acre
	SUB TOTAL PROJECT START UP					**$35,000.00**	**$5,000.00**
PHASE I	**ROUGH GRADING**						
	Clearing & Grubbing	7	ACRE	$2,000.00	$14,000.00		
	Rough Grading balance Cut/fill (allowance)	7	ACRE	$5,000.00	$35,000.00		cost per acre
	SUB TOTAL ROUGH GRADING					**$49,000.00**	**$7,000.00**
PHASE I	**ELECTRICAL WORK**						
	Electircal Panel Box (service cabinet)	1	EA	$2,500.00	$2,500.00		
	Electrical Conduit	2000	LF	$15.00	$30,000.00		
	Streetlight Electrolier	3	EA	$6,000.00	$18,000.00		
	#3 1/2 Pullbox	15	EA	$125.00	$1,875.00		

	#5 Interconnect Pullbox	8 EA	$200.00	$1,600.00		cost per acre
	SUBTOTAL ELECTRICAL WORK				**$53,975.00**	**$7,710.71**
PHASE I	**SITE PREPARATION**					
	Sawcutting of P.C.C. Pavement (4") (allowance)	500 LF	$1.50	$750.00		
	Removal of Soil ($1K/Day Min.) (allowance)	200 CY	$7.00	$1,400.00		
	Project Construction Sign (allowance)	1 EACH	$1,500.00	$1,500.00		
	Traffic Control (allowance)	1 LS	$3,000.00	$3,000.00		cost per acre
	SUBTOTAL SITE PREPARATION				**$6,650.00**	**$950.00**
PHASE I	**GRADING**					
	Fine Grading Only	305000 SF	$0.25	$76,250.00		cost per acre
	SUBTOTAL GRADING				**$76,250.00**	**$10,892.86**
PHASE I	**DRAINAGE**					
	Storm Laterals (12" R.C.P.)	2500 LF	$15.00	$37,500.00		
	Sanitary Laterals (4" V.C.P.)	300 LF	$8.00	$2,400.00		
	Sanitary Laterals (6" V.C.P. in street)	200 LF	$60.00	$12,000.00		
	Storm Inlets (24" dia.)	6 EA	$1,000.00	$6,000.00		
	Storm Inlets (play areas)	2 EA	$1,200.00	$2,400.00		
	Hooded Inlet	3 EA	$1,100.00	$3,300.00		
	Street Cuts (average 40' to 60')	1 EA	$1,500.00	$1,500.00		
	Manholes (up to 7' depth)	1 EA	$2,000.00	$2,000.00		
	Jack and Bore under Streets (allowance)	50 LF	$75.00	$3,750.00		
	Roadway Excavation (allowance)	50 LF	$25.00	$1,250.00		cost per acre
	SUBTOTAL DRAINAGE				**$148,350.00**	**$21,192.86**
PHASE I	**CONCRETE/MASONRY**					
	PCC Walkways (3-1/2")	4000 SF	$3.25	$13,000.00		
	PCC Paving (6")	500 SF	$4.50	$2,250.00		
	PCC Curb & Gutter	2000 LF	$15.00	$30,000.00		
	PCC Mowband (8")	1500 LF	$9.00	$13,500.00		
	PCC Separator Band (6")	400 LF	$7.00	$2,800.00		
	Sitting Walls (12" X 17" high)	80 LF	$25.00	$2,000.00		
	Sign Wall (12" X 42" high w/letters)	30 LF	$150.00	$4,500.00		
	Wheelchair Ramp	3 EA	$800.00	$2,400.00		
	Brick Pavers on PCC Base & Mortar	500 SF	$16.25	$8,125.00		cost per acre

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	SUBTOTAL CONCRETE/MASONRY				**$78,575.00**	**$11,225.00**
PHASE I	**IRRIGATION**					
	Irrigation of Turf Areas	5 AC	$23,000.00	$115,000.00		
	Irrigation Shrub/Groundcover Areas	96000 SF	$1.60	$153,600.00		
	Tree Bubblers (allowance)	120 EA	$50.00	$6,000.00		
	Class 315 Irrigation Main (4")	2000 LF	$10.50	$21,000.00		
	Strainer	1 EA	$1,500.00	$1,500.00		
	Backflow Prevention Unit	1 EA	$2,300.00	$2,300.00		
	Controller	1 EA	$7,500.00	$7,500.00		
	Controller Housing	1 EA	$2,000.00	$2,000.00		
	Quick Coupler Valves	8 EA	$80.00	$640.00		
	Remote Control Valves	25 EA	$200.00	$5,000.00		
	Potable Water Line (2")	500 LF	$4.00	$2,000.00		
	Quick Coupler Line (1-1/2")	2000 LF	$3.75	$7,500.00		
	BFP Cage (>2-1/2")	1 EA	$2,300.00	$2,300.00		
	Well (allowance)	1 EA	$20,000.00	$20,000.00		cost per acre
	SUBTOTAL IRRIGATION				**$346,340.00**	**$49,477.14**
PHASE I	**ASPHALT-CONCRETE WORK - ROAD**					
	AC Paving (6")	8000 SF	$3.20	$25,600.00		
	Striping	1000 LF	$1.50	$1,500.00		
	"Petromat" (large areas)	850 SY	$0.90	$765.00		cost per acre
	SUBTOTAL ASPHALT-CONCRETE WORK - ROAD				**$27,865.00**	**$3,980.71**
PHASE I	**LANDSCAPING**					
	Tree - 15 Gallon	120 EA	$100.00	$12,000.00		
	Shrub - 15 Gallon	30 EA	$50.00	$1,500.00		
	Shrub - 5 Gallon	75 EA	$30.00	$2,250.00		
	Shrub - 1 Gallon	120 EA	$12.00	$1,440.00		
	Groundcover - 1 Gallon	80 EA	$1.50	$120.00		
	Soil Preparation	7 AC	$2,500.00	$17,500.00		cost per acre
	SUBTOTAL LANDSCAPING				**$34,810.00**	**$4,972.86**
PHASE I	**FENCING & WALLS**					
	Chain Link Fencing w/black Vinyl Coating (6')	800 LF	$18.00	$14,400.00		
	Wrought Iron Fencing (6')	1000 LF	$40.00	$40,000.00		

EXHIBIT A

	Temporary Construction Fence	3000 LF	$6.50	$19,500.00		
	Concrete Block Wall (6' high) (allowance)	1500 LF	$65.00	$97,500.00		cost per acre
	SUBTOTAL FENCING & WALLS				**$171,400.00**	**$24,485.71**
PHASE I	**SIGNAGE**					
	Signage Package	1 LS	$15,000.00	$15,000.00		cost per acre
	SUBTOTAL SIGNAGE				**$15,000.00**	**$2,142.86**
PHASE I	**SITE FURNITURE/MISCELLANEOUS**					
	Picnic Table ("Form")	8 EA	$1,500.00	$12,000.00		
	Bench w/Back ("Victor Stanley" or "DuMor")	8 EA	$1,000.00	$8,000.00		
	Drinking Fountain	2 EA	$2,500.00	$5,000.00		
	Removable Bollard	8 EA	$800.00	$6,400.00		
	Bicycle Rack ("Pipeline")	2 EA	$750.00	$1,500.00		
	Trash Receptacle	10 EA	$750.00	$7,500.00		
	Steel Edging	1000 LF	$3.00	$3,000.00		cost per acre
	SUBTOTAL SITE FURNITURE				**$43,400.00**	**$6,200.00**
PHASE II	**PLAY AREAS**					
	Sand for Play Area	100 CY	$10.00	$1,000.00		
	"Fibar"	2500 SF	$4.50	$11,250.00		
	Resilient Rubber Surface (w/PCC base)	400 SF	$16.50	$6,600.00		
	Play Apparatus	1 LS	$60,000.00	$60,000.00		cost per acre
	SUBTOTAL PLAY AREAS				**$78,850.00**	**$11,264.29**
PHASE II	**WATER PLAY FEATURE**					
	Water play feature allowance	1 LS	$20,000.00	$20,000.00		cost per acre
	SUBTOTAL WATER PLAY FEATURE				**$20,000.00**	**$2,857.14**
PHASE III	**RESTROOMS**					
	Fairview Series	1 LS	$60,000.00	$60,000.00		cost per acre
	SUBTOTAL RESTROOMS				**$60,000.00**	**$8,571.43**
PHASE IV	**GAME COURTS**					
	Basketball with hoops and center standard	1	$50,000.00	$50,000.00		
	Volleyball - soft surface	1	$12,000.00	$12,000.00		cost per acre
	SUB TOTAL GAME COURT				**$62,000.00**	**$8,857.14**

EXHIBIT A

PHASE IV	**ATHLETIC FIELDS**					
	Athletic field	1 EA	$250,000.00	$250,000.00		
	Bleachers	1	$6,000.00	$6,000.00		
	Scoreboards	1	$5,000.00	$5,000.00		cost per acre
	SUB TOTAL ATHLETIC FIELDS				**$261,000.00**	**$37,285.71**
PHASE V	**SECURITY LIGHTING**					
	Security Lighting Fixtures (16' acorn)	8 EA	$8,000.00	$64,000.00		cost per acre
	SUBTOTAL SECURITY LIGHTING				**$64,000.00**	**$9,142.86**
PHASE V	**SHADED PICNIC AREA**					
	Picnic Table Shelter (120 sq. ft.)	8 EA	$15,000.00	$120,000.00		
	Pads for Table shelters	480 SF	$4.50	$2,160.00		cost per acre
	SUBTOTAL SHADED PICNIC AREA				**$122,160.00**	**$17,451.43**

EXHIBIT A

SPORTS COMPLEX COST BRAKEDOWN

Note: All prices are given in 2002 dollars

Land acquisition: Average cost of $30,000/acre in the 100 year flood zone, $120,000/acre for large parcel and $140,000/acre for small parcel acq.

Planning and Design: Average costs for planning, design, engineering, citywide overhead and staff costs are $30,000 per acre

Construction to date: LS = Lump sum - this value calculated on a per park basis

Remaining Phases: LS = Lump Sum - this is the estimated value of future construction costs to complete these projects

The Sports Complex is to be constructed in phases divided as follows:

Construction Phases:

Phase I	project start up, rough grading, electrical work, site preparation, grading, drainage, concrete and masonry, irrigation, road work, landscaping, parking lot, security lighting, restrooms, fencing and walls
Phase II	signage, shaded picnic area(s), site furniture, playareas, athletic court and field lighting, out buildings, survey/geotech
Phase III	Aquatics Center
Phase IV	Indoor Sports Center (approx. 15,000 sq. ft. structure)

CIP: costs listed below represent an avg. cost per component per acre. Each park varies in number and type of unit, which will affect overall costs.

Phase	Park CIP Component:	Cost per acre	Average Life Span of Unit
I	project start up	$2,000.00	*
I	rough grading	$7,000.00	*
I	electrical work	$10,075.00	30 years
I	athletic fields	$64,150.00	5 years
I	game courts	$8,750.00	5 years
I	site prep	$435.00	30 years
I	grading	$1,356.25	30 years
I	drainage	$6,548.75	30 years
I	concrete and masonry	$8,731.25	30 years
I	irrigation system	$24,687.50	30 years
I	asphault/concrete work - road	$17,155.00	10 years
I	landscaping	$10,272.50	30 years
I	asphault/concrete work - 2 acre parking lot	$8,925.00	10 years
I	security lighting	$3,625.00	30 years
I	restrooms	$3,000.00	20 years
I	fencing and walls	$9,500.00	30 years
	TOTAL PHASE I	**$186,211.25**	
II	signage	$2,000.00	30 years
II	shaded picnic area(s)	$3,459.00	30 years

EXHIBIT A

II	site furniture	$3,546.25	10 years
II	play areas	$2,846.25	20 years
II	athletic field and game court lighting	$46,250.00	30 years
II	out buildings	$12,500.00	30 years
II	survey/geotech	$2,500.00	30 years
	TOTAL PHASE II	**$73,101.50**	
III	aquatics center	$90,750.00	30 years
	TOTAL PHASE III	**$90,750.00**	
IV	community center	$60,500.00	30 years
	TOTAL PHASE IV	**$60,500.00**	
	TOTAL ALL PHASES	**$410,562.75**	
	Average cost per phase	**$102,640.69**	

SPORTS COMPLEX COST ESTIMATE - 40 ACRE PARK SITE - W/ ALLOWANCES FOR POTENTIAL EXISTING CONDITIONS

	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL	COLUMN TOTAL	COST PER ACRE
	PROJECT START UP						
	Bonding and Mobilization	1	LS	$75,000.00	$75,000.00		
	Stormwater Pollution Measures (allowance)	1	LS	$5,000.00	$5,000.00		cost per acre
PHASE I	**SUB TOTAL PROJECT START UP**					**$80,000.00**	**$2,000.00**
	ROUGH GRADING						
	Clearing & Grubbing	40	ACRE	$2,000.00	$80,000.00		
	Rough Grading balance Cut/fill (allowance)	40	ACRE	$5,000.00	$200,000.00		cost per acre
PHASE I	**SUB TOTAL ROUGH GRADING**					**$280,000.00**	**$7,000.00**
	ELECTRICAL WORK						
	Traffic Signals (average allowance)	1	EA	$250,000.00	$250,000.00		
	Electircal Panel Box (service cabinet)	1	EA	$2,500.00	$2,500.00		
	Electrical Conduit	7500	LF	$15.00	$112,500.00		
	Streetlight Electrolier	5	EA	$6,000.00	$30,000.00		
	#3 1/2 Pullbox	40	EA	$125.00	$5,000.00		

EXHIBIT A

	#5 Interconnect Pullbox	15 EA	$200.00	$3,000.00		cost per acre
PHASE I	**SUBTOTAL ELECTRICAL WORK**				**$403,000.00**	**$10,075.00**
	ATHLETIC FIELDS					
	Soccer field - turf	5 EA	$250,000.00	$1,250,000.00		
	Baseball/softball fields	2	$250,000.00	$500,000.00		
	Baseball backstop apparatus	2	$40,000.00	$80,000.00		
	Bleachers	16	$6,000.00	$96,000.00		
	Scoreboards	8	$5,000.00	$40,000.00		
	synthetic turf field - soccer	1	$600,000.00	$600,000.00		cost per acre
PHASE I	**SUB TOTAL ATHLETIC FIELDS**				**$2,566,000.00**	**$64,150.00**
	GAME COURTS					
	Tennis with net and fencing	2 EA	$55,000.00	$110,000.00		
	Basketball with hoops and standards	2	$50,000.00	$100,000.00		
	Volleyball - hard surface	2	$40,000.00	$80,000.00		
	Volleyball - soft surface	1	$12,000.00	$12,000.00		
	Horseshoe pits	8	$6,000.00	$48,000.00		cost per acre
PHASE I	**SUB TOTAL GAME COURT**				**$350,000.00**	**$8,750.00**
	SITE PREPARATION					
	Sawcutting of P.C.C. Pavement (4") (allowance)	2000 LF	$1.50	$3,000.00		
	Removal of Soil ($1K/Day Min.) (allowance)	200 CY	$7.00	$1,400.00		
	Project Construction Sign (allowance)	2 EACH	$1,500.00	$3,000.00		
	Traffic Control (allowance)	1 LS	$10,000.00	$10,000.00		cost per acre
PHASE I	**SUBTOTAL SITE PREPARATION**				**$17,400.00**	**$435.00**
	GRADING					
	Fine Grading Only (allow 5 acres)	217000 SF	$0.25	$54,250.00		cost per acre
PHASE I	**SUBTOTAL GRADING**				**$54,250.00**	**$1,356.25**
	DRAINAGE					
	Storm Laterals (12" R.C.P.)	7000 LF	$15.00	$105,000.00		
	Sanitary Laterals (4" V.C.P.)	2000 LF	$8.00	$16,000.00		
	Sanitary Laterals (6" V.C.P. in street)	600 LF	$60.00	$36,000.00		
	Storm Inlets (24" dia.)	20 EA	$1,000.00	$20,000.00		
	Storm Inlets (play areas)	6 EA	$1,200.00	$7,200.00		

EXHIBIT A

	Hooded Inlet	5 EA	$1,100.00	$5,500.00		
	Street Cuts (average 40' to 60')	2 EA	$1,500.00	$3,000.00		
	Manholes (up to 7' depth)	5 EA	$2,000.00	$10,000.00		
	Jack and Bore under Streets (allowance)	50 LF	$75.00	$3,750.00		
	Roadway Excavation (allowance)	50 LF	$25.00	$1,250.00		cost per acre
PHASE I	**SUBTOTAL DRAINAGE**				**$261,950.00**	**$6,548.75**
	CONCRETE/MASONRY					
	PCC Walkways (3-1/2")	30000 SF	$3.25	$97,500.00		
	PCC Paving (6")	7000 SF	$4.50	$31,500.00		
	PCC Paving w/ Integral Color (3-1/2")	2000 SF	$5.00	$10,000.00		
	PCC Curb & Gutter	6000 LF	$15.00	$90,000.00		
	PCC Mowband (8")	3000 LF	$9.00	$27,000.00		
	PCC Separator Band (6")	1500 LF	$7.00	$10,500.00		
	Sitting Walls (12" X 17" high)	2000 LF	$25.00	$50,000.00		
	Sign Wall (12" X 42" high w/letters)	30 LF	$150.00	$4,500.00		
	Wheelchair Ramp	5 EA	$800.00	$4,000.00		
	Brick Pavers on PCC Base & Mortar	1000 SF	$16.25	$16,250.00		
	Concrete Bus Loading Pad (8" X 10' X 50')	1 EA	$8,000.00	$8,000.00		cost per acre
PHASE I	**SUBTOTAL CONCRETE/MASONRY**				**$349,250.00**	**$8,731.25**
	IRRIGATION					
	Irrigation of Turf Areas >3 Acres	30 AC	$23,000.00	$690,000.00		
	Irrigation Groundcover Areas	100000 SF	$1.60	$160,000.00		
	Irrigation Median Islands (typical allowance)	5000 SF	$2.25	$11,250.00		
	Tree Bubblers (allowance)	60 EA	$50.00	$3,000.00		
	Class 315 Irrigation Main (4")	5000 LF	$10.50	$52,500.00		
	Strainer	1 EA	$1,500.00	$1,500.00		
	Backflow Prevention Unit	1 EA	$2,300.00	$2,300.00		
	Controller	1 EA	$15,000.00	$15,000.00		
	Controller Housing	1 EA	$2,000.00	$2,000.00		
	Quick Coupler Valves	30 EA	$80.00	$2,400.00		
	Remote Control Valves	50 EA	$200.00	$10,000.00		
	Potable Water Line (2")	1000 LF	$4.00	$4,000.00		
	Quick Coupler Line (1-1/2")	3000 LF	$3.75	$11,250.00		
	BFP Cage (>2-1/2")	1 EA	$2,300.00	$2,300.00		
	Well (allowance)	1 EA	$20,000.00	$20,000.00		cost per acre

EXHIBIT A

PHASE I	**SUBTOTAL IRRIGATION**				**$987,500.00**	**$24,687.50**
	ASPHALT-CONCRETE WORK - ROAD					
	AC Paving (6")	200000 SF	$3.20	$640,000.00		
	Striping	20000 LF	$1.50	$30,000.00		
	"Petromat" (large areas)	18000 SY	$0.90	$16,200.00		cost per acre
PHASE I	**SUBTOTAL ASPHALT-CONCRETE WORK - ROAD**				**$686,200.00**	**$17,155.00**
	LANDSCAPING					
	Tree - 15 Gallon	120 EA	$100.00	$12,000.00		
	Shrub - 15 Gallon	200 EA	$50.00	$10,000.00		
	Shrub - 5 Gallon	200 EA	$30.00	$6,000.00		
	Shrub - 1 Gallon	400 EA	$12.00	$4,800.00		
	Groundcover - 1 Gallon	400 EA	$1.50	$600.00		
	Soil Preparation	35 AC	$2,500.00	$87,500.00		
	Soil Preparation (small areas)	200000 SF	$0.20	$40,000.00		
	Imported Topsoil (allowance)	50000 CY	$5.00	$250,000.00		cost per acre
PHASE I	**SUBTOTAL LANDSCAPING**				**$410,900.00**	**$10,272.50**
	ASPHALT-CONCRETE WORK - PARKING LOT - 2 ACRES					
	AC Paving (6")	100000 SF	$3.20	$320,000.00		
	Parking Lot Striping	50000 LF	$0.40	$20,000.00		
	Wheel Stops	200 EA	$40.00	$8,000.00		
	"Petromat" (large areas)	10000 SY	$0.90	$9,000.00		cost per acre
PHASE I	**SUBTOTAL ASPHALT-CONCRETE WORK - PARKING LOT**				**$357,000.00**	**$8,925.00**
	SECURITY LIGHTING					
	Security Lighting Fixtures (20' high)	15 EA	$4,000.00	$60,000.00		
	Parking Lot Lighting Double Luminaire (20' high)	10 EA	$8,500.00	$85,000.00		cost per acre
PHASE I	**SUBTOTAL SECURITY LIGHTING**				**$145,000.00**	**$3,625.00**
	RESTROOMS					
	Fairview Series	2 LS	$60,000.00	$120,000.00		cost per acre
PHASE I	**SUBTOTAL RESTROOMS**				**$120,000.00**	**$3,000.00**
	FENCING & WALLS					
	Chain Link Fencing w/black Vinyl Coating (6')	10000 LF	$18.00	$180,000.00		

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	Wrought Iron Fencing (6')	1000 LF	$40.00	$40,000.00		
	Temporary Construction Fence	10000 LF	$6.50	$65,000.00		
	Concrete Block Wall (6' high) (allowance)	1000 LF	$65.00	$65,000.00		
	Concrete Block seat wall w/ cap	1000 LF	$30.00	$30,000.00		cost per acre
PHASE I	**SUBTOTAL FENCING & WALLS**				**$380,000.00**	**$9,500.00**
	SIGNAGE					
	Signage Package	1 LS	$80,000.00	$80,000.00		cost per acre
PHASE II	**SUBTOTAL SIGNAGE**				**$80,000.00**	**$2,000.00**
	SHADED PICNIC AREA					
	Picnic Table Shelter (120 sq. ft.)	8 EA	$15,000.00	$120,000.00		
	Pads for Large Gazebo	3600 SF	$4.50	$16,200.00		
	Pads for Table shelters	480 SF	$4.50	$2,160.00		cost per acre
PHASE II	**SUBTOTAL SHADED PICNIC AREA**				**$138,360.00**	**$3,459.00**
	SITE FURNITURE/MISCELLANEOUS					
	Picnic Table ("Form")	10 EA	$1,500.00	$15,000.00		
	Bench w/Back ("Victor Stanley" or "DuMor")	20 EA	$1,000.00	$20,000.00		
	Drinking Fountain	5 EA	$2,500.00	$12,500.00		
	Removable Bollard	12 EA	$800.00	$9,600.00		
	Bicycle Rack ("Pipeline")	3 EA	$750.00	$2,250.00		
	River-Washed Cobble (4" dia.)	5000 SF	$6.00	$30,000.00		
	Trash Receptacle	50 EA	$750.00	$37,500.00		
	Steel Edging	5000 LF	$3.00	$15,000.00		
PHASE II	**SUBTOTAL SITE FURNITURE**				**$141,850.00**	**$3,546.25**
	PLAY AREAS					
	Sand for Play Area	200 CY	$10.00	$2,000.00		
	"Fibar"	2500 SF	$4.50	$11,250.00		
	Decomposed Granite Paving (Calif. Gold Fines)	12000 SF	$2.00	$24,000.00		
	Resilient Rubber Surface (w/PCC base)	400 SF	$16.50	$6,600.00		
	Play Apparatus	1 LS	$70,000.00	$70,000.00		cost per acre
PHASE II	**SUBTOTAL PLAY AREAS**				**$113,850.00**	**$2,846.25**
	ATHLETIC FIELD AND GAME COURT LIGHTING					
	Soccer field lighting	20 LS	$55,000.00	$1,100,000.00		cost per acre

EXHIBIT A

	Game court lighting	10 LS	$75,000.00	$750,000.00		
PHASE II	**SUBTOTAL ATHLETIC FIELD AND GAME COURT LIGHTING**				**$1,850,000.00**	**$46,250.00**
	OUT BUILDINGS					
	Out building allowance	1 LS	$500,000.00	$500,000.00		cost per acre
PHASE II	**SUBTOTAL OUT BUILDINGS**				**$500,000.00**	**$12,500.00**
	SURVEY/GEOTECH					
	Survey/geotech allowance	1 LS	$100,000.00	$100,000.00		cost per acre
PHASE II	**SUBTOTAL SURVEY/GEOTECH**				**$100,000.00**	**$2,500.00**
	AQUATICS CENTER					
	Aquatics center allowance	1 LS	$3,630,000.00	$3,630,000.00		cost per acre
PHASE III	**SUBTOTAL AQUATICS CENTER**				**$3,630,000.00**	**$90,750.00**
	INDOOR SPORTS CENTER					
	Indoor Sports Center allowance	1 LS	$2,420,000.00	$2,420,000.00		cost per acre
PHASE IV	**SUBTOTAL INDOOR SPORTS CENTER**				**$2,420,000.00**	**$60,500.00**

EXHIBIT A

EXHIBIT A

Community Facilities Fee Update

Decision Package

Parks Department

CFF Item	Discussion	Policy Decision
1. Historical Buildings *Revise standard to include McClure Country Place as Parks System Capital Facilities.*	Buildings of Historical Interest provide and identity, cultural outlet, educational resource and beautification to the City of Modesto. They host a large number of events, both public and private. The City is endeavoring to restore the McClure Country Place and adjoining acreage to a point of utilization for the citizenry of Modesto. The current CFF funding policy for the McClure Country Place does not exist. Funding has come from The Museum Society, several community based groups, and parks funds. This funding has been extremely inadequate for the current needs of the system. In order to meet the needs of the current and proposed historical restoration process, the current policy must be changed to allow for CFF fees to contribute to the existing system, as well as future restoration efforts	☐ Approve ☐ Disapprove ☐ Modify
2. Land Cost *Revise to $30,000 per acre for land in 100 year flood zone; for land outside flood zone, revise costs to $120,000 per acre for community park land and $140,000 per acre for neighborhood park land and smaller parcels.*	The cost of land outside the 100-year flood zone is currently estimated to be between $120,000 and $140,000 per acre. Economies of scale are assumed for larger parcels such as community parks. Recent land purchases by the Parks Department suggest that this figure may be conservative. The cost of the Gateway parcel of the Tuolumne River Regional Park was $24,000 per acre. The Gomes Road acquisition was $40,000 per acre. These properties are in the flood plain, and reflect an average of about $30,000 per acre.	☐ Approve ☐ Disapprove ☐ Modify

CFF Item	Discussion	Policy Decision
3. Planning and Design Costs *Revise planning and design costs to $30,000 per acre for all facilities except regional parks at $12,000 per acre and 35% of construction costs for community centers.*	Design, planning, and City staff costs for Ustach, Orville Wright, and Coffee-Claratina Parks averaged about $30,000 per acre. These parks represent a good cross-section of design issues and elements that affect cost. The same cost standard used in neighborhood and community parks is used in regional parks. In considering regional parks that are part of the Tuolumne River Regional Park, the City of Modesto shares the cost of these facilities with the City of Ceres and Stanislaus County. Modesto's share is 40%, and is reflected in the report. Architects use a more formalized fee of 35% of the construction cost for planning, design, and City staff costs. This is reflected in the planning and design costs of city community centers.	☐ Approve ☐ Disapprove ☐ Modify
5. Construction Costs *Revise replacement and future construction costs of facilities to reflect the per acre costs detailed in Attachment 1*	The most recent estimates given for new construction projects are as follows: Neighborhood parks - $50,000 per phase, per acre Community parks - $103,000 per phase per acre Regional parks - $50,000 per phase per acre Sports complex - $103,000 per phase per acre A detailed description of the capital improvements that make up the construction phases of Parks System for each of these facilities is appended as Attachment 1. The per-acre cost of capital improvement construction is calculated.	☐ Approve ☐ Disapprove ☐ Modify

CFF Item	Discussion	Policy Decision
6. Park Acreage Standards *Revise park acreage standard from 3 acres per 1,000 residents to 5 acres per 1,000.*	Future recommendations for city parks policy will include an amendment to the General Plan that will provide for an increase in park acreage to 5 acres per 1000 population, as recommended by the National Recreation and Parks Association. This would only affect future development of neighborhood and community parks. In effect, the cost of land acquisition, planning, and construction of future neighborhood and community parks would increase by about 67%.	

Attachment 1

CFF Update Decision Package – Parks Department
Capital Improvement Construction Costs for Parks System

Neighborhood Parks

Phase	Park CIP Component:	Cost per acre
I	project start up	$5,000.00
I	rough grading	$7,000.00
I	electrical work	$7,710.71
I	site prep	$950.00
I	grading	$10,892.86
I	drainage	$21,192.86
I	concrete and masonry	$11,225.00
I	irrigation system	$49,477.14
I	asphalt/concrete work - road	$3,980.71
I	landscaping	$4,972.86
I	fencing and walls	$24,485.71
I	signage	$2,142.86
I	site furniture	$6,200.00
		$155,230.71
II	play areas	$11,264.29
II	water play feature	$2,857.14
		$14,121.43
III	restrooms	$8,571.43
		$8,571.43
IV	game courts	$8,857.14
IV	athletic field	$37,285.71
		$46,142.86
V	security lighting	$9,142.86
V	shaded picnic area(s)	$17,451.43
		$26,594.29
	TOTAL ALL PHASES	**$250,660.71**
	Average Cost per Phase	**$50,132.14**

Attachment 1 cont...

CFF Update Decision Package – Parks Department
Capital Improvement Construction Costs for Parks System

Community Parks

Phase	Park CIP Component:	Cost per acre
I	project start up	$2,000.00
I	rough grading	$7,000.00
I	electrical work	$10,075.00
I	athletic fields	$64,150.00
I	game courts	$8,750.00
I	site prep	$435.00
I	grading	$1,356.25
I	drainage	$6,548.75
I	concrete and masonry	$8,731.25
I	irrigation system	$24,687.50
I	asphalt/concrete work - road	$17,155.00
I	landscaping	$10,272.50
I	asphalt/concrete work - 2 acre parking lot	$8,925.00
I	security lighting	$3,625.00
I	restrooms	$3,000.00
I	fencing and walls	$9,500.00
	TOTAL PHASE I	**$186,211.25**
II	signage	$2,000.00
II	shaded picnic area(s)	$6,459.00
II	site furniture	$3,546.25
II	play areas	$2,846.25
II	athletic field and game court lighting	$46,250.00
II	out buildings	$12,500.00
II	survey/geotech	$2,500.00
	TOTAL PHASE II	**$76,101.50**
III	aquatics center	$90,750.00
	TOTAL PHASE III	**$90,750.00**
IV	community center	$60,500.00
	TOTAL PHASE IV	**$60,500.00**
	TOTAL ALL PHASES	**$413,562.75**
	Average cost per phase	**$103,390.69**

Attachment 1 cont...

CFF Update Decision Package – Parks Department
Capital Improvement Construction Costs for Parks System

Regional Parks

Phase	Park CIP Component:	Cost per acre
I	project start up	$2,625.00
I	rough grading	$8,000.00
I	restoration	$6,500.00
I	trails	$5,500.00
I	electrical work	$10,075.00
	PHASE I TOTAL	**$32,700.00**
II	site prep	$4,468.50
II	grading	$6,356.25
II	drainage	$11,548.75
II	concrete and masonry	$8,731.25
II	irrigation system	$31,915.00
II	asphalt/concrete work - road	$17,155.00
II	shaded picnic area(s)	$12,675.00
II	landscaping	$17,147.50
II	asphalt/concrete work - 2 acre parking lot	$8,925.00
II	security lighting	$3,625.00
II	restrooms	$3,000.00
II	signage	$2,000.00
II	fencing and walls	$9,500.00
	PHASE II TOTAL	**$137,047.25**
III	site furniture	$8,303.75
III	play areas	$3,146.25
III	specialized lighting - staging	$5,000.00
	PHASE III TOTAL	**$16,450.00**
IV	out buildings	$12,500.00
IV	survey/geotech	$2,500.00
	PHASE IV TOTAL	**$15,000.00**
	TOTAL ALL PHASES	**$201,197.25**
	Average cost per phase	**$50,299.31**

Attachment 1 cont...

CFF Update Decision Package – Parks Department
Capital Improvement Construction Costs for Parks System

Sports Complex

Phase	Park CIP Component:	Cost per acre
I	project start up	$2,000.00
I	rough grading	$7,000.00
I	electrical work	$10,075.00
I	athletic fields	$64,150.00
I	game courts	$8,750.00
I	site prep	$435.00
I	grading	$1,356.25
I	drainage	$6,548.75
I	concrete and masonry	$8,731.25
I	irrigation system	$24,687.50
I	asphalt/concrete work - road	$17,155.00
I	landscaping	$10,272.50
I	asphalt/concrete work - 2 acre parking lot	$8,925.00
I	security lighting	$3,625.00
I	restrooms	$3,000.00
I	fencing and walls	$9,500.00
	TOTAL PHASE I	**$186,211.25**
II	signage	$2,000.00
II	shaded picnic area(s)	$3,459.00
II	site furniture	$3,546.25
II	play areas	$2,846.25
II	athletic field and game court lighting	$46,250.00
II	out buildings	$12,500.00
II	survey/geotech	$2,500.00
	TOTAL PHASE II	**$73,101.50**
III	aquatics center	$90,750.00
	TOTAL PHASE III	**$90,750.00**
IV	community center	$60,500.00
	TOTAL PHASE IV	**$60,500.00**
	TOTAL ALL PHASES	**$410,562.75**

2002 CFF Update
General Government

Replacement Cost of Existing Capital Facilities	cost
City Hall	$4,810,000
Corporation Yard	$7,347,000
City Hall Computer Room	$145,756
Total Existing	$12,302,756
Future Cost of Capital Facilities	
City Hall	$24,050,000
City Hall Annex	$19,650,000
Satellite Yards	$2,825,000
Vehicle Maintenance Facility	$3,000,000
Wash Facility	$200,000
Light Vehicle Facility	$425,000
Parking	$3,172,500
IT Component	
Fiber Optic Cable	$4,727,484
Wireless Network	$931,436
Training Facility	$42,320
City Hall Computer Expansion	$145,756
Police Computer Expansion	$285,756
Phone Room	$276,000
Total Expansion	$59,731,252

Total Buildount Cost	**$72,034,008**
Total DUES	152,100
Cost per DUE	**$474**
New Development DUES	68,300
New Developments Share of Total Cost	$32,346,632
Existing DUES	70,700
Existing Development's Share of Total Cost	$33,483,263
Existing Deficiency	$21,180,507

Community Facilities Fee Update

Decision Package

Operations & Maintenance Department

CFF Item	Discussion	Policy Decision
1. TSP Annex *Consider including $19.65 Million for an Annex to Tenth Street Place to meet future employee growth needs*	Tenth Street Place was completed and occupied in November 1999. The City's non-enterprise share of the TSP office space is 96,200 square feet. Presently, there are 332 non-enterprise City employees housed at TSP. This equates to 290 square foot per employee. Given the 263 square foot per employee standard utilized by the Police and Fire Departments, as recommended by RRM Design Group, the current facility can be expected to accommodate an additional 34 employees (total of 366). Once that threshold is reached, there will be inadequate growth space at TSP. If existing population to employee ratios are maintained as the City grows, the number of City employees requiring TSP office space will be 615, slightly less than double the existing number. This equates to an additional office space requirement of 65,500 square foot. TSP cost $300 per square foot to construct and furnish in 1999. To accommodate the additional employees required as the City grows, a new facility costing an estimated $19.65 Million in 2002 dollars is required. See Attachment 1.	
2. Satellite Yards *Revise cost to $2,825,000*	The current CFF contains a cost of $1.8 million for satellite yards. The City has purchased some, but not all, of the land required to accommodate satellite uses. The new cost reflects current land costs (5 acres at $165,000 / acre) plus construction costs estimated at $2 million, including landscape screening, security, etc.	
3. Vehicle Maintenance Facility *Revise cost to $3 Million*	The Vehicle Maintenance Facility will be completed as Phase II of the Bus Maintenance Facility project, which is presently in the Design Phase. Using construction cost estimates of $150 per square foot – from the Bus Maintenance Facility project – the new 20,000 square foot Vehicle Maintenance Facility will cost $3 Million to complete.	
4. Wash Facility *Revise cost to $200,000*	Delete "Fare Retrieval" from this project description, as that function will be accommodated by the new Bus Maintenance Facility. Cost estimates for a wash-only facility are $200,000.	

CFF Item	Discussion	Policy Decision
5. Land *Revise land costs to $165,000 per acre*	The current CFF uses a figure of $45,000 per acre for estimating the cost of land associated with new corporation yard facilities. This figure is roughly 70% of the $65,000-figure used for calculating land costs throughout the remainder of the CFF document. The current CFF document reduces the value of land for corporation yards due to the fact that these yards are typically located on Industrial land. There are no lands zoned for Industrial development within the City limits. Unless a satellite facility is remotely located – in a portion of the County zoned appropriately – it is likely that the cost for additional facilities will mirror that of other land types.	
6. Light Vehicle Facility *Revise cost to $425,000*	The current CFF contains an estimate of $1 million for the purpose of refurbishing or replacing the existing light vehicle facility. This project is underway with total costs estimated at $425,000.	
8. Parking Facilities *Add costs for parking facilities for TSP Annex at $3,112,500 and for Corp Yard growth parking at $60,000.*	Adding City employees in the Downtown Core to accommodate growth-related service needs at build-out will require additional parking facilities. TSP Annex parking facility needs equate to 249 spaces at $12,500 per space or $3,112,500. In addition, the completion of the Bus Maintenance Facility and Vehicle Maintenance Facilities, anticipated in 2003-2004, will displace existing parking in the Corporation Yard. Replacement costs are estimated at $1,000 per space.	

Attachment 1

Tenth Street Place Annex

TENTH STREET PLACE ANNEX SUMMARY

	TSP Employees
CITY ATTORNEY	15
CITY CLERK	7
CITY MANAGER	16
COMMUNITY & ECONOMIC DEVELOPMENT	51
ENGINEERING & TRANSPORTATION	81.8
FINANCE	61
FIRE	8
INFORMATION & TECHNOLOGY	25.75
OPERATIONS & MAINTENANCE	4
PARKS, RECREATION & NEIGHBORHOODS	39
PERSONNEL	21.125
TOTAL	332
CAPACITY AT 263 SQ. FT. / EMPLOYEE	366
GROWTH ROOM AVAILABLE IN FACILITY	34
# OF EMPLOYEES AT BUILDOUT	615
# OF ADDITIONAL EMPLOYEES NEEDING SPACE	249
TOTAL SPACE NEEDS FOR GROWTH (249 x 263)	65,500
COST PER SQUARE FOOT	$300.00
TOTAL COST:	**$19,650,000.00**

General Government Component – Information Technology Department

CFF Item	Discussion	Policy Decision
1. Fiber Optic Communication Line Buildout *Consider including $3,564,984 for communication lines and equipment to extend the City's Fiber Optic network to meet future service demands and technology needs.* *Consider including $1,162,500 for network infrastructure equipment to connect the fiber optic network with the City's existing network.* *Total = $4,727,484*	This CFF component provides for the extension of the City's fiber optic network to future City facilities. The current estimated cost to buildout the planned INET expansion to City sites is approximately $1,300,000 for fiber only. The fiber buildout will provide the foundation for improved homeland security and "smart city" technologies. The costs associated with the fiber buildout are included in attachment "A".	
2. City-wide Wireless Network *Consider including $322,545 for mobile wireless technology equipment to support future public safety applications.* *Consider including $608,891 for wireless infrastructure equipment to support future mobile, field and remote technology related service demands.* *Total = $931,436*	The City-wide wireless network will provide high-speed communications to mobile Public Safety services, the remote Police training Center, improve the City's ability to provide Homeland Security, promote field related operations including building permit, code enforcement and maintenance operations via handheld devices. The costs associated with the wireless buildout are included in Attachment "B".	

CFF Item	Discussion	Policy Decision
3. Information Technology Training Room Improvements *Consider including $42,320 for training room technology improvements.*	The technology training floor space included in the City Hall Annex provides for the future training needs of the City as it expands and becomes more reliant on technology. This site would be used by City staff to train on City systems related to business workflow, upgrades, replacement systems, etc. This request is for technology related improvements to the standard floor space. Attachment "C" outlines the cost necessary for the new technology training facility.	
4. IT Computer Room Facility *Consider including improvements to the new computer room at the City Hall Annex.* *Consider including expansion and improvement costs for the Police Dept.*	This will provide for improvements to the expansion of the City's computer room facilities into the planned City Hall Annex and at the Police Department to prepare for new technology equipment related to the growth within the City and the extension of the fiber optic INET and wireless networks. The current value of the City Hall computer facility improvements is estimated at $145,756 as well as the necessary improvements to the new City Hall Annex computer room. The Police computer room expansion is estimated at $285,756. Attachment "D" outlines the cost for existing City Hall computer room equipment and attachment "E" outlines the Police Department cost.	
5. IT Phone Room *Consider including $276,000 for a City Hall Annex phone system.*	The new City Hall Annex will require a phone system to support the new staff addressed in the CFF study. The cost includes a phone, voice mail, call accounting, and automated call distribution system per attachment "F". Floor space is included in the City Hall Annex CFF request.	

Attachment A

CFF Update Decision Package - Information Technology

City-wide Fiber Growth Extension

CFF Fiber	Estimated Distance in Feet	Number of Facilities	Network Equipment
Community Parks	8,405	2	25,000
Regional Parks	35,147	12	150,000
Community Centers	934	1	12,500
Historical Buildings	1,179	3	37,500
Operations & Maintenance	78,727	3	37,500
Proposed Fire Stations	104,706	4	
Redundant INET Loop	88,392		900,000
Sub-Totals	**317,490**	**25**	**$1,162,500**

Description	Unit	Quantity	Cost	Cost	Extended Description
Overhead Fiber Optic Cable	LF	317,490	$6.34	$2,012,887	Aerial
3" Conduit (Bore and Jack)	LF	10,000	$75.50	$755,000.00	
Pullbox No.6	EA	10	$555.00	$5,550.00	
Fiber Splice Box	EA	10	$7,028.00	$70,280	
Testing and Documentation and Manuals	per mile	60	$2,420.00	$145,516	Route Dependant
Traffic Control, Barricades, and any Relate	per mile	60	$3,135.00	$188,510	Includes Splices
Pole Rental	Per pole	1,203	$22.00	$26,458	
Make Ready Work, for Overhead	per mile	60	$6,000.00	$360,784	
Sub-total:				**$3,564,984**	

Total Cost: **$4,727,484**

Notes:

1. O&M satellite yard locations are unknown. The general areas are: Coffee and Claribel, Claus and Sharon, Beard Industrial park (lease).
2. These fiber and equipment costs are based on the lowest responsive bidder of the most recent ATMS fiber bid project.
3. The fiber buildout does not include Neighborhood Parks or Squares.
4. Assumes physical structures exist for Installation of Fiber and Network Equipment.
5. Proposed Fire stations include 2,11,12, and 13.

Includes Redundancy from Fire and Operations and Maintenance locations to the INET ring.

Attachment B

CFF Update Decision Package - Information Technology

Wireless Technology Cost

Item No	Qty	Part Number	Description	Unit Price	Extended Price
Items 1 - 5 each required per vehicle			Includes Buildout Only		
1	237	LA-4121-1020-US	56 mbps DS, IEEE 802.11b High Rate Products - 100mW PC Card WLAN adapter with integrated end-cap antenna	$ 200.00	$ 47,400
2	237	Omni Antenna	5.0 db Mobile Omni antenna	$ 69.00	$ 16,353
3	237	Mobile Cable Kits	Cable kits for mobile vehicles	$ 25.95	$ 6,150
4	237	AMP-250	250 milli-watt amplifier	$ 467.00	$ 110,679
5	237	Middle ware	Optional middleware software routes data between available networks (TCP/IP to 800 Mhz) in event one network fails	$ 599.00	$ 141,963
			Total Vehicle Buildout:		**$ 322,545**
Items 6 - 15 are required for a City-Wide			Wireless Infrastructure		
6	17	Antenna 360	360 degree wireless base station antenna and hardware including Access point	$ 20,000.00	$ 340,000
7	8	Remote Tower	40 foot Tower to mount Antenna	$ 10,000.00	$ 80,000
8	8	Construction	Base, Fencing, Security	$ 5,000.00	$ 40,000
9	17	Electrical	Wiring for 120v System	$ 1,200.00	$ 20,400
10	3	Micro Base Station	Micro Cell base station and hardware	$ 5,225.00	$ 15,675
11	3	5.7Ghz Point to Point	Point-to-point backhaul links	$ 7,300.00	$ 21,900
12	600	Install	Installation and training of entire system	$ 125.00	$ 75,000
13	17	39-42892-01	WNMS Enterprise Subnet License (1) 1-99 includes maintenance at 15%	$ 395.00	$ 7,722
14	17	39-42897-01	WNMS Trend & Threshold License (1) 1- 99 Includes maintenance at 15% annually	$ 125.00	$ 2,444
15	40	Site Survey	Initial site survey to survey each site and Modesto topology prior to build out	$ 125.00	$ 5,750
			Total Wireless Infrastructure:		**$ 608,891**
	Totals				**$ 931,436**

1. Includes 16 for City and 1 for Main Street Public Safety Training Facility
2. Includes 8 Remote Towers for City Wireless
3. Attenna is 8 - 10 feet, 300 pounds
4. Requires 120v Power
5. Needs Existing Cable to Connect, INET will work
6. Speed Limited to Network Backbone
7. Includes Mobile Equipment for future buildout only

Future CFF Vehicles	Quanity
Engine	4
Ladder Truck	2
Air Light & Rescue	1
Mobile Service	1
Fire Staff Cars	3
Police Patrol Cars	175
CSO	22
ACO	5
Other	24
Total	237

Attachment C

CFF Update Decision Package - Information Technology

Training Facility Space and Equipment Cost

Description	Quantity	Cost	Totals
Wiring Installation	30	100	3,000
Raised Floor + Installation	1,280	19	24,320
Overhead Projector	1	15,000	15,000
Total:			**$42,320**

1. Cost per square foot includes construction and furnishings
2. Raised floor includes heavy duty 1500 pound computer room rating

Attachment D

CFF Update Decision Package - Information Technology

Computer Room Infrastructure

New Computer Room	
Climate Control A/C	26,000
Fire Protection FM200 System	52,000
UPS Electrical Backup	27,500
Security	2,500
Generator, 520 Amps + Install	16,780
Raised Floor	20,976
Total Computer Room	**$145,756**

1. Assumes using floor space of 1280 (40x32) square feet in new City Hall Annex.

Attachment E

CFF Update Decision Package - Information Technology

Police Computer Room Space and Infrastructure

Computer Room	
500 Sqr. Ft. expansion @300 ea.	150,000
Racks (5)	12,000
Climate Control A/C	26,000
Fire Protection FM200 System	30,000
UPS Electrical Backup	27,500
Security	2,500
Generator, 520 Amps + Install	16,780
Raised Floor	20,976
Total Computer Room	**$285,756**

1. Assumes increase of computer room size by 500 square feet due to growth.

Attachment F

CFF Update Decision Package - Information Technology

City Hall Annex Phone Room

Description	Quantity	Cost	Totals
UPS	1	26,000	26,000
Phone System	1	250,000	250,000
Includes:			
ACD			
Voice Mail System			
Call Accounting			
Total			**$276,000**

1. Cost per square foot includes wiring
2. Phone system will share existing call accounting and voice mail system
3. Assumes computer room generator supports phone switch
4. The Phone switch size is estimated on the total number of staff at buildout of the new City Hall Annex, 249.

Air Mitigation

Buildout Cost of Air Mitigation Capital Facilities

13 class I trails	
Total Trail Cost	**$77,708,000.00**
Park and Ride	$700,000
Total Facilities Cost at Buildout	**$78,408,000**

Buildout Residential DUEs	115,500
Cost Per DUE	**$679**
New Development DUEs	44,300
New Develoment's Share of Facilities Cost	$30,073,371
Replacement Cost of Existing Facilities	$13,480,000
Existing DUEs	61,900
Existing Development's Share of Total Cost	$42,021,257
Existing Deficiency	$28,541,257

Summary of Costs - Non Motorized Development

Name	Acquisition	Design	Phase	Cost/Unit	Sub-Total	Existing	Total
Peggy Mensinger Trail	Land Acquisition	6	acre	$30,000.00	$180,000.00	$180,000.00	
	Planning and Design	6	acre	$30,000.00	$180,000.00	$180,000.00	
	Construction to date	1	LS	$8,000,000.00	$8,000,000.00	$8,000,000.00	
	Remaining Phases	1	LS	$6,000,000.00	$6,000,000.00		
TOTAL in 2002 Dollars							**$14,360,000.00**
Virginia Corridor Class 1 Trail	Land Acquisition	24	acre	$0.00	$0.00		
future	Planning and Design	24	acre	$30,000.00	$720,000.00		
	Construction to date	0	LS	$0.00	$0.00		
	Remaining Phases	1	LS	$13,000,000.00	$13,000,000.00		
TOTAL in 2002 Dollars							**$13,720,000.00**
Hetch Hetchy Corridor Class 1 Trail	Land Acquisition	18	acre	$0.00	$0.00		
Prescott to Semallon	Planning and Design	18	acre	$30,000.00	$540,000.00	$540,000.00	
Semallon to Virginia Corridor	Construction to date	1	LS	$3,500,000.00	$3,500,000.00	$3,500,000.00	
future	Remaining Phases	1	LS	$3,500,000.00	$3,500,000.00		
TOTAL in 2002 Dollars							**$7,540,000.00**
Prescott to Virginia Corridor Class 1 Trail	Land Acquisition	8	acre	$120,000.00	$960,000.00		
future	Planning and Design	8	acre	$30,000.00	$240,000.00		
	Construction to date	0	LS	$0.00	$0.00		
	Remaining Phases	1	LS	$3,500,000.00	$3,500,000.00		
TOTAL in 2002 Dollars							**$4,700,000.00**
Claus Expressway Class 1 Trail	Land Acquisition	20	acre	$120,000.00	$2,400,000.00		
future	Planning and Design	20	acre	$30,000.00	$600,000.00		
	Construction to date	0	LS	$0.00	$0.00		
	Remaining Phases	1	LS	$3,500,000.00	$3,500,000.00		
TOTAL in 2002 Dollars							**$6,500,000.00**
Briggsmore Class 1 Trail	Land Acquisition	30	acre	$120,000.00	$3,600,000.00		
future	Planning and Design	30	acre	$30,000.00	$900,000.00		
	Construction to date	0	LS	$0.00	$0.00		
	Remaining Phases	1	LS	$7,000,000.00	$7,000,000.00		
TOTAL in 2002 Dollars							**$11,500,000.00**
Kewin to TRRP Gateway Class 1 Trail	Land Acquisition	5	acre	$140,000.00	$700,000.00		
future	Planning and Design	5	acre	$30,000.00	$150,000.00		
	Construction to date	0	LS	$0.00	$0.00		

EXHIBIT A

	Remaining Phases	1	LS	$5,000,000.00	$5,000,000.00		
TOTAL in 2002 Dollars							**$5,850,000.00**
Legion Park to Mitchell Road Class 1 Trail	Land Acquisition	3	acre	$30,000.00	$90,000.00	$90,000.00	
future	Planning and Design	3	acre	$30,000.00	$90,000.00	$90,000.00	
	Construction to date	1	LS	$500,000.00	$500,000.00	$500,000.00	
	Remaining Phases	1	LS	$500,000.00	$500,000.00		
TOTAL in 2002 Dollars							**$1,180,000.00**
Monterosso Trailhead at Scenic	Land Acquisition	5	acre	$200,000.00	$1,000,000.00		
future	Planning and Design	5	acre	$30,000.00	$150,000.00		
	Construction to date	0	LS	$500,000.00	$0.00		
	Remaining Phases	1	LS	$2,000,000.00	$2,000,000.00		
TOTAL in 2002 Dollars							**$3,150,000.00**
MJC East to MJC West connection	Land Acquisition	12	acre	$120,000.00	$1,440,000.00		
future	Planning and Design	12	acre	$30,000.00	$360,000.00		
	Construction to date	0	LS	$500,000.00	$0.00		
	Remaining Phases	1	LS	$2,500,000.00	$2,500,000.00		
TOTAL in 2002 Dollars							**$4,300,000.00**
Carver-Bangs to Virginia Corridor	Land Acquisition	5	acre	$60,000.00	$300,000.00	$300,000.00	
future	Planning and Design	5	acre	$20,000.00	$100,000.00	$100,000.00	
CFD is funding $900,000 in aqusition, planning	Construction to date	0	acre	$150,000.00	$0.00		
and construction	Remaining Phases	5	EA	$150,000.00	$750,000.00		
TOTAL in 2002 Dollars							$1,150,000.00
Lateral No. 2	Land Acquisition	1.8	acre	$140,000.00	$252,000.00		
	Planning and Design	1.8	acre	$30,000.00	$54,000.00		
	Construction to date	0	acre	$240,000.00	$0.00		
	Remaining Phases	1.8	EA	$240,000.00	$432,000.00		
TOTAL in 2002 Dollars							**$738,000.00**
Claus-Gomes Trailhead	Land Acquisition	12	acre	$30,000.00	$360,000.00		
future	Planning and Design	12	acre	$30,000.00	$360,000.00		
	Construction to date	0	acre	$240,000.00	$0.00		
	Remaining Phases	1	LS	$2,300,000.00	$2,300,000.00		
TOTAL in 2002 Dollars							**$3,020,000.00**
Total Acres		149.8	acres				
Total Existing						**$13,480,000.00**	
TOTAL							**$77,708,000.00**

EXHIBIT A

Streets

Information Details regarding the Streets Component of the CFF Update are in another supplemental report: "Capital Facilities Fee – Street Projects Update"

This report includes information on Modesto's street exactions policy and definitions of street categories.

Public Transportation

Future Capital Facilities Cost

	cost	quantity	future cost
Buses	$310,000	27	$8,370,000
Bus Shelters	$3,500	54	$189,000
Bus Stops	$100	664	$66,400
Bus Maintenance Facility (70% federal grant assumed) (38% attributed to new development)			$1,254,000
NE Transfer Station (40%federal grant assumed)			$480,000
Total Future Capital Facilities Cost			**$10,359,400**
Cost per DUE			$99

EXHIBIT A

EXHIBIT A

CITY of MODESTO

City of Modesto Capital Facilities Fees Street Projects Update

FINAL DRAFT REPORT

Prepared By:

omni · means
ENGINEERS · PLANNERS

569CVR02.DSF (26FEB03) 25-4750-01

EXHIBIT A

EXHIBIT A

City of Modesto Capital Facility Fee Update – Streets

Final Draft Report

Prepared for:

CITY OF MODESTO

Prepared by:

OMNI-MEANS, LTD.
Engineers & Planners
2237 Douglas Boulevard, Suite 100
Roseville, California 95661
(916) 782-8688

April, 2003

25-4750-01
R569RPT004

EXHIBIT A

EXHIBIT A

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EXHIBIT A

Section 1 - Executive Summary

Overview

The City of Modesto is in the process of updating their Capital Facilities Fee (CFF) Program. To that end, the City has retained the professional services of ***Town Hall Services*** to be the lead finance consultant, who is updating the following Capital Facilities Fees for ***Fire, Police, Parks, General Government, Public Transit, Air Mitigation and Administration.*** In addition, as a part of this update, the City of Modesto has also retained the professional services of ***OMNI-MEANS*** to prepare the update to the ***Street Projects*** component to the overall Capital Facilities Fee Program. OMNI-MEANS, which is a transportation engineering and planning firm, was retained separately, because a large task within the *Street Projects* update was to update the projected opinions of cost for the proposed transportation capital improvements. Additionally, to assure consistency with Sections 66000 et. seq. of the California Government Code (Assembly Bill 1600), OMNI-MEANS used the City's traffic model to analyze current and projected traffic conditions within the CFF Study Area, as shown in Figure ES-1 to help verify existing deficiencies and future need for transportation capital improvements. Lastly, OMNI-MEANS assisted in the allocation of cost among General Plan land use categories based on land use trip generation characteristics.

Summary of Findings

The following is a summary of the findings of our study:

1. The intent of the General Plan appears to transform Modesto from a "bedroom community" to a "job center" for the Central Valley. Projected growth in employees (192,000 empl.) far exceeds growth in housing (49,500 du.) and population (170,000 pop.).

2. With a projected population increase to 370,000 people through General Plan buildout:
   - 33,500 new single family homes and,
   - 16,000 new multi-family homes will be built and occupied.

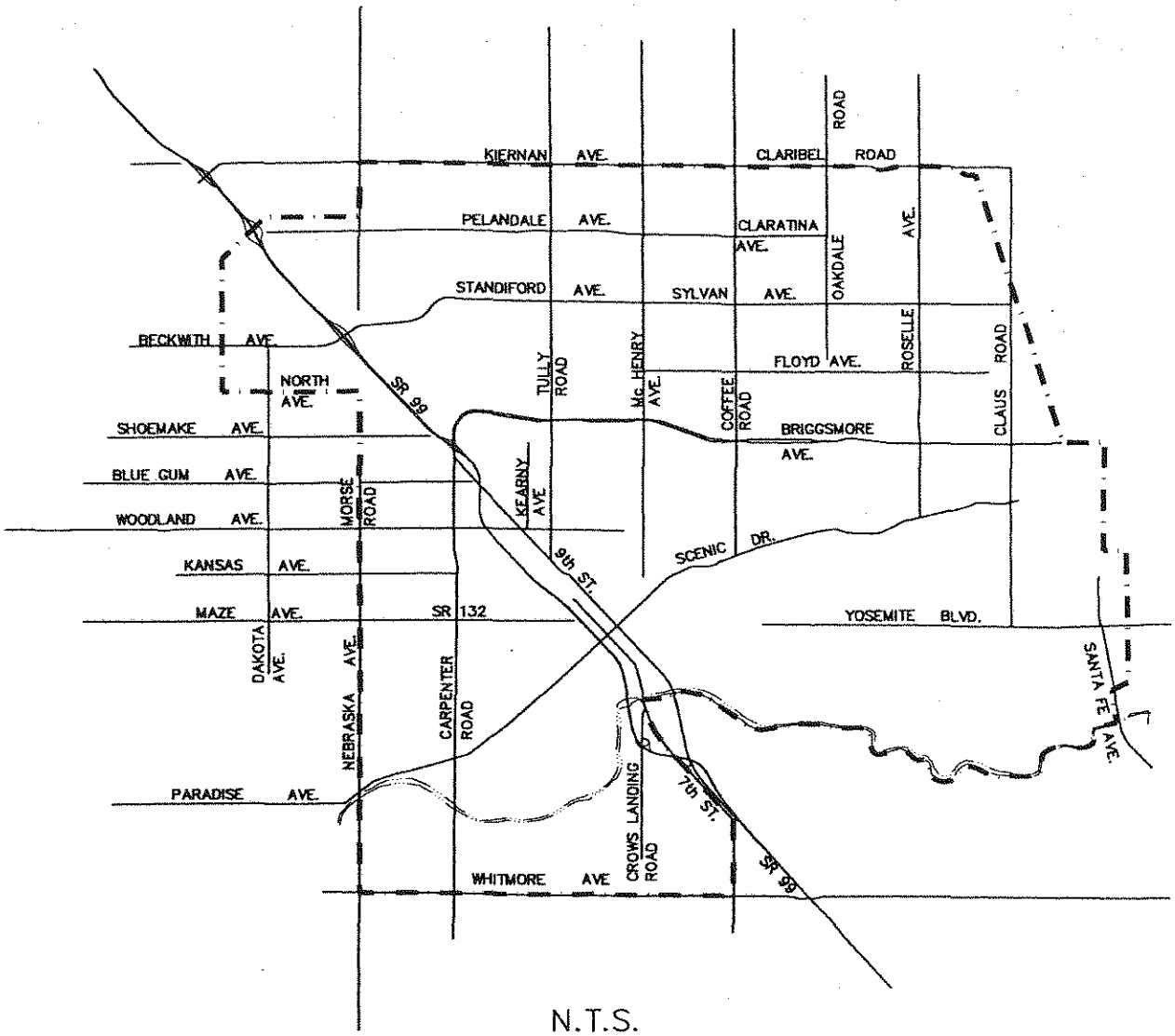
3. Through buildout of the General Plan, within the transportation modeling categories, the following new employment is anticipated:
   - 41,000 Retail Employees
   - 38,000 Service Employees
   - 14,700 Government Employees
   - 98,000 Other (Industrial) Employees
   - 192,000 Total New Employees

4. Regional transportation facilities throughout the City will need to be expanded to provide adequate capacity to access City employment centers to/from the Central Valley region.

5. Upon buildout of the General Plan Land Use Plan, even with planned circulation improvements in place, Citywide traffic levels will be at or near transportation system capacities.

6. Localized areas throughout the City, but particularly along the Highway 99 corridor, will experience traffic congestion.

EXHIBIT A



N.T.S.

LEGEND:

— · — · — Capital Facilities Fee Boundary

City of Modesto
Capital Facilities Fees - Street Projects Update

Figure 1

Study Area

File: 569VIN01.DWG (25FEB03) 25-4750-01

7. Given the City of Modesto's transportation modeling parameters, projected traffic impacts could be understated. To further reduce the potential for future traffic congestion, additional corridor improvements need consideration.

8. The overall estimated cost for Street Improvements is projected to cost over $1.2 Billion of which $913,800,000 is to be included in the CFF Street Projects Fee. Shown in Table ES-1 is the summary of cost and funding allocation.

9. In determining the projected costs for needed circulation improvements, a total of 267 separate cost estimates were prepared for roadway widening, intersection, signalization and interchange improvements using best available unit cost information. Shown in Figure ES 1 are the locations of all of the CFF Street Improvement Projects.

10. In calculating an update to the CFF Streets Fee, a fee spread concept was first presented to the City of Modesto Finance Committee in January, 2003. With input from the Finance Committee, the public and eventually the City Council, the proposed CFF Street Fee has been refined. This proposed refined CFF Street Projects Fee is as presented in ES -2.

CITY of MODESTO
Capital Facility Fee

Prepared By:

omni·means
ENGINEERS · PLANNERS

Street Improvement Projects Summary

	Total Cost	- Exactions	- StanCOG Funding	- City & Other Funding	CFF Cost
Subtotal Intersection Projects*	$ 288,747,405	$ 47,251,267			$ 241,496,138
Subtotal Roadway Projects	$ 635,281,873	$ 108,743,547			$ 526,538,326
Subtotal Traffic Signal Projects	$ 9,893,505	$ -			$ 9,893,505
Subtotal Interchange & Fwy Projects	$ 256,361,152	$ -	$ 58,019,577		$ 198,341,575
Existing Deficiencies		$ -	$ -	$ 4,587,669	$ (4,587,669)
Adjustments			$ 57,878,309		$ (57,878,309)
Total Street Improvement Projects	$ 1,190,283,936	$ 155,994,814	$ 115,897,886	$ 4,587,669	$ 913,803,566

EXHIBIT A

* Includes existing deficiencies (CFF facilites only)

Table ES-1

Prepared By:

omni·means
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Fee Spread by Activity

Land Use Activity	New Development ("Buildout -minus Existing")	Units	ITE-based Daily Trip Generation Rate[1] per Unit	Pass-by Adjustment Factor[2]	Trip Causality Factor[3]	Daily Trip Generation	Percentage Share of Daily Trips	Spread of CFF Improvement Costs	Fee per Unit
Single Family	33,506	D.U.'s	9.57	100%	125%	400,816	32.1%	$ 293,001,036	$ 8,745
Multiple Family	16,089	D.U.'s	6.63	100%	125%	133,338	10.7%	$ 97,471,402	$ 6,058
Retail (lesser than 50,000 sq.ft.floor area)	10,234	Employees	50.31	25%	77%	99,113	7.9%	$ 72,452,785	$ 7,080
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	10,234	Employees	33.99	30%	77%	80,354	6.4%	$ 58,739,897	$ 5,740
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	10,234	Employees	23.95	35%	77%	66,056	5.3%	$ 48,287,456	$ 4,718
Retail (greater than 300,000 sq.ft. floor area)	10,234	Employees	19.31	40%	77%	60,867	4.9%	$ 44,494,161	$ 4,348
Service (Medical Office)	7,652	Employees	8.91	100%	77%	52,498	4.2%	$ 38,376,734	$ 5,015
Service (General Office)	30,609	Employees	3.32	100%	100%	101,622	8.1%	$ 74,286,833	$ 2,427
Government	14,700	Employees	3.32	100%	100%	48,804	3.9%	$ 35,676,319	$ 2,427
Other (Office Industrial)	98,372	Employees	2.10	100%	100%	206,581	16.5%	$ 151,013,376	$ 1,535
Total Employees	*192,269*	*Employees*							
Population	*171,000*	*Residents*							
TOTAL TRIPS				**1,250,417**		**1,250,048**	**100.0%**	**$ 913,800,000**	

Notes:
1. Daily trip-ends for which this category is a source on desitination
2. A 60%, 65%, 70% and 75% trip reduction factor has been applied for retail "pass-by/multi-purpose" trips based on the size of the projected retail facility. The smaller the retail facility, the greater the trip reduction factor due to "pass-by/multi-purpose travel.
3. Responsibility for all home based trips to local retail and medical offices is assigned to residential development.

Source: Omni-Means, Ltd.

Table ES-2

CITY of MODESTO
Capital Facility Fee

Prepared By:

omni·means
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Conversion to General Plan Land Use Code Fees

Land Use Code Category[1]	Model Employee Density (per gross acre)	Retail Employee Density Share	Service Employee Density Share	Other Employee Density Share	Weighted Fee per Employee	Density Factor (KSF per Employee)[2]	Final Weighted Fee per Unit	Unit	Existing Streets Fee per Unit	Percent Increase in Fee
SFDU	N/A	N/A	N/A	N/A	N/A	N/A	$ 8,745	D.U.	$ 3,168	176%
MFDU	N/A	N/A	N/A	N/A	N/A	N/A	$ 6,058	D.U.	$ 2,172	179%
Retail (lesser than 50,000 sq.ft.floor area)	24	75%	25%	0%	$ 5,916	0.450	$ 13,148	KSF	$ 4,500	192%
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	24	75%	25%	0%	$ 4,912	0.450	$ 10,914	KSF	$ 3,989	174%
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	24	75%	25%	0%	$ 4,145	0.450	$ 9,212	KSF	$ 3,799	142%
Retail (greater than 300,000 sq.ft. floor area)	24	75%	25%	0%	$ 3,868	0.450	$ 8,594	KSF	$ 3,763	128%
Office (Medical Office)	45	0%	100%	0%	$ 5,015	0.302	$ 16,607	KSF	$ 7,449	123%
Office (General Office)	45	0%	100%	0%	$ 2,427	0.302	$ 8,036	KSF	$ 4,109	96%
Business Park (Service)	25	0%	25%	75%	$ 1,758	0.317	$ 5,546	KSF	$ 4,109	35%
Business Park (Manufacturing)	25	0%	25%	75%	$ 1,758	0.550	$ 3,197	KSF	$ 1,510	112%
Industrial (Manufacturing)	18	0%	20%	80%	$ 1,713	0.550	$ 3,115	KSF	$ 1,510	106%
Industrial (Warehousing)[3]	18	0%	20%	80%	$ 1,713	0.784	$ 2,186	KSF	$ 362	504%

EXHIBIT A

1. Assuming average mix of activities for the General Plan land use codes.
2. Institute of Traffic Engineering handbook

Source: Omni-Means, Ltd.

Table ES-3

Section 2 - Travel Demand Analysis and Capital Improvement Requirements

Introduction

As part of the City of Modesto Capital Facility Fee (CFF) Program Street Projects' Update, a key analysis in fulfilling the requirements of Government Code 66000, is the verification of need for transportation capital improvements throughout the CFF Study Area, as shown in Figure 1, both currently and upon full General Plan build-out. Working with City staff, OMNI-MEANS utilized the City's Traffic Model and other available information to establish existing transportation deficiencies based on the City's Level of Service standards and the projected need for transportation capital improvements to serve future travel demand at acceptable Levels of Service upon build-out of the City's General Plan. The ***Draft Master Environmental Impact Report (MEIR) Update for the City of Modesto Urban Area General Plan and Related Amendments to the Urban Area General Plan*** *(State Clearinghouse #1999082041)* was the base document that was utilized to establish both projected land development and circulation improvements through General Plan build-out. This Draft MEIR document did not address in detail current transportation deficiencies. However, the findings from a study entitled, ***Traffic Signal Retiming and Coordination Project,*** conducted by Minegar & Associates for the City, did identified such existing deficiencies. This study evaluated the major arterials throughout the City to improve traffic flow by retiming, minor intersection widening and signal coordination. For the study, an extensive database of daily and peak hour traffic were obtained. Based on these traffic counts, existing deficiencies on the major CFF arterial network were identified and mitigation measures and associated cost suggested.

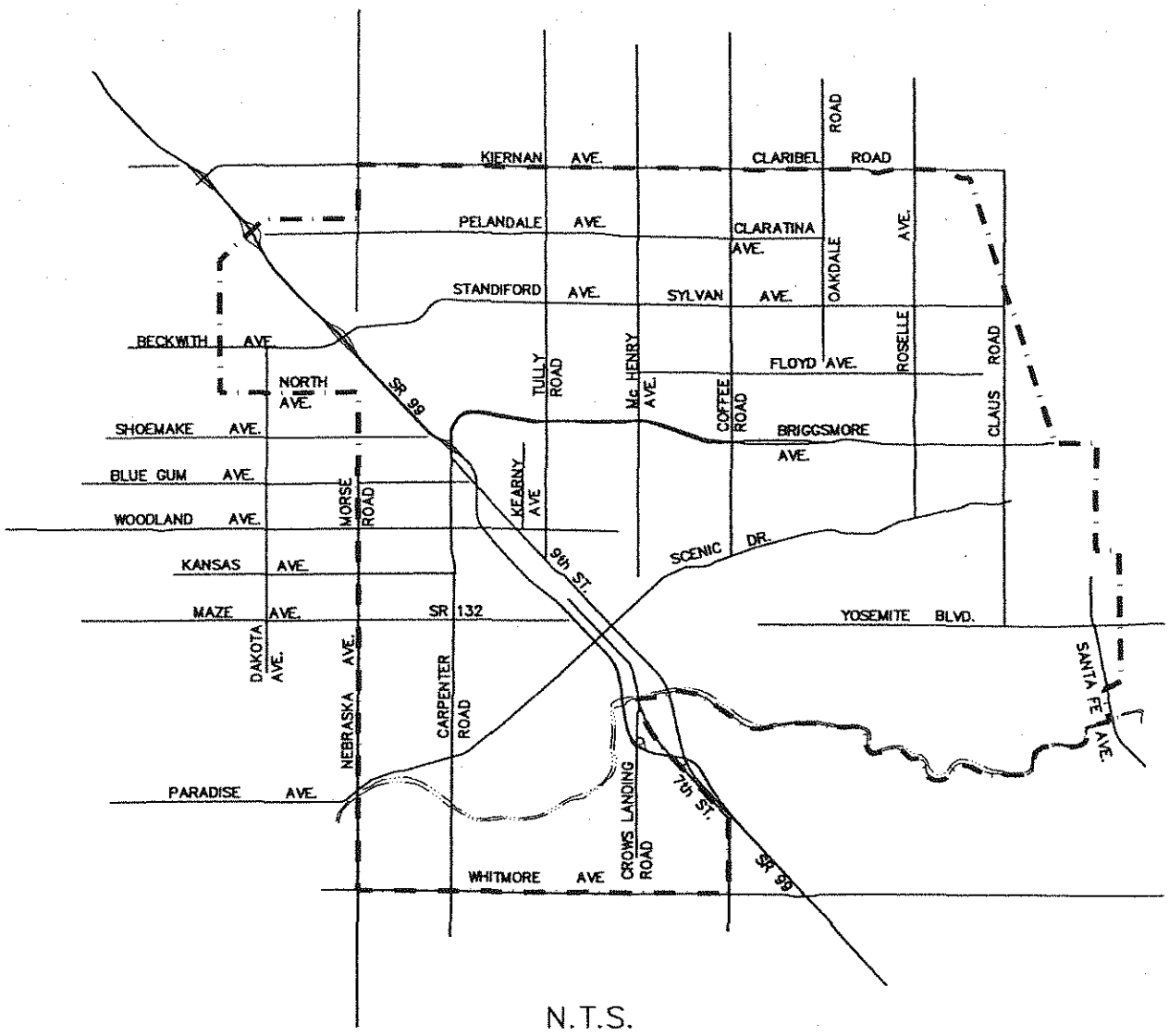
Existing Deficiencies

The purpose of identifying existing LOS deficiencies is critical to the CFF Fee Update process for by law existing deficiencies cannot be included in the CFF Fee. According to Government Code 66000, there is no 'nexus' relationship that can be drawn between new development and existing traffic congestion problems for new development did not cause the current problems. Therefore, mitigation of existing traffic problems or deficiencies is the responsibility of existing development, which often falls to the local agency, in this case, the City of Modesto.

To identify the existing transportation LOS deficiencies within the City of Modesto, the City provided OMNI-MEANS with the following report volumes of the ***Traffic Signal Retiming and Coordination Project.***

- *Traffic Signal Retiming and Coordination Project Outside of Modesto's Central Business District:* ***Intersection Geometries – ACAD Schematics*** *Volume I* (Minagar & Associates, Inc. – December 7, 2001);
- *Traffic Signal Retiming and Coordination Project Outside of Modesto's Central Business District:* ***Peak Hour Turning Movement Counts*** *– ACAD Schematics Volume II* (Minagar & Associates, Inc. – December 7, 2001);
- *Traffic Signal Retiming and Coordination Project Outside of Modesto's Central Business District:* ***24-Hour Machine Counts*** *– ACAD Schematics Volume III* (Minagar & Associates, Inc. – December 7, 2001); and
- *Traffic Signal Retiming and Coordination Project Outside of Modesto's Central Business District:* ***2-Hour Off-Peak Saturday Turning Movement Counts*** *– ACAD Schematics Volume IV* (Minagar & Associates, Inc. – December 7, 2001).

EXHIBIT A



N.T.S.

LEGEND:

— · — · — Capital Facilities Fee Boundary

City of Modesto
Capital Facilities Fees - Street Projects Update

Figure 1

Study Area

File: 569VIN01.DWG (25FEB03) 25-4750-01

In addition, OMNI-MEANS also obtained the *Synchro 5* traffic signal coordination software files used in the traffic signal retiming and coordination project. LOS values were given based upon the latest methodologies in the *2000 Highway Capacity Manual* and the Level of Service criteria for intersections is as shown in Table 1. The City of Modesto current General Plan LOS standard is "D"; therefore, all LOS values worse than "D" ("E" or "F") were documented and are shown on the Table 2.

A total of 121 signalized intersections within the City of Modesto, excluding the downtown area, were analyzed. Each signalized intersection was analyzed under peak hour conditions during the AM peak period (7:00 to 9:00 AM); midday peak period (11:00 AM to 1:00 PM); the PM peak period (4:00 to 6:00 PM); and the Saturday peak period (11:30 AM to 1:30 PM). The downtown area was excluded because these roadways are built-out and will not be utilizing CFF Fees.

Based upon the analysis and shown on Table 2, 7 of these signalized intersection reported a deficient LOS during one or more of the peak periods. In addition, 10 other intersections on the major street system experience LOS "D" conditions during one or more of the peak hour periods. For those intersections below LOS "D", Table 2 also identifies mitigation measures that would be required to achieve an acceptable level at each location. Although additions to multiple lanes may not be physically, socially, or economically possible, they have been provided in order to determine potential costs. If the mitigation is minor and the costs are deemed affordable, the City may wish to make the necessary improvements to the intersection so that in the future, CFF Fees would be eligible to be applied to that location. For example, if the intersection is widened on a particular approach and the LOS is improved to acceptable levels, in the future, the roadway could be further widened utilizing CFF Fees.

Review of the City of Modesto General Plan Build-out Traffic Projections

The City's current General Plan projects a considerable amount of both residential and non-residential growth through full build-out of the City. As understood, the intent of the General Plan appears to transform the City from a "bedroom community" to a "job center" for the Central Valley. Through build-out, projected growth in employees would add upwards of 192,000 jobs, which is considerably more than the projected growth in housing of 49,500 new dwelling units and a population increase of 170,000 new people. As provided by the City, the following is a summary of projected new housing and employment.

Housing

- 33,500 new single family homes
- 16,000 new multi-family homes
- **49,500 New Homes**

Employment

- 41,000 Retail Employees
- 38,000 Service Employees
- 14,700 Government Employees
- 98,000 Industrial Employees
- **192,000 Total New Employees**

TABLE 1
LEVEL OF SERVICE CRITERIA FOR INTERSECTIONS

Level of Service	Type of Flow	Delay	Maneuverability	Stopped Delay/Vehicle (sec) Signalized	Unsignalized	All-Way Stop
A	Stable Flow	Very slight delay. Progression is very favorable, with most vehicles arriving during the green phase not stopping at all.	Turning movements are easily made, and nearly all drivers find freedom of operation.	≤ 10.0	≤ 10.0	≤ 10.0
B	Stable Flow	Good progression and/or short cycle lengths. More vehicles stop than for LOS A, causing higher levels of average delay.	Vehicle platoons are formed. Many drivers begin to feel somewhat restricted within groups of vehicles.	>10 and ≤ 20.0	>10 and ≤ 15.0	>10 and ≤ 15.0
C	Stable Flow	Higher delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant, although many still pass through the intersection without stopping.	Back-ups may develop behind turning vehicles. Most drivers feel somewhat restricted	>20 and ≤ 35.0	>15 and ≤ 25.0	>15 and ≤ 25.0
D	Approaching Unstable Flow	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume-to-capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.	Maneuverability is severely limited during short periods due to temporary back-ups.	>35 and ≤ 55.0	>25 and ≤ 35.0	>25 and ≤ 35.0
E	Unstable Flow	Generally considered to be the limit of acceptable delay. Indicative of poor progression, long cycle lengths, and high volume-to-capacity ratios. Individual cycle failures are frequent occurrences.	There are typically long queues of vehicles waiting upstream of the intersection.	>55 and ≤ 80.0	>35 and ≤ 50.0	>35 and ≤ 50.0
F	Forced Flow	Generally considered to be unacceptable to most drivers. Often occurs with over saturation. May also occur at high volume-to-capacity ratios. There are many individual cycle failures. Poor progression and long cycle lengths may also be major contributing factors.	Jammed conditions. Back-ups from other locations restrict or prevent movement. Volumes may vary widely, depending principally on the downstream back-up conditions.	> 80.0	> 50.0	> 50.0

References: Highway Capacity Manual, Special Report No. 209, Transportation Research Board, Third Edition, Updated December 1997.

EXHIBIT A

TABLE 2
City of Modesto CFF Streets Projects Update
Intersections with Existing Deficiencies, Required Mitigations, Feasible Mitigations and Resulting Level of Service

INTERSECTION	AM				MIDDAY				PM				MITIGATION MEASURE (Req'd for LOS D)	With Feasible Mitigation	
	EXISTING		MITIGATED		EXISTING		MITIGATED		EXISTING		MITIGATED				
	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY		LOS	DELAY
692	---	---	---	---	---	---	---	---	D	48	C	24.4	WB-dual left turn pockets	---	---
SR 99 West Ramp (SB) / Standiford Avenue	D	36	C	30.1	---	---	---	---	---	---	---	---	EB-dual thru lanes,shared thru right lane, WB-dual left turn lanes, dual thru lanes	---	---
Standiford Avenue / Tully Road	---	---	---	---	D	36	---	---	F	77	C	33.5	EB-single left turn lane, dual thru lanes,shared thru right turn lane, NB-dual left turn lanes,dual thru lanes, shared thru right turn lane, WB-dual left turn lanes, dual thru lanes, shared thru right lane		
													Same mitigation as before except: WB-dual left, single thru, shared thru right	*D*	*43.1*
Standiford Avenue - Sylvan Avenue / McHenry Avenue	---	---	---	---	D	40	---	---	D	51	C	34.5	EB-dual left turn lanes, three thru lanes, single right turn lane, NB-dual left turn lanes,three thru lanessingle right turn lane, WB-single left turn lane, dual thru lanes, single right turn lane, SB-dual left turn lanes, three thru lanes, single right turn lane		
													Same mitigation as before except: shared thru right on NB and SB approach	*D*	*37.3*
Briggsmore Avenue / McHenry Avenue	D	41	---	---	---	---	---	---	F	81	C	32	EB-dual left turn lanes, dual thru lanes, single right turn lane, NB-dual left turn lanes, three thru lanes, single right turn lane, WB-dual left turn lanes, three thru lanes, single right turn lane, SB-dual left turn lanes, three thru lanes, single right turn lane		
													Same mitigation as before except: shared thru right on NB and WB approach	*E*	*62.5*
Briggsmore Avenue / Coffee Road	---	---	---	---	D	36	C	26.6	---	---	---	---	SB-single left turn lane, dual thru, single right turn lane	---	---
Carpenter Road / Woodland Avenue	D	39	---	---	---	---	---	---	F	144	C	34	EB-dedicated thru, right, NB-dual thru lanes, thru right lane, SB-dual thru lanes, thru right lane	---	---
Carpenter Road / Kansas Avenue	---	---	---	---	---	---	---	---	D	42	C	33.9	NB-three thru lanes, SB-dual left turn lanes	---	---
Carpenter Road / Maze Boulevard	---	---	---	---	---	---	---	---	D	39	C	30.7	SB-dual thru lanes	---	---
W. Orangeburg Avenue / Carver Road	E	76	C	32.6	---	---	---	---	---	---	---	---	NB-dedicated through and right turn lane	---	---
SR 99 East Ramp (NB) / Kansas Avenue	D	45	B	13.3	---	---	---	---	---	---	---	---	NB-dual left turn lanes	---	---
Kansas Avenue / 9th Street	---	---	---	---	E	58	C	32.1	---	---	---	---	EB-thru right lane and dedicated right turn lane, NB-3 left turn lanes	---	---
Tully Road / Bowen Avenue	---	---	---	---	---	---	---	---	D	43	C	25.7	EB-dedicated left turn lane, shared thru right lane	---	---
McHenry Avenue - SR 108 / Orangeburg Avenue	---	---	---	---	D	54	C	34.9	D	53	---	---	EB-left, left thru, thru, and right turn lane	---	---
McHenry Avenue - SR 108 / E. Morris Avenue	---	---	---	---	D	55	---	---	F	112	C	25.1	EB-dedicated left turn lane, shared thru right, NB-dual thru lanes, shared thru right lane	---	---
El Vista Avenue - Mitchell Road / Yosemite Boulevard	---	---	---	---	D	37	C	34.8	---	---	---	---	NB-dual thru lanes and a dedicated right turn lane		
													mitigation is for the SB movement only: single left, dual thru, single right	*C*	*33.1*
Oakdale Road / Scenic Drive	---	---	---	---	---	---	---	---	F	75.4	C	32.8	EB-dual left, four thru lanes, single right turn lane, NB-dual left turn lanes, three thru lanes, single right turn lane,WB-dual left turn lanes, three thru lanes, single right turn lane, SB-dual left turn lanes, three thru lanes, single right turn lane	---	---
													The existing mitigation from Minigar & Associates requires 5 lanes total for the NB and SB approaches, and 4 lanes total for the EB and WB approaches.		

EXHIBIT A

Based on these above housing and employment growth projections through General Plan build-out; the City of Modesto furnished OMNI-MEANS with digital *MINUTP* network files containing Average Daily Traffic (ADT) traffic forecasts that were also utilized in the preparation of the City's recent MEIR on the General Plan. In addition, shown in Table 3, are the circulation network changes proposed as a part of the MEIR. These proposed network changes were largely prompted in an effort to reduce significant right of way requirements and associated costs. Given these circulation network changes, OMNI-MEANS reviewed the traffic model projections relative to the City's Level of Service criteria as shown in Table 4 using the following steps:

- A preliminary understanding was first obtained on the projected travel patterns within and through the City in terms of volume and directionality of traffic flow, and the relative traffic utilization of major travel corridors.

- The City standard street cross-sections and associated Level of Service criteria were reviewed for all of the major roadway facilities types within and through the City. Table 4 indicates capacity thresholds for each roadway facility type at various Levels of Service based on applying either a 10% or 8% K Factor (peak hour factor).

- Roadway traffic operations were estimated at a "planning level" for major travel corridors within and through the City, in terms of ADT-based "Levels of Service" (LOS). The City of Modesto's traffic model utilizes an eight (8) percent peak hour relationship to daily traffic volumes (ADT) for 2025 build-out. This eight percent factor is consistent with the currently observed traffic conditions on the Modesto major street system. When computing daily capacity thresholds based on per lane per hour capacities, the daily capacity thresholds increase by twenty-five percent (25%) over typical thresholds based on a more standard ten percent (10%) peak hour factor used in long range transportation planning. For traffic impact analysis purposes, both factors have been presented in Table 5. In the future, transitioning from current LOS 'C' policy for which existing deficiencies were identified, the City in the MEIR will utilize LOS "D" as the minimum acceptable LOS standard, applying daily traffic capacities consistent with the functional capacity classification system utilized within the City. For all travel corridors, those roadway segments that were projected to operate at worse than LOS "D" conditions on a daily basis with the planned capacities in place, were first identified.

Findings

As can be seen from Table 5, several major arterial facilities within the City are expected to operate at "above-capacity" (LOS "E" or "F") conditions on a daily basis, under General Plan build-out traffic demands (consistent with MEIR), even with the currently planned circulation and capacity improvements in place. Several travel corridors are projected to need improvements above and beyond their planned cross-sections.

The following are the general findings from this analysis.

- Portions of the major east-west travel corridor represented by Beckwith Road, Standiford Avenue and Briggsmore Avenue are projected to experience build-out traffic demands on several segments that exceed currently planned capacities.

EXHIBIT A

TABLE 3
PROPOSED TRAFFIC AND CIRCULATION AMENDMENTS

No.	Road Downgrades
1	Downgrade Kiernan Avenue from the State Route 99 northbound ramp to Sisk 1 Road from an 8-lane Principal Arterial to a 6-lane Principal Arterial.
2	Downgrade McHenry Avenue from Standiford Avenue to the General Plan Boundary located 1/4 mile north of Kiernan Avenue from an 8-lane Principal Arterial to a 6-lane Principal Arterial.
3	Downgrade McHenry Avenue between Needham Avenue and Briggsmore Avenue from a 6-lane Principal Arterial to a 4-lane Minor Arterial.
4	Downgrade Pelandale Avenue between State Route 99 and Dale Road from a 6-lane Class C Expressway to a 6-lane Principal Arterial.
5	Downgrade Beckwith/Standiford Avenue between the future Brink Road extension and Dale Road from an 8-lane Principal Arterial to a 6-lane Principal Arterial.
6	Downgrade Carpenter Road between State Route 99 and Maze Boulevard from 6 a 6-lane Class C Expressway to a 6-lane Principal Arterial. .
7	Downgrade Briggsmore Avenue between State Route 99 and Prescott Road from a 6-lane Class C Expressway to a 6-lane Principal Arterial.
8	Downgrade Shoemake Avenue between future Morse Road and existing Brink Road from a 4-lane Class C Expressway to a 4-lane Minor Arterial.
9	Eliminate the connection of the Shoemake Road fly-over State Route 99 to Briggsmore Avenue.
10	Downgrade Kansas Avenue between Carpenter Road and 9 Street from a 4-lane Minor Arterial to a 2-lane Industrial Collector -Kansas Avenue will be closed west of the Southern Pacific Railroad tracks.
11	Change the roadway designations in or near the Salida Comprehensive Planning District to achieve consistency with the Circulation Element of the Stanislaus County General Plan.
12	Change State Route 132 west of Dakota Avenue from a 4-lane Class A Expressway to a 2-lane road.
13	Change to Sheet 2 of Figure V-1 of the General Plan, Sisk Road between Pelandale Avenue and Kiernan Avenue from a 6-lane Principal Arterial to a 4-lane Minor Arterial.
14	Change Parker Road between Claus Road and Santa Fe Avenue from a Class C Expressway to a 4-lane Minor Arterial.
No.	**Additions and Upgrades**
15	Change State Route 99 between Briggsmore Avenue and Kansas Avenue from a 15 6-lane Freeway to an 8-lane Freeway.
16	Improve State Route 99 between Crows Landing Road and the Stanislaus/Merced Count line from a 6-lane Freeway to an 8-lane Freeway
17	Change the State Route 99 northbound on-ramp at the Kiernan Avenue interchange o from 1 to 2 lanes.
18	Change Bangs Avenue between Tully Road and McHenry Avenue from a 2-lane Minor Collector to a 4-lane Major Collector
19	Change Claratina Avenue between McHenry Avenue and Oakdale Road from a 4-lane Expressway to a 6-lane Expressway.
20	Add a 4-lane Minor Arterial designation at new Needham/Kansas Avenue overpass.
21	Add a 4-lane Minor Arterial designation on the Tuolumne Boulevard extension from State Route 99 to Morton Boulevard.
22	Change Sisk Road to 3 lanes on the south bound direction between Pelandale Avenue and the Save Mart Shopping Center southern driveway.
23	Change Standiford Avenue between the State Route 99 north bound ramp and Dale Road from 4 lanes to 6 lanes.
24	Change Woodland/Coldwell Avenue between Carpenter Road to Kearney Avenue from a 2-lane Minor Collector to a 4-lane Major Collector.
25	Add Garst Road between Claus Road and Church Street as a 4-lane Minor Arterial.
26	Change Garner Road between Yosemite Boulevard and Hatch Road from a 4-lane Class B Expressway to a 6-lane Class B Expressway.
27	Add to Sheet 2 of Figure V-1 of the General Plan, the Pelandale/McHenry; Kiernan/McHenry; Claribel/Coffee; and Claribel/Oakdale interchanges.
28	Change in sheet 2 of Figure V-1 of General Plan, Service Road from a Class C Expressway to a Class B Expressway from Car enter Road to Faith Home Road
29	Change to Sheet 2 of Figure V-1 of the General Plan, Dakota Road between Salida Boulevard and the new alignment of State Route 132 from a Class C Expressway to a Class B Expressway.
30	Change Parker Road from Santa Fe Avenue to the eastern General Plan boundary from a 2-lane road to a 4-lane Minor Arterial.
31	Change in Sheet 2 of Figure V-1 of the General Plan, extend Floyd Avenue from Claus Road to the Santa Fe R.R. and designate it as a 4-lane Minor Arterial.

TABLE 4
LEVEL-OF-SERVICE (LOS) CRITERIA FOR ROADWAYS

Roadway Segment Type	ADT Capacities (Peak Hour Volumes to use 10% K-factor)					ADT Capacities (Peak Hour Volumes to use 8% K-factor)				
	LOS A	LOS B	LOS C	LOS D	LOS E	LOS A	LOS B	LOS C	LOS D	LOS E
6-Lane Divided Freeway	42,000	64,800	92,400	111,600	120,000	52,500	81,000	115,500	139,500	150,000
4-lane Divided Freeway	28,000	43,200	61,600	74,400	80,000	35,000	54,000	77,000	93,000	100,000
6-lane "Class A" Divided Expressway	53,300	63,300	69,300	83,700	90,000	66,600	79,100	86,600	104,600	112,500
6-lane "Class B" Divided Expressway	44,400	52,800	57,800	69,800	75,000	55,500	66,000	72,200	87,200	93,700
6-lane "Class C" Divided Expressway	35,500	42,200	46,200	55,800	60,000	44,300	52,700	57,700	69,700	75,000
6-lane Divided Arterial (with left-turn lanes)	32,000	38,000	43,000	49,000	54,000	40,000	47,500	53,700	61,200	67,500
5-Lane Arterial (4-lane arterial with two-way left-turn median)	22,000	25,000	29,000	32,500	36,000	27,500	31,200	36,200	40,600	45,000
4-Lane Arterial (four-lane undivided arterial)	18,000	21,000	24,000	27,000	30,000	22,500	26,200	30,000	33,700	37,500
3-Lane Arterial (2-lane arterial with two-way left-turn median)	11,000	12,500	14,500	16,000	18,000	13,700	15,600	18,100	20,000	22,500
2-Lane Arterial (two-lane undivided arterial)	9,000	10,500	12,000	13,500	15,000	11,200	13,100	15,000	16,800	18,700
2-Lane Collector	6,000	7,500	9,000	10,500	12,000	7,500	9,300	11,200	13,100	15,000

ADT = Average Daily Traffic, LOS = Level of Service

Notes:

1. *Capacity thresholds are based on Highway Capacity Manual, Fourth Edition, Transportation Research Board, 2000, and City of Modesto's standard capacities.*
2. *All volume thresholds are approximate and assume ideal roadway characteristics. Actual thresholds for each LOS listed above may vary depending on a variety of factors including roadway curvature and grade, intersection or interchange spacing, driveway spacing, percentage of trucks and other heavy vehicles, travel lane widths, signal timing characteristics, on-street parking, volume of cross traffic and pedestrians, etc.*

TABLE 4
LEVEL-OF-SERVICE (LOS) CRITERIA FOR ROADWAYS

Roadway Segment Type	ADT Capacities (Peak Hour Volumes to use 10% K-factor)					ADT Capacities (Peak Hour Volumes to use 8% K-factor)				
	LOS A	LOS B	LOS C	LOS D	LOS E	LOS A	LOS B	LOS C	LOS D	LOS E
6-Lane Divided Freeway	42,000	64,800	92,400	111,600	120,000	52,500	81,000	115,500	139,500	150,000
4-lane Divided Freeway	28,000	43,200	61,600	74,400	80,000	35,000	54,000	77,000	93,000	100,000
6-lane "Class A" Divided Expressway	53,300	63,300	69,300	83,700	90,000	66,600	79,100	86,600	104,600	112,500
6-lane "Class B" Divided Expressway	44,400	52,800	57,800	69,800	75,000	55,500	66,000	72,200	87,200	93,700
6-lane "Class C" Divided Expressway	35,500	42,200	46,200	55,800	60,000	44,300	52,700	57,700	69,700	75,000
6-lane Divided Arterial (with left-turn lanes)	32,000	38,000	43,000	49,000	54,000	40,000	47,500	53,700	61,200	67,500
5-Lane Arterial (4-lane arterial with two-way left-turn median)	22,000	25,000	29,000	32,500	36,000	27,500	31,200	36,200	40,600	45,000
4-Lane Arterial (four-lane undivided arterial)	18,000	21,000	24,000	27,000	30,000	22,500	26,200	30,000	33,700	37,500
3-Lane Arterial (2-lane arterial with two-way left-turn median)	11,000	12,500	14,500	16,000	18,000	13,700	15,600	18,100	20,000	22,500
2-Lane Arterial (two-lane undivided arterial)	9,000	10,500	12,000	13,500	15,000	11,200	13,100	15,000	16,800	18,700
2-Lane Collector	6,000	7,500	9,000	10,500	12,000	7,500	9,300	11,200	13,100	15,000

ADT = Average Daily Traffic, LOS = Level of Service

Notes:

1. *Capacity thresholds are based on Highway Capacity Manual, Fourth Edition, Transportation Research Board, 2000, and City of Modesto's standard capacities.*
2. *All volume thresholds are approximate and assume ideal roadway characteristics. Actual thresholds for each LOS listed above may vary depending on a variety of factors including roadway curvature and grade, intersection or interchange spacing, driveway spacing, percentage of trucks and other heavy vehicles, travel lane widths, signal timing characteristics, on-street parking, volume of cross traffic and pedestrians, etc.*

EXHIBIT A

TABLE 5

CITY OF MODESTO - MEIR TRAFFIC MODEL BASED BUILD-OUT ROADWAY CAPACITIES AND AVERAGE DAILY TRAFFIC (ADT) DEMANDS ON MAJOR ROADWAYS

Street Segment	From	To	No. of Lanes (Two-way)	Capacity Class	MEIR Traffic Model Based Future Capacity Configuration	MEIR Traffic Model based Projected Buildout Two-Way ADT Demand	Projected LOS (assuming 10% K-factor)	Projected LOS (assuming K-factor)
Kiernan Avenue	SR 99	Chapman Road	6	3	Six-lane Divided Arterial	64,400	F	E
	Chapman Road	Dale Road	6	10	Class B 6-Lane Expressway	72,500	E	D
	Dale Road	Tully Road	6	10	Class B 6-Lane Expressway	74,000	E	D
	Tully Road	McHenry Ave.(SR 108)	6	10	Class B 6-Lane Expressway	67,600	D	C
Claribel Road	McHenry Ave.(SR 108)	Coffe Road	6	10	Class B 6-Lane Expressway	79,100	F	D
	Coffe Road	Oakdale Road	6	10	Class B 6-Lane Expressway	76,500	F	D
	Oakdale Road	Claus Road	6	10	Class B 6-Lane Expressway	46,000	B	A
Pelandale Avenue	SR 99	Dale Road	6	3	Six-lane Divided Arterial	72,400	F	F
	Dale Road	Prescott Road	6	10	Class B 6-Lane Expressway	70,600	E	C
	Prescott Road	Tully Road	6	10	Class B 6-Lane Expressway	83,100	F	D
	Tully Road	McHenry Ave.(SR 108)	6	10	Class B 6-Lane Expressway	71,800	E	C
	McHenry Ave.(SR 108)	Coffee Road	6	10	Class B 6-Lane Expressway	69,200	D	C
	Coffee Road	Oakdale Road	6	10	Class B 6-Lane Expressway	62,200	D	B
	Oakdale Road	Roselle Avenue	4	10	Class B 4-Lane Expressway	33,300	A	A
Beckwith Road	Dakota Avenue	Brink Avenue Extn.	6	3	Six-lane Divided Arterial	51,100	E	C
	Brink Avenue Extn.	SR 99	6	3	Six-lane Divided Arterial	101,300	F	F
Standiford Avenue	SR 99	Dale Road	6	3	Six-lane Divided Arterial	90,400	F	F
	Dale Road	Conant Ave	6	3	Six-lane Divided Arterial	53,800	E	D
	Conant Ave	Prescott Road	6	3	Six-lane Divided Arterial	46,500	D	B
	Prescott Road	Tully Road	6	3	Six-lane Divided Arterial	35,200	B	A
	Tully Road	McHenry Ave.(SR 108)	6	3	Six-lane Divided Arterial	34,200	B	A
Sylvan Avenue	McHenry Ave.(SR 108)	Coffee Road	6	3	Six-lane Divided Arterial	37,800	B	A
	Coffee Road	Oakdale Road	6	3	Six-lane Divided Arterial	33,700	B	A
	Oakdale Road	Roselle Ave	6	3	Six-lane Divided Arterial	26,500	A	A
	Roselle Ave	Claus Road	4	3	Four-lane Divided Arterial	24,500	B	A
Briggsmore Avenue	SR 99	Sisk Road	6	3	Six-lane Divided Arterial	96,000	F	F
	Sisk Road	Prescott Road	6	3	Six-lane Divided Arterial	67,600	F	F
	Prescott Road	Tully Road	6	6	Class C 6-Lane Expressway	51,400	D	B
	Tully Road	McHenry Ave.(SR 108)	6	6	Class C 6-Lane Expressway	53,700	D	C
	McHenry Ave.(SR 108)	Coffee Road	6	6	Class C 6-Lane Expressway	50,400	D	B
	Coffee Road	Oakdale Road	6	6	Class C 6-Lane Expressway	65,800	F	D
	Oakdale Road	Roselle Ave	6	10	Class B 6-Lane Expressway	54,000	D	C
	Roselle Ave	Claus Road	6	10	Class B 6-Lane Expressway	43,300	C	A
SR 132 (Maze Blvd./Kans	Outside City	Dakota Avenue	4	2	4-Lane Highway	37,800	B	B
	Dakota Avenue	Morse Road	4	11	Class A 4-Lane Expressway	49,500	A	A
	Morse Road	Carpenter Road	4	11	Class A 4-Lane Expressway	51,300	A	A
	Carpenter Road	SR 99	4	11	Class A 4-Lane Expressway	46,800	A	A
Kansas Ave./Needham S	SR 99	College Avenue	4	14	Four-lane Overpass	54,000	F	F
	College Avenue	12th Street	4	3	Four-lane Divided Arterial	36,900	F	D
	12th Street	McHenry Avenue	4	3	Four-lane Divided Arterial	29,300	D	B
Scenic Drive	Downey Avenue	Coffee Road	4	3	Four-lane Divided Arterial	43,200	F	E
	Coffee Road	Rose Ave	4	3	Four-lane Divided Arterial	31,500	D	C
	Rose Ave	Oakdale Road	4	3	Four-lane Divided Arterial	24,800	B	A
	Oakdale Road	Lakewood Ave	4	3	Four-lane Divided Arterial	19,800	A	A
	Lakewood Ave	Claus Road	4	3	Four-lane Divided Arterial	9,200	A	A
SR 132 (Yosemite Blvd.)	D Street	Morton St	6	3	Six-lane Divided Arterial	40,200	C	B
	Morton St	Santa Rosa Ave	6	3	Six-lane Divided Arterial	51,800	E	C
	Santa Rosa Ave	Mitchell Road	6	3	Six-lane Divided Arterial	48,100	D	C
	Mitchell Road	Claus Road	6	3	Six-lane Divided Arterial	45,600	D	B
	Claus Road	Outside City	6	3	Six-lane Divided Arterial	54,200	F	D
Hatch Road	Parkdale Drive	Carpenter Road	2	4	Two-lane Collector	20,600	F	F
	Carpenter Road	Crows Landing Rd.	4	6	Class C 4-Lane Expressway	36,800	E	C
	Crows Landing Rd.	SR 99	4	6	Class C 4-Lane Expressway	37,400	E	C
	SR 99	Herndon Road	6	6	Class C 6-Lane Expressway	57,900	E	D
	Herndon Road	Moffett Road	6	6	Class C 6-Lane Expressway	57,300	E	C
	Moffett Road	Mitchell Road	6	6	Class C 6-Lane Expressway	59,100	E	D
	Mitchell Road	Faith Home Road	6	6	Class C 6-Lane Expressway	53,000	D	C
	Faith Home Road	Santa Fe Road	6	6	Class C 6-Lane Expressway	32,600	A	A
Service Road	Dakota Avenue Extn.	Vivian Road	4	6	Class C 4-Lane Expressway	20,400	A	A
	Vivian Road	Carpenter Road	4	6	Class C 4-Lane Expressway	24,400	A	A
	Carpenter Road	Crows Landing	4	10	Class B 4-Lane Expressway	21,300	A	A
	Crows Landing	Central Avenue	4	10	Class B 4-Lane Expressway	30,800	B	A
	Central Avenue	Mitchell Road	4	10	Class B 4-Lane Expressway	45,100	D	C
	Mitchell Road	Faith Home Road	4	10	Class B 4-Lane Expressway	30,000	A	A

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TABLE 5

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Street Segment	From	To	No. of Lanes (Two-way)	Capacity Class	MEIR Traffic Model Based Future Capacity Configuration	MEIR Traffic Model based Projected Buildout Two-Way ADT Demand	Projected LOS (assuming 10% K-factor)	Projected LOS (assuming 8% K-factor)
Dakota Avenue Extn.	Pelandale Road	Murphy Road	4	6	Class C 4-Lane Expressway	66,800	F	E
	Murphy Road	Beckwith Road	6	10	Class B 6-Lane Expressway	73,900	E	D
	Beckwith Road	SR 132 (Kansas Ave.)	4	10	Class B 4-Lane Expressway	55,800	F	D
	SR 132 (Kansas Ave.)	Maze Blvd.	4	6	Class C 4-Lane Expressway	42,400	E	D
	Maze Blvd.	California Ave	4	6	Class C 4-Lane Expressway	34,200	D	B
	California Ave	Paradise Road	4	6	Class C 4-Lane Expressway	29,800	C	A
	Paradise Road	Service Road	4	6	Class C 4-Lane Expressway	20,400	A	A
Carpenter Road	SR 99	Brink Avenue	6	3	Six-lane Divided Arterial	73,500	F	F
	Brink Avenue	Woodland Ave	6	3	Six-lane Divided Arterial	60,400	F	D
	Woodland Ave	SR 132 (Kansas Ave.)	6	3	Six-lane Divided Arterial	56,100	F	D
	SR 132 (Kansas Ave.)	Maze Blvd.	6	3	Six-lane Divided Arterial	66,500	F	E
	Maze Blvd.	California Avenue	6	6	Class C 6-Lane Expressway	68,000	F	D
	California Avenue	Paradise Avenue	6	6	Class C 6-Lane Expressway	64,200	F	D
	Paradise Avenue	Hatch Road	6	6	Class C 6-Lane Expressway	76,900	F	F
	Hatch Road	Whitmore Ave	6	6	Class C 6-Lane Expressway	44,300	C	A
	Whitmore Ave	Service Road	4	6	Class C 4-Lane Expressway	32,300	D	B
Dale Road	Kiernan Avenue	Pelandale Avenue	4	3	Four-lane Divided Arterial	28,500	C	B
	Pelandale Avenue	Standiford Avenue	4	3	Four-lane Divided Arterial	40,400	F	D
Prescott Road	Kiernan Avenue	Pelandale Avenue	4	3	Four-lane Divided Arterial	23,700	B	A
	Pelandale Avenue	Standiford Avenue	4	3	Four-lane Divided Arterial	34,000	E	C
	Standiford Avenue	Briggsmore Avenue	4	3	Four-lane Divided Arterial	23,600	B	A
Tully Road	Kiernan Avenue	Pelandale Avenue	6	3	Six-lane Divided Arterial	48,200	D	C
	Pelandale Avenue	Standiford Avenue	6	3	Six-lane Divided Arterial	51,600	E	C
	Standiford Avenue	Briggsmore Avenue	4	3	Four-lane Divided Arterial	37,800	F	D
	Briggsmore Avenue	9th Street	4	3	Four-lane Divided Arterial	26,300	C	A
SR 108 (McHenry Ave.)	Outside City	Kiernan Rd./Claribel Rd.	6	3	Six-lane Divided Arterial	43,200	D	B
	Kiernan Rd./Claribel Rd.	Pelandale Avenue	6	3	Six-lane Divided Arterial	54,900	F	D
	Pelandale Avenue	Standiford Avenue	6	3	Six-lane Divided Arterial	61,600	F	E
	Standiford Avenue	Briggsmore Avenue	6	3	Six-lane Divided Arterial	60,400	F	D
	Briggsmore Avenue	Needham Street	4	3	Four-lane Divided Arterial	45,700	F	F
Crows Landing Road	SR 99	Hatch Road	6	3	Six-lane Divided Arterial	63,500	F	E
	Hatch Road	Whitmore Avenue	6	3	Six-lane Divided Arterial	65,600	F	E
	Whitmore Avenue	Service Road	4	3	Four-lane Divided Arterial	42,100	F	E
Coffee Road	Claribel Road	Pelandale Avenue	4	3	Four-lane Divided Arterial	33,300	E	C
	Pelandale Avenue	Sylvan Avenue	4	3	Four-lane Divided Arterial	45,100	F	F
	Sylvan Avenue	Briggsmore Avenue	4	3	Four-lane Divided Arterial	39,700	F	D
	Briggsmore Avenue	Orangeburg Ave	4	3	Four-lane Divided Arterial	36,800	F	D
	Orangeburg Ave	Scenic Drive	4	3	Four-lane Divided Arterial	28,500	C	B
Oakdale Road	Claribel Road	Pelandale Avenue	6	3	Six-lane Divided Arterial	37,400	B	A
	Pelandale Avenue	Sylvan Avenue	6	3	Six-lane Divided Arterial	53,200	E	C
	Sylvan Avenue	Briggsmore Avenue	6	3	Six-lane Divided Arterial	51,700	E	C
	Briggsmore Avenue	Scenic Drive	6	3	Six-lane Divided Arterial	49,800	E	C
	Scenic Drive	SR 132 (Yosemite Blvd.)	6	3	Six-lane Divided Arterial	46,700	D	B
Mitchell Road	SR 132 (Yosemite Blvd.)	Hatch Road	6	3	Six-lane Divided Arterial	45,700	D	B
	Hatch Road	Fowler Rd.	6	3	Six-lane Divided Arterial	51,300	E	C
	Fowler Rd.	Whitmore Ave.	4	3	Four-lane Divided Arterial	50,000	F	F
	Whitmore Ave.	Service Road	4	3	Four-lane Divided Arterial	44,400	F	E
Claus Road	Outside City	Claribel Road	6	3	Six-lane Divided Arterial	56,800	F	D
	Claribel Road	Sylvan Avenue	6	11	Class A 6-Lane Expressway	55,500	B	A
	Sylvan Avenue	Briggsmore Avenue	6	11	Class A 6-Lane Expressway	72,400	D	B
	Briggsmore Avenue	Scenic Drive	6	6	Class C 6-Lane Expressway	88,800	F	F
	Scenic Drive	SR 132 (Yosemite Blvd.)	6	10	Class B 6-Lane Expressway	86,900	F	D
	SR 132 (Yosemite Blvd.)	Hatch Road	6	10	Class B 6-Lane Expressway	76,800	F	D
Faith Home Road	Hatch Road	Service Road	4	10	Class B 6-Lane Expressway	49,000	B	A

- Similarly, the major north-south facilities represented by Carpenter Road, SR 108 (McHenry Avenue), Coffee Road, Oakdale Road, Crows Landing, Tully Road, Salida Boulevard and Claus Road are also projected to experience build-out traffic demands on several segments in excess of their currently planned capacities.

- As indicated in Table 5, it generally appears that several planned six-lane corridor segments would need to be upgraded by at least one capacity class (from six-lane arterial to Class C expressway, from Class C expressway to Class B expressway, from Class B expressway to Class A expressway, etc.) to sustain reasonably acceptable traffic operations. Similarly, it also appears that some of the planned four-lane divided arterial type facilities would need to be upgraded to six-lane arterial/expressway type facilities.

- Additionally, as a test, rather than incrementally changing the functional classification of the City's arterial and expressway system as indicated in Table 5, upgrading the Kiernan Road – Claribel Road Expressway Class B to a six-lane divided freeway was preliminarily evaluated. Based on the traffic model test, a significant diversion of traffic to a "Kiernan-Claribel freeway" was projected, with a commensurate reduction in traffic demands on parallel facilities such as Pelandale Avenue, Standiford Avenue and Briggsmore Avenue, improving their respective LOS conditions.

- In addition, OMNI-MEANS' review of the model-utilized hourly capacity thresholds for expressways (Classes A, B and C) revealed that the assumed hourly capacities for each expressway class, may be somewhat higher than what could be practically achievable on these facilities. Also, this potential disparity in practical to theoretical capacity is likely to be further aggravated by the fact that due to limited rights of way, full standards for planned improvements are not likely going to be achieved and potential additional driveways/intersections could further be added to planned arterials and expressways.

For the reasons above, OMNI-MEANS is generally concerned that the build-out traffic impacts and the resultant need for improvements could be understated. It is our opinion that "residual or unmitigated" build-out traffic impacts could persist with the currently planned improvements on a number of roadway segments, particularly in the vicinity of State Route 99, requiring a significant amount of additional improvements to achieve City desired Levels of Service. Suffice it to say, all of the General Plan circulation improvements, including the proposed MEIR changes, both additions and deletions, are needed to support future growth and associated increased traffic demand. Therefore, in the following section, all of the General Plan circulation improvements, as updated in the MEIR, need to be cost estimated so that an adequate cost can be determined and appropriately charged.

Section 3 - Cost Estimate Methodology

Based on the travel demand analysis conducted in the previous section, all of the planned circulation improvements contained in the City's current General Plan and as updated in the current MEIR are needed to help achieve the City's future Level of Service (LOS) 'D' goal and policy. As discussed in the previous section, even with all of the planned circulation improvements, the City's LOS goal will not be achieved on a number of major thoroughfares within the City upon General Plan build-out. There were 267 improvements, including roadway widening, intersections, interchanges and signalization, that have been identified for which cost estimates will be determined for use in the Capital Facilities Fee (CFF) – Street Projects Fee Update.

Existing Information

In order to update the existing costs, a clear understanding of the General Plan circulation improvements needed to be obtained, including the recent changes as proposed within the MEIR. To gain that understanding, past records and cost estimates also needed to be reviewed and understood. In the following is the data that was collected and reviewed relative to the CFF- Street Projects update.

- Reviewed the Streets Section (VII) of the Transportation Fee of the Final CFF Update Report, dated April 26, 1999, and documentation that was prepared by Town Hall Services and supporting consultants. Reviewed the planned street improvements and their projected costs contained in the existing Capital Improvement Program. Understood the methodology that was used in the impact fee calculations for the Citywide fees.

- Reviewed assumptions utilized in the City's traffic model, such as trip generation rates for various types of land uses and Levels of Service for City roadway facilities. Reviewed the land use categories in the City's current Streets Fee and determined if additional categories were needed.

- Obtained and reviewed Record drawings from Caltrans District 10 for State Route 99 interchanges at Kiernan Avenue, Standiford Avenue, Beckwith Avenue and Briggsmore Avenue.

- Aerial photographs - Digital aerial photographs of the City were obtained by the City. Resolution of the digital aerials was sufficient to identify most surface features.

- County Aerial Photographs – Obtained also from the City was a digital photograph of the City combined with the surrounding County. The resolution of this photograph was significantly less than that within the City, nonetheless, significant surface features were identifiable.

- City GIS database – The City maintains an extensive Geographic Information System (GIS) database of the City from which information was obtained. The information included parcel boundaries, roadway and canal rights-of-way and City limit lines.

Application of City Street Exactions Policy

Determination of the projects or portions of projects to be funded by the CFF was determined through the application of the City's Street Exaction Policy. This Policy is defined by the City of Modesto, Engineering and Transportation Department Detail No. 323A (Figure 2). The detail defines the limits of

development's responsibility for the dedication of right-of-way dedication and frontage improvements required by a project fronting on a CFF identified roadway or intersection at the time of project construction.

The Streets Exactions Policy was applied to undeveloped property fronting on a CFF project. Exactions were not included for existing developed property, public property (parks, detention basins), utility corridors, railroads, and lands outside of the City's General Plan Boundary and for projects included in the Village 1 Community Facilities District. For large agricultural parcels, exactions were assumed for the parcel with the exception of those portions developed with structures.

Information Organization

Once obtaining an understanding of the existing available transportation and cost data, to organize a process that is orderly, consistent and could easily be updated was the next challenge. The following is the step-by-step process that was formulated to systematically disaggregate the needed General Plan circulation improvements and generate the cost estimates in a logical format that could be maintained and viewed and understood by the public.

Facilities Map

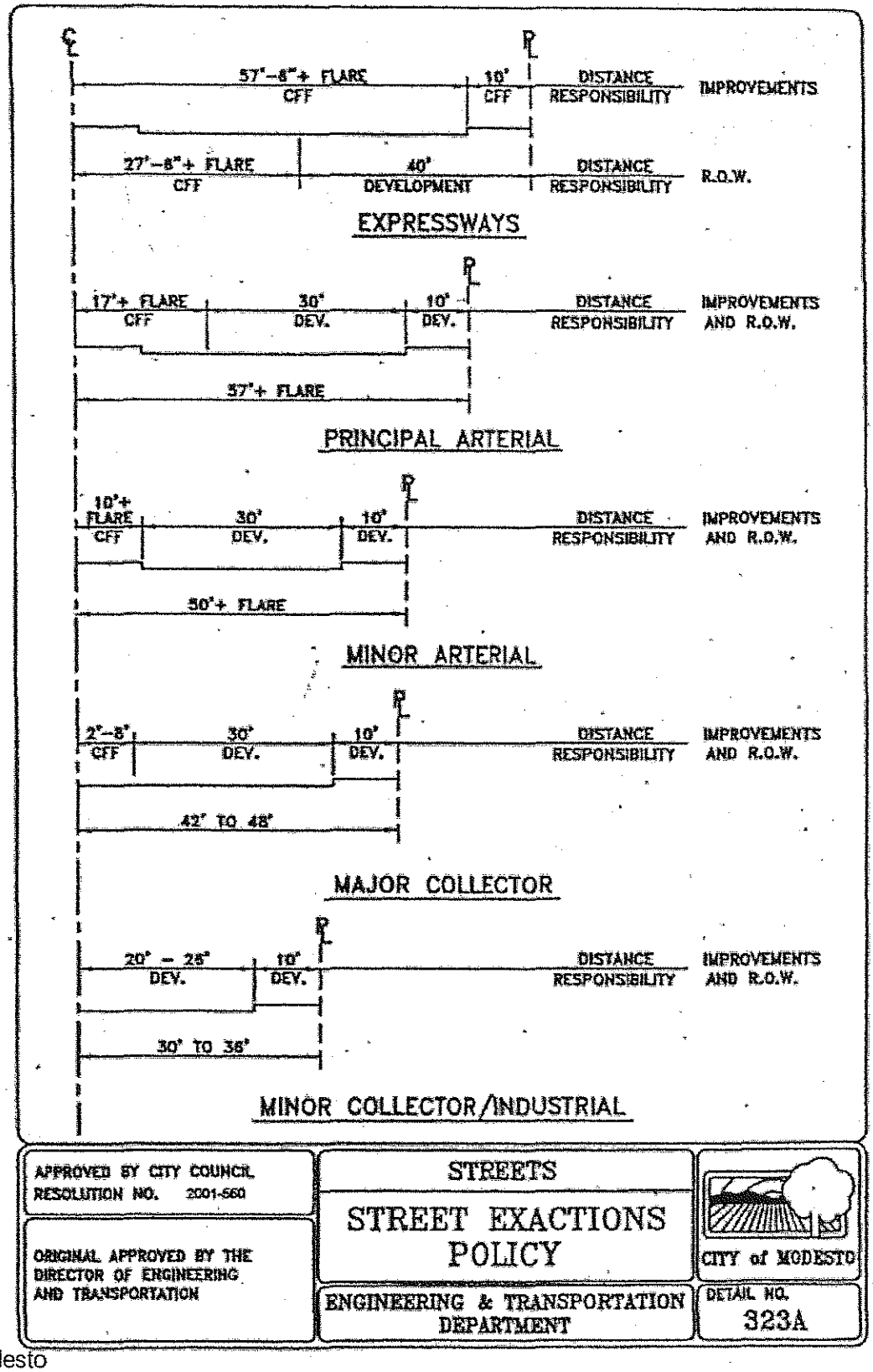
As a first step, an area wide facilities map was created to visually identify and locate each project and it's limits (Figures 3 through 6). The map was developed using information provided by the City in both AutoCAD and ArcView data formats. Information included street, highway and utility right-of-ways, parcel boundaries, street centerlines and names, City limit lines, General Plan Boundary, etc. City wide aerial photographs supplemented this data.

Object data was next entered for each project type. The object type; rectangle, line, circle, etc, represented the approximate limits of each project; respectively an intersection, street, traffic signal, etc. This visual representation of the projects and their limits insured that areas were not counted more than once. Object data, defining the project name, type, limits, classification, number of lanes or intersection detail, as well as any special considerations was also entered with each object. This data was then extracted from the database to create a project list for each type of project.

Unit Cost Data

Unit prices for components of street projects can vary widely from project to project. Market forces, fuel costs, project location, project size and complexity can all affect a contractors bid price for a project. For the CFF Streets Update, unit cost data were developed using bid tabs from recently completed City street projects and Caltrans Cost Data for 2001 adjusted to 2003. A detailed listing of cost estimate items and descriptions is included in the separately bound Cost Estimate Appendix. Future adjustments to unit cost values is afforded by the application of a cost index based on the Engineering News Record Construction Cost Index (ENR CCI) for San Francisco within the Unit Cost Data spreadsheet. By updating the ENR CCI number, each unit cost item will be proportionally adjusted. Similarly, as the Unit Cost Data spreadsheet is linked to each of the project cost estimates, any change in unit costs will be reflected in the project cost estimates and the overall CFF cost estimate.

EXHIBIT A



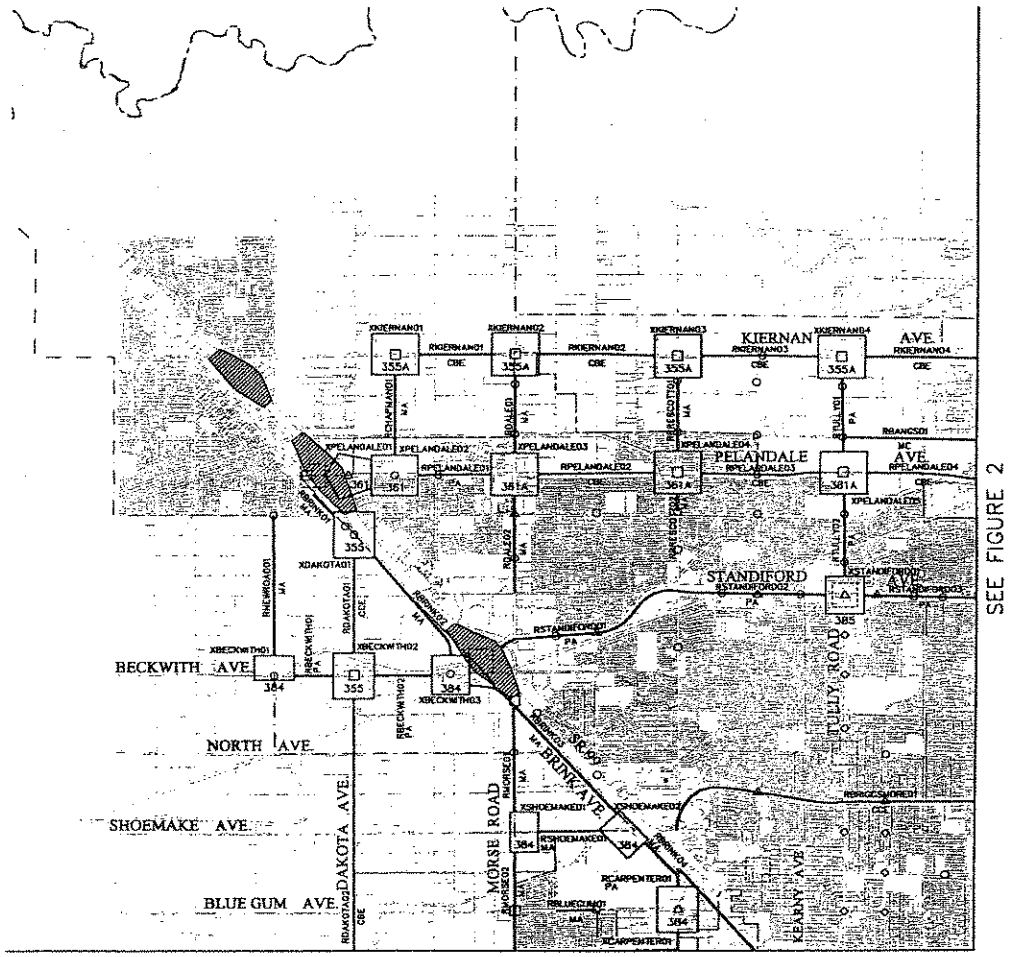
City of Modesto
Capital Facilities Fee - Street Projcts Update

FIGURE 2

STREET EXACTIONS POLICY

DSF File: R569figure2.dsf (022603) 25-4750-01

EXHIBIT A



NORTHWEST QUADRANT - FIGURE 3

CITY OF MODESTO
CAPITAL FACILITY
FEE UPDATE

CITY of MODESTO

CFF IMPROVEMENT PROJECTS

- NEW TRAFFIC SIGNAL (HIGH COST)
- NEW TRAFFIC SIGNAL (LOW COST)
- TRAFFIC SIGNAL MODIFICATION (HIGH COST)
- TRAFFIC SIGNAL MODIFICATION (LOW COST)
- ROAD IMPROVEMENT PROJECT
- INTERSECTION IMPROVEMENT PROJECT
- INTERCHANGE IMPROVEMENT PROJECT
- INTERSECTION WITH EXISTING DEFICIENCIES
- MODESTO CITY LIMIT
- CITY OF MODESTO GENERAL PLAN BOUNDARY

NORTH

SCALE: 1"=4000'

2000 0 2000 4000 6000

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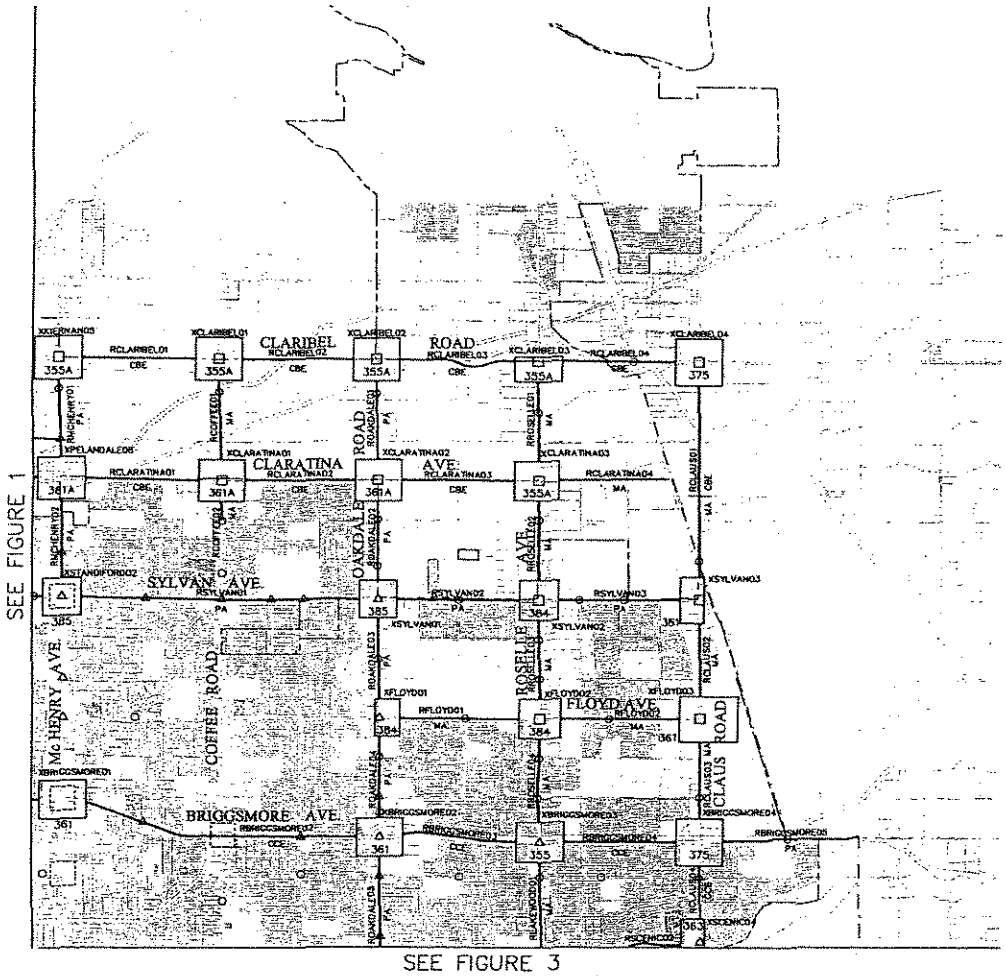
ENGINEERS PLANNERS

EXHIBIT A



NORTHEAST QUADRANT - FIGURE 4

CITY OF MODESTO
CAPITAL FACILITY
FEE UPDATE

CITY of MODESTO

CFF IMPROVEMENT PROJECTS

- NEW TRAFFIC SIGNAL (HIGH COST)
- NEW TRAFFIC SIGNAL (LOW COST)
- TRAFFIC SIGNAL MODIFICATION (HIGH COST)
- TRAFFIC SIGNAL MODIFICATION (LOW COST)
- ROAD IMPROVEMENT PROJECT
- INTERSECTION IMPROVEMENT PROJECT
- INTERCHANGE IMPROVEMENT PROJECT
- INTERSECTION WITH EXISTING DEFICIENCIES
- MODESTO CITY LIMIT
- CITY OF MODESTO GENERAL PLAN BOUNDARY

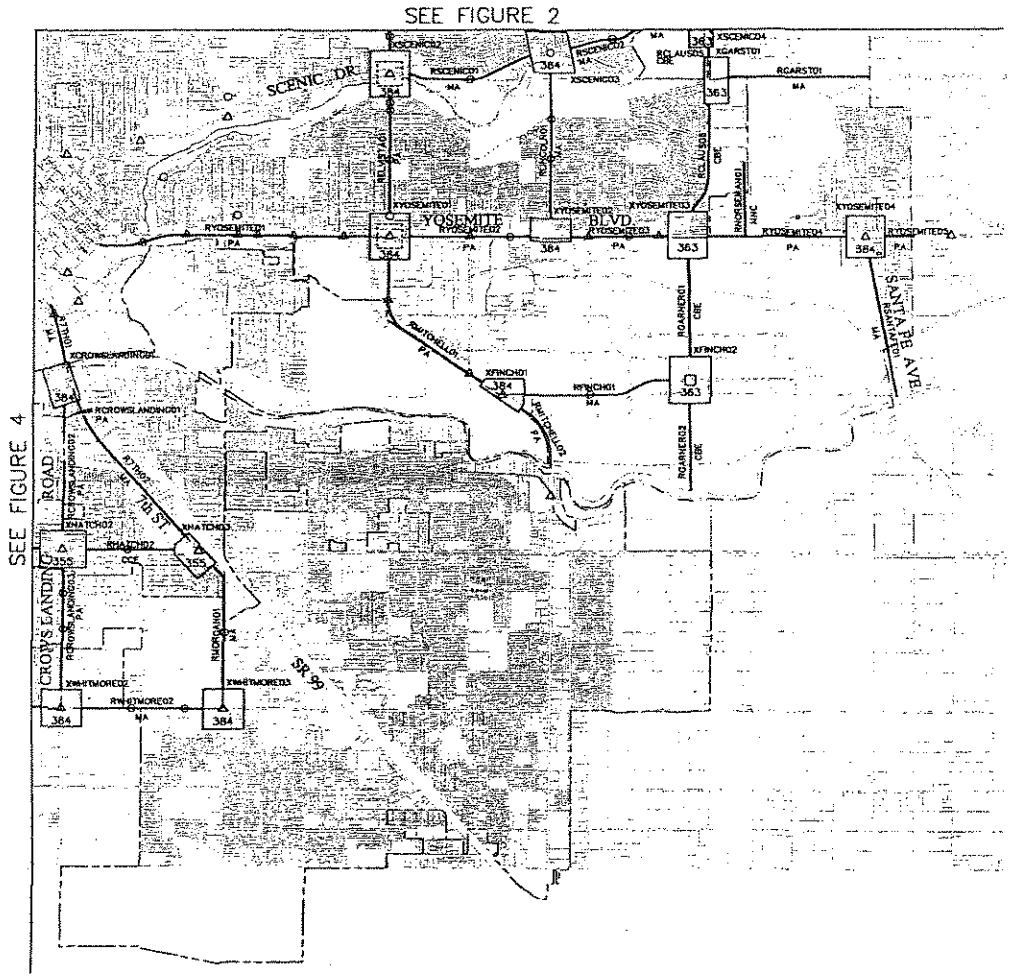
NORTH

SCALE: 1"=4000'

2000 0 2000 4000 6000

omni-means

EXHIBIT A



SOUTHEAST QUADRANT - FIGURE 5

CITY OF MODESTO
CAPITAL FACILITY
FEE UPDATE

CITY of MODESTO

CFF IMPROVEMENT PROJECTS

- NEW TRAFFIC SIGNAL (HIGH COST)
- NEW TRAFFIC SIGNAL (LOW COST)
- TRAFFIC SIGNAL MODIFICATION (HIGH COST)
- TRAFFIC SIGNAL MODIFICATION (LOW COST)
- ROAD IMPROVEMENT PROJECT
- INTERSECTION IMPROVEMENT PROJECT
- INTERCHANGE IMPROVEMENT PROJECT
- INTERSECTION WITH EXISTING DEFICIENCIES
- MODESTO CITY LIMIT
- CITY OF MODESTO GENERAL PLAN BOUNDARY

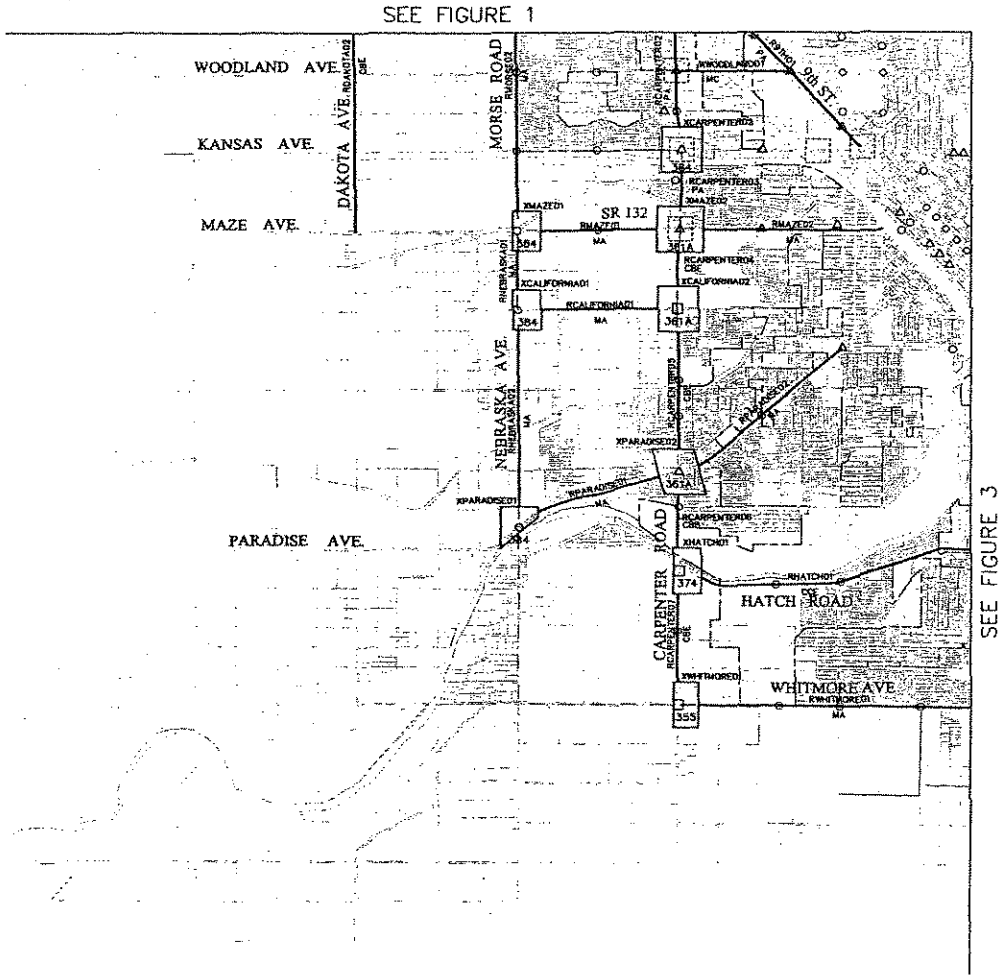
NORTH

SCALE: 1"=4000'

2000 0 2000 4000 6000

omni·means

EXHIBIT A



SOUTHWEST QUADRANT - FIGURE 6

CITY OF MODESTO
CAPITAL FACILITY
FEE UPDATE

CITY of MODESTO

CFF IMPROVEMENT PROJECTS

- NEW TRAFFIC SIGNAL (HIGH COST)
- NEW TRAFFIC SIGNAL (LOW COST)
- TRAFFIC SIGNAL MODIFICATION (HIGH COST)
- TRAFFIC SIGNAL MODIFICATION (LOW COST)
- ROAD IMPROVEMENT PROJECT
- INTERSECTION IMPROVEMENT PROJECT
- INTERCHANGE IMPROVEMENT PROJECT
- INTERSECTION WITH EXISTING DEFICIENCIES
- MODESTO CITY LIMIT
- CITY OF MODESTO GENERAL PLAN BOUNDARY

NORTH

SCALE: 1"=4000'

2000 0 2000 4000 6000

omni-means

Project Cost Estimates

Project cost estimates were developed for each of the projects identified on the Facilities Map. The types of projects included:

- Existing Deficiencies
- Intersections
- Roadways
- Traffic Signal Projects
- Freeway and Interchanges, including urban interchanges

Roadway and intersection project cost estimate file names were organized by project type and ordered from west to east and north to south. For example, the first road project (furthest west) along Briggsmore Ave is named RBriggsmore01, the first intersection XBriggsmore01, and so on. Project cost estimate files for existing deficiencies are proceed by an "E" and sequentially numbered. Traffic Signal Projects include only standalone traffic signal projects not associated with another roadway or intersection project. Individual cost estimate files were not prepared for these projects; rather they were summarized in a summary spreadsheet. Freeway and interchange project cost estimates were either prepared individually, as is the case for the State Route 99 interchanges, or derived from other existing estimates prepared by the City, State or others. These estimates include the intersecting roadway name preceded by an "I".

All project cost estimates are linked to a master document containing summary sheets totaling each type of improvement. These summary sheets are in turn linked to a master summary sheet totaling the CFF Streets Improvement cost.

Determination of Proposed Improvements and Estimated Costs

Roadway Corridor Drawings

After identification of the limits of the various roadway and intersection projects, AutoCAD drawing files were created of each roadway corridor to facilitate the layout of, on a preliminary basis, the improvements for each roadway and intersection project. Each AutoCAD drawing file queried information from the base drawing (Facilities Map) and therefore included the limits of each project as well as all available information regarding parcel and right-of-way lines. The appropriate digital aerial photographs were also inserted into the computer drawing to aid in the layout and quantification of the proposed improvements and right-of-way impacts.

Each project was initially laid out utilizing standard right-of-way widths or intersection geometries as defined by the City standards for the classification of roadway and/or intersection. As was the case with many of the proposed projects, utilizing the standard roadway typical section, centered down the existing right-of-way, or the standard intersection template, centered over the existing intersection, resulted in excessive right-of-way impacts. In these instances, an initial attempt to minimize the impacts was made by adjusting the alignment of the roadway to maximize the use of existing right-of-way and minimize the impact to existing development.

In areas where adjustment to the roadway alignment alone was not sufficient to minimize the right-of-way impacts to a reasonable level, a non-standard typical section was developed. The guidelines for developing non-standard typical sections were based on the following:

- Assume a minimum lane width of 11' with the exception of the inside left turn lane of a dual left turn pocket which may be reduced to 10'.
- Where bike lanes are shown on the Master Plan, provide a minimum 4' wide bike lane where there is no curb and gutter, and 5' (including the gutter pan) where there is curb and gutter.
- Provide 6' from lip of gutter to back of walk minimum. This results in a minimum sidewalk width of 4'10".
- Where there is no bike lane or curb and gutter, provide a minimum 2' paved shoulder.
- A 4' median between left turn pockets and opposing traffic will be provided where possible.
- Where the roadway is adjacent to a railroad right-of-way, the sidewalk may be eliminated provided alternative pedestrian facilities are available.

Another consideration in the determination of the proposed roadway typical section includes the planned locations of Class 1 bike paths. The City of Modesto Non-Motorized Transportation Master Plan (July 1996) was referenced to determine whether a bike lane was proposed along within each project. Where Class 1 bike paths were determined to be required, the proposed typical section included the right-of-way for the bike path, however the cost to construct the bike path was not included in the project cost estimate.

Once a typical section was determined, the roadway was laid out in the corridor drawing between each major intersection. Additional points of access, such as minor intersections between major intersections, were then added to the drawing.

Finally, quantities of the various cost estimate items were measured in the drawings. In all cases, this task included application of the City's Streets Exaction Policy.

Existing Deficiencies

As discussed in the previous section, which identified both existing deficiencies and their mitigations, preliminary layouts were developed for each CFF intersection identified as having an existing deficiency. The required traffic movements were added to the intersection utilizing the guidelines previously described for developing a non-standard typical section. Similar to the roadway and intersection projects, available aerial photography was used to identify major features that could influence the cost estimates and to layout the proposed mitigation to correct the existing deficiency.

Traffic Signal Projects

Traffic signal costs may be stand-alone projects, included in intersection project costs or in the case of minor intersection improvements, included in roadway project costs. Where a cost for a signal improvement is included, the location was noted on the cost estimate spreadsheet. Guidelines for assigning costs for standalone traffic signal improvements were based on the following:

- New traffic signal projects were separated into high cost (large intersection) and low cost (smaller intersection)
- High cost was based on traffic signal for 6-lane by 6-lane intersection
- Low cost was based on traffic signal for 4-lane by 2-lane intersection

- Modified traffic signal based separated into high cost (large intersection) and low cost (smaller intersection)
- The cost for a high cost modification is determined by the number of quadrants affected where the cost per quadrant is equal to ¼ of the cost for a new signal (high cost). A quadrant is considered affected if the signal standard is relocated.
- A Low cost modification is measured by the number of legs affected (where there is no affect to the signal standard), cost is based on an estimated cost per leg for a fictitious standardized modification project.

Freeway Interchange Concepts

As a first step, project daily traffic volumes for the ramps and over crossing roadways for each interchange location were obtained form the City of Modesto's traffic demand model. The daily projections were next reduced to estimate peak hour volumes using an 8% peak hour factor (consistent with the model). Due to the macro level of information provided by the model, it was necessary to estimate traffic volumes on some movements based on an overall balance of traffic volumes. These estimated peak hour volumes, essentially an indicator of traffic flow, were then used as a guide in the design of a proposed interchange concept.

To create a base map for the future interchange improvements, record drawings for the construction of State Route 99 were obtained from Caltrans and entered into an AutoCAD drawing. This information was further supplemented by information from the Facilities Base Map and digital aerial photographs.

One interchange concept was developed for each CFF freeway interchange. Each concept is intended to address the anticipated traffic volumes and directionality within the framework of Caltrans design standards and expectations. This is not say, however that Caltrans would approve the concepts, or that they address all potential issues that may be raised through a more thorough evaluation of alternatives. The concepts do, however, by utilizing the Caltrans' Preliminary Project Cost Estimate Summary Worksheets, represent an order of magnitude of potential cost.

Cost Estimate Items

Multiple cost estimate items were considered in the development of the roadway and intersection cost estimates. Where possible, relationships between construction items were developed and incorporated into the cost estimate sheets to simplify the quantity take-off process and reduce the potential for errors. An example of such a relationship is the correlation between asphalt concrete, aggregate base and roadway excavation. A single measurement of new paved area is sufficient to derive a quantity for all three of these cost estimate items. Of course, many major items do not have a consistent relationship with other items and must be measured separately. Following is a partial list of items considered in the cost estimate process and the criteria for their measurement:

Roadway Excavation – Categorized as either developed or undeveloped. Developed excavation carries a higher price tag due to the presence of existing improvements that must be protected, potential underground utilities, maintaining of traffic and access, off haul of concrete and the typical limitations on work area associated with street widening in an urbanized area. Undeveloped excavation cost is associated with construction of a new roadway in a rural or undeveloped setting. Typically larger equipment is utilized and fewer obstructions to its efficient use are encountered.

Roadway Structural Section – An assumed R-Value of 30 and T.I. of 11 was used for all roadway projects resulting in a 0.55' Asphalt Concrete over 1.4' Aggregate Base structural section.

Median Island Treatment – Three conditions were considered: landscaped medians, medians with barrier rail and paved medians within intersections. A unit cost, based on area, for each condition was determined based on a typical median section.

Storm Drainage – The City of Modesto utilizes both piped drainage systems and rock well drainage systems. The determination of which type of drainage system to be used on each project, rock well or piped, was beyond the scope of this estimate. Therefore, for estimate purposes, storm drainage unit costs were based on a piped storm drainage system with inlets spaced at 400 ft. and on the replacement or addition of individual drain inlets. New, trunk line storm drain systems were only provided with new roadways, not roadway widening.

Sound walls – Assumed required in locations where a roadway is widened into existing residential structure that will remain. The length of parcel frontage for the affected residence determined the length of sound wall. The per lineal footage cost for sound walls is based on a 9-foot high masonry wall.

Right-of-way – Four categories of right-of-way were developed and measured as acquired through either the exactions policy or by the CFF Street Fee.

- *Undeveloped* – measured by the square foot.
- *Landscaped* – Property that has been improved and/or is in-use, such as landscaping, orchard, paved area, etc. measured by the square foot
- *Building* – measured by the total square footage of an individual building when any portion of a building is impacted by an improvement.
- *Parking Space* – measured by total number of parking spaces, or portions thereof, impacted by the improvement.

Support Costs and Contingencies – Each cost estimate includes items that were measured or otherwise quantified directly from the roadway corridor drawings, however there are other items associated with each project that were not separately measured but nonetheless likely to be required. Therefore, the support costs and contingencies provided in each estimate represent project components that were not specifically measured, either due to the preliminary nature of the project plans, or represent known work items that typically fall within a percentage range of project construction costs. The following support costs and contingency values were added to the estimated construction cost as defined below:

- *20 % Construction Contingency* – Applied to the subtotaled construction cost, the construction item component includes any construction related item not specifically identified elsewhere. Items could include; mobilization, erosion control, unforeseen utility relocations, adjusting utility boxes, valves and manholes to grade, unsuitable material, import and export of material, demolition, increase in quantities; right-of-way costs such as providing access, relocating signage, repair to adjacent property (20%).

- *10% Construction Administration* – This component includes Construction Inspection and Resident Engineer services (5%), Soils and materials testing (1%), construction staking (2%), and City Administration (2%).

- *0% to 5% Traffic Control Contingency* – Applied to the subtotaled construction cost based on the amount of traffic within the project area and degree of existing development. For instance 0% for a new roadway, 5% for widening to a major urban expressway. Traffic control items may include;

flaggers, warning devices and signs, temporary striping, pavement, barriers and signs, pilot vehicles, temporary traffic signals, lighting and detours.

- *20% Engineering and Administration Support and Contingency* – Applied to the subtotaled construction cost, this contingency addresses the project development support costs including pre-design studies (2%), environmental studies, reports and permits (2%), topographic design surveys (1%), geotechnical reports (1%), engineering design and plan preparation (8%), and City Administration (1%), Scope Definition Contingency (5%).

- *10% Right-of-Way Acquisition Support Costs* – Applied to the subtotaled right-of-way costs, this contingency addresses the support costs required to acquire right-of-way including property appraisals and title reports (1.5%), Phase I Reports and Phase II hazardous material testing (1.5%), Title Insurance and escrow fees (1%) and Property Agent, legal description, staff support and legal support (6%).

Shown in Table 6 is the summary list of 267 circulation improvement costs that total $921,432,294. A separate appendix has been provided to the City that contains all of the opinions of cost.

EXHIBIT A

CITY of MODESTO
Capital Facility Fee

Prepared By:

omni·means
ENGINEERS · PLANNERS

Street Improvement Projects Summary

	Total Cost	- Exactions	- StanCOG Funding	- City & Other Funding	CFF Cost
Subtotal Intersection Projects*	$ 288,747,405	$ 47,251,267			$ 241,496,138
Subtotal Roadway Projects	$ 635,281,873	$ 108,743,547			$ 526,538,326
Subtotal Traffic Signal Projects	$ 9,893,505	$ -			$ 9,893,505
Subtotal Interchange & Fwy Projec	$ 256,361,152	$ -	$ 58,019,577		$ 198,341,575
Existing Deficiencies		$ -	$ -	$ 4,587,669	$ (4,587,669)
Adjustments			$ 57,878,309		$ (57,878,309)
Total Street Improvement Projects	$ 1,190,283,936	$ 155,994,814	$ 115,897,886	$ 4,587,669	$ 913,803,566

No.	PROJECT ID	PROJECT EXTENTS	TOTAL COST	CFF COST
ntersections				
1	XBECKWITH01	NEW ROAD	$ 3,301,995	$ 1,777,024
2	XBECKWITH02	DAKOTA	$ 14,126,495	$ 12,665,686
3	XBECKWITH03	BRINK	$ 4,598,533	$ 3,007,444
4	XBRIGGSMORE01	MCHENRY	$ 5,323,515	$ 5,323,512
5	XBRIGGSMORE02	OAKDALE	$ 5,591,199	$ 5,473,907
6	XBRIGGSMORE03	ROSELLE	$ 4,268,511	$ 4,033,230
7	XBRIGGSMORE04	CLAUS	$ 7,389,509	$ 6,217,140
8	XCALIFORNIA01	NEBRASKA	$ 4,003,871	$ 2,467,938
9	XCALIFORNIA02	CARPENTER	$ 4,555,545	$ 3,569,671
10	XCARPENTER01	BLUE GUM	$ 4,526,378	$ 4,377,040
11	XCARPENTER02	KANSAS	$ 3,654,485	$ 3,654,482
12	XCLARATINA01	COFFEE	$ 4,908,015	$ 4,524,117
13	XCLARATINA02	OAKDALE	$ 5,031,150	$ 3,286,750
14	XCLARATINA03	ROSELLE	$ 4,327,073	$ 3,140,351
15	XCLARIBEL01	COFFEE	$ 3,092,774	$ 2,706,932
16	XCLARIBEL02	OAKDALE	$ 2,739,693	$ 1,512,918
17	XCLARIBEL03	ROSELLE	$ 3,070,807	$ 2,033,224
18	XCLARIBEL04	CLAUS	$ 5,731,182	$ 5,320,315
19	XCROWSLANDING01	7TH	$ 9,207,633	$ 9,228,413
20	XDAKOTA01	SALIDA	$ 3,504,273	$ 1,970,440
21	XFINCH01	MITCHELL	$ 1,629,104	$ 1,570,332
22	XFINCH02	GARNER	$ 7,344,729	$ 6,707,427
23	XFLOYD01	OAKDALE	$ 256,050	$ 256,050
24	XFLOYD02	ROSELLE	$ 256,050	$ 256,050
25	XFLOYD03	CLAUS	$ 3,827,567	$ 1,068,362
26	XGARST01	CLAUS	$ 3,389,022	$ 2,816,149
27	XHATCH01	CARPENTER	$ 10,211,358	$ 9,656,364
28	XHATCH02	CROWS LANDING	$ 6,437,168	$ 6,437,166
29	XHATCH03	7TH	$ 3,698,588	$ 3,698,588
30	XKIERNAN01	CHAPMAN	$ 3,732,241	$ 2,874,011
31	XKIERNAN02	DALE	$ 3,288,838	$ 2,409,541
No.	PROJECT ID	PROJECT EXTENTS	TOTAL COST	CFF COST

EXHIBIT A

No.	PROJECT ID	PROJECT EXTENTS	TOTAL COST	CFF COST
32	XKIERNAN03	PRESCOTT	$ 4,502,992	$ 2,751,225
33	XKIERNAN04	TULLY	$ 2,811,376	$ 1,952,930
34	XKIERNAN05	MCHENRY	$ 2,859,616	$ 2,166,003
35	XMAZE01	MORSE	$ 4,034,615	$ 1,980,426
36	XMAZE02	CARPENTER	$ 8,460,443	$ 7,806,632
37	XPARADISE01	NEBRASKA	$ 4,081,494	$ 2,303,479
38	XPARADISE02	CARPENTER	$ 9,623,373	$ 8,868,985
39	XPELANDALE01	SISK	$ 882,870	$ 846,682
40	XPELANDALE02	CHAPMAN	$ 745,844	$ 711,609
41	XPELANDALE03	DALE	$ 1,620,129	$ 1,550,759
42	XPELANDALE04	PRESCOTT	$ 2,462,753	$ 2,175,924
43	XPELANDALE05	TULLY	$ 3,883,566	$ 3,231,823
44	XPELANDALE06	MCHENRY	$ 2,933,947	$ 2,631,775
45	XSCENIC01	COFFEE	$ -	$ -
46	XSCENIC02	OAKDALE	$ 4,475,805	$ 4,410,910
47	XSCENIC03	LAKEWOOD	$ 14,334,727	$ 14,334,727
48	XSCENIC04	CLAUS	$ 4,225,284	$ 3,947,404
49	XSHOEMAKE01	MORSE	$ 4,385,825	$ 2,171,857
50	XSHOEMAKE02	BRINK	$ 2,121,800	$ 1,506,041
51	XSTANDIFORD01	TULLY	$ 6,054,213	$ 6,054,210
52	XSTANDIFORD02	MCHENRY	$ 8,031,822	$ 8,031,820
53	XSYLVAN01	OAKDALE	$ 2,057,512	$ 256,050
54	XSYLVAN02	ROSELLE	$ 4,184,465	$ 288,952
55	XSYLVAN03	CLAUS	$ 3,592,541	$ 1,519,038
56	XWHITMORE01	CARPENTER	$ 2,952,827	$ 2,368,168
57	XWHITMORE02	CROWS LANDING	$ 1,962,386	$ 1,289,835
58	XWHITMORE03	MORGAN	$ 2,422,502	$ 975,736
59	XYOSEMITE01	EL VISTA	$ 13,200,515	$ 13,200,512
60	XYOSEMITE02	LINCOLN	$ 1,845,623	$ 1,842,136
61	XYOSEMITE03	CLAUS	$ 5,509,708	$ 4,817,096
62	XYOSEMITE04	SANTA FE	$ 11,463,480	$ 11,462,818
Road Segments				
63	R7TH01	SIERRA TO RIVER	$ 23,169,209	$ 23,161,987
64	R7TH02	CROWSLANDING TO HATCH	$ 8,918,436	$ 8,918,436
65	R9TH01	CARPENTER TO NEEDHAM	$ 15,467,405	$ 15,467,405
66	RBANGS01	TULLY TO MCHENRY	$ 5,511,741	$ 1,835,932
67	RBECKWITH01	NEW ROAD TO DAKOTA	$ 1,880,979	$ 937,202
68	RBECKWITH02	DAKOTA TO BRINK	$ 4,855,266	$ 4,020,719
69	RBLUEGUM01	POUST TO ROSEMORE	$ 1,136,532	$ 1,136,532
70	RBRIGGSMORE01	SISK TO MCHENRY	$ 18,341,954	$ 18,341,954
71	RBRIGGSMORE02	MCHENRY TO OAKDALE	$ 11,940,687	$ 11,940,687
72	RBRIGGSMORE03	OAKDALE TO ROSELLE	$ 4,437,016	$ 4,437,016
73	RBRIGGSMORE04	ROSELLE TO CLAUS	$ 4,366,599	$ 4,366,599
74	RBRIGGSMORE05	CLAUS TO CITY GEN. PLAN BDRY	$ 3,978,790	$ 3,115,823
75	RBRINK01	PELANDALE TO DAKOTA	$ 3,190,479	$ 2,568,403
76	RBRINK02	DAKOTA TO BECKWITH	$ 7,052,926	$ 3,709,989
77	RBRINK03	BECKWITH TO SHOEMAKE	$ 8,201,401	$ 3,656,514
78	RBRINK04	SHOEMAKE TO CARPENTER	$ 1,562,010	$ 1,562,010
79	RCALIFORNIA01	NEBRASKA TO CARPENTER	$ 5,818,322	$ 1,244,113
80	RCARPENTER01	9TH TO BLUE GUM	$ 1,239,113	$ 1,239,113
81	RCARPENTER02	BLUE GUM TO KANSAS	$ 6,115,400	$ 6,392,441
82	RCARPENTER03	KANSAS TO MAZE	$ 2,853,071	$ 2,853,071
83	RCARPENTER04	MAZE TO CALIFORNIA	$ 1,084,999	$ 836,482
84	RCARPENTER05	CALIFORNIA TO PARADISE	$ 8,874,267	$ 8,679,347
85	RCARPENTER06	PARADISE TO HATCH	$ 6,573,273	$ 6,369,988

EXHIBIT A

No.	PROJECT ID	PROJECT EXTENTS	TOTAL COST	CFF COST
86	RCARPENTER07	HATCH TO WHITMORE	$ 6,151,598	$ 5,347,564
87	RCHAPMAN01	KIERNAN TO PELANDALE	$ 2,602,969	$ 389,685
88	RCLARATINA01	MCHENRY TO COFFEE	$ 6,247,651	$ 3,943,646
89	RCLARATINA02	COFFEE TO OAKDALE	$ 5,147,002	$ 5,022,840
90	RCLARATINA03	OAKDALE TO ROSELLE	$ 6,875,844	$ 5,246,645
91	RCLARATINA04	ROSELLE TO R/R TRACKS	$ 4,953,420	$ 838,624
92	RCLARIBEL01	MCHENRY TO COFFEE	$ 5,451,513	$ 4,322,451
93	RCLARIBEL02	COFFEE TO OAKDALE	$ 6,655,285	$ 5,312,141
94	RCLARIBEL03	OAKDALE TO ROSELLE	$ 6,113,194	$ 4,687,121
95	RCLARIBEL04	ROSELLE TO CLAUS	$ 9,684,132	$ 8,493,487
96	RCLAUS01	CLARIBEL TO SYLVAN	$ 8,829,471	$ 4,894,167
97	RCLAUS02	SYLVAN TO FLOYD	$ 2,102,917	$ 632,767
98	RCLAUS03	FLOYD TO BRIGGSMORE	$ 2,595,319	$ 1,099,010
99	RCLAUS04	BRIGGSMORE TO SCENIC	$ 3,017,734	$ 3,017,734
100	RCLAUS05	SCENIC TO GARST	$ 1,012,421	$ 873,119
101	RCLAUS06	GARST TO YOSEMITE	$ 1,973,268	$ 1,729,179
102	RCOFFEE01	CLARIBEL TO CLARATINA	$ 5,581,381	$ 2,010,887
103	RCOFFEE02	CLARATINA TO MABLE	$ 1,023,843	$ 472,267
104	RCROWSLANDING01	7TH TO 99	$ 1,148,606	$ 1,148,606
105	RCROWSLANDING02	99 TO HATCH	$ 1,710,923	$ 1,464,653
106	RCROWSLANDING03	HATCH TO WHITMORE	$ 4,404,816	$ 4,156,588
107	RDAKOTA01	SALIDA TO BECKWITH	$ 7,362,871	$ 6,153,891
108	RDAKOTA02	BECKWITH TO SR 132	$ 23,084,705	$ 22,730,885
109	RDALE01	KIERNAN TO PELANDALE	$ 4,364,781	$ 1,218,045
110	RDALE02	PELANDALE TO VENEMAN	$ 1,794,493	$ 1,155,426
111	RELVISTA01	SCENIC TO YOSEMITE	$ 8,392,215	$ 8,392,215
112	RFINCH01	MITCHELL TO GARNER	$ 5,175,029	$ 3,852,236
113	RFLOYD01	OAKDALE TO ROSELLE	$ -	$ -
114	RFLOYD02	ROSELLE TO CLAUS	$ -	$ -
115	RGARNER01	YOSEMITE TO FINCH	$ 5,047,588	$ 3,507,101
116	RGARNER02	FINCH TO TOULUMNE RIVER	$ 4,496,997	$ 2,919,612
117	RGARST01	CLAUS TO CHURCH	$ 9,564,819	$ 7,676,385
118	RHATCH01	CARPENTER TO CROWS LANDING	$ 9,776,925	$ 9,031,037
119	RHATCH02	CROWS LANDING TO 7TH	$ 5,931,912	$ 5,931,912
120	RKIERNAN01	CHAPMAN TO DALE	$ 3,686,739	$ 2,723,909
121	RKIERNAN02	DALE TO PRESCOTT	$ 8,491,831	$ 7,052,294
122	RKIERNAN03	PRESCOTT TO TULLY	$ 6,949,279	$ 5,194,977
123	RKIERNAN04	TULLY TO MCHENRY	$ 6,242,653	$ 5,244,425
124	RLAKEWOOD01	BRIGGSMORE TO SCENIC	$ 1,223,986	$ 1,223,986
125	RLINCOLN01	SCENIC TO YOSEMITE	$ 4,121,659	$ 4,121,659
126	RMAZE01	MORSE TO CARPENTER	$ 4,893,137	$ 1,698,935
127	RMAZE02	CARPENTER TO 99	$ 8,987,425	$ 7,981,495
128	RMCHENRY01	KIIERNAN TO PELANDALE	$ 1,722,185	$ 1,240,377
129	RMCHENRY02	PELANDALE TO STANDIFORD	$ 1,872,769	$ 1,872,769
130	RMITCHELL01	YOSEMITE TO FINCH	$ 5,047,588	$ 3,507,101
131	RMITCHELL02	FINCH TO CITY LIMIT	$ 1,236,140	$ 457,478
132	RMORGAN01	HATCH TO WHITMORE	$ 5,497,582	$ 4,167,249
133	RMORSE01	NORTH TO SHOEMAKE	$ 4,873,502	$ 2,468,665
134	RMORSE02	SHOEMAKE TO MAZE	$ 14,145,694	$ 12,653,183
135	RNEBRASKA01	MAZE TO CALIFORNIA	$ 1,476,494	$ 756,973
136	RNEBRASKA02	CALIFORNIA TO PARADISE	$ -	$ -
137	RNEWROAD01	MURPHY TO BECKWITH	$ 7,520,229	$ 4,968,211
138	RNORSEMAN01	CITY LIMIT TO YOSEMITE	$ 1,655,765	$ 818,719
139	ROAKDALE01	CLARIBEL TO CLARATINA	$ 3,907,983	$ 1,309,749
140	ROAKDALE02	CLARATINA TOO SYLVAN	$ 3,932,784	$ 2,399,228

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No.	PROJECT ID	PROJECT EXTENTS	TOTAL COST	CFF COST
141	ROAKDALE03	SYLVAN TO FLOYD	$ -	$ -
142	ROAKDALE04	FLOYD TO BRIGGSMORE	$ 3,343,291	$ 3,343,291
143	ROAKDALE05	BRIGGSMORE TO SCENIC	$ 7,531,930	$ 7,531,930
144	RPARADISE01	NEBRASKA TO CARPENTER	$ 6,822,359	$ 5,427,703
145	RPARADISE02	CARPENTER TO MARTIN LUTHER KING	$ 4,364,147	$ 4,364,147
146	RPELANDALE01	CHAPMAN TO DALE	$ 2,417,172	$ 2,417,172
147	RPELANDALE02	DALE TO PRESCOTT	$ 3,413,092	$ 3,156,752
148	RPELANDALE03	PRESCOTT TO TULLY	$ 4,236,779	$ 3,718,642
149	RPELANDALE04	TULLY TO MCHENRY	$ 7,790,721	$ 6,739,908
150	RPRESCOTT01	KIERNAN TO PELANDALE	$ 3,041,853	$ 894,226
151	RPRESCOTT02	PELANDALE TO SNYDER	$ 508,432	$ 508,432
152	RROSELLE01	CLARIBEL TO CLARATINA	$ 3,599,581	$ 1,130,746
153	RROSELLE02	CLARATINA TO SLYVAN	$ 3,117,732	$ 539,227
154	RROSELLE03	SLYVAN TO FLOYD	$ -	$ -
155	RROSELLE04	FLOYD TO BRIGGSMORE	$ -	$ -
156	RSANTAFE01	TOULUMNE RIVER TO YOSEMITE	$ 8,392,215	$ 8,392,215
157	RSCENIC01	OAKDALE TO LAKEWOOD	$ 4,955,114	$ 3,578,209
158	RSCENIC02	LAKEWOOD TO CLAUS	$ 5,371,439	$ 5,405,859
159	RSHOEMAKE01	MORSE TO BRINK	$ 2,975,024	$ 578,064
160	RSTANDIFORD01	DALE TO PRESCOTT	$ 8,917,529	$ 8,917,529
161	RSTANDIFORD02	PRESCOTT TO TULLY	$ 8,058,596	$ 8,058,596
162	RSTANDIFORD03	TULLY TO MCHENRY	$ 20,363,785	$ 20,363,785
163	RSYLVAN01	MCHENRY TO OAKDALE	$ 21,170,355	$ 21,170,355
164	RSYLVAN02	OAKDALE TO ROSELLE	$ -	$ -
165	RSYLVAN03	ROSELLE TO CLAUS	$ -	$ -
166	RTULLY01	KIERNAN TO PELANDALE	$ 3,655,746	$ 762,564
167	RTULLY02	PELANDALE TO STANDIFORD	$ 5,772,266	$ 5,422,889
168	RWHITMORE01	CARPENTER TO CROWS LANDING	$ 11,434,902	$ 9,088,185
169	RWHITMORE02	CROWS LANDING TO MORGAN	$ 3,927,643	$ 2,665,222
170	WOODLAND01	CARPENTER TO KEARNEY	$ 7,104,714	$ 7,104,714
171	RYOSEMITE01	D TO EL VISTA	$ 16,399,417	$ 16,399,417
172	RYOSEMITE02	EL VISTA TO LINCOLN	$ 12,319,173	$ 11,662,728
173	RYOSEMITE03	LINCOLN TO CLAUS	$ 4,895,665	$ 4,794,751
174	RYOSEMITE04	CLAUS TO SANTA FE	$ 6,029,240	$ 5,254,894
175	RYOSEMITE05	SANTA FE TO CITY LIMIT	$ 1,021,024	$ 821,105

No.	PROJECT ID	Project Description		CFF COST
Traffic Signal Projects				
176	arver Road and Future Road South of Kiernan Avenue	New Signal		$ 155,090
177	Prescott Road and Cheyenne Avenue	New Signal		$ 195,910
178	Coffee Road and Sylvan Meadows Drive	New Signal		$ 195,910
179	College Avenue and Bowen Avenue	New Signal		$ 195,910
180	Coffee Road and Brighton Avenue	New Signal		$ 195,910
181	Tully Road and Princeton Avenue	New Signal		$ 195,910
182	College Avenue and Princeton Avenue / Griswold Ave	New Signal		$ 195,910
183	Rosemore Avenue and Woodland Avenue	New Signal		$ 155,090
184	Coffee Road and East Morris Avenue	New Signal		$ 146,933
185	Rosemore Avenue and Kansas Avenue	New Signal		$ 155,090
186	Tuolumne Boulevard and Neece Drive	New Signal		$ 146,933
187	La Loma Avenue and Buena Vista Avenue	New Signal		$ 155,090
188	La Loma Avenue and Miller Avenue	New Signal		$ 193,863
189	Orangeburg Avenue and Sonoma Avenue	New Signal		$ 116,318
190	Orangeburg Avenue and Lillian Drive	New Signal		$ 116,318
191	Floyd Avenue and Dana Lane	New Signal		$ 116,318
192	Seventh Street and K Street	New Signal		$ 155,090

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No.	PROJECT ID	Project Description		CFF COST
193	Sixth Street and K Street	New Signal		$ 155,090
194	Sisk Road and Conant Avenue	New Signal		$ 146,933
195	Snyder Avenue and Carver Road	New Signal		$ 155,090
196	Snyder Avenue and Marsalia Way	New Signal		$ 116,318
197	Sisk Road and Brenner	New Signal		$ 146,933
198	Orangeburg Avenue and Rose Avenue	New Signal		$ 119,300
199	Tully Road and Stoddard Avenue	New Signal		$ 146,933
200	Eleventh Avenue and M Street	New Signal		$ 119,300
201	Bangs Avenue and Carver Road	New Signal		$ 155,090
202	Prescott Road and Sheldon Avenue	New Signal		$ 146,933
203	Orangeburg Avenue and Enslen Avenue	New Signal		$ 195,910
204	Orangeburg Avenue and Florida Avenue	New Signal		$ 146,933
205	Sylvan Avenue and Esta Avenue	New Signal		$ 146,933
206	Sylvan Avenue and Road F	New Signal		$ 146,933
207	Sylvan Avenue and Litt Road	New Signal		$ 195,910
208	Floyd Avenue and Lincoln Oak Dr.	New Signal		$ 146,933
209	Floyd Avenue and Esta Avenue	New Signal		$ 195,910
210	Oakdale Road and Road G	New Signal		$ 146,933
211	Roselle Avenue and Road D	New Signal		$ 195,910
212	Roselle Avenue and Kodiak Drive	New Signal		$ 195,910
213	Roselle Avenue and Bellharbour Drive	New Signal		$ 195,910
214	Roselle Avenue and Merle Avenue	New Signal		$ 195,910
215	G Street and Seventh Street	High Cost Modification		$ 147,453
216	H Street and Seventh Street	High Cost Modification		$ 147,453
217	I Street and Seventh Street	High Cost Modification		$ 195,000
218	Seventh Street and L Street	High Cost Modification		$ 168,090
219	Needham Street and L Street	High Cost Modification		$ 152,978
220	Needham Street and 14th Street	High Cost Modification		$ 152,978
221	McHenry / Downey / Avenue and J Street	High Cost Modification		$ 277,388
222	10th Street and D Street	High Cost Modification		$ 156,000
223	Bodem Street and Scenic Drive	High Cost Modification		$ 152,978
224	Ninth Street and Tuolumne Boulevard	High Cost Modification		$ 221,910
225	Yosemite Boulevard and Church Street	High Cost Modification		$ 152,978
226	McHenry Avenue and Rumble Road	High Cost Modification		$ 210,860
227	McHenry Avenue and Floyd Avenue	High Cost Modification		$ 210,860
228	North Emerald Avenue and Kansas Avenue	High Cost Modification		$ 168,090
229	Coffee Road and Scenic Drive	High Cost Modification		$ 166,433
230	Tully Road and Caldwell Avenue	Low Cost Modification		$ 54,210
231	Tully Road and West Roseburg Avenue	Low Cost Modification		$ 54,210
232	Tully Road and West Granger Avenue	Low Cost Modification		$ 54,210
233	Tully Road and Woodrow Avenue	Low Cost Modification		$ 54,210
234	Tully Road and West Rumble Road	Low Cost Modification		$ 54,210
235	Tully Road and Mount Vernon Drive	Low Cost Modification		$ 54,210
236	College Avenue and Stoddard Avenue	Low Cost Modification		$ 54,210
237	College Avenue and Caldwell Avenue	Low Cost Modification		$ 54,210
238	College Avenue West Roseburg Avenue	Low Cost Modification		$ 54,210
239	College Avenue and West Granger Avenue	Low Cost Modification		$ 54,210
240	Ninth Street and G Street	Low Cost Modification		$ 53,170
241	Ninth Street and H Street	Low Cost Modification		$ 53,170
242	Ninth Street and I Street	Low Cost Modification		$ 65,520
243	Ninth Street and J Street	Low Cost Modification		$ 65,520
244	Ninth Street and K Street	Low Cost Modification		$ 65,520
245	College Avenue and Orangeburg	Low Cost Modification		$ 65,520

EXHIBIT A

No.	PROJECT ID	PROJECT EXTENTS	TOTAL COST	CFF COST
Interchanges				
246	IKIERNAN01	SR99	$ 26,130,000	$ 17,190,789
247	IPELANDALE01	SR99	$ 46,700,000	$ 28,547,248
248	IBECKWITH01	SR99	$ 29,400,000	$ 13,116,923
249	IBriggsmore Avenue	CLAUS	$ 14,299,764	$ 14,299,764
250	IFloyd Avenue	CLAUS	$ 15,520,590	$ 15,520,590
251	ISylvan Avenue	CLAUS	$ 16,576,500	$ 16,576,500
252	ISanta Fe Railroad OH	CLAUS	$ 9,089,760	$ 9,089,760
253	ICLARIBEL01	COFFEE	$ 15,000,000	$ 15,000,000
254	ICLARIBEL02	OAKDALE	$ 15,000,000	$ 15,000,000
255	IKIERNAN02	MCHENRY	$ 15,000,000	$ 15,000,000
256	IPELANDALE02	MCHENRY	$ 15,000,000	$ 15,000,000
257	SR132 from SR99 to Morse*		$ 38,644,538	$ 24,000,000
Existing Defieciencies				
258	SR 99 West Ramp (SB)/Pelandale Avenue			$ 180,078
259	SR 99 West Ramp (SB)/Standiford Avenue			$ 306,515
260	Standiford Avenue/Tully Road			$ 750,076
261	Standiford Avenue - Sylvan Avenue / McHenry Avenue			$ 750,153
262	Briggsmore Avenue/ McHenry Avenue			$ 631,300
263	Carpenter Road/Woodland Avenue			$ 226,470
264	Carpenter Road/Kansas Avenue			$ 283,711
265	Carpenter Road/Maze Boulevard			$ 136,445
266	El Vista Ave-Mitchell Road/Yosemite Boulevard			$ 936,952
267	Oakdale Road/Scenic Drive			$ 385,967

Section 4 - Capital Facilities Fee - Streets

Continued refinements to the cost estimates for the projected CFF Street Projects capital improvement program has resulted in a draft final total of $913,800,000. The reasons for the refinements were several-fold, including:

- Consistency with the recent draft of the MEIR for the Update to the Urban Area General Plan,
- Verification of the most current unit cost data based on 'bid tabs' on recent public works construction projects, and
- Verification of proposed projects adjacent to the current City limits.

In addition to working with City staff to assure reasonableness of the projected cost estimates of the CFF Street Projects capital improvement program, considerable review was also conducted on the reasonableness of traffic impact fee assumptions and methodologies and cost comparisons with adjacent jurisdictions.

The initial challenge in evaluating the updated traffic impact fees was first understanding and agreeing that the cost estimates for the update of the CFF Street Projects capital improvement program was in fact reasonable, recognizing that the estimates increased nearly $500,000,000 from around $420,000,000 to more than $913,800,000. Through the rigorous, well documented cost estimate process, the agreed upon and applied methodologies succinctly yielded nearly a $1.2 billion price tag for needed improvements to support new development that will house more 170,000 new people in the City and provide for more than 192,000 new jobs.

The primary reasons for the substantial rise in costs include:

- Inclusion of Right of Way, with unit costs for vacant lands, developed lands without structures and developed lands with structures.
- Increased in Unit Cost values.
- Expansion of the CFF Street Projects capital improvement program list.

The derived CFF Street Projects costs of $913,800,000 assumes that at least $115,000,000 in Federal and State funds will be available for use, that amount being approximately 10 percent of the total streets capital improvement budget.

One of the primary intents of the City is to seek and secure as much Federal and State funds to help the City with their sense of obligation to pay their share of anticipated costs for improvements to the Citywide street system.

Using the finalized draft total of $913,800,000, OMNI-MEANS, with input from the public and in coordination with Town Hall Services and City staff, refined the CFF Street Projects Fee by Land Use Category. Shown in Tables 7 and 8 are the refined traffic fee updates by Land Use Category, including their percentage increase over existing fees. As indicated, using industry standard procedures and generally accepted assumptions, the projected fees by land use category increase by varying percentages over existing fees.

CITY of MODESTO
Capital Facility Fee

Prepared By:

omni · means
ENGINEERS · PLANNERS

Fee Spread by Activity

Land Use Activity	New Development ("Buildout -minus Existing")	Units	ITE-based Daily Trip Generation Rate[1] per Unit	Pass-by Adjustment Factor[2]	Trip Causality Factor[3]	Daily Trip Generation	Percentage Share of Daily Trips	Spread of CFF Improvement Costs	Fee per Unit
Single Family	33,506	D.U.'s	9.57	100%	125%	400,816	32.1%	$ 293,001,036	$ 8,745
Multiple Family	16,089	D.U.'s	6.63	100%	125%	133,338	10.7%	$ 97,471,402	$ 6,058
Retail (lesser than 50,000 sq.ft.floor area)	10,234	Employees	50.31	25%	77%	99,113	7.9%	$ 72,452,785	$ 7,080
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	10,234	Employees	33.99	30%	77%	80,354	6.4%	$ 58,739,897	$ 5,740
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	10,234	Employees	23.95	35%	77%	66,056	5.3%	$ 48,287,456	$ 4,718
Retail (greater than 300,000 sq.ft. floor area)	10,234	Employees	19.31	40%	77%	60,867	4.9%	$ 44,494,161	$ 4,348
Service (Medical Office)	7,652	Employees	8.91	100%	77%	52,498	4.2%	$ 38,376,734	$ 5,015
Service (General Office)	30,609	Employees	3.32	100%	100%	101,622	8.1%	$ 74,286,833	$ 2,427
Government	14,700	Employees	3.32	100%	100%	48,804	3.9%	$ 35,676,319	$ 2,427
Other (Office Industrial)	98,372	Employees	2.10	100%	100%	206,581	16.5%	$ 151,013,376	$ 1,535
Total Employees	*192,269*	*Employees*							
Population	*171,000*	*Residents*							
TOTAL TRIPS				**1,250,417**		**1,250,048**	**100.0%**	**$ 913,800,000**	

Notes:

1. Daily trip-ends for which this category is a source on desitination
2. A 60%, 65%, 70% and 75% trip reduction factor has been applied for retail "pass-by/multi-purpose" trips based on the size of the projected retail facility. The smaller the retail facility, the greater the trip reduction factor due to "pass-by/multi-purpose travel.
3. Responsibility for all home based trips to local retail and medical offices is assigned to residential development.

Source: Omni-Means, Ltd.

Prepared By:

omni·means
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Conversion to General Plan Land Use Code Fees

Land Use Code Category[1]	Model Employee Density (per gross acre)	Retail Employee Density Share	Service Employee Density Share	Other Employee Density Share	Weighted Fee per Employee	Density Factor (KSF per Employee)[2]	Final Weighted Fee per Unit	Unit	Existing Streets Fee per Unit	Percent Increase In Fee
SFDU	N/A	N/A	N/A	N/A	N/A	N/A	$ 8,745	D.U.	$ 3,168	176%
MFDU	N/A	N/A	N/A	N/A	N/A	N/A	$ 6,058	D.U.	$ 2,172	179%
Retail (lesser than 50,000 sq.ft.floor area)	*24*	75%	25%	0%	$ 5,916	0.450	$ 13,148	KSF	$ 4,500	192%
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	*24*	75%	25%	0%	$ 4,912	0.450	$ 10,914	KSF	$ 3,989	174%
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	*24*	75%	25%	0%	$ 4,145	0.450	$ 9,212	KSF	$ 3,799	142%
Retail (greater than 300,000 sq.ft. floor area)	*24*	75%	25%	0%	$ 3,868	0.450	$ 8,594	KSF	$ 3,763	128%
Office (Medical Office)	*45*	0%	100%	0%	$ 5,015	0.302	$ 16,607	KSF	$ 7,449	123%
Office (General Office)	*45*	0%	100%	0%	$ 2,427	0.302	$ 8,036	KSF	$ 4,109	96%
Business Park (Service)	*25*	0%	25%	75%	$ 1,758	0.317	$ 5,546	KSF	$ 4,109	35%
Business Park (Manufacturing)	*25*	0%	25%	75%	$ 1,758	0.550	$ 3,197	KSF	$ 1,510	112%
Industrial (Manufacturing)	*18*	0%	20%	80%	$ 1,713	0.550	$ 3,115	KSF	$ 1,510	106%
Industrial (Warehousing)[3]	*18*	0%	20%	80%	$ 1,713	0.784	$ 2,186	KSF	$ 362	504%

EXHIBIT A

1. Assuming average mix of activities for the General Plan land use codes.
2. Institute of Traffic Engineering handbook

Source: Omni-Means, Ltd.

Included among the trip adjustment assumptions was a 60,65, 70 and 75 percent trip reduction to retail uses based on its size, for 'pass-by' trips. In addition, another trip adjustment factor to specifically account for *cause of trip* has also been added. A separate column, entitled, Trip Causality Factor, allows more specific adjustment to reflect the shift in responsibility for the increased convenience to residential for the proximity of retail commercial and medical office facilities. The 25% increase in trip responsibility to residential directly corresponds to the additional 23% trip reduction in retail and medical office trips.

Lastly, in addition to adopting an update to the CFF fees, consideration still remains as to how to appropriately phase in the fees recognizing that new development is often "proforma-ed" several years in advanced before fees are actually paid. With such a substantial increase in fees, it has been determined that some form of phase in of fees may be appropriate and fair, so that near-term development can still profitably move forward and remain competitive with adjacent jurisdictions.

TABLE 1 - CITY OF MODESTO CFF AREA (INCLUDES KIERNAN BUSINESS PARK BUT EXCLUDES SALIDA AREA)
ESTIMATED IMPROVEMENT COST SPREAD AND FEE PER D.U.E WITH RESIDENTIAL WEIGHTING TO ENHANCE COMMUNITY

Landuse Category	Net New Development ("Buildout -minus Existing")	Units	Daily Trip Generation Rate per Unit	Trip Adjustment Factor	Trip Length/ Causality Factor	Daily Trip Generation	Percentage Share of Daily Trips	Estimated Spread of CFF Improvement Costs	Estimated Fee per Unit
SFDU	33,506	D.U.'s	9.57	100%	115%	368,750	29.4%	$ 268,727,607	$ 8,020
MFDU	16,089	D.U.'s	6.63	100%	115%	122,671	9.8%	$ 89,396,465	$ 5,556
Retail (lesser than 50,000 sq.ft.floor area)	10,234	Employees	50.31	25%	87%	111,985	8.9%	$ 81,609,161	$ 7,974
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	10,234	Employees	33.99	30%	87%	90,790	7.2%	$ 66,163,277	$ 6,465
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	10,234	Employees	23.95	35%	87%	74,634	6.0%	$ 54,389,886	$ 5,315
Retail (greater than 300,000 sq.ft. floor area)	10,234	Employees	19.31	40%	87%	68,771	5.5%	$ 50,117,206	$ 4,897
Service (Medical Office)	7,652	Employees	8.91	100%	87%	59,316	4.7%	$ 43,226,676	$ 5,649
Service (General Office)	30,609	Employees	3.32	100%	100%	101,622	8.1%	$ 74,057,176	$ 2,419
Government (General Office)	14,700	Employees	3.32	100%	100%	48,804	3.9%	$ 35,566,026	$ 2,419
Other (Industrial)	98,372	Employees	2.10	100%	100%	206,581	16.5%	$ 150,546,519	$ 1,530
Total Employees	*192,269*	*Employees*							
Population	*171,000*	*Residents*							
TOTAL TRIPS				**1,250,417**		**1,253,924**	**100.0%**	**$ 913,800,000**	

Notes:

1. A 60%, 65%, 70% and 75% trip reduction factor has been applied for retail "pass-by/multi-purpose" trips based on the size of the projected retail facility. The smaller the retail facility, the greater the trip reduction factor due to "pas-by/multi-purpose travel. These factors include an additional 10% trip reduction adjustment factor from Table 1 to reflect enhanced community value to residential neighborhoods.

2. Similar to the added trip reduction factor to the retail land use category, a 25% trip adjustment factor has been further added to the residential land use catagories to further help incentify non-residential uses to locate in the City of Modesto, enhancing quality of life and community value.

EXHIBIT A

TABLE 2 - CITY OF MODESTO CFF AREA (INCLUDES KIERNAN BUSINESS PARK, BUT EXCLUDES SALIDA AREA)
ESTIMATED FEES WITH RESIDENTIAL WEIGHTING TO ENHANCE COMMUNITY

Draft

Landuse Category	Model Employee Density (per gross acre)	Retail Employee Density Share	Service Employee Density Share	Other Employee Density Share	Weighted Fee per Employee	Density Factor (KSF per Employee)	Final Weighted Fee per Unit	Unit	Existing Streets Fee per Unit	Percent Increase in Fee
SFDU	N/A	N/A	N/A	N/A	N/A	N/A	$ 8,020	D.U.	$ 3,168	153%
MFDU	N/A	N/A	N/A	N/A	N/A	N/A	$ 5,556	D.U.	$ 2,172	156%
Senior Housing (37% of SFDU rate)	N/A	N/A	N/A	N/A	N/A	N/A	$ 2,968	D.U.	$ 619	379%
Hotel/Motel (94% of SFDU rate, 60% occupancy factor)	N/A	N/A	N/A	N/A	N/A	N/A	$ 4,523	Room	$ 538	741%
Retail (lesser than 50,000 sq.ft.floor area)	24	75%	25%	0%	$ 6,586	0.450	$ 14,635	KSF	$ 4,500	225%
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	24	75%	25%	0%	$ 5,454	0.450	$ 12,119	KSF	$ 3,989	204%
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	24	75%	25%	0%	$ 4,591	0.450	$ 10,202	KSF	$ 3,799	169%
Retail (greater than 300,000 sq.ft. floor area)	24	75%	25%	0%	$ 4,278	0.450	$ 9,506	KSF	$ 3,763	153%
Office (Medical Office)	45	0%	100%	0%	$ 5,649	0.302	$ 18,706	KSF	$ 7,449	151%
Office (General Office)	45	0%	100%	0%	$ 2,419	0.302	$ 8,011	KSF	$ 4,109	95%
Hospital (33% Med. Office, 67% Gen.Office)					$ 3,485	0.302	$ 11,540	KSF	$ 2,184	428%
Daycare Ctr.(92% of Retail 50K-100K rate per empl.,50% pass-by reduction)					$ 2,509	0.394	$ 6,367	KSF	$ 1,736	267%
Church (83% of Gen.Office rate per KSF used on per-employee basis)					$ 2,008	1.500	$ 1,339	KSF	$ 292	358%
Nursing Home (122% of Gen.Office rate per empl.)					$ 2,852	1.500	$ 1,968	KSF	$ 149	1221%
Business Park (Service)	25	0%	25%	75%	$ 1,753	0.317	$ 5,529	KSF		
Business Park (Manufacturing)	25	0%	25%	75%	$ 1,753	0.550	$ 3,187	KSF		
Industrial (Manufacturing)	18	0%	20%	80%	$ 1,708	0.550	$ 3,106	KSF	$ 1,510	106%
Industrial (Warehousing)	18	0%	20%	80%	$ 1,708	0.784	$ 2,179	KSF	$ 362	502%

EXHIBIT A

EXHIBIT B

CITY of MODESTO

2011
CAPITAL FACILITIES FEES
SUMMARY REPORT

FINAL
City Council Resolution No. 2011-105

March 22, 2011

Prepared by:
City of Modesto Comprehensive Fees Task Force

EXHIBIT B

City of Modesto Comprehensive Fees Task Force

Voting Members:

Rick Dahlseid	Citizen-at-Large
Sandra Lucas	Citizen-at-Large
Marshall Riddle	Citizen-at-Large
Deborah Riggs	Citizen-at-Large
David Wright, Jr.	Alternate Citizen-at-Large
Duke Leffler	Commercial Broker
Jan Marie Ennenga	Manufacturer's Council Representative
Richard Tatoyan	Construction Industry Committee Representative
Bill Zoslocki	Building Industry Association Representative

Non-Voting Members:

Greg Nyhoff	City Manager
H. Brent Sinclair	Director of Community and Economic Development
Amy Gedney	Infrastructure Finance Program Administrator
Nick Pinhey	Director of Utility Planning and Projects
Gloriette Beck	Director of Finance

On January 27, 2011, the Comprehensive Fees Task Force took the following actions:

1) Accepted the Summary Report dated January 26, 2011, for the CFF Program and recommended the report be forwarded to the Finance Committee for review.

2) Recommended a biennial review of the CFF Program to coincide with the Urban Growth Review.

INTRODUCTION

In April 2010, the City of Modesto established a Comprehensive Fees Task Force, CFTF, to review all development related fees. One component of those fees is the City's Capital Facilities Fees, CFF, which are collected on new development for "brick and mortar" facilities. This type of fee is codified in the California Government Code §66000.

The current state of the economy has resulted in limited new development and significant decreases in land values and construction costs. The CFF, which was last reviewed in 2006, is in need of an overhaul to address changing market conditions and community economic objectives. The three largest cost components of the CFF program are Streets, Parks, and Air Quality Mitigation. Therefore, the CFTF directed staff to review these components to determine if adjustments could be made that would reduce the overall costs of these three components. Attachment "A" shows the current breakout of CFF components per land use type.

The CFTF systematically and pragmatically reviewed possible changes to the CFF program. The review entailed a realistic look at population projections and anticipated roadway needs. The final result is a fee that represents roads that will need improvements in the near term and an earnest plan to revise current practices and policies of roadway development.

EXHIBIT B

METHODOLOGY

Streets

The CFTF reviewed past and projected population numbers as presented in the General Plan, shown in Attachment "B". Subsequent to revised population forecasts, the Streets component was revised, but produced a very small change in the overall cost estimates. This is documented in Attachment "C" by the City's consultant Omni-Means. In an effort to further review the fee, staff determined projects based on two criteria: 1) within twenty years, and 2) beyond twenty years. That methodology is shown in Attachment "D".

Reducing the project list resulted in significantly reduced roadway projects and thus, cost estimates. Table 1 shows the differences between each of the reductions listed above for each land use type.

Table 1. CFF Streets Component: Existing Fee, Proposed Fee with Population Adjustments, and Proposed Fee with General Plan Assumptions and only within 20-Year Projects

Land Use	Existing Fee	Proposed Fee with Population Adjustments	Proposed Fee with GP Assumptions and only within 20-Year Projects
Single-Family*	$8,596	$12,036	$6,268
Multi-Family*	$6,008	$8,339	$4,342
Senior Housing*	$3,782	$18,096	$3,782
Hotel/Motel**	$5,432		$3,259
Retail <50,000 sf**	$17,603	$18,096	$9,423
Retail 50,000 - 100,000 sf**	$14,581	$15,023	$7,823
Retail 100,000 -300,00 sf**	$12,279	$12,680	$6,603
Retail >300,000 sf**	$11,442	$11,829	$6,160
Medical Office**	$22,502	$22,858	$11,903
General Office**	$9,678	$11,061	$5,760
Hospital**	$13,911		$8,347
Daycare**	$7,682		$4,609
Church**	$1,637		$982
Nursing Home**	$2,396		$1,438
Industrial (Manufacturing)**	$3,754	$4,288	$2,233
Industrial (Warehousing)**	$2,637	$3,008	$1,566

* *Per Dwelling Unit*

** *Per 1,000 Square Feet*

Parks

Park development over the past eight years has been funded by a combination of CFD (i.e. Village One #2 and Coffee-Claratina) and Parks CFF. The 2003 CFF Parks component was adopted at $4,384 per Dwelling Unit Equivalent, DUE, and, due to inflation adjustments, is now $5,803 per DUE. Lower construction costs over the past few years have decreased the fee significantly as construction costs are now just above the rate used for the 2003 update. Additionally, some parks were sold (17th and G) and others removed as they are no longer planned which decreased the fee by a minor amount. Parks CFF is collected per residential unit and not assessed to any other type of land use (i.e. commercial, industrial, medical).

During the height of the building boom, land values peaked at $350,000 per acre resulting in an increase in the fees. The current land value is set at $150,000 per acre, except for land in flood plains which is still set at $30,000 per acre, lowering the fee significantly. This update anticipates 120,590 DUEs at Build-Out; an increase of about 5,000 DUEs from the 2003 update, lowering the fee approximately $200 per DUE. This update revises park acreage to conform to the General Plan; 2A/1,000 DUEs for Community Park and 1A/1,000 DUEs for Neighborhood Park, slightly offsetting a decrease in the fee. The 2010 Parks CFF was reviewed for relevancy based on today's land and construction values to determine if the Parks CFF fee needed to be updated. The recommended 2011 Parks CFF is $610 less than the current fee of $5,803, or $5,193, per citywide DUE. Table 2 shows the differences between each of the reductions listed above for each residential land use type.

Air Quality

Staff also reviewed the Air Quality Mitigation fee for possible changes, adding some facilities and eliminating other facilities, and recommends the fee be revised down from the current fee of $1,679 to $548 per DUE, a reduction of $1,131 per DUE.

Table 2. Existing and Proposed Parks and Air Quality Mitigation CFF

Land Use*	Existing PARKS	Proposed PARKS	Existing AIR MITIGATION	Proposed AIR MITIGATION
Single Family	$5,803	$5,193	$1,679	$548
Multi- Family	$3,607	$3,228	$1,072	$722
Senior Housing	$3,518	$3,148	$1,046	$702

** Per Dwelling Unit*

SUMMARY & NEXT STEPS

In reviewing the projects, cost estimates, and needs within the CFF components, a systematic approach was taken to ensure that: 1) a nexus for the fee is maintained, and 2) a balance is maintained that does not cripple the City's ability to develop new parklands and roadways. To that end, this revised fee addresses concerns that the CFF is too high and development cannot occur. However, it should also be noted that reducing project lists also reduces the amount to be collected for projects deemed necessary in the 20 plus year horizon.

In an effort to strike a balance between needed infrastructure and anticipated new development, the CFTF thoroughly reviewed areas of modification within the CFF components. As a result, the Streets, Parks, and Air Mitigation components were significantly modified to reflect: 1) land value changes, 2) need for projects, and 3) timeline for construction. Table 3 illustrates the existing fees and the new proposed fees to go into effect in early spring of 2011.

Since the CFF program reflects the identified infrastructure based on the General Plan, it has become increasingly obvious that the City's Circulation Element needs to be revised, which hopefully will result in a dynamic Modesto Transportation Plan that will reflect not only needed roadways and other transportation facilities, but will also identify how they will be funded and maintained over time.

Furthermore, a significant amount of effort has gone into reviewing and discussing the CFF components as well as the needs of new development to ensure that development is feasible. As a result, this revised 2011 CFF Program represents an interim solution. As noted above, staff will be investigating and presenting a Modesto Transportation Plan that will more fully address a financial plan to construct and maintain roadways within Modesto.

Table 3. Existing & Proposed 2011 CFF

	Land Use	Police		Fire		Parks		General Gov't.		Administrative		Streets		Transit		Air Mitigation		Sewer		Total		%
		Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Reduction
Residential	Single Family	$ 852	$ 852	$ 363	$ 363	$5,801	$ 5,193	$ 479	$ 479	$ 272	$ 272	$ 8,506	$ 6,263	$ 91	$ 91	$1,679	$ 546	$18,135	$14,066			22%
	Multi Family	$ 513	$ 513	$ 167	$ 167	$3,007	$ 3,228	$ 294	$ 294	$ 146	$ 146	$ 6,306	$ 4,347	$ 64	$ 64	$1,072	$ 221	$11,671	$ 9,178			-20%
	Senior Housing	$ 500	$ 500	$ 164	$ 164	$3,518	$ 3,148	$ 288	$ 288	$ 104	$ 104	$ 3,782	$ 3,781	$ 34	$ 34	$1,046	$ 286	$ 9,436	$ 8,725			-8%
Non-Residential (Per 1,000 Square Feet)	Hotel/Motel (Rooms < 500 SF)	$ 194	$ 194	$ 64	$ 64			$ 111	$ 111	$ 82	$ 82	$ 5,432	$ 3,259	$ 57	$ 57			$ 5,940	$ 3,767			-37%
	Retail <50,000 SF	$ 231	$ 231	$ 76	$ 76			$ 133	$ 133	$ 255	$ 255	$17,603	$ 9,423	$ 187	$ 187			$18,485	$10,305			-44%
	Retail 50,000-100,000 SF	$ 231	$ 231	$ 75	$ 75			$ 132	$ 132	$ 212	$ 212	$14,581	$ 7,821	$ 154	$ 154			$15,585	$ 8,527			-44%
	Retail 100,000-300,000 SF	$ 232	$ 232	$ 76	$ 76			$ 133	$ 133	$ 180	$ 180	$12,275	$ 6,603	$ 130	$ 130			$13,030	$ 7,354			-44%
	Retail >300,000 SF	$ 231	$ 231	$ 75	$ 75			$ 133	$ 133	$ 168	$ 168	$11,442	$ 6,169	$ 120	$ 120			$12,169	$ 6,887			-43%
	Medical Office	$ 386	$ 386	$ 126	$ 126			$ 221	$ 221	$ 328	$ 328	$22,503	$15,903	$ 238	$ 238			$23,801	$17,210			-45%
	General Office	$ 386	$ 386	$ 126	$ 126			$ 222	$ 222	$ 148	$ 148	$ 9,678	$ 5,760	$ 152	$ 152			$10,682	$ 6,794			-37%
	Hospital	$ 385	$ 385	$ 126	$ 126			$ 222	$ 222	$ 207	$ 207	$13,931	$ 8,347	$ 147	$ 147			$14,998	$ 9,434			-37%
	Daycare	$ 386	$ 386	$ 126	$ 126			$ 222	$ 222	$ 120	$ 120	$ 7,682	$ 4,609	$ 81	$ 81			$ 8,617	$ 5,544			-36%
	Church	$ 391	$ 391	$ 127	$ 127			$ 225	$ 225	$ 34	$ 34	$ 1,537	$ 583	$ 17	$ 17			$ 2,431	$ 1,376			-27%
	Nursing Home	$ 389	$ 389	$ 127	$ 127			$ 224	$ 224	$ 45	$ 45	$ 2,896	$ 1,438	$ 21	$ 21			$ 3,185	$ 2,248			-30%
	Industrial (Manufacturing)	$ 165	$ 165	$ 54	$ 54			$ 95	$ 95	$ 57	$ 57	$ 3,754	$ 2,213	$ 39	$ 39			$ 4,164	$ 2,623			-37%
	Industrial (Warehousing)	$ 166	$ 166	$ 54	$ 54			$ 95	$ 95	$ 42	$ 42	$ 2,537	$ 1,566	$ 28	$ 28			$ 3,022	$ 1,953			-35%

EXHIBIT B

EXHIBIT B

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CITY of MODESTO

2010 CAPITAL FACILITIES FEES - Breakdown by Revenue Source

City of Modesto

	Fire		Police		Parks		General Gov't.		Air Mitigation		Streets		Transit		Admin.		
Residential (per unit)	Fee	%	Fee	%	Fee	%	Fee	%	Fee	%	Fee	%	Fee	%	Fee	%	TOTAL
Single Family	$363	2.00%	$852	4.70%	$5,803	32.00%	$479	2.64%	$1,679	9.26%	$8,596	47.40%	$91	0.50%	$272	1.50%	$18,135
Multi Family	$167	1.41%	$513	4.32%	$3,607	30.38%	$294	2.48%	$1,072	9.03%	$6,008	50.60%	$64	0.54%	$146	1.23%	$11,874
Senior Housing	$164	1.74%	$500	5.30%	$3,518	37.29%	$288	3.05%	$1,046	11.09%	$3,782	40.08%	$34	0.36%	$104	1.10%	$9,435
Non-Residential (per 1,000 sq. ft.)																	
Hotel./Motel (room = 500 sq. ft.)	$64	1.07%	$194	3.26%	$0	0.00%	$111	1.87%	$0	0.00%	$5,432	91.46%	$57	0.96%	$82	1.38%	$5,939
Retail																	
<50,000 SF	$76	0.41%	$231	1.25%	$0	0.00%	$133	0.72%	$0	0.00%	$17,603	95.24%	$187	1.01%	$255	1.38%	$18,483
50 - 100,000 SF	$75	0.49%	$231	1.50%	$0	0.00%	$132	0.86%	$0	0.00%	$14,581	94.77%	$154	1.00%	$212	1.38%	$15,386
100 - 300,000 SF	$76	0.58%	$232	1.78%	$0	0.00%	$133	1.02%	$0	0.00%	$12,279	94.26%	$130	1.00%	$180	1.38%	$13,027
>300,000 SF	$75	0.62%	$231	1.90%	$0	0.00%	$133	1.09%	$0	0.00%	$11,442	94.02%	$120	0.99%	$168	1.38%	$12,170
Medical Office	$126	0.53%	$386	1.62%	$0	0.00%	$221	0.93%	$0	0.00%	$22,502	94.54%	$238	1.00%	$328	1.38%	$23,802
General Office	$126	1.18%	$386	3.62%	$0	0.00%	$222	2.08%	$0	0.00%	$9,678	90.77%	$102	0.96%	$148	1.39%	$10,662
Hospital	$126	0.84%	$385	2.57%	$0	0.00%	$222	1.48%	$0	0.00%	$13,911	92.75%	$147	0.98%	$207	1.38%	$14,998
Daycare	$126	1.46%	$386	4.48%	$0	0.00%	$222	2.58%	$0	0.00%	$7,682	89.14%	$81	0.94%	$120	1.39%	$8,618
Church	$127	5.23%	$391	16.07%	$0	0.00%	$225	9.25%	$0	0.00%	$1,637	67.35%	$17	0.70%	$34	1.40%	$2,431
Nursing Home	$127	3.95%	$389	12.14%	$0	0.00%	$224	6.99%	$0	0.00%	$2,396	74.74%	$25	0.78%	$45	1.41%	$3,206
Industrial (Manufacturing)	$54	1.29%	$165	3.97%	$0	0.00%	$95	2.29%	$0	0.00%	$3,754	90.13%	$39	0.94%	$57	1.37%	$4,165
Industrial (Warehousing)	$54	1.78%	$166	5.48%	$0	0.00%	$95	3.16%	$0	0.00%	$2,637	87.27%	$28	0.93%	$42	1.38%	$3,022

(Fees Effective on 08/22/2010)

EXHIBIT B

Updated 2/1/2011

EXHIBIT B

Table 3. Allocation of Permits per Year

City of Modesto Single Family Residentia (SFR) and Multi-Family Residential (MFR) Permits

Fiscal Year Ending	ACTUAL SFR YTD + 40 Yr AVERAGE	ACTUAL MFR YTD + 40 Yr AVERAGE	ACTUAL DUEs + 2003 CFF Projection	ACTUAL + AVERAGE TOTAL DUEs	ACTUAL DUEs + REVISED Projected DUEs	2010 REVISED PROJECTIONS SFR	2010 REVISED PROJECTIONS MFR
1960	402	0	402	402	402		
1961	621	0	621	621	621		
1962	830	0	830	830	830		
1963	507	57	507	564	564		
1964	492	369	492	861	861		
1965	436	152	436	588	588		
1966	485	266	485	751	751		
1967	444	177	444	621	621		
1968	458	615	458	1,073	1,073		
1969	463	364	463	827	827		
1970	500	752	500	1,252	1,252		
1971	782	939	782	1,721	1,721		
1972	960	1,068	960	2,028	2,028		
1973	1,064	703	1,064	1,767	1,767		
1974	1,009	463	1,009	1,472	1,472		
1975	1,179	168	1,179	1,347	1,347		
1976	1,409	197	1,409	1,606	1,606		
1977	1,927	975	1,927	2,902	2,902		
1978	1,613	890	1,613	2,503	2,503		
1979	975	902	975	1,877	1,877		
1980	722	728	722	1,450	1,450		
1981	612	307	612	919	919		
1982	261	129	261	390	390		
1983	427	375	427	802	802		
1984	547	929	547	1,476	1,476		
1985	851	1,081	851	1,932	1,932		
1986	1,658	685	1,658	2,343	2,343		
1987	1,957	658	1,957	2,615	2,615		
1988	1,761	535	1,761	2,296	2,296		
1989	2,327	1,029	2,327	3,356	3,356		
1990	1,937	468	1,937	2,405	2,405		
1991	572	104	572	676	676		
1992	293	10	293	303	303		
1993	492	13	492	505	505		
1994	230	124	230	354	354		
1995	186	9	186	195	195		
1996	282	0	282	282	282		
1997	304	4	304	308	308		
1998	571	82	571	653	653		
1999	836	7	836	843	843		
2000	1,553	16	1,553	1,569	1,569		
2001	1,525	94	1,525	1,619	1,619		
2002	1,118	8	1,118	1,126	1,126		
2003	998	21	998	1,019	1,019		
2004	563	95	563	658	658		
2005	645	276	645	921	921		
2006	656	39	656	695	695		
2007	271	252	271	523	523		
2008	172	40	172	212	212		
2009	37	0	37	37	37		
2010	14	0	14	14	14		
2011	700	344	700	1,044	110	100	10
2012	700	344	800	1,044	220	200	20
2013	700	344	900	1,044	330	300	30
2014	700	344	1500	1,044	440	400	40
2015	700	344	2000	1,044	600	500	100
2016	700	344	2500	1,044	710	600	110
2017	700	344	3000	1,044	820	700	120
2018	700	344	3500	1,044	950	800	150
2019	700	344	4500	1,044	1,060	900	160
2020	700	344	4500	1,044	1,280	1,100	180
2021	700	344	4500	1,044	1,400	1,200	200
2022	700	344	4500	1,044	1,380	1,200	180
2023	700	344	4000	1,044	1,160	1,000	160
2024	700	344	3500	1,044	1,050	900	150
2025	700	344	3500	1,044	900	800	100
2026	700	344	3000	1,044	800	700	100
2027	700	344	1000	1,044	650	600	50
2028	700	344	900	1,044	540	500	40
2029	700	344	800	1,044	430	400	30
2030	700	344	700	1,044	310	300	10
TOTAL ALL YEARS	**54,934**	**24,055**	**91,234**	**78,989**	**73,249**		
Actual AVG	**803**	**337**	**803**		**722**		
Projected average DUEs	**700**	**344**	**2515**	**1044**	**757**	**660**	**97**
2010-2032 TOTAL	**14,014**	**6,880**	**50,314**	**20,894**	**15,154**	**13,200**	**1,940**

EXHIBIT B

TECHNICAL MEMORANDUM

To:	City of Modesto	**Date:**	November 19, 2010
Attn:	Amy Gedney, Tina Rocha	**Project:**	City of Modesto CFF Fee &
From:	Marty Inouye, Todd Tregenza		Areas of Benefit Update
Re:	Preliminary Fee Calculations Based	**Job No.:**	25-4750-03
	On 20-Year Projection Model Run	**File No.:**	C569MEM011.DOC
CC:			

INTRODUCTION

This memorandum has been prepared by OMNI-MEANS to document progress made in the efforts to create a 20-year fee program, based on buildout of 20-year land use projections, that includes four distinct areas of benefit. A previous memorandum entitled *Approval of Technical Assumptions For 20-Year Projection Land-Uses* was sent out by OMNI-MEANS and approved by the City. This next memorandum provides the methodologies OMNI-MEANS used to determine necessary improvements for the 20-year land use projections and develop a preliminary fee calculation for areas of benefit that divide the City into four quadrants.

BASELINE "GENERAL PLAN BUILDOUT" FEE

Prior to developing a new fee, OMNI-MEANS determined it was necessary to estimate the potential fee citywide, and by quadrant, for full build-out of the General Plan travel demand model land uses. This would provide a baseline comparison for the calculated 20-year fee, presented at the end of this memorandum. Without providing such a baseline comparison, it would be difficult to gauge the effect of the subsequent "20-Year Projection" fee calculations.

"GENERAL PLAN BUILDOUT" ADDED GOWTH

Table 1 presents the growth in dwelling units and employees assumed in the General Plan buildout model.

TABLE 1
"GENERAL PLAN BUILDOUT" ADDED LAND USES

Land Use Activity	General Plan Growth ("Buildout minus Existing")	Unit Type
Single-Family	31,603	Dwelling Units
Multi-Family	17,292	Dwelling Units
Total Dwelling Units	*48,895*	*Dwelling Units*
Retail	38,779	Employees
Service	40,015	Employees
Other	60,888	Employees
Education	2,961	Employees
Government	2,891	Employees
Total Employees	*145,435*	*Employees*

As presented in Table 1, the General Plan added land uses assumed in the travel demand model include 145,435 new employees and 48,895 new dwelling units. Using an assumed 2 person per Multi-Family

Dwelling Unit (MFDU) and 3 person per Single-Family Dwelling Unit (SFDU) density average, this amounts to an added population of 129,393.

ESTIMATION OF GENERAL PLAN TRAFFIC FEE

The "General Plan Buildout" traffic fee was estimated using the land-uses presented in Table 1. These land uses were assigned to each of the four designated quadrants. Under this scenario, all CFF improvements were included in the fee calculation. The fee was calculated on a citywide basis as well as on a quadrant basis.

Citywide "General Plan Buildout" Fee Calculation

In this scenario, all CFF improvement costs were assigned to all General Plan added growth extracted from the travel demand model. Retail employees were split evenly between the four retail use sizes. 20 percent of service employees were assigned to Medical Office and the remained to General Office. Table 2 presents the resulting fee.

TABLE 2
"GENERAL PLAN BUILDOUT" CITYWIDE FEE CALCULATION

Land Use Code Category	Final Weighted Fee per Unit	Unit
SFDU	$ 10,953	D.U.
MFDU	$ 7,588	D.U.
Retail (fewer than 50,000 sq.ft. floor area)	$ 16,468	KSF
Retail (50,000 sq.ft. to 99,999 sq.ft. floor area)	$ 13,671	KSF
Retail (100,000 sq.ft. to 300,000 sq.ft. floor area)	$ 11,539	KSF
Retail (greater than 300,000 sq.ft. floor area)	$ 10,765	KSF
Office (Medical Office)	$ 20,801	KSF
Office (General Office)	$ 10,066	KSF
Business Park (Service)	$ 6,947	KSF
Business Park (Manufacturing)	$ 4,004	KSF
Industrial (Manufacturing)	$ 3,902	KSF
Industrial (Warehousing)	$ 2,738	KSF

As presented in Table 2, the fee per SFDU under this scenario is $10,953. Because all technical assumptions, including trip generation and pass-by rates, will remain consistent from hereon out, the SFDU fee can be used as a barometer to gauge the fee amount. This will be referred to as the fee per equivalent dwelling unit (EDU).

Quadrant-Based "General Plan Buildout" Fee Calculation

In this scenario, all CFF intersection, roadway, and traffic signal projects were assigned to one of the four City-designated quadrants. These costs were then applied to the amount of growth found in each quadrant. Lastly, a flat citywide adjustment was applied to each quadrant's fees to account for shared citywide costs like interchanges and reductions such as StanCOG funding, amongst others. Table 3 presents the "General Plan Buildout" fee per EDU for each quadrant.

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TABLE 3
"GENERAL PLAN BUILDOUT" QUADRANT FEE COMPARISON

Quadrant	Trip Generation	Improvement Costs Assigned	Fee per "EDU"
Quadrant 1	383,528	$ 274,433,224	$ 8,560
Quadrant 2	335,813	$ 225,737,271	$ 8,041
Quadrant 3	275,730	$ 280,281,926	$ 12,160
Quadrant 4	124,645	$ 244,790,179	$ 23,493
Citywide	*1,119,717*	*$ 1,025,244,600*	*$ 10,953*

As presented in Table 3, assuming buildout of the full General Plan, and inclusion of all CFF projects, the fee per quadrant varies significantly. The fee per quadrant ranges from $ 8,041 per EDU for Quadrant 2 to $ 23,493 per EDU for Quadrant 4. This variation is due to the relative parity in improvement costs assigned to each quadrant compared to the significant variation in trip generation, or growth, included in each quadrant.

CITY OF MODESTO 20-YEAR PROJECTION SCENARIO

The prior memorandum issued by OMNI-MEANS, entitled *Technical Assumptions For 20-Year Projection Land-Uses*, detailed the process undertaken to develop "20-Year Projection" land uses in each quadrant. This section summarizes the land use growth differences between "General Plan Buildout" and "20-Year Projection" scenarios and the resulting changes in needed CFF improvements. Only land uses within the City of Modesto planning area were adjusted to reflect "20-Year Projection" growth, meaning the land uses outside the City are still assumed to develop to "General Plan Buildout" amounts in this scenario.

"20-YEAR PROJECTION" TO "GENERAL PLAN BUILDOUT" COMPARISON

Table 4 presents the growth in dwelling units and employees assumed in the "20-Year Projection" model and presents the percent reduction in growth relative to the "General Plan Buildout" land uses.

TABLE 4
"20-YEAR PROJECTION" ADDED LAND USES AND COMPARISON TO "GENERAL PLAN BUILDOUT"

Land Use Activity	20-Year Projection Growth ("Buildout minus Existing")	Unit Type	General Plan Growth ("Buildout minus Existing")	Unit Type	Percent Reduction
Single-Family	9,046	Dwelling Units	31,603	Dwelling Units	71.4%
Multi-Family	6,094	Dwelling Units	17,292	Dwelling Units	64.8%
Total Dwelling Units	*15,140*	*Dwelling Units*	*48,895*	*Dwelling Units*	*69.0%*
Retail	7,785	Employees	38,770	Employees	79.9%
Service	11,023	Employees	40,015	Employees	72.5%
Other	11,227	Employees	60,888	Employees	81.6%
Education	1,329	Employees	2,961	Employees	55.1%
Government	1,626	Employees	2,801	Employees	42.0%
Total Employees	*32,990*	*Employees*	*145,435*	*Employees*	*77.3%*

As presented in Table 4, the "20-Year Projection" land use growth would equate to 15,140 new dwelling units and 32,990 new employees. The 15,140 new dwelling units equates to an added 39,326 persons using the densities described under Table 1. Overall, as presented in Table 4, the "20-Year Projection" represents 69% less housing growth and 77% less employment growth than the "General Plan Buildout".

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"20-YEAR PROJECTION" NEEDED IMPROVEMENTS

A list of needed intersection, roadway, and interchange improvements was compiled for the City's "20-Year Projection" growth. All State Route 99 interchange projects were found to be required. However, only one urban interchange was selected to be included. Traffic signal projects were all assumed to be included. A full list of the roadway and intersection improvements selected is provided as Appendix Tables 1 and 2 of this memorandum. Table 5 presents the total costs for each improvement category found to be needed and compares this cost to the full CFF cost.

TABLE 5
"20-YEAR PROJECTION" NEEDED IMPROVEMENT COSTS AND FULL CFF COST COMPARISON

Improvement Category	"20-Year Projection" Total Cost	"General Plan Buildout" Total Cost	Percent Reduction
Intersections	$ 229,171,085	$ 268,171,586	14.5 %
Roadways	$ 432,189,625	$ 649,676,851	33.5 %
Traffic Signals	$ 11,976,620	$ 11,976,620	-
Interchanges	$ 96,044,961	$ 220,531,575	56.4 %
Adjustments*	$ (125,112,031)	$ (125,112,031)	-
Totals	*$ 644,270,128*	*$ 1,025,244,600*	*37.2 %*

**Adjustments include reductions for existing deficiencies, State SRS funding, existing CFF balance, and CFF funds expended as calculated by OMNI-MEANS and the City of Modesto in 2008*

As presented in Table 5, the overall cost reduction to the total CFF projects list when only the needed projects under the "20-Year Projection" is roughly 37%. Because the land use reduction amongst which this cost is spread is reduced between 69% and 77%, as presented in Table 4, the resulting fee is significantly higher because there is less growth into which to divide the new costs. Table 6 presents the Citywide fee calculations for this scenario.

TABLE 6
"20-YEAR PROJECTION" PRELIMINARY CITYWIDE FEE CALCULATION

Land Use Code Category	Final Weighted Fee per Unit	Unit
SFDU	$ 26,146	D.U.
MFDU	$ 18,114	D.U.
Retail (lesser than 50,000 sq.ft.floor area)	$ 39,310	KSF
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	$ 32,633	KSF
Retail (100,000 sq.ft to 300,000 sq.ft. floor area)	$ 27,543	KSF
Retail (greater than 300,000 sq.ft. floor area)	$ 25,696	KSF
Office (Medical Office)	$ 49,652	KSF
Office (General Office)	$ 24,028	KSF
Business Park (Services)	$ 16,582	KSF
Business Park (Manufacturing)	$ 9,587	KSF
Industrial (Manufacturing)	$ 9,315	KSF
Industrial (Warehousing)	$ 6,535	KSF

As presented in Table 6, the citywide cost per EDU would be $26,146. Quadrant-based calculations are not included in this memorandum for this scenario, because the base citywide cost is clearly infeasible. Because the fee amount is so much greater in this scenario than the base fee presented in Table 2, OMNI-MEANS decided to examine another, potentially more realist scenario, in which the land-uses outside the City of Modesto are also reduced proportionately to the City's "20-Year Projection" levels.

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COUNTYWIDE 20-YEAR GROWTH SCENARIO

For this analysis, the land use growth outside the City limits was also reduced by 75% (a rough average of the City's "20-Year Projection" 69% to 77% reduction). The theory behind this reduction is that any economic factors that go into determining the City's planned growth over the next 20 years will likely affect communities outside the City planning area as well.

IDENTIFICATION OF "NEEDED" CFF FACILITIES

This effort identified the CFF projects within the City that were most sensitive to County demand. If a facility's projected traffic volumes we reduced significantly in the "Countywide 20-Year Growth" scenario, that facility was not included in the CFF fee calculations. The rationale for this methodology is that facilities that are most affected by regional demand should not be fully funded by the City growth.

As with the previous "20-Year Projection" scenario described above, all State Route 99 interchange projects were included, and one urban interchange was included. Traffic signal projects were all assumed to be included. A full list of the roadway and intersection improvements selected for the "Countywide 20-Year Growth" scenario is provided as Appendix Tables 3 and 4 of this memorandum. Table 7 presents the total costs for each improvement category found to be needed and compares this cost to the full CFF cost.

TABLE 7
"COUNTYWIDE 20-YEAR GROWTH" NEEDED IMPROVEMENT COSTS AND FULL CFF COST COMPARISON

Improvement Category	"Countywide 20-Year Growth" Total Cost	"General Plan Buildout" Total Cost	Percent Reduction
Intersections	$ 97,580,963	$ 268,171,586	63.6 %
Roadways	$ 216,100,927	$ 649,676,851	66.7 %
Traffic Signals	$ 11,976,620	$ 11,976,620	-
Interchanges	$ 96,044,961	$ 220,551,575	56.4 %
Adjustments*	$ (125,112,031)	$ (125,112,031)	-
Totals	*$ 296,591,240*	*$ 1,025,244,600*	*71.1 %*

**Adjustments include reductions for existing deficiencies, StateCOG funding, existing CFF balance, and CFF funds expended as calculated by DMJM-MEANS and the City of Modesto in 2008*

As presented in Table 7, the reduction in costs in the "Countywide 20-Year Growth" is much greater than the City-only "20-Year Projection" scenario. The overall cost reduction, 71%, is now much closer to the reduction in land uses assumed in the City (69% to 77%). Table 8 presents the Citywide fee calculations for this scenario.

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TABLE 8
"COUNTYWIDE 20-YEAR GROWTH" PRELIMINARY CITYWIDE FEE CALCULATION

Land Use Code Category	Final Weighted Fee per Unit	Unit
SFDU	$ 12,036	D.U.
MFDU	$ 8,339	D.U.
Retail (lesser than 50,000 sq.ft floor area)	$ 18,096	KSF
Retail (50,000 sq.ft to 99,999 sq.ft. floor area)	$ 15,023	KSF
Retail (100,000 sq.ft to 300,000 sq.ft. floor area)	$ 12,680	KSF
Retail (greater than 300,000 sq.ft. floor area)	$ 11,829	KSF
Office (Medical Office)	$ 22,858	KSF
Office (General Office)	$ 11,061	KSF
Business Park (Service)	$ 7,634	KSF
Business Park (Manufacturing)	$ 4,400	KSF
Industrial (Manufacturing)	$ 4,288	KSF
Industrial (Warehousing)	$ 3,008	KSF

As presented in Table 8, the fee per SFDU under the "Countywide 20-Year Growth" scenario is $12,036. This fee amount compares more favorably to the fee amount presented in Table 2 of this memorandum. Table 9 presents the fees per EDU in each quadrant under the "Countywide 20-Year Growth" scenario, and compares them the per EDU fee for "General Plan Buildout" presented in Table 3.

TABLE 9
"COUNTYWIDE 20-YEAR GROWTH" QUADRANT FEE COMPARISON

Quadrant	"Countywide 20-Year Growth"			"General Plan Buildout"			% Change
	Trip Generation	Improvement Costs Assigned	Fee per "EDU"	Trip Generation	Improvement Costs Assigned	Fee per "EDU"	
Quadrant 1	143,274	$ 90,572,301	$ 7,562	353,528	$ 274,433,224	$ 8,566	- 11.7%
Quadrant 2	50,721	$ 45,659,116	$ 10,769	335,813	$ 225,737,271	$ 8,041	+ 33.9%
Quadrant 3	57,650	$ 81,868,820	$ 16,988	275,330	$ 280,283,926	$ 12,160	+ 39.7%
Quadrant 4	43,129	$ 78,491,003	$ 21,771	124,645	$ 244,796,179	$ 23,493	- 6.3%
Citywide	294,774	$ 296,591,440	$ 12,036	1,119,717	$ 1,025,244,600	$ 10,953	+ 9.9%

As presented in Table 9, the fee decreases or increases between the "General Plan Buildout" scenario and the "Countywide 20-Year Growth" scenario depending on which quadrant the development is in. The per EDU fee on a city-wide basis increases about 10% from $10,953 to $12,036. However, the per EDU fee decreases in Quadrants 1 and 4 by 11.7% and 6.3% respectively. The fee increases in Quadrants 2 and 3 by 33.9% and 39.7% percent, per EDU, respectively.

CONCLUSION

The City-only "20-Year Projection" scenario is not likely a feasible CFF fee solution. The cost per EDU are too high in this scenario. This is because the improvement costs are only reduced by about 30% while the land uses into which those costs are divided into are reduced by about 69% to 77%.

The "Countywide 20-Year Growth" scenario, however, fares better in maintaining parity with the "General Plan Buildout" scenario fee calculations. The fees increase and decrease depending on which quadrant the development project is located in, yet the overall citywide fee is only slightly greater than the "General Plan Buildout" citywide fee. This is becauswe the improvement costs are reduced 71%, which is closer to the 69% to 77% reduction in growth.

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Notwithstanding this improvement in fee amounts, the methodology by which the "Countywide 20-Year Growth" projects list was generated needs to be further examined. The projects removed from the list will possibly still be needed in 20 years, because of specific localized growth, and regional growth, yet these improvements may be unfunded under the proposed fee structure. The calculations in this memorandum represent a very preliminary look at what the fee could look like under the "Countywide 20-Year Growth" scenario, but further consideration must be made as to what projects, or what percent of projects, are included.

In future discussions, it may be determined that the projects heavily used by regional traffic should not be fully removed from the CFF program if they are still needed. Future considerations for the fee program may include:

* Partial City CFF funding of needed roadways that are heavily used by the County;
* Partial (or half-width) project cost estimates that widen roadways to an interim width;
* Providing for more growth in areas that would otherwise have high fees; and,
* Revisiting the quadrant system to provide fewer or more areas of benefits.

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EXHIBIT B

APPENDIX

EXHIBIT B

APPENDIX TABLE 1
ROADWAY PROJECTS NOT NEEDED IN CITY-ONLY "20-YEAR PROJECTION"

QUADRANT	CFF ROAD PROJECT I.D.	CFF ROAD PROJECT EXTENTS	CFF PRJ LANES	TOTAL COST	CFF COST	NEEDED LANES FOR LOS D	NEED CFF PRJ?
Q1	R7TIN1	SIERRA TO RIVER	4	$27,013,812	$27,013,812	4	YES
Q4	A7TIN2	CROWELL/GOOD TO HATCH	4	$10,281,218	$10,281,218	2	NO
Q1	R7TIN3	CARPENTER TO NEEDHAM	4	$17,562,555	$17,562,555	4	NO
Q1	RBRAWISO1	YUELY TO MCHENRY	4	$1,068,381	$1,264,610	2	NO
Q1	RBELCAWTIN1	NEW ROAD TO DAKOTA	4	$2,478,190	$1,260,187	4	YES
Q1	RBRCOWTIN1	DAKOTA TO BRENK	4	$5,812,196	$4,665,659	4	YES
Q4	RBELTEGUM01	POOST TO ROSEMORE	4	$1,409,054	$1,409,054	2	NO
Q1	RBRNWISMORE1	BISK TO MCHENRY	4	$21,344,870	$21,344,870	4	YES
Q1	RBRNGOSMORE1	MCHENRY TO OAKDALE	4	$14,183,877	$14,183,877	4	YES
Q1	RBRNGOSMORE2	OAKDALE TO ROSELLE	4	$5,261,836	$5,261,836	4	YES
Q1	RBRNGOSMORE3	ROSELLE TO CLAUS	4	$5,269,641	$5,269,641	4	YES
Q1	RBRNGOSMORE4	CLAUS TO CITY GEN PLAN BURY	4	$4,846,018	$1,799,227	2	NO
Q1	RBRNGOSMORE5	COFFEE TO OAKDALE	4	$3,431,103	$3,431,103	4	YES
Q1	RBRENK01	PELANDALE TO DAKOTA	4	$3,861,036	$3,678,148	4	YES
Q1	RBRCOK01	DAKOTA TO BECKWITH	4	$3,945,401	$3,277,882	2	NO
Q1	RBRENK01	BECKWITH TO SHOEMAKE	4	$10,911,074	$4,496,815	4	YES
Q1	RBRCOK01	SHOEMAKE TO CARPENTER	4	$1,302,798	$1,302,798	2	YES
Q1	RCALIFORNIA01	NEBRASKA TO CARPENTER	4	$2,096,671	$1,032,787	2	NO
Q1	RCARPENTER01	9TH TO BLUEGUM	4	$1,145,897	$1,145,897	4	YES
Q1	RCARPENTER02	BLUEGUM TO KANSAS	4	$2,280,535	$1,615,246	4	YES
Q1	RCARPENTER03	KANSAS TO MAXZE	4	$3,324,249	$3,324,249	4	YES
Q1	RCARPENTER04	MAXZE TO CALIFORNIA	4	$3,417,818	$3,019,290	4	YES
Q1	RCARPENTER05	CALIFORNIA TO PARADISE	4	$10,271,131	$9,772,279	4	YES
Q1	RCARPENTER06	PARADISE TO HATCH	4	$8,024,006	$1,997,833	4	YES
Q1	RCARPENTER07	HATCH TO WHITMORE	4	$7,341,067	$6,264,613	2	NO
Q1	RCARPENTER08	9TH TO WOODLAND	4	$315,791	$315,791	4	NO
Q1	RCARPENTER09	WHITMORE TO WHITMORE	4	$6,640,884	$6,640,884	4	NO
Q1	RCHAPMAN01	KIERNAN TO PELANDALE	4	$3,333,848	$477,800	2	NO
Q1	RCLARATINA01	MCHENRY TO COFFEE	4	$7,618,027	$4,819,487	4	YES
Q1	RCLARATINA02	COFFEE TO OAKDALE	4	$8,830,910	$6,122,251	4	YES
Q1	RCLARATINA03	OAKDALE TO ROSELLE	4	$9,378,800	$6,772,089	2	NO
Q1	RCLARATINA04	ROSELLE TO R & B TRACKS	4	$6,733,371	$3,163,167	2	NO
Q1	RCLARBRE01	MCHENRY TO COFFEE	4	$7,065,568	$5,289,044	10	YES
Q1	RCLARBRE02	COFFEE TO OAKDALE	4	$8,642,735	$6,491,442	10	YES
Q1	RCLARBRE03	OAKDALE TO ROSELLE	4	$7,996,488	$5,708,471	4	YES
Q1	RCLARBRE04	ROSELLE TO CLAUS	4	$11,119,601	$9,614,374	10	YES
Q1	RCLARBRE05	ROSELLE TO TERMINAL	4	$2,700,470	$1,700,470	10	YES
Q1	RCLARBRE06	MCHENRY TO OAKDALE	4	$15,596,279	$15,596,279	10	YES
Q1	RCLAUS01	CLARBRE TO SYLVAN	4	$10,800,993	$9,914,829	10	YES
Q1	RCLAUS02	SYLVAN TO FLOYD	4	$2,337,808	$701,309	10	YES
Q1	RCLAUS03	FLOYD TO BRECKENRIDGE	4	$5,179,743	$1,326,464	10	YES
Q1	RCLAUS04	BRECKENRIDGE TO SCENIC	4	$3,872,189	$1,872,189	10	YES
Q1	RCLAUS05	SCENIC TO GARST	4	$1,251,914	$1,059,114	10	YES
Q1	RCLAUS06	GARST TO YOSEMITE	4	$2,596,388	$2,046,784	10	YES
Q1	RCLAUS07	SYLVAN TO BRIDGESTONE	4	$4,962,119	$2,911,841	10	YES

EXHIBIT B

RICAGRANT	CFP ROAD PROJECT ID	CFP ROAD PROJECT EXTENTS	CFP PRE LANES	TOTAL COST	CFP COST	NEEDED LANES FOR LOS D	NEED CFP FUT
Q2	RCLARSON	SYLVAN TO BRIDGEMORE	4	$7,271,944	$7,271,944	10	YES
Q2	RCOFFEE01	CLARIBEL TO CLARATINA	4	$6,460,819	$2,228,238	2	NO
Q2	RCOFFEE02	CLARATINA TO MABLE	4	$1,280,946	$575,420	2	NO
Q2	RCROWNLANE01	TID TO 99	4	$1,449,777	$1,449,777	4	YES
Q2	RCROWNLANE02	99 TO HATCH	4	$2,899,554	$1,724,285	4	YES
Q2	RCROWNLANE03	HATCH TO WHITMORE	4	$1,280,416	$1,066,884	4	YES
Q2	RCROWNLANE04	SR 99 TO HATCH	4	$1,605,171	$1,605,171	4	NO
Q2	RDALROAD1	SARDIS TO BECKWITH	4	$9,126,507	$7,197,525	4	YES
Q4	RELYSTA01	SCENIC TO YOSEMITE	4	$9,407,200	$9,407,200	4	YES
Q4	RFINCH01	MITCHELL TO GARNER	4	$6,942,781	$4,734,595	2	NO
Q4	RGARNER01	YOSEMITE TO FINCH	4	$6,048,134	$4,167,155	4	YES
Q4	RGARNER02	FINCH TO FORESTHILL RIVER	4	$5,901,059	$3,872,633	4	YES
Q4	RGUMSTI1	CLAIM TO CHURCH	4	$12,944,864	$10,221,841	4	YES
Q3	RHATCH01	CARPENTER TO CROWS LANDING	4	$11,986,542	$10,600,081	4	YES
Q4	RHATCH02	CROWS LANDING TO TIM	4	$7,042,637	$7,042,637	4	YES
Q1	RKIERNAN01	CHAPMAN TO DALE	4	$4,848,674	$3,109,600	4	YES
Q2	RKIERNAN02	DALE TO PRESCOTT	4	$10,527,063	$8,035,744	4	YES
Q1	RKIERNAN03	PRESCOTT TO TULLY	4	$4,979,939	$6,158,143	4	YES
Q1	RKIERNAN04	TULLY TO MCHENRY	4	$7,981,958	$6,384,355	10	YES
Q4	RLAMBERT01	BRIDGEMORE TO SCENIC	4	$1,473,895	$1,473,895	4	YES
Q4	RLAMBERT02	SCENIC TO YOSEMITE	4	$3,088,783	$3,088,783	2	NO
Q3	RMAZE01	MONTE TO CARPENTER	4	$6,116,546	$2,106,183	2	NO
Q1	RMAZE02	CARPENTER TO 99	4	$10,623,484	$8,297,300	4	YES
Q1	RMCHENRY01	KIERNAN TO FULANDALE	4	$2,172,034	$1,710,433	4	YES
Q1	RMCHENRY02	FULANDALE TO BYRONDITCH	4	$2,381,101	$2,297,163	4	YES
Q1	RMCHENRY03	FLOYD TO BRIDGEMORE	4	$3,993,901	$2,865,091	4	YES
Q1	RMCHENRY04	BANGS TO MCHENRY	4	$4,951,606	$4,951,606	4	NO
Q4	RMITCHELL01	YOSEMITE TO FINCH	4	$7,017,841	$4,073,810	4	YES
Q4	RMITCHELL02	FINCH TO CITY LIMIT	4	$1,456,485	$720,815	4	YES
Q4	RMORGAN01	HATCH TO WHITMORE	4	$6,755,208	$5,952,755	2	NO
Q1	RMYRTLE01	NORTH TO BROMAKE	4	$4,630,273	$3,299,871	2	NO
Q1	RMYRTLE02	BROMAKE TO MAZE	4	$10,280,997	$10,296,491	4	NO
Q3	RNEBRASKA01	MAZE TO CALIFORNIA	4	$1,896,958	$945,248	2	NO
Q1	RNORWOOD01	MURPHY TO BECKWITH	4	$10,130,494	$5,434,527	2	NO
Q4	RNORTEMAN01	CITY LIMIT TO YOSEMITE	2	$2,018,911	$997,808	2	NO
Q2	RPALDALE01	CLARIBEL TO CLARATINA	4	$4,018,895	$1,600,000	2	YES
Q1	RPALDALE02	CLARATINA TOO SYLVAN	4	$4,783,180	$2,734,278	4	YES
Q1	RPALDALE03	FLOYD TO BRIDGEMORE	4	$3,964,589	$3,964,589	4	YES
Q4	RPALDALE04	BRIDGEMORE TO SCENIC	4	$8,473,941	$8,439,371	4	YES
Q1	RPARADISE01	NEBRASKA TO CARPENTER	4	$8,481,864	$8,481,864	2	NO
Q1	RPARADISE02	CARPENTER TO MARTIN LUTHER KING	4	$4,173,310	$3,115,310	4	YES
Q1	RPELANDALE01	CHAPMAN TO DALE	4	$2,910,443	$2,910,443	4	YES
Q1	RPELANDALE02	DALE TO PRESCOTT	4	$4,264,937	$3,864,815	4	YES
Q1	RPELANDALE03	PRESCOTT TO TULLY	4	$5,280,183	$4,615,473	4	YES
Q1	RPELANDALE04	TULLY TO MCHENRY	4	$6,223,151	$5,751,765	4	YES
Q1	RPRESCOTT01	KIERNAN TO PELANDALE	4	$4,017,783	$1,157,872	2	NO

EXHIBIT B

QUADRANT	CTF ROAD PROJECT ID	CTF ROAD PROJECT ENTITANTS	CTF PRJ LANES	TOTAL COST	CTF COST	NEEDED LANES FOR LOS D	NEED CTF PRJ?
Q1	SPRESCOTT01	PLAZA TO BRIGGSMORE	4	$607,764	$607,764	4	NO
Q1	SPRESCOTT04	PRESCOTT TO PRESCOTT	4	$1,084,201	$1,084,201	4	NO
Q4	MRIVERSIDE01	YOSEMITE TO MITCHELL	4	$4,395,346	$4,395,346	2	NO
Q2	SROSE1L001	CLARIBEL TO CLARATINA	4	$4,487,139	$1,120,309	2	NO
Q2	SROSE1L002	CLARATINA TO SULLIVAN	4	$1,812,409	$607,651	2	NO
Q4	PSANTA001	TUOLUMNE RIVER TO YOSEMITE	4	$6,180,787	$6,180,787	4	YES
Q4	RSCENIC001	OAKDALE TO LAKEWOOD	4	$5,905,101	$4,196,831	4	YES
Q4	RSCENIC002	LAKEWOOD TO CLAUS	4	$6,514,370	$6,959,116	2	NO
Q4	PSHOEMAKER01	MOORE TO BRING	4	$3,874,041	$790,041	2	NO
Q1	SSTIGG01	LOWARD TO BRIGGSMORE	4	$2,154,828	$2,154,828	4	YES
Q1	SSIGNOT	STANISLAUS TO SUMMER	4	$1,287,741	$1,287,741	4	YES
Q1	RSTANISLAUS01	DALE TO PRESCOTT	4	$10,038,378	$10,038,378	4	YES
Q1	RSTANISLAUS02	PRESCOTT TO TULLY	4	$5,216,139	$5,216,139	4	NO
Q1	RSTANISLAUS03	TULLY TO MOONEY	4	$22,094,109	$22,094,109	4	NO
Q1	RSYLVAN01	MOONEY TO OAKDALE	4	$23,810,915	$23,810,915	4	NO
Q1	RTULLY01	ALBERGA TO PELANDALE	4	$4,771,778	$4,771,778	4	YES
Q1	RTULLY02	PELANDALE TO STANFORD	4	$4,115,775	$4,115,775	4	NO
Q1	RTULLY03	HANDY TO PELANDALE	4	$471,104	$0	4	NO
Q1	RTULLY04	STANFORD TO TOMORROW	4	$478,407	$478,407	4	NO
Q1	RWHITMORE01	CARPENTER TO CROWS LANDING	4	$14,147,266	$11,634,147	2	NO
Q1	RWHITMORE02	CROWS LANDING TO PRUNIAN	4	$4,794,941	$3,127,190	4	YES
Q1	RWOODLAND01	CARPENTER TO BLARNEY	4	$4,111,801	$4,111,801	4	YES
Q4	RYOSEMITE01	D TO EL VISTA	4	$18,736,835	$18,736,835	4	YES
Q4	RYOSEMITE02	EL VISTA TO LINCOLN	4	$13,979,229	$13,979,403	4	YES
Q4	RYOSEMITE03	LINCOLN TO CLAUS	4	$3,945,123	$3,877,243	4	YES
Q4	RYOSEMITE04	CLAUS TO SANTA FE	4	$7,204,428	$6,151,640	4	YES
Q4	RYOSEMITE05	SANTA FE TO CITY LIMIT	4	$1,212,188	$1,097,838	4	NO

EXHIBIT B

APPENDIX TABLE 2
INTERSECTION PROJECTS NOT NEEDED IN CITY-ONLY "20-YEAR PROJECTION"

QUADRANT	CTP INTERSECTION PROJECT ID	CROSS ROAD	NO. of LEGS	TRAFFIC SIGNAL	TOTAL COST	CITY COST	IMPROVEMENT NEEDED*
Q1	[illegible]	[illegible]	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	[illegible]	[illegible]	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	[illegible]	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	MCHENRY	4	MOD	$ [illegible]	$ [illegible]	YES
Q2	[illegible]	OAKDALE	4	MOD	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	ROSELLE	4	MOD	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	CLAIS	4	NEW	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	NEBRASKA	4	NEW	$ [illegible]	$ [illegible]	NO
Q3	[illegible]	CARPENTER	4	MOD	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	MEINCKE	4	MOD	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	KASSLER	4	MOD	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	COTTER	4	NEW	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	OAKDALE	4	NEW	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	ROSELLE	4	NEW	$ [illegible]	$ [illegible]	NO
Q3	[illegible]	COTTER	4	NEW	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	OAKDALE	4	NEW	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	ROSELLE	4	NEW	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	CLAIS	4	NEW	$ [illegible]	$ [illegible]	YES
Q3	[illegible]	7TH	4	NEW	$ [illegible]	$ [illegible]	YES
Q4	[illegible]	MITCHELL	4	MOD	$ [illegible]	$ [illegible]	YES
Q4	[illegible]	DARNER	4	NEW	$ [illegible]	$ [illegible]	YES
Q4	[illegible]	CLAIS	4	NEW	$ [illegible]	$ [illegible]	YES
Q4	[illegible]	CARPENTER	4	NEW	$ [illegible]	$ [illegible]	YES
Q4	[illegible]	CRUMS LANDING	4	MOD	$ [illegible]	$ [illegible]	YES
Q4	[illegible]	7TH	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	[illegible]	DALE	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	PRESCOTT	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	TULLY	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	MCHENRY	4	NEW	$ [illegible]	$ [illegible]	YES
Q2	[illegible]	MORSE	4	NEW	$ [illegible]	$ [illegible]	NO
Q2	[illegible]	CARPENTER	4	MOD	$ [illegible]	$ [illegible]	YES
Q2	[illegible]	NEBRASKA	4	NEW	$ [illegible]	$ [illegible]	NO
Q2	[illegible]	CARPENTER	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	DIX	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	CHAPMAN	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	DALE	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	PRESCOTT	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	TULLY	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	MCHENRY	4		$ [illegible]	$ [illegible]	YES
Q4	[illegible]	OAKDALE	4	MOD	$ [illegible]	$ [illegible]	YES
Q4	[illegible]	LARKWOOD	4	NEW	$ [illegible]	$ [illegible]	YES
Q4	[illegible]	CLAIS	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	DIXIE	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	[illegible]	TULLY	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	[illegible]	MCHENRY	4	MOD	$ [illegible]	$ [illegible]	NO

EXHIBIT B

QUADRANT	CTT INTERSECTION PROJECT ID	CROSS ROAD	NO of LEGS	TRAFFIC SIGNAL	TOTAL COST		PER COST		IMPROVEMENT NEEDED
Q2	XWHITNEY001	CARPENTER	4	NEW	$	[illegible]	$	[illegible]	NO
Q3	XWHITMORE01	CROWS LANDING	4	MOD	$	[illegible]	$	[illegible]	YES
Q4	XWHITMORE01	MORGAN	4	MOD	$	[illegible]	$	[illegible]	NO
Q4	XYOSEMITE01	EL VESTA	4	MOD	$	[illegible]	$	[illegible]	YES
Q4	XYOSEMITE01	LINCOLN	4		$	[illegible]	$	[illegible]	YES
Q4	XYOSEMITE01	CLAUS	4		$	[illegible]	$	[illegible]	YES
Q4	XYOSEMITE01	SANTA FE	4	MOD	$	[illegible]	$	[illegible]	YES

EXHIBIT B

APPENDIX TABLE 3
ROADWAY PROJECTS NOT NEEDED IN "COUNTYWIDE 20-YEAR GROWTH"

QUADRANT	ROAD PROJECT I.D.	EXTENTS	LANES	TOTAL COST	EFF COST	NEEDED CAPACITY	NEEDED IN COUNTY REDUCED TEST?
Q3	[illegible]	SIERRA TO [illegible]	4	[illegible]	[illegible]	2	NO
Q4	[illegible]	CROWNLANDING TO HATCH	4	[illegible]	[illegible]	2	NO
Q3	[illegible]	CARPENTER TO NEEDHAM	4	[illegible]	[illegible]	4	NO
Q1	[illegible]	TULLY TO MCHENRY	4	[illegible]	[illegible]	2	NO
Q1	[illegible]	NEW ROAD TO DAKOTA	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	DAKOTA TO [illegible]	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	POUST TO ROSEMORE	4	[illegible]	[illegible]	2	NO
Q1	[illegible]	ESK TO MCHENRY	4	[illegible]	[illegible]	4	NO
Q1	[illegible]	MCHENRY TO OAKDALE	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	OAKDALE TO ROSELLE	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	ROSELLE TO CLAUS	4	[illegible]	[illegible]	4	NO
Q1	[illegible]	CLAUS TO CITY LIGHT PLAN [illegible]	4	[illegible]	[illegible]	2	NO
Q1	[illegible]	COFFEE TO OAKDALE	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	PELANDALE TO DAKOTA	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	DAKOTA TO [illegible]	4	[illegible]	[illegible]	2	NO
Q1	[illegible]	[illegible] TO [illegible]	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	[illegible] TO [illegible]	4	[illegible]	[illegible]	2	YES
Q1	RCALIFORNIA	NEBRASKA TO CARPENTER	4	[illegible]	[illegible]	2	NO
Q2	RCARPENTER	[illegible] TO BLUE GUM	4	[illegible]	[illegible]	4	NO
Q2	RCARPENTER	BLUE GUM TO KANSAS	4	[illegible]	[illegible]	4	NO
Q2	RCARPENTER	KANSAS TO MAZE	4	[illegible]	[illegible]	4	NO
Q2	RCARPENTER	MAZE TO CALIFORNIA	4	[illegible]	[illegible]	4	NO
Q2	RCARPENTER	CALIFORNIA TO PARADISE	4	[illegible]	[illegible]	4	YES
Q2	RCARPENTER	PARADISE TO HATCH	4	[illegible]	[illegible]	4	YES
Q2	RCARPENTER	HATCH TO WHITMORE	4	[illegible]	[illegible]	2	NO
Q2	RCARPENTER	STILL TO WOODLAND	4	[illegible]	[illegible]	2	NO
Q2	RCARPENTER	ROBERTSON TO WHITMORE	4	[illegible]	[illegible]	4	NO
Q1	RCLARAMAR	ATRMAN TO PELANDALE	4	[illegible]	[illegible]	2	NO
Q1	RCLARATINAO	MCHENRY TO COFFEE	4	[illegible]	[illegible]	4	YES
Q1	RCLARATINAO	COFFEE TO OAKDALE	4	[illegible]	[illegible]	2	NO
Q1	RCLARATINAO	OAKDALE TO ROSELLE	4	[illegible]	[illegible]	2	NO
Q1	RCLARATINAO	ROSELLE TO R.R. TRACKS	4	[illegible]	[illegible]	2	NO
Q1	RCLARIBELO	MCHENRY TO COFFEE	4	[illegible]	[illegible]	4	NO
Q1	RCLARIBELO	COFFEE TO OAKDALE	4	[illegible]	[illegible]	4	NO
Q1	RCLARIBELO	OAKDALE TO ROSELLE	4	[illegible]	[illegible]	4	YES
Q1	RCLARIBELO	ROSELLE TO CLAUS	4	[illegible]	[illegible]	4	NO
Q1	RCLARIBELO	ROSELLE TO TERMINAL	4	[illegible]	[illegible]	4	NO
Q1	RCLARIBELO	MCHENRY TO OAKDALE	4	[illegible]	[illegible]	4	NO
Q1	RCLAUSO	CLARIBEL TO SYLVAN	4	[illegible]	[illegible]	4	NO
Q1	RCLAUSO	SYLVAN TO FLOYD	4	[illegible]	[illegible]	4	NO
Q1	RCLAUSO	FLOYD TO [illegible]	4	[illegible]	[illegible]	4	NO
Q4	RCLAUSO	[illegible] TO SCENIC	4	[illegible]	[illegible]	[illegible]	YES
Q4	RCLAUSO	SCENIC TO [illegible]	4	[illegible]	[illegible]	[illegible]	YES
Q4	RCLAUSO	[illegible] TO YOSEMITE	4	[illegible]	[illegible]	4	NO

EXHIBIT B

QUADRANT	ROAD PROJECT I.D.	EXTENTS	LANES	TOTAL COST	CPE COST	NEEDED CAPACITY	NEEDED IN COUNTY MODELED BEST
Q1	[illegible]	SYLVAN TO BRECKENRIDGE	4	[illegible]	[illegible]	4	NO
Q2	[illegible]	SYLVAN TO BRECKENRIDGE	4	[illegible]	[illegible]	4	NO
Q2	[illegible]	CLAIRBEL TO CLARATINA	4	[illegible]	[illegible]	2	NO
Q2	[illegible]	CLARATINA TO MAIDEN	4	[illegible]	[illegible]	2	NO
Q3	[illegible]	[illegible] TO [illegible]	4	[illegible]	[illegible]	4	YES
Q3	[illegible]	[illegible] TO HATCH	4	[illegible]	[illegible]	4	YES
Q3	[illegible]	HATCH TO WHITMORE	4	[illegible]	[illegible]	4	NO
Q3	[illegible]	[illegible] TO HATCH	4	[illegible]	[illegible]	4	NO
Q3	[illegible]	MALEDA TO BRECKENRIDGE	4	[illegible]	[illegible]	4	YES
Q4	[illegible]	SCENIC TO YOSEMITE	4	[illegible]	[illegible]	4	YES
Q4	[illegible]	MITCHELL TO CARTER	4	[illegible]	[illegible]	2	NO
Q4	[illegible]	YOSEMITE TO FINCH	4	[illegible]	[illegible]	4	NO
Q4	[illegible]	FINCH TO TOULUMNE RIVER	4	[illegible]	[illegible]	4	NO
Q4	[illegible]	CLARK TO BIRCH	4	[illegible]	[illegible]	2	NO
Q1	[illegible]	CARPENTER TO CROWN LANDING	4	[illegible]	[illegible]	4	YES
Q4	[illegible]	CROWN LANDING TO [illegible]	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	CHAPMAN TO DALE	6	[illegible]	[illegible]	4	YES
Q1	[illegible]	DALE TO PRESCOTT	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	PRESCOTT TO STELLA	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	STELLA TO MCHENRY	4	[illegible]	[illegible]	4	NO
Q4	[illegible]	BRIDGEMORE TO SCENIC	4	[illegible]	[illegible]	2	NO
Q4	[illegible]	SCENIC TO YOSEMITE	4	[illegible]	[illegible]	2	NO
Q3	[illegible]	MONSE TO CARPENTER	4	[illegible]	[illegible]	2	NO
Q3	[illegible]	CARPENTER TO [illegible]	4	[illegible]	[illegible]	4	YES
Q3	[illegible]	KIERNAN TO HILLANDALE	4	[illegible]	[illegible]	4	NO
Q2	[illegible]	HILLANDALE TO STANDIFORD	4	[illegible]	[illegible]	4	YES
Q3	[illegible]	FLOYD TO BROOKSMORE	4	[illegible]	[illegible]	4	YES
Q4	[illegible]	HAWES TO WOODROW	4	[illegible]	[illegible]	4	NO
Q4	[illegible]	YOSEMITE TO FINCH	4	[illegible]	[illegible]	4	YES
Q4	[illegible]	FINCH TO CITY LIMIT	4	[illegible]	[illegible]	4	YES
Q4	[illegible]	HATCH TO WHITMORE	4	[illegible]	[illegible]	2	NO
Q1	[illegible]	WHITE TO BRIDGEMALE	4	[illegible]	[illegible]	2	NO
Q1	[illegible]	BRIDGEMALE TO MAXE	4	[illegible]	[illegible]	2	NO
Q3	[illegible]	MAXE TO CALIFORNIA	4	[illegible]	[illegible]	2	NO
Q1	[illegible]	MURPHY TO BRECKENRIDGE	4	[illegible]	[illegible]	2	NO
Q4	[illegible]	CITY LIMIT TO YOSEMITE	2	[illegible]	[illegible]	2	NO
Q2	[illegible]	CLAIRBEL TO CLARATINA	4	[illegible]	[illegible]	2	YES
Q2	[illegible]	CLARATINA TO STELLA	4	[illegible]	[illegible]	4	YES
Q2	[illegible]	FLOYD TO BROOKSMORE	4	[illegible]	[illegible]	4	YES
Q4	[illegible]	BRIDGEMORE TO SCENIC	4	[illegible]	[illegible]	4	YES
Q3	[illegible]	NEBRASKA TO CARPENTER	4	[illegible]	[illegible]	2	NO
Q3	[illegible]	CARPENTER TO MARTIN LUTHER KING	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	CHAPMAN TO DALE	4	[illegible]	[illegible]	4	YES
Q1	[illegible]	DALE TO PRESCOTT	4	[illegible]	[illegible]	4	NO
Q1	[illegible]	PRESCOTT TO STELLA	4	[illegible]	[illegible]	4	YES

EXHIBIT B

QUADRANT	ROAD PROJECT I.D.	EXTENTS	LANES	TOTAL COST	CTF COST	NEEDED CAPACITY	NEEDED IN COUNTY REDUCED TEST*
Q1	RFELANSTRALE04	TULLY TO MCHENRY	4	[illegible]	[illegible]	4	NO
Q1	RFRESCOTT01	KIRNAN TO FELANDALE	4	[illegible]	[illegible]	2	NO
Q1	RFRESCOTT02	PLAZA TO BRIDGEMORE	4	[illegible]	[illegible]	4	NO
Q1	RFRESCOTT04	FELANDALE TO CORTLAND	4	[illegible]	[illegible]	4	NO
Q4	RMYYOSEMITE01	YOSEMITE TO MITCHELL	4	[illegible]	[illegible]	2	NO
Q2	RROSELLE01	CLAIRIBEL TO CLARATINA	4	[illegible]	[illegible]	2	NO
Q2	RROSELLE02	CLARATINA TO ILYVAN	4	[illegible]	[illegible]	2	NO
Q4	RSANTAANE01	TUOLUMNE RIVER TO YOSEMITE	4	[illegible]	[illegible]	2	NO
Q4	RSCENRON	OAKDALE TO LAKEWOOD	4	[illegible]	[illegible]	4	YES
Q4	RSCENRON	LAKEWOOD TO CLAUS	4	[illegible]	[illegible]	2	NO
Q1	RSHOEMAKER01	MOORE TO BRIDGE	4	[illegible]	[illegible]	2	NO
Q1	RSTERLO1	CONANT TO HERNDON AVE	4	[illegible]	[illegible]	4	YES
Q1	RSTERLO2	STANDIFORD TO BUMBLE	4	[illegible]	[illegible]	4	YES
Q1	RSTANDIFORD01	DALE TO PRESCOTT	4	[illegible]	[illegible]	4	YES
Q1	RSTANDIFORD02	PRESCOTT TO TULLY	4	[illegible]	[illegible]	4	NO
Q1	RSTANDIFORD03	TULLY TO MCHENRY	4	[illegible]	[illegible]	4	NO
Q1	RTULLY001	MCHENRY TO FELANDALE	4	[illegible]	[illegible]	4	NO
Q1	RTULLY01	KIRNAN TO FELANDALE	4	[illegible]	[illegible]	4	YES
Q1	RTULLY02	FELANDALE TO STANDIFORD	4	[illegible]	[illegible]	4	NO
Q1	RTULLY03	BANGS TO FELANDALE	4	[illegible]	[illegible]	4	NO
Q1	RTULLY04	STANDIFORD TO WOODHOW	4	[illegible]	[illegible]	4	NO
Q1	RWHITMORE01	CARPENTER TO CROWS LANDING	4	[illegible]	[illegible]	2	NO
Q1	RWHITMORE02	CROWS LANDING TO MORGAN	4	[illegible]	[illegible]	2	NO
Q1	RWOODWARD01	CARPENTER TO KEARNEY	4	[illegible]	[illegible]	4	YES
Q4	RYOSEMITE01	D TO EL VISTA	4	[illegible]	[illegible]	4	NO
Q4	RYOSEMITE02	EL VISTA TO LINCOLN	4	[illegible]	[illegible]	4	YES
Q4	RYOSEMITE03	LINCOLN TO CLAUS	4	[illegible]	[illegible]	4	NO
Q4	RYOSEMITE04	CLAUS TO SANTA FE	4	[illegible]	[illegible]	4	NO
Q4	RYOSEMITE05	SANTA FE TO CITY LIMIT	4	[illegible]	[illegible]	4	NO

EXHIBIT B

APPENDIX TABLE 4
INTERSECTION PROJECTS NOT NEEDED IN "COUNTYWIDE 20-YEAR GROWTH"

QUADRANT	PROJECT ID	CROSS ROAD	No. of LEGS	TRAFFIC SIGNAL	TOTAL COST	CTT COST	NEEDED IN COUNTY REDUCED TEST?
Q1	XBECKWITH01	NEW ROAD	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XBECKWITH02	DAKOTA	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	XBECKWITH03	BRINK	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	XBRINKMARD01	MCHENRY	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	XBRINKSMITH01	OAKDALE	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	XBRINKSMITH01	ROSELLE	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	XBRINKSMARD01	CLAIR	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XCALIFORNIA01	NEBRASKA	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XCALIFORNIA02	CARPENTER	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	XCARPENTER01	MITCHELL	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	XCARPENTER02	KANSAS	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	XCLARATINA01	COFFEE	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XCLARATINA02	OAKDALE	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XCLARATINA03	ROSELLE	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XCLARIBEL01	COFFEE	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XCLARIBEL02	OAKDALE	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XCLARIBEL03	ROSELLE	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XCLARIBEL04	CLAIR	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XCROWWLANDING01	TIH	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XDACRIA	MITCHELL	3	MOD	$ [illegible]	$ [illegible]	YES
Q1	XFINCHS	CARTER	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XGARSTN	CLAIR	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XHATCH01	CARPENTER	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	XHATCH02	CROWFLANDING	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	XHAZEL01	TIH	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	XKERNAN01	DALE	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	XKERNAN02	PRESCOTT	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	XKERNAN03	TULLY	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XKERNAN04	MCHENRY	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XMAZEL01	MORSE	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XMAZEL02	CARPENTER	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	XMAMARGO1	NEBRASKA	3	NEW	$ [illegible]	$ [illegible]	NO
Q1	XPARAMEL01	CARPENTER	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	XPELANDALE01	SIPE	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	XPELANDALE02	CHAPMAN	3	NEW	$ [illegible]	$ [illegible]	YES
Q1	XPELANDALE03	DALE	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	XPELANDALE04	PRESCOTT	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XPELANDALE05	TULLY	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XPELANDALE06	MCHENRY	4		$ [illegible]	$ [illegible]	YES
Q1	XSCHNEIDER	OAKDALE	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	XSCHNEIDER01	LAKEWOOD	4	NEW	$ [illegible]	$ [illegible]	NO
Q1	XSCHNEIDER02	CLAIR	4	MOD	$ [illegible]	$ [illegible]	YES
Q1	XSCHERMAN01	BRINK	4	NEW	$ [illegible]	$ [illegible]	YES
Q1	XSTANFORD01	TULLY	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	XSTANFORD02	MCHENRY	4	MOD	$ [illegible]	$ [illegible]	NO
Q1	XSTUTMUEHL01	CARPENTER	4	NEW	$ [illegible]	$ [illegible]	NO

EXHIBIT B

QUADRANT	PROJECT ID	CROSSROAD	NO. of LEGS	TRAFFIC SIGNAL	TOTAL COST	CTF COST	MEETS IN COUNTY REDUCED TEST?
Q1	XWHITMORE02	CROWS LANDING	4	MOD	$ 2,410,011	$ 2,508,600	NO
Q4	XWHITMORE01	MORGAN	4	MOD	$ 3,041,279	$ 3,247,878	NO
Q4	XYOSEMITE01	EL VISTA	4	MOD	$ 14,551,139	$ 14,551,131	YES
Q4	XYOSEMITE02	LINCOLN	5		$ 2,508,109	$ 2,511,401	NO
Q4	XYOSEMITE03	CLAIRE	4		$ 4,358,938	$ 5,105,176	NO
Q4	XYOSEMITE04	SANTA FE	4	MOD	$ 12,609,901	$ 17,600,104	NO

EXHIBIT B

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DRAFT TECHNICAL MEMORANDUM

To:	City of Modesto	**Date:**	January 26, 2011
Attn:	Amy Gedney, Tina Rocha	**Project:**	City of Modesto CFF Fee &
From:	Marty Inouye, Todd Tregenza		Areas of Benefit Update
Re:	Draft Fee Calculation For 20-Year	**Job No.:**	25-4750-03
	Priority Improvement Projects Program	**File No.:**	C569MEM012.DOC
CC:			

INTRODUCTION

This memorandum has been prepared by OMNI-MEANS to update progress made in the effort to create a 20-year fee program for the City of Modesto. A previous memorandum entitled *Preliminary Fee Calculations Based On 20-Year Projection Model Run* presented CFF fee comparisons of various 20-year growth scenarios with the City divided into four quadrants; however the fee results were disparate between quadrants and the resulting fee amounts would not be feasible or representative of future City growth in each area. After initial review and discussion with the City, it was determined that a new scenario should be analyzed. This new growth scenario, with results presented in this memorandum, assumes a full General Plan buildout but selectively excluding projects that may not be needed in the next 20 years.

BASELINE "GENERAL PLAN BUILDOUT" FEE

Prior to developing a new fee, OMNI-MEANS determined it was necessary to estimate the potential fee citywide, and by quadrant, for full build-out of the General Plan travel demand model land uses. This would provide a baseline comparison for the calculated 20-year fee, presented subsequently in this memorandum. Without providing such a baseline comparison, it would be difficult to gauge the effect of the subsequent "20-Year Projection" fee calculation.

"GENERAL PLAN BUILDOUT" ADDED GROWTH

Table 1 presents the growth in dwelling units and employees assumed in the General Plan buildout model.

TABLE 1
"GENERAL PLAN BUILDOUT" ADDED LAND USES

Land Use Activity	General Plan Growth ("Buildout minus Existing")	Unit Type
Single-Family	31,603	Dwelling Units
Multi-Family	17,292	Dwelling Units
Total Dwelling Units	*48,895*	*Dwelling Units*
Retail	38,770	Employees
Service	40,015	Employees
Other	60,888	Employees
Education	2,961	Employees
Government	2,801	Employees
Total Employees	*145,435*	*Employees*

As presented in Table 1, the General Plan added land uses assumed in the travel demand model include 145,435 new employees and 48,895 new dwelling units. Using an assumed 2 person per Multi-Family Dwelling Unit (MFDU) and 3 person per Single-Family Dwelling Unit (SFDU) density average, this amounts to an added population of 129,393.

ESTIMATION OF GENERAL PLAN TRAFFIC FEE

The "General Plan Buildout" traffic fee was estimated using the land-uses presented in Table 1. These land uses were assigned to each of the four designated quadrants. Under this scenario, all CFF improvements were included in the fee calculation. The fee was calculated on a citywide basis. Table 2 presents the improvements included in the ensuing calculations. Improvement project costs were adjusted to reflect current unit costs per City direction.

TABLE 2
CFF IMPROVEMENT COSTS INCLUDING ALL PROJECTS

Category	Total Cost	Exactions	OutsideFunding	City & Other Funding	CFF Cost
Subtotal Intersection Projects	$317,629,497	($42,183,250)			$275,446,248
Subtotal Roadway Projects	$780,369,685	($119,341,621)		($27,625,072)	$633,402,992
Subtotal Traffic Signal Projects	$11,976,620	-			$11,976,620
Subtotal Interchange & Freeway Projects	$378,906,614	-	($158,375,040)		$220,531,574
Existing Deficiencies		-	-	($6,266,294)	($6,266,294)
Adjustments			($69,160,886)		($69,160,886)
Total Street Improvement Projects	$1,488,882,416	($161,524,870)	($227,535,926)	($33,891,366)	$1,065,930,254
Existing CFF Fund Balance					($32,914,851)
CFF Funds Expended					($16,770,000)
CFF to be Collected					**$1,016,245,403**

As presented in Table 2, if the all projects, including those required beyond 20 years, are included in the CFF fee calculation, a total of $1,016,245,403 would need to be collected after accounting for various adjustments and alternate funding sources.

Citywide "General Plan Buildout" Fee Calculation

In this scenario, all CFF improvement costs were assigned to all General Plan added growth extracted from the travel demand model. Retail employees were split evenly between the four retail use sizes. 20 percent of service employees were assigned to Medical Office and the remained to General Office. Table 3 presents the resulting fee.

TABLE 3
CITYWIDE FEE CALCULATION INCLUDING ALL PROJECTS

Land Use Code Category	Final Weighted Fee per Unit	Unit
SFDU	$ 10,857	D.U.
MFDU	$ 7,522	D.U.
Retail (lesser than 50,000 sq.ft.floor area)	$ 16,324	KSF
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	$ 13,551	KSF
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	$ 11,437	KSF
Retail (greater than 300,000 sq.ft. floor area)	$ 10,670	KSF
Office (Medical Office)	$ 20,618	KSF
Office (General Office)	$ 9,977	KSF
Business Park (Service)	$ 6,886	KSF
Business Park (Manufacturing)	$ 3,969	KSF
Industrial (Manufacturing)	$ 3,868	KSF
Industrial (Warehousing)[3]	$ 2,714	KSF

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As presented in Table 2, the fee per SFDU under this scenario would be $10,857. Because all technical assumptions, including trip generation and pass-by rates, will remain consistent from hereon out, the SFDU fee can be used as a barometer to gauge the fee amount. This will be referred to as the fee per equivalent dwelling unit (EDU).

20-YEAR PRIORITY IMPROVEMENTS FEE

This alternative scenario uses the same land use growth model from the General Plan Buildout, but circulation improvements that will not be needed in the next 20 years are excluded from the analysis. The selection of transportation projects excluded or modified in the alternative scenario was determined by the City, and a full list of the roadway and intersection improvements is presented in the appendix. Table 4 presents the improvements included in the ensuing calculations. Improvement projects were only included if they were determined to be needed within the next 20 years per City direction.

TABLE 4
CFF IMPROVEMENT COSTS INCLUDING ONLY "20-YEAR" PROJECTS

Category	Total Cost	Exactions	OutsideFunding	City & Other Funding	CFF Cost
Subtotal Intersection Projects	$220,324,261	($27,584,996)			$192,739,265
Subtotal Roadway Projects	$343,150,108	($28,995,994)		($27,625,072)	$286,529,042
Subtotal Traffic Signal Projects	$11,976,620	-			$11,976,620
Subtotal Interchange & Freeway Projects	$378,906,614	-	($158,375,040)		$220,531,574
Existing Deficiencies		-	-	($6,266,294)	($6,266,294)
Adjustments			($69,160,886)		($69,160,886)
Total Street Improvement Projects	$954,357,603	($56,580,990)	($227,535,926)	($33,891,366)	$636,349,321
Existing CFF Fund Balance					($32,914,851)
CFF Funds Expended					($16,770,000)
CFF to be Collected					**$586,664,470**

As presented in Table 4, if the only projects identified by the City as being needed within the next 20 years are included in the CFF fee calculation, a total of $586,664,470 would need to be collected after accounting for various adjustments and alternate funding sources. This represents a roughly 42% decrease in collected CFF funds.

Citywide "20-Year Projects Only" Fee Calculation

In this scenario, only the improvements that are identified as needed in the next 20 years are included in the fee calculation. These improvement costs, summarized in Table 4, will be spread among full General Plan buildout land uses, presented in Table 1. Retail employees were split evenly between the four retail use sizes. 20 percent of service employees were assigned to Medical Office and the remained to General Office. Table 5 presents the resulting fee after removing projects identified for the new 20 years.

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TABLE 5
CITYWIDE FEE CALCULATION INCLUDING ONLY "20-YEAR" PROJECTS

Land Use Code Category	Final Weighted Fee per Unit	Unit
SFDU	$ 6,268	D.U.
MFDU	$ 4,342	D.U.
Retail (lesser than 50,000 sq.ft.floor area)	$ 9,423	KSF
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	$ 7,823	KSF
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	$ 6,603	KSF
Retail (greater than 300,000 sq.ft. floor area)	$ 6,160	KSF
Office (Medical Office)	$ 11,903	KSF
Office (General Office)	$ 5,760	KSF
Business Park (Service)	$ 3,975	KSF
Business Park (Manufacturing)	$ 2,291	KSF
Industrial (Manufacturing)	$ 2,233	KSF
Industrial (Warehousing)[5]	$ 1,566	KSF

As presented in Table 5, the "20-Year Projects Only" citywide fee would result in a $6,268 fee per SFDU. This is about $4,500 less per SFDU than the fee would be if all projects including those beyond 20 years are included.

POTENTIAL IMPLICATIONS

Should the "20-Year Projects Only" fee program be adopted, there are some potential implications beyond the lower fee cost per unit that deserve mention. Such issues are inherent to narrowing down the CFF projects list and may require adjustments to City policy.

First, when development occurs, if the developer is found responsible for construction of or contribution towards the construction of an improvement that is not within the "20-Year Projects Only" fee program, that developer should not be eligible for reimbursement until and unless the constructed project is later added back into a subsequent fee program.

Second, when or if projects beyond the "20-Year Projects Only" program are added back into the program, the fee cost per unit may increase for subsequent development. Specifically, whatever amount of development occurs between now and a future fee program will no longer be eligible to share in a future, potentially greater fee program. This means that unless new growth beyond the current General Plan is added to buildout land-use projections at the time of adding additional projects back into the program, there will be a lesser amount of development than there is today into which a greater amount of costs will be spread. The costs per unit at that point could then plausibly increase beyond the fee amounts presented in Table 3 unless alternate funding sources are identified for the projects removed in this proposed "20-Year Only" fee program.

CONCLUSION

Previous efforts to test an alternate fee structure were based on reducing the amount of development projected over 20 years, this approach was not feasible because it was determined that despite reductions in land use development, significant improvements could still be deemed necessary based on daily capacity thresholds. This approach, on the other hand, retains all the assumed development for general plan buildout, but reduces the improvements list based on a prioritization of projects developed by the City. While other improvements could be determined to be necessary if evaluated on a daily volume threshold basis, a prioritization of improvements sought over the next 20 years will provide the City with a program tailored to fund the highest priority set of these improvements.

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The "20-Year Projects Only" improvement costs are about 42% less than the costs including all projects. The resulting fee is also, therefore, 42% lower in this scenario, since the costs are being apportioned to the same amount of new growth (full General Plan buildout). The fee amounts presented in Table 5 show that when only projects identified as needed for the next 20 years are included the resulting fee will be significantly lower than current fees or than the fees that would result by including all CFF projects.

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EXHIBIT B

APPENDIX

EXHIBIT B

APPENDIX TABLE 1
ROADWAY PROJECTS

PROJECT ID	PROJECT EXTENTS	LANES	LENGTH	TOTAL COST	CFF COST	IN 20-YEARS?
R7TH01	SIERRA TO RIVER	4	2020	$ 27,898,554	$ 27,887,000	YES
R7TH02	CROWSLANDING TO HATCH	4	5760	$ 10,023,020	$ 10,023,020	NO
R9TH01	CARPENTER TO NEEDHAM	6	9035	$ 17,527,748	$ 17,527,748	NO
RBANGS01	TULLY TO MCHENRY	4	5160	$ 6,981,995	$ 2,167,233	YES
RBECKWITH01	NEW ROAD TO DAKOTA	4	1280	$ 2,504,393	$ 1,216,458	NO
RBECKWITH02	DAKOTA TO BRINK	4	1950	$ 5,823,979	$ 4,689,395	NO
RBLUEGUM01	POUST TO ROSEMORE	4	1310	$ 1,544,839	$ 1,544,839	YES
RBRIGGSMORE01	SISK TO MCHENRY	6	10980	$ 21,419,674	$ 21,419,674	YES
RBRIGGSMORE02	MCHENRY TO OAKDALE	6	9200	$ 14,311,136	$ 14,311,136	YES
RBRIGGSMORE03	OAKDALE TO ROSELLE	6	3740	$ 5,162,593	$ 5,162,593	YES
RBRIGGSMORE04	ROSELLE TO CLAUS	6	3710	$ 5,072,277	$ 5,072,277	YES
RBRIGGSMORE05	CLAUS TO CITY GEN. PLAN BDRY	4	3210	$ 5,066,829	$ 3,943,188	NO
RBRIGGSMORE06	COFFEE TO OAKDALE	8	5137	$ 3,431,102	$ 3,431,102	YES
RBRINK01	PELANDALE TO DAKOTA	4	1000	$ 3,970,744	$ 3,180,992	NO
RBRINK02	DAKOTA TO BECKWITH	4	4905	$ 9,798,524	$ 5,123,602	NO
RBRINK03	BECKWITH TO SHOEMAKE	4	6785	$ 10,689,287	$ 4,588,457	NO
RBRINK04	SHOEMAKE TO CARPENTER	4	1555	$ 1,920,698	$ 1,920,698	YES
RCALIFORNIA01	NEBRASKA TO CARPENTER	4	3895	$ 7,367,534	$ 1,552,974	NO
RCARPENTER01	9TH TO BLUE GUM	6	620	$ 1,600,114	$ 1,600,114	YES
RCARPENTER02	BLUE GUM TO KANSAS	6	3780	$ 7,426,992	$ 7,791,471	YES
RCARPENTER03	KANSAS TO MAZE	6	1135	$ 3,433,215	$ 3,433,215	YES
RCARPENTER04	MAZE TO CALIFORNIA	6	1120	$ 1,480,192	$ 1,082,564	YES
RCARPENTER05	CALIFORNIA TO PARADISE	6	3900	$ 10,487,648	$ 10,175,776	YES
RCARPENTER06	PARADISE TO HATCH	6	1800	$ 8,242,657	$ 7,917,400	YES
RCARPENTER07	HATCH TO WHITMORE	6	3088	$ 7,699,421	$ 6,412,967	YES
RCARPENTER08	9TH TO WOODLAND	8	2937	$ 335,791	$ 335,791	YES
RCARPENTER09	ROBERTSON TO WHITMORE	8	4480	$ 6,640,884	$ 6,640,884	YES
RCHAPMAN01	KIERNAN TO PELANDALE	4	2670	$ 3,383,649	$ 482,448	YES
RCLARATINA01	MCHENRY TO COFFEE	6	3760	$ 7,629,214	$ 4,792,015	YES
RCLARATINA02	COFFEE TO OAKDALE	6	3730	$ 6,448,537	$ 6,249,877	YES
RCLARATINA03	OAKDALE TO ROSELLE	6	3700	$ 9,483,552	$ 6,876,833	YES
RCLARATINA04	ROSELLE TO R/R TRACKS	4	3540	$ 6,864,879	$ 1,184,424	YES
RCLARIBEL01	MCHENRY TO COFFEE	6	3750	$ 7,083,359	$ 5,276,860	NO
RCLARIBEL02	COFFEE TO OAKDALE	6	3750	$ 8,704,504	$ 6,555,474	NO
RCLARIBEL03	OAKDALE TO ROSELLE	6	3830	$ 7,991,651	$ 5,709,934	NO
RCLARIBEL04	ROSELLE TO CLAUS	6	3720	$ 11,848,844	$ 9,943,812	NO
RCLARIBEL05	ROSELLE TO TERMINAL	8	1534	$ 2,790,470	$ 2,790,470	NO
RCLARIBEL06	MCHENRY TO OAKDALE	8	8068	$ 13,396,378	$ 13,396,378	NO
RCLAUS01	CLARIBEL TO SYLVAN	6	6400	$ 11,141,063	$ 6,086,200	YES
RCLAUS02	SYLVAN TO FLOYD	4	2445	$ 2,597,977	$ 775,114	YES
RCLAUS03	FLOYD TO BRIGGSMORE	4	2700	$ 3,240,230	$ 1,406,156	YES
RCLAUS04	BRIGGSMORE TO SCENIC	6	1810	$ 3,499,366	$ 3,499,366	YES
RCLAUS05	SCENIC TO GARST	6	335	$ 1,311,255	$ 1,111,161	YES
RCLAUS06	GARST TO YOSEMITE	6	3875	$ 2,379,176	$ 2,063,902	YES

EXHIBIT B

PROJECT ID	PROJECT EXTENTS	LANES	LENGTH	TOTAL COST	CFF COST	IN 20-YEARS?
RCLAUS07	SYLVAN TO BRIGGSMORE	8	5359	$ 8,362,518	$ 2,912,845	NO
RCLAUS08	SYLVAN TO BRIGGSMORE	8	5145	$ 7,273,544	$ 7,273,544	NO
RCOFFEE01	CLARIBEL TO CLARATINA	4	2650	$ 6,861,499	$ 2,348,191	NO
RCOFFEE02	CLARATINA TO MABLE	4	635	$ 1,379,651	$ 670,014	YES
RCROWSLANDING01	7TH TO 99	6	980	$ 1,453,981	$ 1,453,981	YES
RCROWSLANDING02	99 TO HATCH	6	2355	$ 2,091,868	$ 1,745,467	YES
RCROWSLANDING03	HATCH TO WHITMORE	6	4060	$ 5,714,576	$ 5,372,766	YES
RCROWSLANDING04	SR 99 TO HATCH	8	2355	$ 3,602,171	$ 3,602,171	NO
RDAKOTA01	SALIDA TO BECKWITH	6	3165	$ 9,187,661	$ 7,262,419	NO
RELVISTA01	SCENIC TO YOSEMITE	6	3890	$ 9,741,605	$ 9,741,605	NO
RFINCH01	MITCHELL TO GARNER	4	4920	$ 6,882,081	$ 5,021,566	NO
RGARNER01	YOSEMITE TO FINCH	6	3280	$ 5,910,321	$ 4,035,535	NO
RGARNER02	FINCH TO TOULUMNE RIVER	6	2936	$ 5,901,503	$ 3,890,204	NO
RGARST01	CLAUS TO CHURCH	4	4625	$ 12,799,505	$ 10,594,835	NO
RHATCH01	CARPENTER TO CROWS LANDING	4	9405	$ 11,905,143	$ 10,925,691	NO
RHATCH02	CROWS LANDING TO 7TH	4	2925	$ 6,999,641	$ 6,999,641	YES
RKIERNAN01	CHAPMAN TO DALE	6	2410	$ 4,801,122	$ 3,260,594	NO
RKIERNAN02	DALE TO PRESCOTT	6	3760	$ 10,281,373	$ 7,978,114	NO
RKIERNAN03	PRESCOTT TO TULLY	6	3890	$ 9,052,633	$ 6,245,750	NO
RKIERNAN04	TULLY TO MCHENRY	6	3730	$ 7,929,605	$ 6,332,441	NO
RLAKEWOOD01	BRIGGSMORE TO SCENIC	4	2915	$ 1,562,630	$ 1,562,630	NO
RLINCOLN01	SCENIC TO YOSEMITE	4	4865	$ 5,287,263	$ 5,287,263	NO
RMAZE01	MORSE TO CARPENTER	4	3870	$ 6,258,146	$ 2,166,125	NO
RMAZE02	CARPENTER TO 99	4	5940	$ 11,005,568	$ 9,574,710	NO
RMCHENRY01	KIIERNAN TO PELANDALE	6	2610	$ 2,338,662	$ 1,715,745	YES
RMCHENRY02	PELANDALE TO STANDIFORD	6	2630	$ 2,447,652	$ 2,447,652	YES
RMCHENRY03	FLOYD TO BRIGGSMORE	8	2154	$ 2,460,905	$ 2,460,905	NO
RMCHENRY04	BANGS TO WOODROW	8	4077	$ 4,955,688	$ 4,955,688	NO
RMITCHELL01	YOSEMITE TO FINCH	6	5670	$ 7,410,352	$ 6,387,730	NO
RMITCHELL02	FINCH TO CITY LIMIT	6	2360	$ 1,616,784	$ 725,493	NO
RMORGAN01	HATCH TO WHITMORE	4	4250	$ 6,728,894	$ 5,062,419	NO
RMORSE01	NORTH TO SHOEMAKE	4	3463	$ 6,749,933	$ 3,406,145	NO
RMORSE02	SHOEMAKE TO MAZE	4	9282	$ 18,749,930	$ 16,754,210	NO
RNEBRASKA01	MAZE TO CALIFORNIA	4	1305	$ 1,923,994	$ 961,798	NO
RNEWROAD01	MURPHY TO BECKWITH	4	4660	$ 10,448,371	$ 6,880,142	NO
RNORSEMAN01	CITY LIMIT TO YOSEMITE	2	1535	$ 2,065,897	$ 1,021,120	NO
ROAKDALE01	CLARIBEL TO CLARATINA	6	2615	$ 5,203,612	$ 1,715,889	YES
ROAKDALE02	CLARATINA TOO SYLVAN	6	2645	$ 5,102,427	$ 2,938,178	YES
ROAKDALE04	FLOYD TO BRIGGSMORE	6	2740	$ 4,267,143	$ 4,267,143	YES
ROAKDALE05	BRIGGSMORE TO SCENIC	6	3705	$ 8,947,571	$ 8,947,571	YES
RPARADISE01	NEBRASKA TO CARPENTER	4	4220	$ 8,270,957	$ 6,417,694	NO
RPARADISE02	CARPENTER TO MARTIN LUTHER KING	4	6185	$ 5,317,166	$ 5,317,166	YES
RPELANDALE01	CHAPMAN TO DALE	6	2410	$ 2,854,251	$ 2,854,251	YES
RPELANDALE02	DALE TO PRESCOTT	6	3780	$ 4,504,298	$ 4,094,155	YES
RPELANDALE03	PRESCOTT TO TULLY	6	3950	$ 5,705,132	$ 4,938,000	YES
RPELANDALE04	TULLY TO MCHENRY	6	3740	$ 9,250,819	$ 7,870,166	YES

EXHIBIT B

PROJECT ID	PROJECT EXTENTS	LANES	LENGTH	TOTAL COST	CFF COST	IN 20-YEARS?
RPRESCOTT01	KIERNAN TO PELANDALE	4	2455	$ 4,279,745	$ 1,321,901	YES
RPRESCOTT03	PLAZA TO BRIGGSMORE	6	611	$ 507,765	$ 507,765	NO
RPRESCOTT04	PELANDALE TO CHEYENNE	6	1918	$ 1,080,291	$ 1,080,291	NO
RRIVERSIDE01	YOSEMITE TO MITCHELL	4	3940	$ 4,385,346	$ 4,385,346	NO
RROSELLE01	CLARIBEL TO CLARATINA	4	2650	$ 4,644,620	$ 1,417,866	YES
RROSELLE02	CLARATINA TO SLYVAN	4	2635	$ 3,960,819	$ 756,539	YES
RSANTAFE01	TOULUMNE RIVER TO YOSEMITE	4	4745	$ 6,273,185	$ 6,381,938	NO
RSCENIC01	OAKDALE TO LAKEWOOD	4	4160	$ 5,900,832	$ 4,211,049	NO
RSCENIC02	LAKEWOOD TO CLAUS	4	4045	$ 6,928,107	$ 6,972,853	NO
RSHOEMAKE01	MORSE TO BRINK	4	2361	$ 3,942,266	$ 749,852	NO
RSISK01	CONANT TO BRIGGSMORE	6	3451	$ 2,124,828	$ 2,124,828	NO
RSISK02	STANDIFORD TO RUMBLE	6	956	$ 1,057,741	$ 1,057,741	NO
RSTANDIFORD01	DALE TO PRESCOTT	6	5810	$ 10,342,258	$ 10,342,258	YES
RSTANDIFORD02	PRESCOTT TO TULLY	6	4890	$ 4,738,306	$ 4,738,306	YES
RSTANDIFORD03	TULLY TO MCHENRY	6	4030	$ 11,149,466	$ 11,149,466	YES
RSYLVAN01	MCHENRY TO OAKDALE	6	9280	$ 11,737,299	$ 11,737,299	YES
RTULLY01	KIERNAN TO PELANDALE	6	2445	$ 5,028,397	$ 1,130,096	YES
RTULLY02	PELANDALE TO STANDIFORD	6	2745	$ 6,764,398	$ 6,211,668	YES
RTULLY03	BANGS TO PELANDALE	8	637	$ 671,204	$ -	YES
RTULLY04	STANDIFORD TO WOODROW	6	824	$ 978,402	$ 978,402	NO
RWHITMORE01	CARPENTER TO CROWS LANDING	4	9305	$ 14,676,504	$ 11,556,203	NO
RWHITMORE02	CROWS LANDING TO MORGAN	4	3985	$ 4,952,334	$ 3,307,499	YES
RWOODLAND01	CARPENTER TO KEARNEY	4	4040	$ 8,234,127	$ 8,234,127	YES
RYOSEMITE01	D TO EL VISTA	6	8890	$ 19,228,821	$ 19,228,821	NO
RYOSEMITE02	EL VISTA TO LINCOLN	6	3955	$ 14,430,388	$ 13,490,269	NO
RYOSEMITE03	LINCOLN TO CLAUS	6	3220	$ 6,426,471	$ 6,265,008	NO
RYOSEMITE04	CLAUS TO SANTA FE	6	4590	$ 7,489,922	$ 6,343,107	NO
RYOSEMITE05	SANTA FE TO CITY LIMIT	6	1015	$ 1,213,848	$ 972,138	NO

EXHIBIT B

APPENDIX TABLE 2
INTERSECTION PROJECTS

PROJECT ID	CROSS ROAD	NO. of LEGS	TRAFFIC SIGNAL	TOTAL COST	CFF COST	IN 20-YEARS?
XBECKWITH01	NEW ROAD	3	NEW	$ 4,565,530	$ 2,536,492	NO
XBECKWITH02	DAKOTA	4	NEW	$ 16,123,596	$ 14,301,286	NO
XBECKWITH03	BRINK	4	NEW	$ 6,074,260	$ 4,046,398	NO
XBRIGGSMORE01	MCHENRY	4	MOD	$ 6,331,725	$ 6,331,721	YES
XBRIGGSMORE02	OAKDALE	4	MOD	$ 6,761,293	$ 6,610,929	YES
XBRIGGSMORE03	ROSELLE	4	MOD	$ 5,368,155	$ 5,085,380	YES
XBRIGGSMORE04	CLAUS	4	NEW	$ 8,549,884	$ 7,140,410	YES
XCALIFORNIA01	NEBRASKA	3	NEW	$ 5,395,953	$ 3,346,796	NO
XCALIFORNIA02	CARPENTER	4	MOD	$ 5,884,757	$ 4,507,564	YES
XCARPENTER01	BLUE GUM	4	MOD	$ 5,372,858	$ 5,184,364	YES
XCARPENTER02	KANSAS	4	MOD	$ 4,296,465	$ 4,296,461	YES
XCLARATINA01	COFFEE	4	NEW	$ 5,671,769	$ 5,205,918	YES
XCLARATINA02	OAKDALE	4	NEW	$ 6,703,654	$ 4,180,452	YES
XCLARATINA03	ROSELLE	4	NEW	$ 5,837,944	$ 4,104,759	YES
XCLARIBEL01	COFFEE	4	NEW	$ 3,915,852	$ 3,361,054	NO
XCLARIBEL02	OAKDALE	4	NEW	$ 3,513,688	$ 1,948,615	YES
XCLARIBEL03	ROSELLE	3	NEW	$ 3,840,205	$ 2,528,270	YES
XCLARIBEL04	CLAUS	4	NEW	$ 7,268,743	$ 6,618,332	YES
XCROWSLANDING01	7TH	3	NEW	$ 10,164,794	$ 10,198,042	YES
XFINCH01	MITCHELL	3	MOD	$ 2,078,224	$ 2,019,835	YES
XFINCH02	GARNER	4	NEW	$ 9,273,510	$ 8,588,334	YES
XGARST01	CLAUS	3	NEW	$ 4,214,464	$ 3,546,457	YES
XHATCH01	CARPENTER	3	NEW	$ 10,913,615	$ 10,158,194	YES
XHATCH02	CROWS LANDING	4	MOD	$ 7,303,486	$ 7,303,482	YES
XHATCH03	7TH	3	MOD	$ 4,539,176	$ 4,539,175	YES
XKIERNAN02	DALE	4	NEW	$ 4,225,484	$ 3,125,401	NO
XKIERNAN03	PRESCOTT	4	NEW	$ 6,153,015	$ 3,655,375	YES
XKIERNAN04	TULLY	4	NEW	$ 3,581,926	$ 2,510,948	YES
XKIERNAN05	MCHENRY	4	NEW	$ 3,665,422	$ 2,837,477	YES
XMAZE01	MORSE	3	NEW	$ 5,363,767	$ 2,695,015	NO
XMAZE02	CARPENTER	4	MOD	$ 9,875,560	$ 8,968,501	YES
XPARADISE01	NEBRASKA	3	NEW	$ 5,284,389	$ 2,940,632	NO
XPARADISE02	CARPENTER	4	MOD	$ 10,832,881	$ 9,809,068	YES
XPELANDALE01	SISK	3	MOD	$ 1,135,371	$ 1,088,222	YES
XPELANDALE02	CHAPMAN	3	NEW	$ 1,042,378	$ 1,003,165	YES
XPELANDALE03	DALE	4	MOD	$ 2,151,298	$ 2,062,681	YES
XPELANDALE04	PRESCOTT	4	NEW	$ 3,313,232	$ 2,924,459	YES
XPELANDALE05	TULLY	4	NEW	$ 4,937,081	$ 4,156,891	YES
XPELANDALE06	MCHENRY	4		$ 3,854,777	$ 3,500,562	YES
XSCENIC02	OAKDALE	4	MOD	$ 5,549,413	$ 5,473,882	YES
XSCENIC03	LAKEWOOD	4	NEW	$ 16,532,497	$ 16,532,496	NO
XSCENIC04	CLAUS	3	MOD	$ 5,360,595	$ 5,016,384	YES
XSHOEMAKE02	BRINK	3	NEW	$ 2,774,220	$ 1,965,959	YES
XSTANDIFORD01	TULLY	4	MOD	$ 6,816,385	$ 6,816,381	YES

EXHIBIT B

PROJECT ID	CROSS ROAD	NO. of LEGS	TRAFFIC SIGNAL	TOTAL COST	CFF COST	IN 20-YEARS?
XSTANDIFORD02	MCHENRY	4	MOD	$ 8,910,282	$ 8,910,278	YES
XWHITMORE01	CARPENTER	3	NEW	$ 3,803,359	$ 3,085,694	YES
XWHITMORE02	CROWS LANDING	4	MOD	$ 2,585,806	$ 1,729,304	YES
XWHITMORE03	MORGAN	4	MOD	$ 3,398,525	$ 1,329,977	YES
XYOSEMITE01	EL VISTA	4	MOD	$ 14,713,317	$ 14,713,313	NO
XYOSEMITE02	LINCOLN	3		$ 2,357,451	$ 2,355,358	NO
XYOSEMITE03	CLAUS	4		$ 6,694,328	$ 5,797,362	YES
XYOSEMITE04	SANTA FE	4	MOD	$ 12,753,141	$ 12,752,741	NO

EXHIBIT B

APPENDIX TABLE 3
TRAFFIC SIGNALS PROJECTS

TYPE	LOCATION	THROUGH LANES	CROSS LANES	LEGS	COST
NEW	Carver Road and Future Road South of Kiernan Avenue	2	2	4	$ 187,164
NEW	Prescott Road and Cheyenne Avenue	4	2	4	$ 236,426
NEW	Coffee Road and Sylvan Meadows Drive	4	2	4	$ 236,426
NEW	College Avenue and Bowen Avenue	4	2	4	$ 236,426
NEW	Coffee Road and Brighton Avenue	4	2	4	$ 236,426
NEW	Tully Road and Princeton Avenue	4	2	4	$ 236,426
NEW	College Avenue and Princeton Avenue / Griswold Avenue	4	2	4	$ 236,426
NEW	Rosemore Avenue and Woodland Avenue	2	2	4	$ 187,164
NEW	Coffee Road and East Morris Avenue	4	2	3	$ 177,319
NEW	Rosemore Avenue and Kansas Avenue	2	2	4	$ 187,164
NEW	Tuolumne Boulevard and Neece Drive	4	2	3	$ 177,319
NEW	La Loma Avenue and Buena Vista Avenue	2	2	4	$ 187,164
NEW	La Loma Avenue and Miller Avenue	2	2	5	$ 233,955
NEW	Orangeburg Avenue and Sonoma Avenue	2	2	3	$ 140,373
NEW	Orangeburg Avenue and Lillian Drive	2	2	3	$ 140,373
NEW	Floyd Avenue and Dana Lane	2	2	3	$ 140,373
NEW	Seventh Street and K Street	2	2	4	$ 187,164
NEW	Sixth Street and K Street	2	2	4	$ 187,164
NEW	Sisk Road and Conant Avenue	4	2	3	$ 177,319
NEW	Snyder Avenue and Carver Road	2	2	4	$ 187,164
NEW	Snyder Avenue and Marsalia Way	2	2	3	$ 140,373
NEW	Sisk Road and Brenner	4	2	3	$ 177,319
NEW	Orangeburg Avenue and Rose Avenue	2	2	4	$ 143,972
NEW	Tully Road and Stoddard Avenue	4	2	3	$ 177,319
NEW	Eleventh Avenue and M Street	2	2	4	$ 143,972
NEW	Bangs Avenue and Carver Road	2	2	4	$ 187,164
NEW	Prescott Road and Sheldon Avenue	4	2	3	$ 177,319
NEW	Orangeburg Avenue and Enslen Avenue	4	2	4	$ 236,426
NEW	Orangeburg Avenue and Florida Avenue	4	2	3	$ 177,319
NEW	Sylvan Avenue and Esta Avenue	4	2	3	$ 177,319
NEW	Sylvan Avenue and Road F	4	2	3	$ 177,319
NEW	Sylvan Avenue and Litt Road	4	2	4	$ 236,426
NEW	Floyd Avenue and Lincoln Oak Dr.	4	2	3	$ 177,319
NEW	Floyd Avenue and Esta Avenue	4	2	4	$ 236,426
NEW	Oakdale Road and Road G	4	2	3	$ 177,319
NEW	Roselle Avenue and Road D	4	2	4	$ 236,426
NEW	Roselle Avenue and Kodiak Drive	4	2	4	$ 236,426
NEW	Roselle Avenue and Bellharbour Drive	4	2	4	$ 236,426
NEW	Roselle Avenue and Merle Avenue	4	2	4	$ 236,426
HIGH COST MOD	G Street and Seventh Street	3	2	3	$ 183,830
HIGH COST MOD	H Street and Seventh Street	3	2	3	$ 183,830
HIGH COST MOD	I Street and Seventh Street	4	2	4	$ 235,327
HIGH COST MOD	Seventh Street and L Street	2	2	4	$ 202,852
HIGH COST MOD	Needham Street and L Street	4	2	3	$ 184,614
HIGH COST MOD	Needham Street and 14th Street	4	2	3	$ 184,614

EXHIBIT B

TYPE	LOCATION	THROUGH LANES	CROSS LANES	LEGS	COST
HIGH COST MOD	McHenry / Downey / Avenue and J Street	4	4	5	$ 334,753
HIGH COST MOD	10th Street and D Street	4	2	5	$ 188,262
HIGH COST MOD	Bodem Street and Scenic Drive	4	2	3	$ 184,614
HIGH COST MOD	Ninth Street and Tuolumne Boulevard	4	4	4	$ 267,803
HIGH COST MOD	Yosemite Boulevard and Church Street	4	2	3	$ 184,614
HIGH COST MOD	McHenry Avenue and Rumble Road	6	2	4	$ 266,234
HIGH COST MOD	McHenry Avenue and Floyd Avenue	6	2	4	$ 266,234
HIGH COST MOD	North Emerald Avenue and Kansas Avenue	2	2	4	$ 202,852
HIGH COST MOD	Coffee Road and Scenic Drive	4	4	3	$ 200,852
LOW COST MOD	Tully Road and Coldwell Avenue	4	2	4	$ 65,421
LOW COST MOD	Tully Road and West Roseburg Avenue	4	2	4	$ 65,421
LOW COST MOD	Tully Road and West Granger Avenue	4	2	4	$ 65,421
LOW COST MOD	Tully Road and Woodrow Avenue	4	2	3	$ 65,421
LOW COST MOD	Tully Road and West Rumble Road	4	2	4	$ 65,421
LOW COST MOD	Tully Road and Mount Vernon Drive	4	2	4	$ 65,421
LOW COST MOD	College Avenue and Stoddard Avenue	4	2	4	$ 65,421
LOW COST MOD	College Avenue and Coldwell Avenue	4	2	4	$ 65,421
LOW COST MOD	College Avenue West Roseburg Avenue	4	2	4	$ 65,421
LOW COST MOD	College Avenue and West Granger Avenue	4	2	4	$ 65,421
LOW COST MOD	Ninth Street and G Street	4	3	3	$ 65,048
LOW COST MOD	Ninth Street and H Street	4	3	3	$ 65,048
LOW COST MOD	Ninth Street and I Street	4	4	4	$ 79,070
LOW COST MOD	Ninth Street and J Street	4	4	4	$ 79,070
LOW COST MOD	Ninth Street and K Street	4	4	4	$ 79,070
LOW COST MOD	College Avenue and Orangeburg	4	4	4	$ 79,070

EXHIBIT B

APPENDIX TABLE 4
INTERCHANGE PROJECTS

PROJECT ID	CROSS ROAD	Comments	TOTAL COST	Assumed Outside Funding	CFF COST
IKIERNAN01	SR99		$ 60,000,000	$ 37,939,211	$ 22,060,789
IPELANDALE01	SR99		$ 60,200,000	$ 18,152,752	$ 42,047,248
IBECKWITH01	SR99		$ 33,220,000	$ 16,283,077	$ 16,936,923
IBriggsmore Avenue	CLAUS	Urban Interchange	$ 14,299,764		$ 14,299,764
IFloyd Avenue	CLAUS	Urban Interchange	$ 15,520,590		$ 15,520,590
ISylvan Avenue	CLAUS	Urban Interchange	$ 16,576,500		$ 16,576,500
ISanta Fe Railroad OH	CLAUS	Urban Interchange	$ 9,089,760		$ 9,089,760
ICLARIBEL01	COFFEE	Urban Interchange	$ 15,000,000		$ 15,000,000
ICLARIBEL02	OAKDALE	Urban Interchange	$ 15,000,000		$ 15,000,000
IKIERNAN02	MCHENRY	Urban Interchange	$ 15,000,000		$ 15,000,000
IPELANDALE02	MCHENRY	Urban Interchange	$ 15,000,000		$ 15,000,000
SR132 from SR99 to Morse*		Freeway Project. CFF Cost = City Contribution	$ 110,000,000	$ 86,000,000	$ 24,000,000
		Total Interchange Projects	$ 378,906,614	$ 158,375,040	**$ 220,531,574**

EXHIBIT C

City of Modesto Capital Facilities Fees Policies and Procedures

Adopted on May 7, 2013
City Council Resolution No. 2013-177

MODESTO
CALIFORNIA

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INTENT

In 1987, the City of Modesto established a Capital Facilities Fee (CFF) Program to mitigate the impacts of new development as outlined in §6600 of the California Government Code. The CFF collected may be used for the purchase, construction, expansion, rehabilitation or acquisition of public facilities. New development projects that are assessed a CFF include, but are not limited to, new building and construction projects, commercial building additions and changes of use to more intensive land use categories.

The following policies and procedures (Policies and Procedures) shall guide in the administration of the City of Modesto CFF Program. This administrative manual elaborates upon the administrative directions contained in the Modesto's Municipal Code, California State Code and City Council Resolutions.

ADMINISTRATIVE ORGANIZATION & RESPONSIBILITY

CFF Administrator
The Administrator of Infrastructure Financing Programs shall serve as the CFF Administrator and is charged with the overall administration and oversight of the CFF Program. The CFF Administrator has the responsibility of ensuring all issues relating to the CFF Program are managed in accordance with applicable rules and regulations.

ADMINISTRATIVE REQUIREMENTS

Factors Considered
The City Council has determined that the CFF adopted by the City of Modesto shall be based on the following two factors: (i) reflect full cost allocation to each category of new development of capital facilities necessary to serve growth; and (ii) be reviewed annually to consider an escalation to account for inflation.

Annual Report
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:

- Description of the type of impact fee in the account or fund.

- Identification of the amount of the impact fee.
- The beginning and ending balance of the account or fund.
- The amount of impact fees collected and interest earned.
- Identification of 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.
- Identification of an approximate date by which the construction of the public improvements 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.
- Description of each interfund transfer or loan made from the account or fund, including the public improvements on which the transferred or loaned impact fees were 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.
- 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.

In addition to the requirements above, the City Council has determined that the annual report should also contain the following information:

- The cumulative inventory of exempt residential units and the percent of anticipated total exempt units at build-out.
- A comparison of cumulative exempt units to total units built since 1989. During recessions and other times of low production of market-rate housing, it is acknowledged that the cumulative, exempt units may exceed two percent (2%) of the total units built.

Five-Year Report

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.

Annual Inflationary Adjustments

In an effort to ensure that all fees collected are adequate, an annual inflationary adjustment is applied each year to the CFF Program. The annual inflationary adjustments are:

- Administratively adjusted annually by the CFF Administrator or his/her designee for all land use categories to account for inflation or deflation.
- Based on the annual change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December the year preceding each inflationary adjustment.
- Becomes effective on or about July 1st of each year.

The City will provide at least one (1) meeting with stakeholders and other interested parties at least sixty (60) days in advance of the effective date of the adjustment. While the annual adjustment is an administrative function, the item should be submitted to the City Council for their information.

CFF Program Updates

The imposition of development impact fees requires identification of the facilities to be provided and the fee amounts imposed must not exceed the cost of the necessary facilities. To fulfill this requirement, the City shall undertake periodic studies to identify the facilities needed and their costs.

Land Value Updates

In an effort to keep pace with market conditions affecting the City's ability to construct public facilities, the City shall annually update the land values of its CFF Program. The intent of the annual updates is to ensure that new development pays for its share of future infrastructure necessary to serve the needs of the City.

DETERMINATION OF CFF

CFF is based on specific land use categories. As a matter of policy, a broad range of uses have been generally categorized as being residential, commercial, office or industrial. Table 1 identifies the approved land use categories. Full definitions of approved land use categories can be found in Appendix A. Undefined uses, as outlined in Table 2, are charged at rates that are determined by the CFF Administrator using similar land use determinations.

COLLECTION OF FEES

Calculation and Collection of CFF

As codified in the Modesto Municipal Code, the CFF is collected at the time of building permit issuance. For fee assessments, the Director of the Community and Economic Development Department has the final authority on the determination of land use.

Payments

CFF is collected by the Building Safety Division prior to issuance of a building permit. In the event the payment subsequently proves to be invalid due to insufficient funds, improper execution or for any other reason, the Finance Department shall notify the fee payer, the contractor, and the property owner and a hold shall be placed on the permit and subsequent inspections until the required CFF is paid.

Refunds

If a building permit expires, is revoked, voluntarily surrendered or voided, and no construction or improvement of land has commenced, then the fee payer is entitled to a refund, without interest and less a two and one-half percent (2.5%) administrative fee. Requests for refunds must be made in writing and addressed to the CFF Administrator. Refunds shall be issued within four (4) weeks of the written request.

Protests

In the event a fee payer agrees to pay CFF in protest at the time of building permit issuance, a notification of the protested payment must be made in writing to the CFF Administrator at the time the fees are paid. The protest shall be scheduled for review by the CFF Review Committee and a written response shall be sent to the fee payer.

Appeals

Any individual calculation of the CFF made may be appealed in accordance with the Modesto Municipal Codes 1-4.01 – 1.4.05. Appeals shall be limited to disputes regarding the calculation of CFF due.

EXEMPTIONS, DEFERRALS AND CREDITS

The City of Modesto supports economic development through the growth of Modesto businesses. It also encourages the construction Very Low and Low Income Housing development projects within the City. CFF deferral, credit and exemption programs benefit economic growth and development by allowing the deferral, credit and/or waiver of impact fees.

Credits and Exemptions

In some situations, credits are provided to acknowledge that the expansion, replacement or reconstruction of a building will have no additional impact on facilities needed as a result of

new development. Exemptions are also provided to foster the development of Very Low and Low Income Housing units. CFF Credit and Exemption descriptions, qualifications and requirements are provided in Table 3. 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. However, it is acknowledged that during recessions and other times of low production of market-rate housing, the cumulative, exempt units may exceed two percent (2%) of the total units built.

Deferrals

The CFF Program allows for two types of deferrals. The first allows non-residential developers to pay a portion of the CFF at the time of building permit issuance and defer payment of the balance over a five (5) year period. The second deferral allows developers of Low Income Housing units to defer payment of CFF for a period of time. Table 4 identifies the CFF deferral program guidelines for Low Income Housing and non-residential development projects. All deferrals require an agreement with the City prior to building permit issuance.

DEVELOPMENT DEDICATIONS

Residential Streets

The collector and local streets required by new development shall be dedicated and improved by the abutting developer in accordance with City Standard Specifications.

Expressways

Expressway improvements shall be constructed as required by the conditions of approval.

- The developer shall be reimbursed the cost of said improvements and right-of-way dedication pending the availability of CFF funds and provided funding for said improvements are included in the CFF Program.
- All reimbursements shall be detailed in a CFF Reimbursement Agreement in advance of construction or dedication in accordance with the municipal code.
- When ***interim improvements*** are required to facilitate current development prior to future expressway improvements, the interim improvements shall be funded and provided by the abutting developer.
- When ***extra facilities*** are required specifically for a particular development at hand (i.e.: deceleration/acceleration lanes, slip ramps, etc.), the extra facilities shall be funded and provided by the abutting developer without reimbursement.

Arterial & Major Collector Streets

Arterial and major collector streets shall be constructed per City Standard Specifications. A standard width of forty (40) feet shall be dedicated and improved to City Standard Specifications. ***In all cases described in this section, the forty (40) foot width shall be measured from the new property line on each side of the street towards the street***

centerline. This dedication is a requirement of development and not subject to reimbursement.

- When a developer is required to dedicate and improve more than the required forty (40) feet, the cost of right-of-way and improvements in excess of forty (40) feet shall be reimbursed to the developer pending the availability of CFF funds and provided funding for said improvements are included in the CFF Program.
- All reimbursements shall be detailed in a CFF Reimbursement Agreement in advance of construction or dedication in accordance with the municipal code.
- When there is an ***existing street***, where the forty (40) feet dedication and improvements have been previously made, any additional dedication and improvements shall be subject to appropriate reimbursement to the developer.
- When there is an ***existing street*** and if the streets have not been previously improved to City Standard Specifications, only the dedication or improvements in excess of forty (40) feet will be subject to the appropriate reimbursement.
- When ***extra facilities*** are required specifically for a particular development at hand (i.e.: deceleration/acceleration lanes, slip ramps, etc.), the extra facilities shall be funded and provided by the abutting developer without reimbursement.

The City's Standard Specifications can be found online at www.modestogov.com. Appendix B details the City's Street Exaction Policy.

REIMBURSEMENT & OTHER RELATED AGREEMENTS

The planning contained in the City's Capital Improvement Program (CIP) and the CFF Program shall guide the amount and the schedule of reimbursements to be paid from CFF funds for reimbursement. Prior to commencement of any work that is eligible for reimbursement, a Reimbursement Agreement between the developer and the City must be approved per Modesto Municipal Code §8-3.102. A Reimbursement Agreement will be required where the development occurs fronting a planned CFF fund project, or which required CFF funded work off-site. All such work shall be done by developer advances and will be subject to reimbursement pursuant to the terms of the Reimbursement Agreement.

Initial Request for Reimbursement

It is the obligation of the developer, landowner and/or the developer's engineer to submit a request to the CFF Administrator for reimbursement. Requests will not be granted if the dedication or improvements have already been made or started prior to execution of a Reimbursement Agreement. Each request shall include:

- An Engineer's Estimate of the work to be performed that is eligible for reimbursement.
- All exhibits relating to the improvements or right-of-way including the plat and, where applicable, closure calculations.

- Design costs incurred prior to the execution of the Reimbursement Agreement for completed and accepted City-funded facilities as determined and approved by the CFF Administrator.

Reimbursement Agreement
Prior to the issuance of a construction permit and recording of a final map for dedication, the developer will be required to enter into all necessary agreements in a form provided by the City and consistent with these Policies and Procedures. All agreements will be reviewed and approved as to form by the CFF Administrator, City Attorney and others as the City deems appropriate. City Council approval shall be required for all reimbursements over $49,999.

Timing
The planning contained in the CFF Program and the City's annual adopted Capital Improvement Program shall guide the amount and the schedule of reimbursements to be paid from CFF funds. Furthermore, the CFF Administrator shall determine the fiscal year(s) in which funds will become available and appropriate for reimbursement.

Notice to Proceed
Once the appropriate agreement(s) are executed, a Notice to Proceed shall be issued by the CFF Administrator to the developer to commence construction of reimbursable improvements.

Reimbursement Payments
Upon completion, verification of invoices and acceptance of improvements, reimbursements shall be issued from the applicable CFF fund in the manner set forth in the Reimbursement Agreement.

CONSTRUCTION CONTRACTOR REQUIREMENTS

In retaining construction contractors for work which is reimbursable by the City of Modesto and where a Reimbursement Agreement (or other similar agreement) with the City is less than $300,000.00, the developer shall abide by the following bid process:

Three Competitive Bids
The developer shall provide three (3) competitive bids. If the developer desires to award to a contractor other than the low bidder, a written request must be submitted to the City. The City may allow this if the developer can provide adequate justification.

Licensing
The developer shall make sure that all contractors and subcontractors are licensed in accordance with §7000 through §7145 inclusive, of the California Business and Professions Code and maintain adequate insurance for any work or services performed. Developer, its

contractors and subcontractors shall have and maintain a City business license during the term of any agreement.

Payment of Prevailing Wages

In accordance with California Labor Code §1770, developer shall require the payment of prevailing wages based on the rates determined by the California Director of Industrial Relations. Unless otherwise directed by the City, developer's construction schedule shall provide adequate time for completion of the work such that no holiday or overtime labor shall be required. The City shall not reimburse developer for any labor costs which exceed the normal and customary straight time rates as described in the City of Modesto General Provisions, §4.19, for the work performed unless the City authorizes the use of overtime or legal holiday time, in advance and in writing.

The developer shall maintain certified payroll records for all labor costs incurred on all City reimbursable work for a minimum period of four (4) years from the issuance of the Notice of Completion. Said payroll records shall be made available to the City or any state regulatory agency for review, audit and inspection or copying upon request.

Indemnification

Developer shall indemnify and hold the City harmless for ensuring that the project is bid and constructed in accordance with City standards, and in compliance with all applicable local, state and federal laws. Developer shall also indemnify and hold the City harmless for any damages, claims or actions arising out of said construction activities in a form approved by the City Attorney and the Risk Manager.

Overtime & Change Orders

The City shall retain the right to be in attendance to inspect all bids and change orders. Any extra work or charges during construction for which reimbursement is sought shall be justified and documented. Except in the case of an emergency, any such charges shall be approved by the City in advance and in writing. In the case of an emergency, any such charges may be authorized by the City if the developer provides adequate justification that an emergency existed and that the extra work or charges incurred were reasonable. Said justification shall be provided within a reasonable time after the emergency ends and prior to reimbursement for any such charges.

TABLE 1 - CFF LAND USE CATEGORIES

CATEGORY	DESCRIPTION
RESIDENTIAL	
Single-Family	Single-family detached homes on individual lots. Density of development is typically ten (10) dwellings per acre or less.
Multi-Family	Multiple-family dwelling units and multi-family residential planned unit developments greater than a density of ten (10) units per acre. ▪ Duplexes ▪ High & Low Rise Apartments ▪ Triplexes ▪ High & Low Rise Condominiums ▪ Mobile Homes ▪ Medium-Density Developments
Senior Housing	Retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.
Hotel	Hotel and motel rooms
COMMERCIAL	
Retail ◆ **< 49,999 SF** ◆ **50,000 – 99,999 SF** ◆ **100,001 – 299,999 SF** ◆ **> 300,000 SF**	Retail, including, but not limited to: ▪ Convenience Markets ▪ General Merchandise ▪ Paint Stores ▪ Supermarkets ▪ Building Materials ▪ Hardware Stores ▪ Drug Stores ▪ Lumber Stores ▪ Video Arcades ▪ Department Stores ▪ Specialty Retail Stores ▪ Health Club Locker Rooms and Showers ▪ New & Used Car Sales ▪ Racquetball Courts ▪ Nursery Sales/Displays ▪ Discount Stores Restaurants, including, but not limited to: ▪ Fast Food ▪ Cocktail Lounges ▪ Covered and Enclosed Patio Dining ▪ Sit Down Restaurants ▪ Drinking Establishments ▪ Bars Banks: ▪ Banks ▪ Savings & Loans ▪ Credit Unions Other: ▪ Storage facilities, also known as "mini" storage facilities for personal items and not associated with industrial use.
COMMERCIAL - OTHER	
Church	Structures primarily designed as a place for worship. Also includes church multi-purpose rooms.
Daycare & School	An educational, vocational, daycare facility or gyms for private schools.
Hospital	Structures designed for healing services, both in-patient and out-patient, that includes surgical care of the sick, injured, or physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D zone or hospital uses. Separate sets of offices on the same site for physicians are considered "professional offices".

CATEGORY	DESCRIPTION
COMMERCIAL - OTHER	
Nursing Home	Structures designed for use as a convalescent hospital, retirement home, or a twenty-four (24) hour care center for seven (7) or more persons in addition to members of the family.
OFFICE	
Medical Office	Offices and clinics devoted to the practice of medical professions or providing medical services, including pseudo-medical services, but excluding hospitals and nursing homes which are treated separately.
General Office	All other types of general and professional offices.
INDUSTRIAL	
Manufacturing, Light Industrial, & Industrial Park	Facilities in which the primary activity is the production of finished items through manufacture, fabrication, processing, packaging, or treatment of raw materials or parts, except heavy industrial uses. Uses which are considered include: ▪ Electronics Assembly ▪ Food Processor, Brewery, or Bakery ▪ Paper Products ▪ Junk Handling, Processing, or Storage ▪ Metal Fabricator ▪ Septic Tank and Cesspool Storage ▪ Bottling Plant ▪ Vehicle Salvaging and Wrecking ▪ Cabinet Shop ▪ Burning Operations for Wood and Lumber Products ▪ Machine Shop ▪ Sheet-Metal Shop ▪ Landfill, Waste Product Disposal, and Transfer Stations ▪ Pulp/Paper Mill ▪ Welding Shop ▪ Reduction, Processing, Storage of Offal, Dead Animals, Bones, or similar materials ▪ Wholesale Shop ▪ Recycling Facility ▪ Manufacture, Fabrication, Processing, Treatment of Explosives, Great Products, Chemicals, Chemical Products, and Oil ▪ Rock Crushing ▪ Stockyard ▪ Tannery ▪ Material Testing, Labor Manufacturer ▪ Equipment Rental Yard *Note: When a development proposal contains more than an incidental mixture of mixed industrial uses, the general type of uses should be segregated and treated separately.*
Warehousing, Distribution, & Heavy Industrial	Facilities in which the primary activity is the storage, shipping or receiving of materials. Uses in this category include, but are not limited to: ▪ Freight ▪ Moving and Storage Services ▪ Warehousing ▪ Bulk Feed Storage ▪ Corporation Yard ▪ Greenhouses, Barns, and Silos ▪ Freight Yard ▪ Sand, Gravel, and Building Materials Dealer ▪ Lumberyard

TABLE 2 - CFF UNDEFINED LAND USES

BUILDING USE	DESCRIPTION
Shell Buildings	Builders will often apply for a building permit to construct the "shell" of a building. ▪ The shell use shall be determined at the time of building permit issuance. ▪ The first tenant improvements to the shell building shall be charged according to land use.
Roof Structures	When an open area exists and a roof structure is added, 100% of the total CFF shall be charged if the structure is supported by the addition of one (1) or more side walls. 50% of the total CFF shall be charged if the structure has no side walls.
Multiple Use Structures	With the exception of commercial uses, if there is more than one (1) primary land use within a building, and the applicant can document that a secondary land use accounts for more that fifteen percent (15%) of the gross floor area of the structure, then the CFF shall be calculated separately for each use and the results summed.
Canopy Construction	When an open area exists and a canopy structure is added, 100% of the total CFF shall be charged if the canopy is enclosed on three (3) or more sides and 50% of the total CFF shall be charged if the canopy is enclosed on one (1) or two (2) sides. Canopied business or storefront entryways and freestanding membrane canopies with no sides are exempt.
Mezzanines	When a second floor open area or balcony exists, 100% of the total CFF shall be charged.
Change of Use for Existing Buildings	With the exception of shell buildings, any alteration or change of use to an existing building does not trigger the payment of CFF provided that no additional square footage is added. If additional square footage is added, the CFF shall be charged based on the additional square footage and land use. Should the change of use fall within a lower land use category, no refunds or credits for the previously paid CFF shall be made.
Ancillary Recreation Buildings	The CFF paid on the dwelling unit or room basis is deemed adequate for ancillary recreation buildings such as mobile home clubhouses, cabanas, weight rooms, lounges, or activity buildings which are primarily oriented to the residential development.

TABLE 3 - CFF CREDITS AND EXEMPTIONS

	TYPE	DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior To Issuance of a Building Permit)
RESIDENTIAL	**Single-Family Granny Flats**	Second dwelling unit located adjacent or connected a single-family dwelling unit.	▪ No Charge
	Very Low and Low Income Housing	▪ Any Very Low and Low Income housing units constructed or expanded by the Housing Authority of the County of Stanislaus or by any entity in which the Housing Authority is a major partner.	▪ Application
	CHDO Housing	▪ Housing constructed or expanded by a CHDO Organization found to be affordable to households earning sixty (60%) or less of the Area Median Income. ▪ Exemption valid for the term the home meets CHDO Housing qualifications. ▪ If a resale or refinance occurs within the ten (10) year period, the new buyer will be allowed to assume the remainder of the exemption if the buyer meets the CHDO Housing criteria. ▪ Staff reports for exemption request shall indicate the cumulative inventory of exempt units and the percent of anticipated total exempt units at build out. The staff report shall also provide a comparison of units to total units built since 1989. ▪ *Exception: If a resale or refinance occurs within the ten (10) year period and the new buyer does not qualify for the exemption, full payment of CFF would become due, with no interest thereon.*	▪ Application ▪ Agreement ▪ CH & CDC Approval ▪ CC Approval (includes 10-day public notice)
	Very Low Income Housing	▪ Housing constructed or expanded by any person or entity found to be affordable to households earning fifty (50%) or less of the Area Median Income. ▪ Exemption valid for the term the home is deemed Very Low Income. ▪ If a resale or refinance occurs within the ten (10) year period, the new buyer will be allowed to assume the remainder of the exemption if the buyer meets the Very Low Income criteria. ▪ Staff reports for exemption request shall indicate the cumulative inventory of exempt units and the percent of anticipated total exempt units at build out. The staff report shall also provide a comparison of units to total units built since 1989. ▪ *Exception: If a resale or refinance occurs within the ten (10) year period and the new buyer does not qualify for the exemption, full payment of CFF would become due, with no interest thereon.*	▪ Application ▪ Agreement ▪ CH & CDC Approval ▪ CC Approval (includes 10-day public notice)
	Shelters	▪ Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for special populations of the homeless. (Examples include emergency shelters, transitional housing and Safe Havens)	▪ No Charge
	Recreational Buildings	▪ For residential projects, the CFF on a dwelling unit or room basis are deemed adequate for ancillary recreation buildings that are oriented and primary to the residential development. ▪ Mobile home park club houses, cabanas, weight rooms, lounges, and activity buildings.	▪ No Charge
	Alterations & Additions	▪ Any alteration or addition to a residential structure provided that no new dwelling units are created.	▪ No Charge
	Single-Family Replacement & Reconstruction	▪ Any replacement or reconstruction of a residential structure that has been destroyed or demolished provided that no new dwelling units are created. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous residential structure. ▪ Non-transferrable. ▪ The residential structure is located on the same property of the demolished or abandoned residential structure.	▪ No Charge
	Multi-Family Replacement & Reconstruction	▪ Any replacement or reconstruction of a multi-family residential structure that has been destroyed or demolished provided that the square footage of the new structure is equal to or less than that of the previous structure and the number of units in the new structure is equal to or less than that of the previous structure. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous multi-family residential structure. ▪ Non-transferrable. ▪ The new multi-family residential structure is located on the same property of the demolished or abandoned multi-family residential structure.	▪ No Charge

TABLE 3 - CFF CREDITS AND EXEMPTIONS (Con't.)

	TYPE	DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior To Issuance of a Building Permit)
RESIDENTIAL	**Replacement due to Eminent Domain**	▪ Any replacement of an existing building that has been or shall be vacated due to eminent domain proceedings, or the threat of such proceedings. ▪ Building permit for replacement structure must be applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated. ▪ No additional dwelling units are created and no additional square footage is added. ▪ Use is not devoted to a higher-density capacity and/or does not result in the generation of additional peak hour trip ends. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous building and land use type. ▪ The new building is located on the same property of the demolished or abandoned building. ▪ Non-transferrable. ▪ *Exception: If the new building is CFF Land Use that is intensified from the CFF Land Use of the previous building, the incremental difference between the new building CFF Land Use and the previous building CFF Land Use shall be due at building permit issuance.* ▪ *Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.*	▪ No Charge ▪ Time Sensitive
COMMERCIAL	**Sales & Construction Trailers**	▪ Maximum term use of two (2) years.	▪ No Charge
	All Other Trailers	▪ All other types of temporary trailers are charged the full CFF. The CFF is refundable (less 2.5% administrative fee) if requested, in writing, within six (6) years of payment of the CFF.	▪ CFF Charged ▪ Refundable
	Truck Loading Bays	▪ Canopied and enclosed and not used as staging area for storage or protection or product.	▪ No Charge
	Parking Garages	▪ Public and private garages.	▪ No Charge
	Agricultural	▪ Shade structures, lath houses, and netted areas.	▪ No Charge
	Outdoor Dining Patio	▪ Uncovered and enclosed dining areas.	▪ No Charge
	Commercial Replacement & Reconstruction	▪ Any replacement or reconstruction of a non-residential structure that has been destroyed or demolished. ▪ New building is located on the same property as the destroyed or demolished building. ▪ Based on prior CFF Land Use and building square footage. ▪ Non-transferrable. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous building and land use type. ▪ The new building is located on the same property of the demolished or abandoned building. ▪ *Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.*	▪ No Charge
	***Tenant Improvements (excluding Shell Buildings)* and Changes of Use**	▪ Any alteration or change of use to an existing building, if no new square footage is added. ▪ No refunds for diminished use capacities or reduced square footage. ▪ *Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.*	▪ No Charge

TABLE 3 - CFF CREDITS AND EXEMPTIONS (Con't.)

	TYPE	DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior to Issuance of a Building Permit)
COMMERCIAL	**Tenant Improvements *in Shell Buildings* and Changes of Use**	▪ Tenant improvements within a shell building if the improved use is (1) devoted to the same CFF Land Use that the Shell Building paid or (2) is devoted to a CFF Land Use with a lower impact. ▪ No refunds for diminished use capacities or reduced square footage. ▪ *Exception: If tenant improvements are for a CFF Land Use that is intensified from what was paid for the Shell Building, the incremental difference between the Shell Building CFF Land Use and the Tenant Improvement CFF Land Use shall be due at building permit issuance.* ▪ *Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.*	▪ No Charge
	Replacement due to Eminent Domain	▪ Any replacement of an existing building that has been or shall be vacated due to threat of/or eminent domain proceedings. ▪ Building permit for replacement structure must be applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated. ▪ No additional dwelling units are created and no additional square footage is added. ▪ The use is not devoted to a higher-density capacity and does not result in the generation of additional peak hour trip ends.	▪ No Charge ▪ Time Sensitive
	Commercial/Industrial Relocation Credit	▪ Transfer of CFF credit from existing building to a new building. ▪ Project involves commercial and/or industrial job retention of at least twenty-five (25) jobs or redevelopment of blighted area. ▪ Beneficiary of the relocation credit must be the owner of the existing building or the existing building was demolished and paid CFF when rebuilt.	▪ No Charge ▪ CC Approval

TABLE 4 - CFF DEFERRALS

TYPE	DESCRIPTION	QUALIFICATIONS	REQUIREMENTS (Prior to Issuance of a Building Permit)
Low Income Housing	▪ Payment of CFF is deferred for twenty (20) years ("Deferral Period"). No payments are due during the first five (5) years. Annual payments of principal and simple interest begin in the sixth (6th) year. ▪ Interest will not accrue during the first five (5) years. ▪ In the sixth (6th) year, simple interest will be calculated at the rate of 5%. ▪ A lien is placed on the property. ▪ If the property is sold or refinanced within the Deferral Period, the new buyer will be allowed to assume the Deferral Payment Agreement if the buyer meets the Low Income criteria. ▪ If the property is sold or refinanced within the Deferral Period and the buyer does not qualify to assume the Deferral Payment Agreement, the full CFF deferral, including interest, would become due immediately. ▪ Interest penalties apply if fees are not paid within the Deferral Period.	▪ Any Low Income Housing unit constructed by any person or entity. ▪ The home must be purchased by a homebuyer earning between fifty-one and eighty percent (51 – 80%) of the Area Median Income who will use it as their principal place of residence for the duration of the deferral time period.	▪ Application ▪ Deferred Payment Agreement and Notice of Lien ▪ CH&CDC Approval ▪ CC Approval (includes 10-day public notice) ▪ Promissory Note ▪ City Deed of Trust ▪ Recordation Fee (Agreement) ▪ Recordation Fee (Removal of Lien)
Commercial, Industrial and Multi-Family	▪ Twenty percent (20%) of total CFF paid at building permit issuance. ▪ Remaining eighty percent (80%), plus interest, paid annually over five (5) years. ▪ Interest is equal to the Wall Street Journal Prime Rate in effect at the time of Agreement execution. ▪ A lien is placed on the property. ▪ If the property is sold or transferred within the deferral period, payment of the full CFF deferral, including interest, would become due immediately. ▪ Interest penalties apply if fees are not paid within the deferral period.	▪ Any commercial, industrial or multi-family development project in which CFF is being assessed. ▪ For those projects where a mitigated negative declaration or an Environmental Impact Report (EIR) has been certified, no CFF deferral shall be allowed to the extent that one (1) or more of the mitigation measures consists of payment of CFF or construction or installation of a public improvement, the cost of which, subject to funding availability, may be eligible for reimbursement of CFF.	▪ Application ▪ Deferral of CFF, Water Connection and/or Wastewater Capacity Agreement and Notice of Lien ▪ $250 Administrative Fee ▪ $500 Title Report Fee ▪ $12 Recordation Fee (Removal of Lien)

TABLE 5 - CFF FEE SCHEDULE

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	$ 6,268	$ 91	$ 548	$ 852	$ 363	$ 5,193	$ 479	$ 272	$ 14,066
Multi-Family Residential	Dwelling Unit	4,342	64	722	513	167	3,228	294	146	9,476
Senior Housing	Dwelling Unit	3,782	34	705	500	164	3,148	288	104	8,725
Hotel/Motel	Room	3,259	57		194	64		111	82	3,767
Retail <50,000 SF	1,000 SF	9,423	187		231	76		133	255	10,305
Retail 50,000-100,000 SF	1,000 SF	7,823	154		231	75		132	212	8,627
Retail 100,000-300,000 SF	1,000 SF	6,603	130		232	76		133	180	7,354
Retail >300,000 SF	1,000 SF	6,160	120		231	75		133	168	6,887
Medical Office	1,000 SF	11,903	238		386	126		221	328	13,202
General Office	1,000 SF	5,760	102		386	126		222	148	6,744
Hospital	1,000 SF	8,347	147		385	126		222	207	9,434
Daycare	1,000 SF	4,609	81		386	126		222	120	5,544
Church	1,000 SF	982	17		391	127		225	34	1,776
Nursing Home	1,000 SF	1,438	25		389	127		224	45	2,248
Industrial (Manufacturing)	1,000 SF	2,233	39		165	54		95	57	2,643
Industrial (Warehousing)	1,000 SF	1,566	28		166	54		95	42	1,951

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	$ 6,815	$ 72	$ 1,382					$ 176	$ 8,445
Multi-Family Residential	Dwelling Unit	4,904	52	876					120	5,952
Senior Housing	Dwelling Unit	2,870	31	958					95	3,954
Hotel/Motel	Room	3,435	36						51	3,522
Retail <50,000 SF	1,000 SF	9,802	103						143	10,048
Retail 50,000-100,000 SF	1,000 SF	8,161	86						120	8,367
Retail 100,000-300,000 SF	1,000 SF	6,918	73						102	7,093
Retail >300,000 SF	1,000 SF	6,463	69						95	6,627
Medical Office	1,000 SF	12,463	132						183	12,778
General Office	1,000 SF	6,100	64						93	6,257
Hospital	1,000 SF	8,729	92						130	8,951
Daycare	1,000 SF	4,922	52						76	5,050
Church	1,000 SF	1,178	12						25	1,215
Nursing Home	1,000 SF	1,661	17						31	1,709
Industrial (Manufacturing)	1,000 SF	2,374	25						36	2,435
Industrial (Warehousing)	1,000 SF	1,694	18						27	1,739

APPENDIX A - DEFINITIONS

The intent and meaning of the terms that are used shall be as defined in these CFF Policies & Procedures except as specifically noted, revised or added.

Definitions – A

Applicant. The applicant for a building permit for which an impact fee is due pursuant to the provisions of these CFF Policies and Procedures.

Arterial. A moderate or high-volume street with four (4) to six (6) travel lanes which carries large volumes of traffic between areas in urban centers, with flow usually consisting of large, signaled intersections with other arterials and many collector roads.

Definitions – B

Banks. Full service banking institutions with or without drive up windows.
(CFF Rate = Retail)

Building Inspection. The Building Safety Division of the Community & Economic Development Department for the City of Modesto.

Building Safety Division. The Building Safety Division of the Community & Economic Development Department for the City of Modesto.

Definitions – C

Capital Facilities Fee. Impact fees established to mitigate the impacts of new development as outlined in §66000 of the California Government Code for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities.

Certificate of Occupancy. Final sign off of a building permit.

CHDO Housing. Shall mean housing found to be affordable to households earning sixty percent (60%) or less of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

CHDO Organization. A specific type of nonprofit organization that has been certified by HOME Investment Partnership Program (HOME) as a Community Housing Development Organization.

CFF Administrator. The Administrator of the Infrastructure Financing Programs for the City of Modesto.

Church. Structures primarily designed or used as a place of public worship.
(CFF Rate = Church)

City. The City of Modesto.

City Attorney. The City Attorney, or his or her designee, of the City of Modesto.

City Council. The City Council of the City of Modesto (CC).

City Engineer. The City Engineer, or his or her designee, of the City of Modesto.
Collector. A low or moderate-capacity road, usually consisting of a mixture of signaled intersections with arterial roads and signals, circles or stop signs with other collector and local roads.

Commercial. Commercial and retail uses. *(CFF Rate = Retail)*

Community & Economic Development. The Community & Economic Development Department of the City of Modesto.

Convenience Markets. Convenience markets, with or without on-site pumps and open 24 hours or extended hours. *(CFF Rate = Retail)*

Definitions – D

Daycare/School. An educational, vocational or daycare facility.
(CFF Rate = Daycare)

Development Project. Any project undertaken for the purpose of development. Development projects include projects involving issuance of a permit for construction or reconstruction but not a permit to operate.

Developer. See Applicant.

Director. Director of Community and Economic Development.

Definitions – E

Expressway. A high-volume, access-controlled roadway with three classes consisting of four (4) to six (6) lanes where spacing between interchanges with arterial roadways is limited to one mile.

Definitions – F

Facilities. See Public Facilities

Fee. A monetary exaction other than a tax or special assessment whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad-hoc basis, that is charged by a local agency to the applicant in conjunction with approval of a development project for the

purposes of defraying all or a portion of the cost of public facilities related to the development project. This does not include fees specified in §66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with §65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies which provide for their development of property in furtherance or for the benefit or a development project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with §33000) of Division 24 of the Health and Safety Code).

Fee Payer. See Applicant.

Finance. The Finance Department of the City of Modesto.

Definitions – G (Reserved)

Definitions – H

Hospital. A structure designed for health services, both inpatient and outpatient; that includes surgical care of the sick, injured or the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, outpatient departments, training facilities, central services facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site unless a multi-site campus is covered by a P-D Zone or hospital uses. A separate set of offices on the same site for physicians is considered "professional offices." *(CFF Rate = Hospital)*

Definitions – I

Improvements. See Public Facilities.

Industrial Land Use. *(CFF Rate = Industrial(Manufacturing))*

Manufacturing, Light Industrial & Industrial Parks Uses:

- Electronic assembly, paper products
- Metal fabricator
- Bottling plant
- Cabinet shop
- Machine shop
- Sheet-metal shop
- Welding shop
- Wholesale shop
- Printing plant
- Mini-warehouse
- Materials testing labors manufacturer
- Food processor, brewery, bakery

- Recycling facility
- Burning operations for lumber and wood products
- Junk handling, processing and storage
- Landfill and waste products disposal or transfer station
- Manufacture, fabrication, processing, packaging and treatment of explosives, oil, great products, chemicals, and chemical products.
- Rock crushing
- Pulp and paper mill
- Reduction, processing, and storage or offal, dead animals, bones or similar materials
- Septic tank and cesspool services
- Stockyard
- Tannery
- Vehicle salvaging and wrecking

Mixed Industrial Uses

When a development project contains more than an incidental mixture of uses, the general types of uses should be segregated and treated separately for the purposes of calculating development fees.

Definitions – L

Low Income Housing. Housing found to be affordable to households earning fifty-one to eighty (51 - 80%) percent of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

Definitions – M

Medium Density Residential. Duplex or triplex buildings located on a single lot designated for occupancy by two (2) or three (3) families. *(CFF Rate = Multi-Family Residential)*

Multi-Family Residential. Multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominiums, and multi-family residential planned unit developments greater than a density of ten (10) units per acre. The category also applies to mobile homes. *(CFF Rate = Multi-Family Residential)*

Definitions – N

Nursing Home. Structures designated for use as a convalescent hospital, retirement home, or a twenty-hour care center for seven (7)or more persons in addition to members of the family. *(CFF Rate = Nursing Home)*

Definitions – O

Office (General). General and professional offices excluding medical offices. *(CFF Rate = General Office)*

Office (Medical). Offices and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes which are treated separately. *(CFF Rate = Medical Office)*

Definitions – P

Parks, Recreation & Neighborhoods. The Parks, Recreation & Neighborhoods Department of the City of Modesto.

Public Facilities. Public buildings include the following:

- Public buildings including park, recreation, police, fire and administration buildings.
- Facilities for storage, treatment, and distribution of nonagricultural water.
- Facilities for the collection, treatment, reclamation and disposal of water.
- Facilities for the collection and disposal or storm waters and for flood control purposes.
- Facilities for the generation of electricity and the distribution of gas and electricity.
- Facilities for the distribution of information, including radio and communication like towers and satellite dishes.
- Transportation and transit facilities, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, parkways and related facilities.
- Parks and recreation facilities, including bike trails, public landscape areas and community centers.

Public Works. The Public Works Department of the City of Modesto.

Definitions – Q (Reserved)

Definitions – R

Recreational Buildings. Ancillary recreational buildings that are oriented primarily to a residential development.

Restaurants (Fast Food). Fast food restaurants with or without sit-down facilities and with or without drive up windows. Generally food is ordered and taken to be consumed outside the restaurant building, however some on-site seating is usually provided. *(CFF Rate = Retail)*

Restaurants (Sit-Down – high turnover). Sit-down restaurants where food is ordered and consumed in the restaurants and customers generally stay less than one (1) hour. Sit-down restaurants typically serve breakfast, lunch or dinner and also include drinking establishments such as bars and cocktail lounges.
(CFF Rate = Retail)

Restaurants (Sit-Down – low turnover). Sit-down restaurants which generally have turnover rates of one (1) hour or longer and typically do not serve breakfast, and may or may not serve lunch. *(CFF Rate = Retail)*
Retail. Includes a wide range of retail service uses, both freestanding and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, video arcades, and new and used car sales, auto repair shops, and car washes. *(CFF Rate = Retail)*

Definitions – S

Savings & Loans. Includes thrift and credit unions, with or without drive-up windows and which typically offer fewer financial services than banks and are smaller in gross floor area than banks. If a given Savings & Loan is 5,000 gross feet or more, or provides full banking services, it should be treated as a bank.
(CFF Rate = Retail)

Senior Housing Residential. Retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.
(CFF Rate = Senior Housing Residential)

Shelter. Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for special populations of the homeless.

Single-Family Residential. Single-family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically ten (10) dwellings per acre or less. *(CFF Rate = Single-Family Residential)*

Square Foot (sf). As used for the calculation of impact fees is the same as the square footage for determination of the issuance of building permits.

Definitions – T (Reserved)

Definitions – U

Utility Planning & Projects. The Utility Planning & Projects Department of the City of Modesto.

Definitions – V

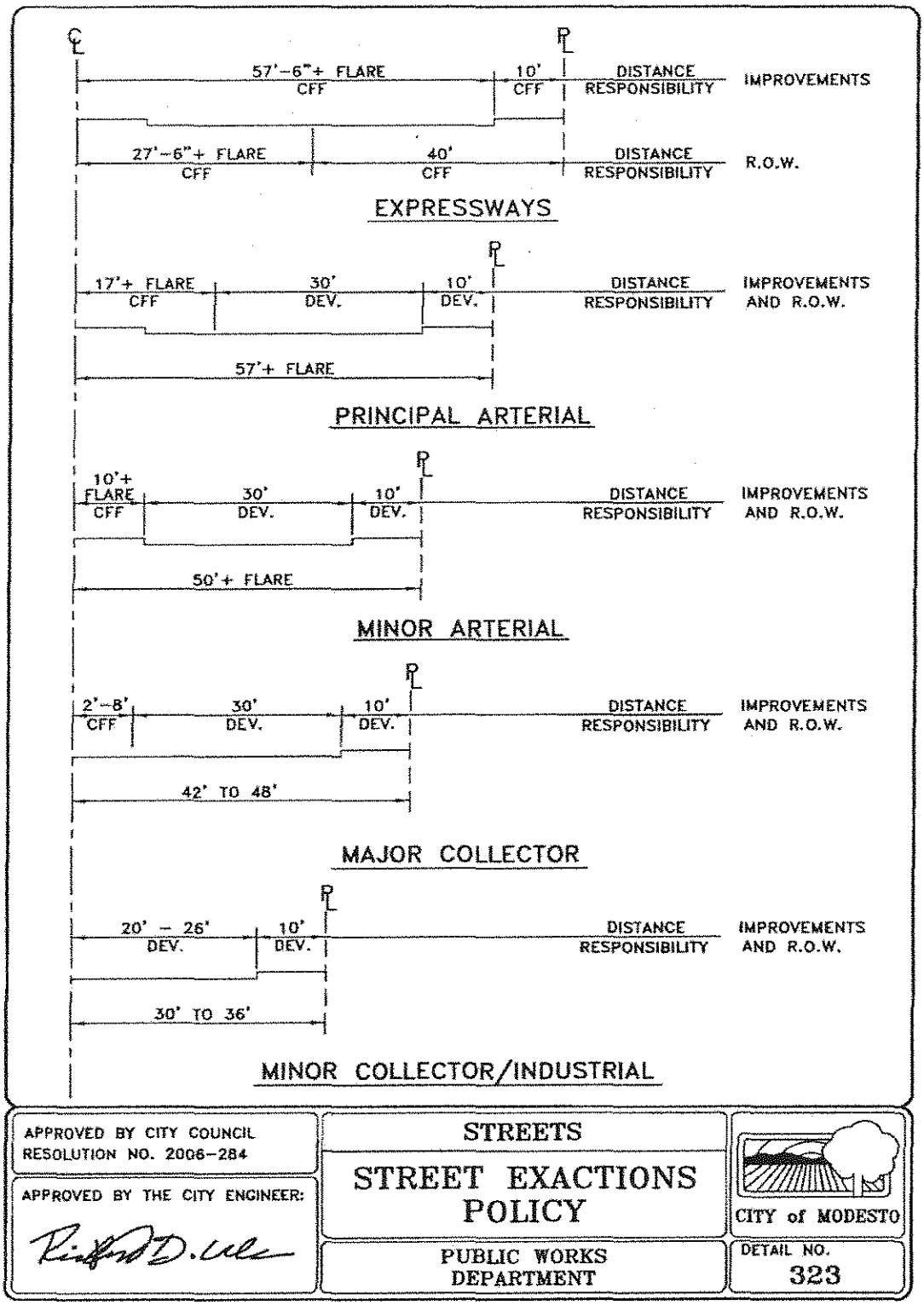
Very Low Income Housing. Shall mean housing found to be affordable to households earning fifty percent (50%) or less of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

Definitions – W

Warehouse Distribution & Heavy Land Use. Facilities in which the primary activity is the storage of materials or in which the primary activity is receiving and shipping of materials. Uses which are considered to be in this category include freight, warehousing, corporation yard, freight yard, equipment rental yard, moving and storage services, bulk feed storage and lumberyard.
(CFF Rate = Industrial (Warehousing)

Definitions X,Y, & Z (Reserved)

APPENDIX B - STREET EXACTIONS POLICY



MODESTO CITY COUNCIL
RESOLUTION NO. 2013-178

RESOLUTION APPROVING THE CITY OF MODESTO FISCAL YEAR 2013-2014 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ANNUAL ACTION PLAN FOR THE USE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT (ESG) FUNDS; AUTHORIZING SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PERTAINING TO THE FISCAL YEAR 2013-2014 ANNUAL ACTION PLAN; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED CERTIFICATIONS AND DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, as an entitlement community for Housing and Urban Development, the City of Modesto is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships Program (HOME) funds, and

WHEREAS, the City receives these grants annually because of its population size, number of households living below the poverty line, and the number of housing units that are considered substandard, and

WHEREAS, submittal of an AAP is required to receive the City's entitlement grants from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the Citizens' Housing and Community Development Committee recommended support of this item at its April 17, 2013 meeting, and

WHEREAS, preparation of the AAP requires a citizens participation element, including a 30-day public comment period, and

WHEREAS, on April 2, 2013, a public notice was submitted and concluded with a public hearing on May 7, 2013, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, the proposed funding allocations for the Draft 2013-2014 Annual Action Plan will be incorporated into the City of Modesto FY 14 Budget being submitted to City Council in June.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Fiscal Year 2013-2014 U.S. Department of Housing and Urban Development Annual Action Plan for the use of approximately $1,703,833 in Community Development Block Grant (CDBG) funds, $671,157 in HOME Investment Partnerships Program (HOME) funds, and $180,000 in Emergency Solutions Grant (ESG) funds, a copy of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2013-2014 Annual Action Plan.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the 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 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-179

RESOLUTION APPROVING THE ALLOCATION OF FUNDING IN THE AMOUNT OF $256,880 IN COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE GRANTS AND $160,725 EMERGENCY SOLUTIONS GRANTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, as an entitlement community for Housing and Urban Development, the City of Modesto is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships Program (HOME) funds, and

WHEREAS, the City is obligated to allocate up to fifteen percent (15%) of the CDBG entitlement funds (plus fifteen percent (15%) of program income received during the prior year), to provide a wide range of public service activities to benefit low and moderate-income residents, and

WHEREAS, beginning in FY 2011-12, the City Council approved a two-year funding cycle for CDBG Public Services and ESG grants, which are competitively awarded through a request for proposals (RFP) process, and

WHEREAS, new federal regulations for the ESG program released in late 2011 changed the program focus from emergency shelter and transitional housing to permanent supportive housing for individuals and families experiencing homelessness, and those at risk of experiencing homelessness, and

WHEREAS, the Council-appointed Citizens' Housing & Community Development Committee (CH&CDC) reviews these proposals and makes funding recommendations, and

WHEREAS, these allocations are detailed in the City's AAP, and

WHEREAS, preparation of the AAP requires a citizens participation element, including a 30-day public comment period, and

WHEREAS, the 30-day public comment period began on April 2, 2013, and concluded with a public hearing scheduled for the Council meeting of May 7, 2013, and

WHEREAS, the proposed Public Service funding allocations for the Draft 2013-2014 Annual Action Plan will be incorporated into the FY 14 Budget being submitted to City Council in June.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the allocation of funding in the amount of $256,880 in Community Development Block Grant (CDBG) Public Services, $160,725 in Emergency Solutions Grant (ESG) along with any carryover over from Fiscal Year 2012-2013 for Fiscal Year 2013-2014.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it approves a continued funding commitment to the Public Service and Emergency Solutions grant recipients through Fiscal Year 2013-2014.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute the agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-180

RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO RELIABLE MEDICAL TRANSPORT FOR NON-EMERGENCY MEDICAL TRANSPORTATION IN THE CITY OF MODESTO

WHEREAS, Reliable Medical Transportation has submitted an application to provide non-emergency medical transport within the City of Modesto, and

WHEREAS, Reliable Medical Transportation has paid the required $1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03, and

WHEREAS, the Modesto Police Department has completed a background investigation regarding Reliable Medical Transport, per Modesto Municipal Code Section 3-903, and recommends a permit be granted, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on May 7, 2013, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Reliable Medical Transportation for a non-emergency medical transport within the City of Modesto, and

WHEREAS, Modesto City Council approval is required for Reliable Medical Transportation to function as a non-emergency medical transport service within the city of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the issuance of a permit to Reliable Medical Transportation for non-emergency medical transport within the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-181

RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO VANTAGE TRANSPORTS, INC. FOR NON-EMERGENCY MEDICAL TRANSPORTATION IN THE CITY OF MODESTO

WHEREAS, Vantage Transports, Inc. has submitted an application to provide non-emergency medical transport within the City of Modesto, and

WHEREAS, Vantage Transports, Inc. has paid the required $1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03, and

WHEREAS, the Modesto Police Department has completed a background investigation regarding Vantage Transports, Inc., per Modesto Municipal Code Section 3-903, and recommends a permit be granted, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on May 7, 2013, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Vantage Transports, Inc. for a non-emergency medical transport within the City of Modesto, and

WHEREAS, Modesto City Council approval is required for Vantage Transports, Inc. to function as a non-emergency medical transport service within the city of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the issuance of a permit to Vantage Transports, Inc. for non-emergency medical transport within the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-182

RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO VALLEY MEDICAL TRANSPORTATION FOR NON-EMERGENCY MEDICAL TRANSPORTATION IN THE CITY OF MODESTO

WHEREAS, Valley Medical Transportation has submitted an application to provide non-emergency medical transport within the City of Modesto, and

WHEREAS, Valley Medical Transportation has paid the required $1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03, and

WHEREAS, the Modesto Police Department has completed a background investigation regarding Valley Medical Transportation, per Modesto Municipal Code Section 3-903, and recommends a permit be granted, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on May 7, 2013, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Valley Medical Transportation for a non-emergency medical transport within the City of Modesto, and

WHEREAS, Modesto City Council approval is required for Valley Medical Transportation to function as a non-emergency medical transport service within the city of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the issuance of a permit to Valley Medical Transportation for non-emergency medical transport within the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-183

A RESOLUTION AUTHORIZING INVESTMENT OF CITY MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, pursuant to Chapter 730 of the statutes of 1976, Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the City Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund, in accordance with the provisions of Section 16429.1 of the Government Code, for the purpose of investment as stated therein as in the best interests of the City of Modesto.

NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby authorize the deposit and withdrawal of City monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, THAT THE FOLLOWING City of Modesto officers **or their successors in office** shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Greg Nyhoff	Gloriette Genereux	DeAnna Espinoza	Gloria Garza
City Manager	Director of Finance	Principal Accountant	Senior Financial Analyst

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-184

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 ANNUAL OPERATING BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2012-2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 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 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 14th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

HUMAN RESOURCES

The Modesto Police Officer Association (MPOA) negotiated an extension to their MOU on August 18, 2010. Within this agreement there was a concession that MPOA would defer increases to the City's contribution for medical expenses from plan year 2011 to plan year 2013. The language in the extension agreement was vague and consequently misapplied. Rather than deferring the increase to the City's contribution to MPOA's Health Savings Account (HSA) for those enrolled in a high deductible health family plan, it was suspended. After further evaluation and discussion with MPOA, it was determined that the intent of the agreement was only to defer the health insurance premium increase, and not the increase in the HSA. As such, a retro adjustment to the HSA is due to employees enrolled in the high-deductible plan. Similarly, Modesto Police Management Association (MPMA) negotiated an agreement in their MOU in March 2012 to include language that would provide MPMA health benefits equivalent to those paid to MPOA effective April 1, 2012. Therefore, similar adjustments are necessary for employees enrolled in the applicable plan. As such, a budget adjustment in the amount of $119,450 for MPOA and $9,875 for MPMA for a total of $129,325 is necessary. The total amount of $129,325 is not all attributable to the General Fund as some of the employees who were to receive this benefit had cost centers in PD Grant Funds. Due to the fact that the filing periods for these grants have already been closed for the time frame of the correction, the General Fund will need to cover this cost of $6,150.

MODESTO POLICE DEPARTMENT

A budget adjustment is necessary to increase the Fiscal Year 2012-13 overtime expense budget totaling $476,673 over multiple Divisions, reduce the Direct Charge-Intrafund expense budget by $107,830, and increase the Direct Charge revenue budget in the amount of $368,843 to account for overtime costs received from Grants and outside service contracts from July 01, 2012 through February 28th, 2013. This transaction has a net zero effect.

PARKS, RECREATION AND NEIGHBORHOODS

In Fiscal Year 2010-2011 payments in the amount of $51,936 were made to the Housing and Urban Development Department from the General Fund Parks, Recreation and Neighborhoods Administration Division for real estate commission costs which were inappropriately paid in a NSP2 Program. In combined efforts with the City Attorney's Office, the City is working to recover these funds from Old Republic Title Company. An adjustment is necessary to transfer $51,936 from the General Fund Reserves to Parks, Recreation and Neighborhoods - Administration Division.

PUBLIC WORKS

A budget adjustment is necessary to recognize $85,381 of unbudgeted Interfund Charges revenue in the Surface Transportation Fund (Fund 1700) and appropriate these funds, in addition to reallocating $50,000 from Temporary Labor, for a total of $132,381, to Repair & Maintenance-Real Property.

RESCINDED

JUN 10 2014

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2014-223

. MODESTO CITY COUNCIL
RESOLUTION NO. 2013-185

RESOLUTION AMENDING THE CLASSIFICATION PLAN AND CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO RE-AOLLOCATE THE ADMINISTRATIVE ANALYST II TO MODESTO REGIONAL FIRE AUTHORITY (MRFA) 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 AND CLASS RANGE TABLE AMENDED. The Classification Plan and Class Range Table for Represented Management and Confidential Non-Sworn Classes is hereby amended to re-allocate the classification of the Administrative Analyst II to Modesto Regional Fire Authority (MRFA) Finance Manager at salary range 438. The Job specification for MRFA Finance Manager is being created to oversee and perform professional accounting and fiscal analysis duties including administering all aspects of accounting, as shown in **attached Exhibit "A,"** which is made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 14, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT "A"

CITY OF MODESTO/ MODESTO REGIONAL FIRE AUTHORITY

No. XXXX

MRFA FINANCE MANAGER

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

DEFINITION

To plan, organize, and coordinate the activities of the Finance Division within the Administrative Services Department of the Modesto Regional Fire Authority including financial reporting, budgeting, accounts payable/receivable, and purchasing activities; to coordinate division activities with other divisions or departments; and to provide highly responsible technical support to higher level management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the higher level management.

Exercises direct supervision over professional and technical personnel.

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

Essential Functions:

Assist with the development and implementation of goals, objectives, policies and procedures.

Plan, organize and participate in accounting activities including financial reporting systems, audits, accounts payable/ receivable, grants, and fixed assets.

Oversee and participate in the development of financial services work plan; assign work activities; monitor work flow; review and evaluate work products, methods and procedures.

Recommend the appointment of personnel; provide or coordinate staff training; conduct performance evaluations; implement discipline procedures as required; maintain discipline and high standards necessary for the efficient and professional operation of the department.

Oversee and participate in the Authority's accounting operations including financial record keeping and reporting methods, control systems, banking, general ledger, and year-end procedures.

Oversee accounts payable/receivable activities to ensure accuracy and integrity of methods and operations.

Oversee the Authority's purchasing activities ensuring policies and procedures are adhered to; develop and maintain effective relationships with vendors and contractors.

Coordinate and participate in the maintenance and implementation of financial reporting systems; manage and implement upgrades to the system.

Prepare tax assessment records.

Participate in risk management activities including serving as liability claims administrator and serving as liaison to workers' compensation and general liability insurance carriers.

Represent the division to outside agencies and organizations; participate in community and professional groups and committees; provide technical assistance as necessary.

Research and prepare technical and administrative reports; prepare written correspondence.

Build and maintain positive working relationships with co-workers, other Authority employees and the public using principles of good customer service.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Generally accepted accounting principles and practices related to governmental finance and related internal controls.

Use and applications of accounting management software.

Budgeting procedures and techniques.

Principles and practices of leadership, motivation, team building, and conflict management.

Payroll processes including the calculation of payroll taxes and preparation of related documents and reports.

Pertinent local, State and Federal rules, regulations and laws.

Modern office procedures and computer equipment.

Principles and practices of organizational analysis and management.

Principles and practices of supervision, training, and personnel management.

Ability to:

Organize and implement financial activities.

Ensure accuracy of and conformance to accepted and legal reporting standards.

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

Gain cooperation through discussion and persuasion.

Interpret and apply Authority and department policies, procedures, rules, regulations, and Memoranda of Understanding.

Work under the pressure of deadlines; analyze, research, and solve a wide range of problems.

Supervise, train and evaluate personnel.

Communicate clearly and concisely, both orally and in writing.

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

EXPERIENCE AND TRAINING GUIDELINES

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

Experience:

Three years of increasingly responsible professional governmental accounting experience, including one year of supervisory experience.

Training:

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

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting**: frequently up to 10 pounds; occasionally up to 25 pounds. **Vision**: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity**: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking**: frequent hearing and talking, in person and on the phone. **Emotional/Psychological**: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental**: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Positions require occasional overtime or weekend work and the ability to travel.

Class Spec History	
Adopted	5/13
Revised	n/a
BU	Mgt/Conf NS

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-186

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO PURCHASE DELL COMPUTER WORKSTATION REPLACEMNTS, TECHNOLOGY HARDWARE/SOFTWARE PRODUCTS AND SERVICES THROUGH DELL MARKETING L.P. FOR FISCAL YEAR 2012-2013 BY ACCESSING THE TERMS OF THE WESTERN STATE CONTRACT ALLIANCE (WSCA) CONTRACT NUMBER B27160 IN THE AMOUNT NOT TO EXCEED $621,413.26

WHEREAS, the City has an ongoing need to purchase computer workstation replacements, technology hardware/software products, and services managed by the Information Technology Department and

WHEREAS, Dell Marketing has been providing personal computers to the City for the past sixteen years, and

WHEREAS, during that time the City has received Dell contractual pricing by taking advantage of the Western States Contracting Alliance (WSCA), and

WHEREAS, WSCA is a coalition of fifteen western states which formed as a means by which participating states could join together to receive cost effective pricing on personal computers based on economics of scale, and

WHEREAS, the expenditures for the Dell Computer Workstations have been approved by Council through the budget process, and

WHEREAS, the funds will be available for the purchase of Dell Workstations in the amount not to exceed $621,413.26,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to purchase computer workstation replacement, technology hardware/software products and services through Dell

Marketing L.P. in the amount not to exceed $621,413.26 by accessing the terms of the WSCA contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-187

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 INFORMATION TECHNOLOGY BUDGET TO APPROPRIATE $400,000 FROM THE INFORMATION TECHNOLOGY FUND RESERVES

WHEREAS, the City has a need to amend the Fiscal Year 2012-2013 Information Technology budget to purchase Dell Computer Workstations managed by the Information Technology Department, and

WHEREAS, the expenditures for the Dell Computer Workstations have been approved by Council through the budget process, and

WHEREAS, upon approval, the Information Technology Budget will be amended to appropriate $400,000 from Information Technology Fund Reserves, and

WHEREAS, the Fiscal Year 2012-2013 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 amending the Fiscal Year 2012-2013 Information Technology Operating Budget as shown in **Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

The City of Modesto is in need of replacing computer workstations in the amount not to exceed $621,413.26. The Fiscal Year 2012-2013 operating budgets will be amended to appropriate $400,000 from the Information Technology Fund Reserves to 5230-07510-57005 in order to purchase the computer workstations.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-188

A RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING $4,302,621 IN FTA SECTION 5307 FUNDS

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, the projects for the City of Modesto shown in the **attached** Program Of Projects are eligible to receive 100% of federally reimbursable expenses from Section 5307 funds, and

WHEREAS, the bus purchase for the City of Ripon shown in the **attached** Program Of Projects is eligible to receive 100% of federally reimbursable expenses 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, and

WHEREAS, there is an existing MOU between the City of Modesto and the City of Ripon that requires Ripon to meet FTA obligations, and

WHEREAS, Modesto and Ripon are eligible to use federally approved Transportation Development Funds known as 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 to the Federal Transit Administration for $4,302,621 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 meeting of the Council of the City of Modesto held on the 14th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

ATTACHMENT

Federal Transit Administration

Program of Projects

FTA Section 5307 Program of Projects

FTA Fund Availability	5307 Caryover Apportionment for 2010-11	$	111,089
	5307 Federal Apportionment for 2011-12	$	4,191,532
	Total	$	4,302,621

MODESTO URBANIZED AREA SECTION 5307 PROJECTS

FTA Project Description		Total	Local	FEDERAL
Purchase Replacement Buses		$2,125,000	$0	$2,125,000
Purchase Bus for Ripon		$344,836	$0	$344,836
Preventive Maintenance		$1,350,000	$0	$1,350,000
Transit Enhancements		$41,000	$0	$41,000
Capital Cost of Contracting		$793,570	$396,785	$396,785
Administrative Office Lease		$20,000	$0	$20,000
Communication Equipment		$10,000	$0	$10,000
Rehab/Renovate Bus Stations/Stops		$5,000	$0	$5,000
Employee Training & Education		$10,000	$0	$10,000
Total		$4,699,406	$396,785	$4,302,621

RESCINDED

AUG 13 2013

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2013-299

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-189

A RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING FUNDS IN FTA CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS

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 CMAQ funding, and

WHEREAS, the CMAQ Projects for the City of Modesto shown on the **attached** Program Of Projects are eligible to receive $1,658,883 of federally reimbursable expenses from CMAQ 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, 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 cost.

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 Federal Transit Administration for $1,658,833 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 meeting of the Council of the City of Modesto held on the 14th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Federal Transit Administration
Program of Projects

FTA Section 5307 Program of Projects

FTA Fund Availability	5307 Caryover Apportionment for 2010-11	$	111,089
	5307 Federal Apportionment for 2011-12	$	4,191,532
	Total	$	4,302,621

MODESTO URBANIZED AREA SECTION 5307 PROJECTS

FTA Project Description	Total	Local	FEDERAL
Purchase Replacement Buses	$2,125,000	$0	$2,125,000
Purchase Bus for Ripon	$344,836	$0	$344,836
Preventive Maintenance	$1,350,000	$0	$1,350,000
Transit Enhancements	$41,000	$0	$41,000
Capital Cost of Contracting	$793,570	$396,785	$396,785
Administrative Office Lease	$20,000	$0	$20,000
Communication Equipment	$10,000	$0	$10,000
Rehab/Renovate Bus Stations/Stops	$5,000	$0	$5,000
Employee Training & Education	$10,000	$0	$10,000
Total	$4,699,406	$396,785	$4,302,621

Congestion Mitigation and Air Quality Project Awarded to the City of Modesto by StanCOG

FTA Fund Availability	CMAQ	$	1,729,813

FTA Project Description	Total	Local	FEDERAL
Purchase Replacement Buses	$428,933	$44,136	$384,797
Purchase Replacement Buses	$840,000	$0	$840,000
Bus Station/Stop Improvements	$200,000		$200,000
Preventive Maintenance AVL System	$260,880	$26,844	$234,036
Total	$1,729,813	$70,980	$1,658,833

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-190

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT (PRND) AND THE MODESTO YOUTH SOCCER ASSOCIATION (MYSA) FOR THE OPERATION AND USE OF THE MARY E. GROGAN COMMUNITY PARK SOCCER COMPLEX AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) has estimated the initial expense for annual maintenance and utilities at the Mary E. Grogan Community Park (MGCP) to be $209,000, and

WHEREAS, the proposed revenue budget includes the MYSA maintenance reimbursement of $169,000, revenue for field reservations and field lighting fees, and

WHEREAS, MYSA has committed to pay for on-going maintenance costs at MGCP and will generate the agreed upon amount of $169,000 in the first full year of operation and will maintain sufficient revenue to reimburse the City for the expenses incurred in the operation and maintenance of the park, and

WHEREAS, MYSA has agreed to maintain a minimum reserve of $253,000 to be used if a situation arises where MYSA revenue is not sufficient to cover the agreed upon maintenance costs, and

WHEREAS, City will oversee the construction and development of Phase 1 of the park, will staff and manage all maintenance activities, will manage and oversee all facility reservations, will pay for all utilities and will work with MYSA to secure $2.1 million in deferred maintenance funding for the replacement of the synthetic turf, and

WHEREAS, MYSA will pay for "Normal Maintenance", will staff the facilities during the stated hours of operation, will work with City to secure $2.1 million in

deferred maintenance funding for the replacement of the synthetic turf and will manage, operate, outfit and stock the concession stand and office building, and

WHEREAS, there is no additional fiscal impact to the City's General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement between the Parks, Recreation and Neighborhoods Department (PRND) and the Modesto Youth Soccer Association (MYSA) for the operation and use of the Mary E. Grogan Community Park Soccer Complex.

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 14th day of May, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lopez

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-191

RESOLUTION AMENDING THE POSITION ALLOCATION IN THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT BUDGET ADOPTED BY THE CITY COUNCIL AS PART OF THE FY 2012-2013 BUDGET TO ADD ONE (1) MAINTENANCE WORKER II POSITION ALLOCATION IN COST CENTER 35160 AND AUTHORIZE THE DIRECTOR OF HUMAN RESOURCES, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a Position Allocation for the Parks, Recreation and Neighborhoods Department was adopted by the Modesto City Council on June 21, 2012, as part of the Annual Budget of the City of Modesto for Fiscal Year 2012-2013, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, has identified the need to increase staffing to add one (1) Maintenance Worker II position allocation in the Fiscal Year 2012-2013 budget, and

WHEREAS, the Mary E. Grogan Community Park proposed budget for Fiscal Year 2013-2014, outlines the necessary revenue and expenses for the maintenance and operation of the park, and

WHEREAS, the position will be funded through an agreement with Modesto Youth Soccer Association and there is no additional fiscal impact to the City's General Fund

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation in the Parks, Recreation and Neighborhoods Department for Fiscal Year 2012-2013 to add one (1) Maintenance Worker II Position Allocation in Cost Center 35160.

BE IT FURTHER RESOLVED that the Director of Human Resources, or his 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 May, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lopez

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-192

RESOLUTION APPROVING THE INSTALLATION OF WALK OF FAME SIDEWALK MARKERS ALONG THE DESIGNATED MODESTO HISTORIC GRAFFITI CRUISE ROUTE

WHEREAS, the City Council approved the designation of 10th Street, G Street, 11th Street and K Street as the "Modesto Historic Graffiti Cruise Route" on March 1, 2011; and

WHEREAS, on October 9, 2012, the Modesto Historic Graffiti Cruise Route Committee (the Committee), composed of staff from the Downtown Improvement District, Modesto Convention & Visitors Bureau, Chris Murphy of ModestoView, and Community and Economic Development Department staff, provided a report to the Council on the activities completed to promote the route, including an addition called the "Walk of Fame"; and

WHEREAS, the proposed Walk of Fame for the Legends of the Cruise will recognize and honor those Modestans responsible for the era immortalized by George Lucas in the class film, "American Graffiti"; and

WHEREAS, the first Legends of the Cruise to receive markers are Wendy Lucas, Gene Winfield, Candy Clark, Paul LeMat, and Bo Hopkins, who were inducted during the Cruise Route ribbon cutting in June 2012; and

WHEREAS, George Lucas will receive a Walk of Fame marker during a ceremonial presentation at the June 7, 2013 Graffiti parade; and

WHEREAS, it is anticipated that five legends will be inducted annually and receive markers along the cruise route; and

WHEREAS, each legend will appear on an 18" x 18" concrete or epoxy resin marker, installed into the sidewalk along the cruise route, including the brick plaza outside of Tenth Street Place; and

WHEREAS, the Committee presented the proposed Walk of Fame to the TSP JPA Committee on March 26, 2013; and

WHEREAS, the JPA Committee approved the Walk of Fame concept and directed the location and materials review to a JPA subcommittee; and

WHEREAS, the Committee will work with Streets Division staff to identify the locations of the markers along the Historic Graffiti Cruise Route and coordinate the installation process; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the installation of Historic Cruise Walk of Fame Markers along the designated Modesto Historic Graffiti Cruise Route.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lopez

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-193

RESOLUTION APPROVING A PUBLIC UTILITY EASEMENT AGREEMENT GRANTED TO THE CITY OF MODESTO BY MODESTO IRRIGATION DISTRICT TO ALLOW ALL PUBLIC UTILITIES TO PLACE FACILITIES WITHIN CITY'S ROADWAY AT A PORTION CROSSING LATERAL NO. 6 AND AUTHORIZING THE CITY MANAGER, TO EXCUTE THE AGREEMENT

WHEREAS, Modesto Irrigation District (MID), a California irrigation district (hereafter, the "District") is the owner in possession of certain real property within the City of Modesto consisting of a strip of land, 100- feet in width, with certain improvements thereon, which real property is commonly known as and referred to as District's Lateral No. 6., and

WHEREAS, City desires a 10- foot Public Utility Easement within the District's Lateral No. 6 to allow all public facilities within City's roadway.

NOW, THEREFORE, District grants to the City, a Public Utility Easement solely for use by public and publicly owned utilities to install, construct, operate, maintain, repair, replace, remove and reconstruct utilities facilities and appurtenances as are necessary for the service of water, gas, electrical power, telecommunications and as a city street together with the right of ingress thereto and egress there from, under and across a 10 foot strip of land across that portion of Lateral No. 6 as described in **Exhibit A** and Shown on **Exhibit B**.

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 28th of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

351A-05

EXHIBIT "A"
LEGAL DESCRIPTION
UNDERGROUND UTILITY AREA
MID LATERAL NO. 6
AT MANA PARKWAY

ALL that certain piece or parcel of land situate in the City of Modesto, County of Stanislaus, State of California lying within the North half of the Southwest Quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Meridian, described as follows:

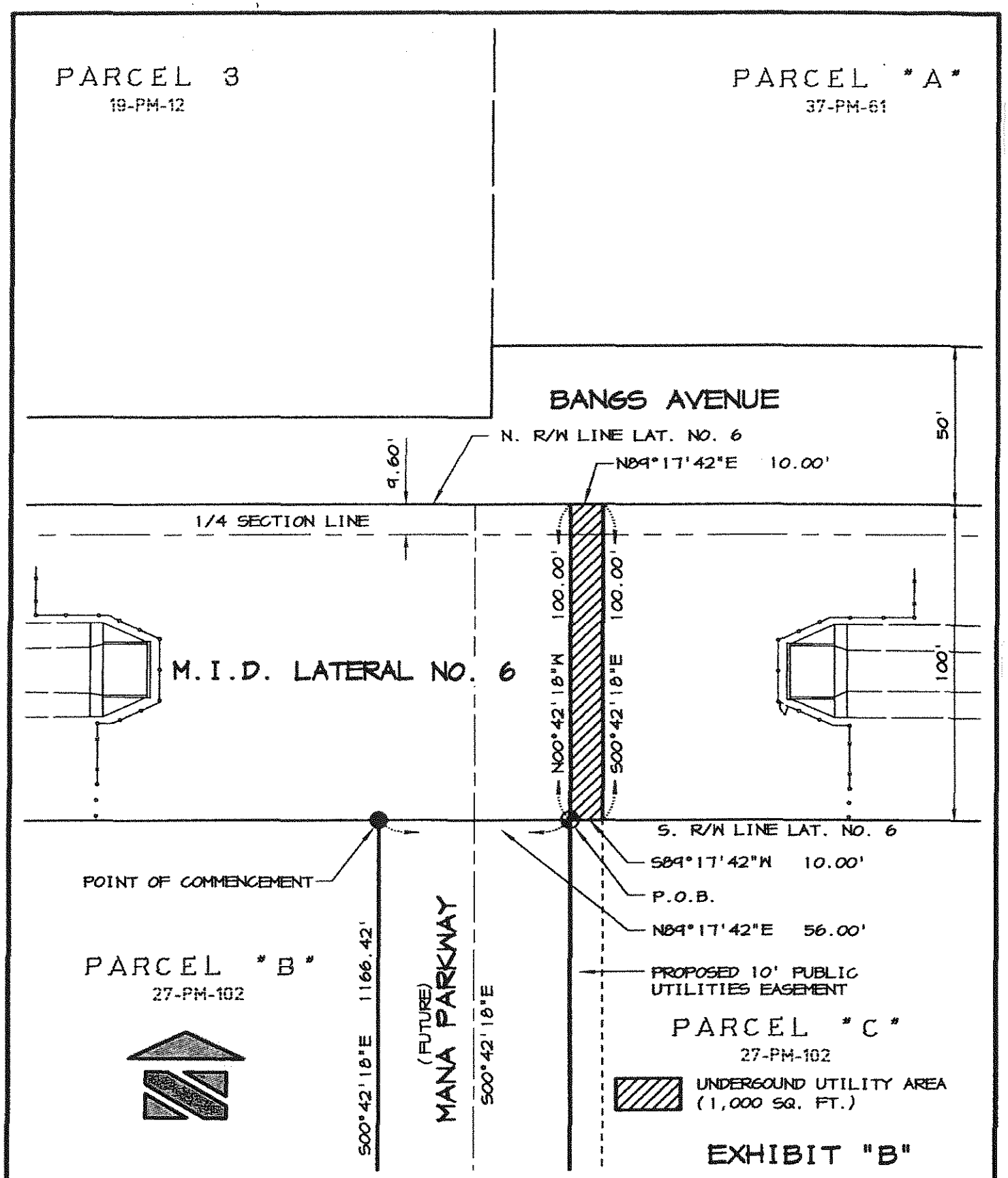
COMMENCING at the Northwest corner of Parcel "C" as shown on that Map filed in the Office of the Recorder of the County of Stanislaus on September 6, 1978 in Book 27 of Parcel Maps at Page 102, said corner lies on the South right-of-way line of Modesto Irrigation District (M.I.D.) Lateral No. 6; thence North 89°17'42" East along last said line and the North line of said Parcel "C", a distance of 56.00 feet to the TRUE POINT OF BEGINNING of this description; thence North 00°42'18" West, a distance of 100.00 feet to a point on the North right-of-way line of said M.I.D. Lateral No. 6; thence North 89°17'42" East along last said line, a distance of 10.00 feet; thence South 00°42'18" East, a distance of 100.00 feet to a point on said South right-of-way line of M.I.D. Lateral No. 6 and the North line of Parcel "C"; thence South 89°17'42" West along last said line, a distance of 10.00 feet to the Point of Beginning.

Containing 1,000 square feet, more or less.

SUBJECT TO all easements and/or rights-of-way of record.

LICENSED LAND SURVEYOR
D.L. SKIDMORE
No. 7126
STATE OF CALIFORNIA

Dave L. Skidmore, L.S. 7126
3/16/13



DRAWN:	D.L.S.
DATE:	3/16/13
SCALE:	1"=40'
JOB #:	351-04
DWG:	MPUE(ExB)rev5

PLAT TO ACCOMPANY LEGAL DESCRIPTION

UNDERGROUND UTILITY AREA
BEING A PORTION OF THE NORTH 1/2 OF THE SW. 1/4 OF SECTION 1, T.3 S., R. 8 E., MOUNT DIABLO MERIDIAN
CITY OF MODESTO CALIFORNIA

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

351A-05

EXHIBIT "A"
LEGAL DESCRIPTION
UNDERGROUND UTILITY AREA
MID LATERAL NO. 6
AT AMERICAN AVENUE

ALL that certain piece or parcel of land situate in the City of Modesto, County of Stanislaus, State of California lying within the North half of the Southwest Quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Meridian, described as follows:

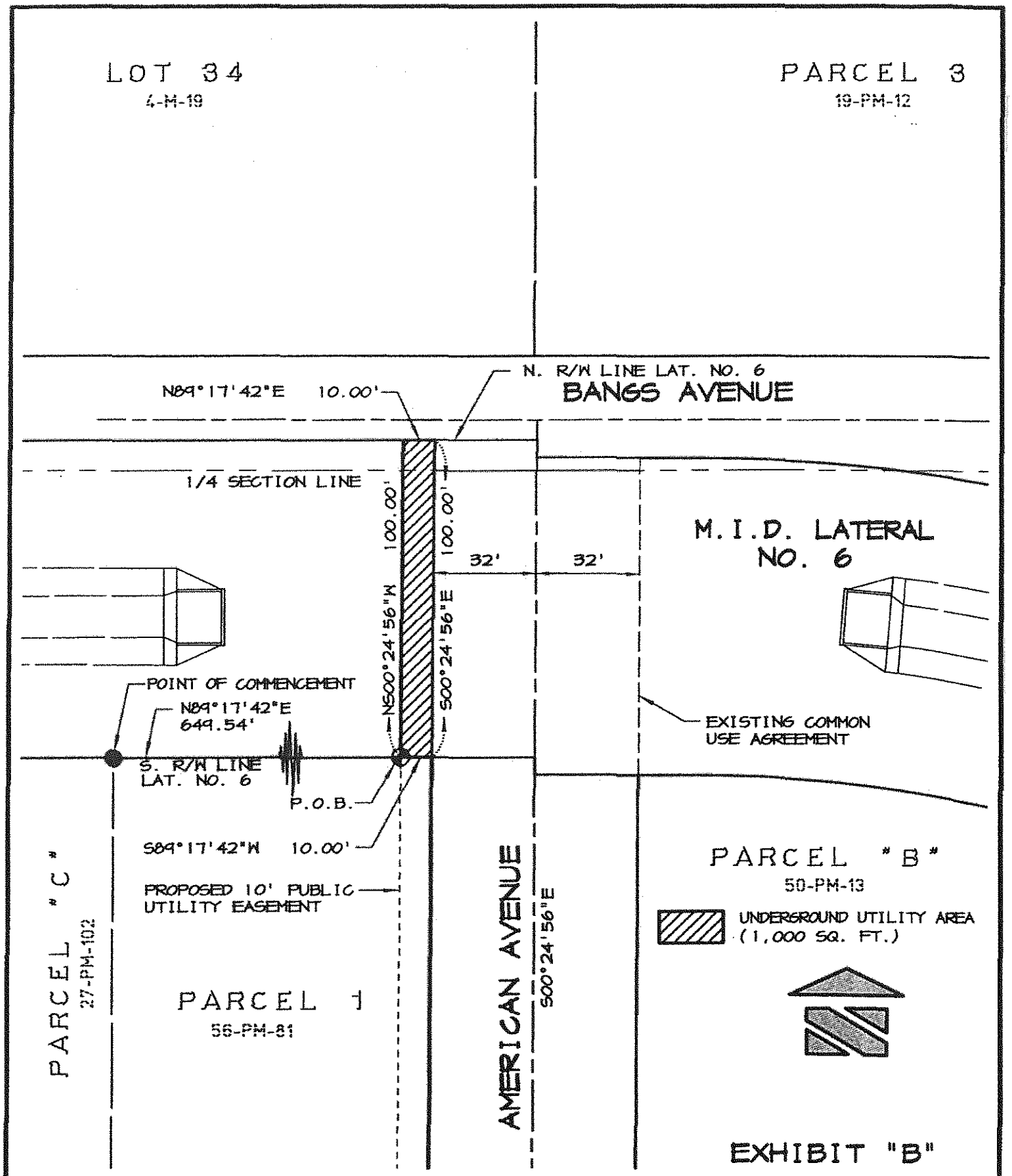
COMMENCING at the Northeast corner of Parcel "C" as shown on that Map filed in the Office of the Recorder of the County of Stanislaus on September 6, 1978 in Book 27 of Parcel Maps at Page 102, said corner lies on the South right-of-way line of Modesto Irrigation District (M.I.D.) Lateral No. 6; thence North 89°17'42" East along last said line and the North line of said Parcel "C", a distance of 649.54 feet to the TRUE POINT OF BEGINNING of this description; thence North 00°24'56" West, a distance of 100.00 feet to a point on the North right-of-way line of said M.I.D. Lateral No. 6; thence North 89°17'42" East along last said line, a distance of 10.00; thence South 00°24'56" East, a distance of 100.00 to a point on the South right-of-way line of said M.I.D. Lateral No. 6, thence South 89°17'42" West along last said line, a distance of 10.00 feet to the Point of Beginning.

Containing 1,000 square feet, more or less.

SUBJECT TO all easements and/or rights-of-way of record.

LICENSED LAND SURVEYOR
D.L. SKIDMORE
No. 7126
STATE OF CALIFORNIA

Dave L. Skidmore, L.S. 7126
3/16/13



DRAWN:	D.L.S.
DATE:	3/16/13
SCALE:	1"=40'
JOB #:	351-04
DWG:	AmPUE(ExB)rev5

PLAT TO ACCOMPANY LEGAL DESCRIPTION

UNDERGROUND UTILITY AREA
BEING A PORTION OF THE NORTH 1/2 OF THE SW. 1/4 OF SECTION 1, T.3 S., R. 8 E., MOUNT DIABLO MERIDIAN
CITY OF MODESTO CALIFORNIA

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-194

RESOLUTION APPROVING AN AGREEMENT CONSENTING TO COMMON USE WITH THE MODESTO IRRIGATION DISTRICT (MID) FOR UTILIZATION OF AN EASEMENT ACROSS LATERAL NO. 6 TO CONSTRUCT A ROAD CROSSING AND UTILITIES FOR THE PURPOSE OF THE MANA WAGNER DEVELOPMENT PROJECT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on December 7, 2010, the City Council approved a Facilities Master Plan to develop 79 acres within the 614-acre Kiernan Business Park Specific Plan area, and

WHEREAS, the District is the owner in possession of certain real property within the City of Modesto consisting of a strip of land, which real property is commonly known as "MID Lateral No. 6", and

WHEREAS, the Facilities Master Plan proposes to install road crossing, sewer, domestic water and storm drain facilities across MID lateral No. 6, and

WHEREAS, in order to plan for installation and maintenance of the crossing by the City, an agreement is needed, and

WHEREAS, the new facility installation will occupy a portion of the Modesto Irrigation District (MID) right-of-way of its lateral No. 6, known as an " Area of Common Use", and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement consenting to Common Use with the Modesto Irrigation District for utilization across Lateral No. 6 for the purpose of constructing and maintaining a road crossing and utilities.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-195

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF THREE (3) THREE-QUARTER TON PICK-UP TRUCKS FOR VARIOUS CITY DIVISIONS THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO DOWNTOWN FORD, SACRAMENTO, CA, FOR AN ESTIMATED TOTAL COST OF $88,365

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for vehicles and equipment, through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The three (3) three-quarter ton pick-up trucks are included in the new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, all three (3) three-quarter ton pick-up trucks are replacements and 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 Purchasing Division issued RFB No. 1213-23 for the purchase of three (3) three-quarter ton pick-up trucks to nineteen (19) prospective bidders and posted the RFB on the City's website. Two of the bidders are located within Stanislaus County, one of which is a local vendor, and

WHEREAS, bids were formally opened in the City Clerk's office. Of the nineteen (19) prospective bidders, six (6) companies chose to respond, two (2) were local companies. All six (6) companies 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 three (3) three-quarter ton pick-up trucks to Downtown Ford, Sacramento, CA, for a total estimated cost of $88,365, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2012-13, in account # 5409-53246-57003, 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 (3) three-quarter ton pick-up trucks to Downtown Ford, Sacramento, 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 award of bid for the purchase of three (3) three-quarter ton pick-up trucks for the various City Divisions through the Public Works Department, Fleet Services Division, to Downtown Ford, Sacramento, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of $88,365.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-196

RESOLUTION ACCEPTING AN INFORMATIONAL REPORT CONCERNING THE APPLICATION OF A 2.3% WATER RATE INFLATION INDEX BY THE DIRECTOR OF FINANCE PURSUANT TO GRANT OF AUTHORITY BY CITY COUNCIL

WHEREAS, Resolution No. 2009-299 includes a provision that authorizes the Director of Finance, with the concurrence of the Directors of Utility Planning & Projects and Director of Public Works, to apply an inflator index based on a CPI annually to the water rates after June 30, 2009, and

WHEREAS, Department of Finance staff continually reviews financial projections of the Water Fund's operations in order to comply with the debt coverage ratio of 1.25 times as required by the bond covenants, and

WHEREAS, the water proforma projections show a debt coverage ratio of 1.47 for FY2013-14. It is estimated that the 2.3% inflationary factor would increase our debt coverage ratio to 1.56 times, and

WHEREAS, The City's financial policies require that on a long-term basis the debt coverage ratio be above 1.50 times, and

WHEREAS, staff believes this inflationary adjustment is necessary in order to comply with the City's financial policies and maintain the financial health of the Water Fund, and

WHEREAS, Resolution No. 2009-299 clarified that staff was to use the CPI of the previous December for the calculation of the inflator index, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts an informational item to apply a water rate inflator index based on the Consumer Price Index (CPI) effective July 1, 2013.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-197

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF VARIABLE FREQUENCY DRIVE UNITS FOR THE DEPARTMENT OF PUBLIC WORKS, WATER DIVISION AND WASTEWATER DIVISION, TO WILLE ELECTRIC SUPPLY CO., INC., MODESTO, CA, 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 $103,614, AND OVER FIVE (5) YEARS OF $518,070

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of variable frequency drive (VFD) units, and

WHEREAS, the Purchasing Division issued RFB No. 1213-22 Variable Frequency Drive Units to fifteen (15) prospective bidders, five (5) of which were local vendors and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Two (2) companies chose to respond, both companies were local vendors, and

WHEREAS, both companies 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 VFD units for the Department of Public Works, Water Division and Wastewater Division, to Wille Electric Supply Co., Inc., Modesto, CA, 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 $103, 614, 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 VFD units to Wille Electric Supply, Co., Inc., Modesto, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2012-13 for the purchase of VFD units in Appropriation Units: 4100-55090-53150, 4210-54313-53150 and 4210-54314-53150.

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 VFD units for the Department of Public Works, Water Division and Wastewater Division, to Wille Electric Supply Co., Inc., Modesto, CA.

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 $103,614.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-198

RESOLUTION APPROVING A FIVE (5) YEAR LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND HORIZON TOWERS LLC FOR A CELLULAR TOWER SITE TO BE LOCATED ON A PORTION OF THE CHAPMAN ROAD STORM BASIN, WITH FIVE (5), FIVE (5)-YEAR OPTIONS TO EXTEND THE LEASE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LEASE AGREEMENT

WHEREAS, Horizon Towers LLC desires to lease a cellular tower site located on a portion of the Chapman Road Storm Basin for a period of five (5) years with five (5), five (5)-year options to extend the leases, for the installation of cellular telephone equipment, and

WHERAS, the City of Modesto is willing to lease a portion of the Chapman Road Storm Basin to Horizon Towers LLC for the said use for the sum of $750 per month for the first carrier located at the site and an additional $400 for each subsequent Subtenant with a rental increase of 10% of each extension term, and

WHERAS, Horizon Towers LLC will install a stealth cellular tower at the Chapman Road Storm Basin and place cellular equipment on the ground in the vicinity of the pole, and

WHEREAS, Horizon Towers LLC agrees to adhere to the following:

1. Prior to issuance of a building permit, the applicant shall coordinate the design and installation work with City of Modesto for review and approval.

2. All landscaping fences and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.

3. The Capital Facilities Fees payable at the time of the issuance of a building permit for construction shall be based on the rate in effect at the time of issuance of the building permit.

4. The Applicant shall record a Notice of Conditions in the Stanislaus County Recorders Office on a form available in the Community and Economic Development Department.

5. The City and developer shall, at their expense defend, and hold harmless the City of Modesto, its agents, officers, and employees from and against any and 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 claim, action, or proceeding shall cooperate full in the defense.

6. Construction activities shall follow guidelines listed in the California Storm Water Quality Association (CASQA) Best Management Practice Handbook for Construction to prevent any drag out of soil or sediments onto the public roadway or into the City storm drain system.

7. All improvement plans pursuant to construction shall be prepared, stamped and signed by a California licensed civil engineer and in accordance with the City of Modesto standards.

8. Prior to placement of any stationary lead-acid battery systems or on-site generators, a permit shall be obtained from the City of Modesto Regional Fire Department.

9. All outdoor lighting shall be shielded from adjacent residential properties as required by the City Engineer or designee and shall be at a height and of a type that is least intrusive to the adjacent neighborhood as determined by the City Engineer or designee and the City of Modesto's Parks, Recreation and Neighborhoods Department Director or designees.

10. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable on the premises. All machinery or equipment shall be soundproofed as required by the Parks, Recreation and Neighborhoods Director. The Noise Ordinance prohibits the loud and raucous discharge into the air or the operation of any tools or equipment before 7:00 am or after 9:00 pm daily (except Saturday and Sunday and State and Federal holidays, when the prohibited time shall be before 9:00 am and after 9:00 pm.).

11. Prior to final inspection with the Building and Development Services Division, the applicant shall install signage approved by the Parks, Recreation and Neighborhoods Director or designee to be located on the entrance gate to the cellular communications facility indicating the cell tower provider and the hours permitted for operations and

maintenance of the cellular communications for facility, which shall be in accordance with the City of Modesto Municipal Code Noise Ordinance Section 4-9.101.

12. Prior to the issuance of a building permit the applicant shall provide the Parks, Recreation and Neighborhoods Department Director or designee with the name, address and telephone number of applicant's contact person designated to receive notices, complaints, documents and other correspondence related to ownership, operation and maintenance of the cell tower facilities. Applicant and its successors in interest shall notify the Parks, Recreation and Neighborhoods Department Director of any changes to the contact information within ten (10) working days after such a change is made,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it herby approves a Five (5)- Year lease agreement between the City of Modesto and Horizon Towers LLC for a cellular site to be located on a portion of the Chapman Road Storm Basin, with five (5), Five (5)-year options to extend the lease.

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

The foregoing resolution was introduced at a regular meeting of the council of the City of Modesto on the 28th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ACALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-199

RESOLUTION APPROVING THE TERMINATION OF THE 1992 JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITIES OF CERES, HUGHSON, MODESTO, TURLOCK, DELHI COUNTY WATER DISTRICT, DENAIR COMMUNITY SERVICES DISTRICT, HILMAR COUNTY WATER DISTRICT, AND KEYES COMMUNITY SERVICES DISTRICT RELATED TO THE DRINKING WATER SUPPLY PROJECT

WHEREAS, on November 19, 1992, the City of Modesto, by Resolution No. 1992-636 entered in a joint exercise of powers agreement with the cities of Ceres, Hughson, Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District, and Keyes Community Water District to create a joint powers authority (Drinking Water Authority) responsible for decision in all matters pertaining to the municipal and industrial water supply program for the proposed Drinking Water Supply Project, and

WHEREAS, the purpose of the Drinking Water Authority was to purchase water from the Turlock Irrigation District, treat the water, and make the treated water available to the agencies of this Agreement at cost, and

WHEREAS, the Drinking Water Authority has been inactive since 1997 and the participants originally involved are no longer interested in pursuing the project as it was proposed in this Agreement, and

WHEREAS, Staff has been contacted by the Fair Political Practices Commission and the California Secretary of State regarding the status of this JPA, and

WHEREAS, Staff recommends the termination of the Drinking Water Authority and once approval has been received from all of the original agencies, a notice of

termination will be sent to the California Secretary of State and the Fair Political Practices Commission as required,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the termination of the Joint Exercise of Powers Agreement between the Cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District, and Keyes Community Services District related to the Drinking Water Supply Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-200

RESOLUTION ACCEPTING THE WORK BY HARRIS BUILDERS, INC., FOR THE "TUOLUMNE RIVER REGIONAL PARK GATEWAY – PHASE 1.3 TRAILS PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $412,650

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Tuolumne River Regional Park Gateway – Phase 1.3 Trails Project has been completed by Harris Builders, Inc., in accordance with the contract agreement dated December 11, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuolumne River Regional Park Gateway – Phase 1.3 Trails Project is hereby accepted as complete from said contractor, Harris Builders, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $412,650 is authorized as provided in 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 May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-201

A RESOLUTION APPROVING A ONE-YEAR AGREEMENT FOR TESTING SERVICES WITH KRAZAN & ASSOCIATES, INC., TO PERFORM CONSTRUCTION MATERIALS TESTING SERVICES FOR VARIOUS CAPITOL IMPROVEMENT PROJECTS TO BE CONSTRUCTED DURING THE 2013/2014 FISCAL YEAR, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF CITY, IN AN AMOUNT NOT-TO-EXCEED $91,800 IN THE FIRST YEAR, $91,800 IN THE SECOND YEAR AND $92,500 IN THE THIRD YEAR; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

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, bids were opened on April 23, 2013, for the Construction Materials Testing Services contract, and

WHEREAS, the firm of Krazan & Associates, Inc., was the low responsive bidder,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-year Agreement for Testing Services between the City of Modesto and Krazan & Associates, Inc., to perform Construction Materials Testing Services for various Capitol Improvement projects to be constructed during the 2013/2014fiscal year, with two (2) one-year extension options, at the sole discretion of

City, in an amount not-to-exceed $91,800 in the first year, $91,800 in the second year and $92,500 in the third year. Total cost for three years is not to exceed $276,100.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement and up to two (2) one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-202

RESOLUTION ACCEPTING THE WORK BY DSS COMPANY dba KNIFE RIVER CONSTRUCTION FOR THE "EMPIRE AVENUE STREET IMPROVEMENTS FROM HILLSIDE DRIVE TO MONTEREY AVENUE PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $366,404

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Empire Avenue Street Improvements from Hillside Drive to Monterey Avenue Project has been completed by Knife River Construction, in accordance with the contract agreement dated August 8, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Empire Avenue Street Improvements from Hillside Drive to Monterey Avenue Project is hereby accepted as complete from said contractor, Knife River Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $366,404 is authorized as provided in 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 May, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-203

RESOLUTION REAPPOINTING DUWAYNE STENGER TO THE EQUAL OPPORTUNITY/DISABILITY 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

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

SECTION 1. DUWAYNE STENGER is hereby appointed to the Equal Opportunity/Disability Commission 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 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 4th day of June, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-204

RESOLUTION APPROVING A CITY OF MODESTO INJURY AND ILLNESS PREVENTION PROGRAM TO PROMOTE AN ACCIDENT FREE WORKPLACE

WHEREAS, the City of Modesto wishes to ensure the safest possible work place for our employees and to comply with all applicable safety regulations; and,

WHEREAS, the City is required by Title 8, Section 3202 of the California Code of Regulations to adopt an Injury and Illness Prevention Program (IIPP):

WHEREAS, by supporting a comprehensive health and safety program the City's intent is to safeguard the City's human, physical, and financial resources,

NOW, THEREFORE, BE IT RESOLVED that no function of the City of Modesto is so critical as to require a compromise of safety, and it is the goal of the City to provide a place of employment free from recognized hazards and to comply with all applicable local, state and federal safety regulations.

BE IT FURTHER RESOLVED, that the Council of the City of Modesto hereby approves and adopts by resolution the City of Modesto Injury and Illness Prevention Program (IIPP).

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-205

A RESOLUTION ACCEPTING THE CALIFORNIA MARIJUANA ERADICATION GRANT FROM THE U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION IN THE AMOUNT OF $40,000 FOR THE STANISLAUS COUNTY DRUG ENFORCEMENT AGENCY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, on April 30, 2013, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $40,000, 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, 2013 through December 31, 2013, 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 Adminsitration in the amount of $40,000.

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 4th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-206

A RESOLUTION AMENDING THE STANISLAUS COUNTY DRUG ENFORCEMENT AGENCY'S FISCAL YEAR 2012/13 MULTI-YEAR OPERATING BUDGET ESTIMATING REVENUE IN THE AMOUNT OF $40,000 FROM THE U. S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION MARIJUANA ERADICATION GRANT

WHEREAS, on April 30, 2013, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $40,000, 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, 2013 through December 31, 2013,

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 2012/13 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 4th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Attachment A: Budget Adjustment

Fund 6600: 2012/13 Multiyear

	Expense:		
To:	100758 – Appro. A	$ 13,500	Overtime
	100758 – Appro. C	16,500	Other Insurance
	100758 – Appro. C	4,000	Tools & Field Supplies < $5K
	100758 – Appro. C	1,500	Training Expenses
	100758 – Appro. C	4,500	Overtime
	Total	$40,000	
	Revenue:		
To:	6600-89999-42090-100758	40,000	Interg.-Federal-Misc.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-207

A RESOLUTION ACCEPTING THE BRENDEN MANN FOUNDATION GRANT, IN THE AMOUNT OF $50,000, TO SUPPORT THE CONTINUED OPERATION OF THE DOWNTOWN BIKE PATROL FOR ADDED SECURITY IN THE DOWNTOWN AREA OF MODESTO; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, the Modesto Police Department applied for funding from the Brenden Mann Foundation for the Downtown Bike Patrol, and

WHEREAS, on May 10, 2013, the City received notification from the Brenden Mann Foundation that their Board of Trustees approved the grant in the amount of $50,000 to support the continued operation of the Downtown Bike Patrol for added security of the downtown area, and

WHEREAS, the terms of this grant are June 2013 through June 2014.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Brenden Mann Foundation Grant, in the amount of $50,000, to support the continued operation of the Dowtown Bike Patrol for added security in the downtown area of Modesto.

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 regular meeting of the Council of the City of Modesto held on the 4th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NUMBER 2013-208

A RESOLUTION AMENDING THE FISCAL YEAR 2012/2013 MULTI-YEAR AND OPERATING BUDGETS TO APPROPRIATE REVENUES AND EXPENDITURES OF $50,000 FROM THE BRENDEN MANN FOUNDATION FOR DOWNTOWN BIKE PATROL; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Modesto Police Department applied for funding from the Brenden Mann Foundation for the Downtown Bike Patrol, and

WHEREAS, on May 10, 2013, the City received notification from the Brenden Mann Foundation that their Board of Trustees approved the grant in the amount of $50,000 to support the Downtown Bike Patrol for added security of the downtown area, and

WHEREAS, the City will receive two installment payments under these grants on July 15, 2013 and January 15, 2014, and

WHEREAS, the City will establish a separate accounting structure for and track the use of this money, and

WHEREAS, the Modesto Police Department will be required to provide the Foundation with written reports describing and activities carried out under the grant and a detailed expenditure report, which will be due on a six month basis December 31, 2013 and July 15, 2014, and

WHEREAS, the terms of this grant are June 2013 through June 2014.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2012/2013 Multi-Year and Operating Budgets are hereby amended as indicated in **attached Exhibit A**, which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Attachment A: Budget Adjustment for 2013 Brenden Mann Foundation Grant

Fund 1341- Miscellaneous Grants and Donations:

Expense:	Increase/ (Decrease)	Description of Account
To:		
FY-13-100759-51041 Appr. A	$ 45,000	Salaries & Wages PT MPD Reserves
FY-13-100759-52300 Appr. C	$ 5,000	Tools & Supplies
	$ 50,000	
Revenue:		
To:		
MY-1341-19999-42503-100759	$ 50,000	Misc. Grants and Donations.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-209

RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF MODESTO, ACTING AS THE GOVERNING BODY OF ALL ITS COMMUNITY FACILITIES DISTRICTS, TO ORDER JUDICIAL FORECLOSURE OF DELINQUENT ANNUAL SPECIAL FACILITIES TAXES PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, AND TO ORDER 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

WHEREAS, on July 12, 2011, the City Council, by Resolution No. 2011-269, authorized the City Manager to execute an Amendment No. 1 to Task Order No. 1 to the Master Professional Services Agreement with Goodwin Consulting Group, Inc. ("Foreclosure Counsel"), a firm experienced and qualified to process such judicial collection and foreclosure actions, and

WHEREAS, Foreclosure Counsel is still under contract to provide said services,

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:

1. The City finds that the Act authorizes the filing of judicial foreclosure lawsuits to collect delinquent special taxes, and hereby orders that the delinquent special taxes listed on the **attached Exhibit A** and all future delinquent special taxes as to such property, be collected by action brought in the appropriate Superior Court to foreclose the liens thereof.

2. City staff in conjunction with special counsel and other City consultants are authorized and directed if and as applicable, pursuant to Government Code Section 53356.2: 1) to record notices of intent to remove the delinquent special taxes from the tax rolls, and 2) to request that the applicable County officials remove current and future delinquent special taxes from the tax rolls.

3. The Act provides for the payment of the costs and attorneys fees for prosecution of the foreclosure lawsuits on redemption prior to entry of judgment as well as on post-judgment redemption, and hereby authorizes Foreclosure Counsel to require

payment on its behalf of all costs and all attorney fees incurred to collect the delinquent special taxes as a condition of such redemption as provided in 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 June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

Delinquent Parcels as of April 24, 2013
Missed 3 or More Installments

CFD No. 2003-1 (Fairview Village)		
APN	**Tax Year**	**Unpaid Taxes**
056-096-019-000	2011	$981.84
	2012	$698.96

CFD No. 2004-1 (Village One #2)		
APN	**Tax Year**	**Unpaid Taxes**
077-055-076-000	2011	$578.08
	2012	$1,171.14

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-210

A 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 THE PROPOSED ASSESSMENTS TO BE HELD ON AUGUST 7, 2013

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 2013-2014.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 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 Wednesday, the 7th day of August, 2013, 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 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-211

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 AUGUST 7, 2013, 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 Fiscal Year 2013-2014.

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 Wednesday, the 7th day of August, 2013, 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 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-212

A 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 AUGUST 7, 2013

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 2013-14.

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 Wednesday, the 7th day of August, 2013, 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.

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 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-213

A RESOLUTION APPROVING THE CAPITAL IMPROVEMENT PROGRAM TASK FORCE FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014

WHEREAS, in 2008, the City Council initiated the process to evaluate and prioritize capital improvement projects for the annual preparation of the Capital Improvement Program (CIP), and

WHEREAS, the process includes a CIP Task Force consisting of a City Councilmember, a City Planning Commission member, a citizen-at-large, a member of the StanCOG Citizen Advisory Committee, a member of the Manufacturer's Council, the Chairperson of the Modesto Chamber of Commerce Land Use & Transportation Committee and interdepartmental staff, and

WHEREAS, the goal of the CIP Task Force is to obtain the input and participation from a broader range of stakeholders, and

WHEREAS, the CIP Task Force recommends the outside members serve for two years and that appointments be staggered to allow for continuity on the CIP Task Force, and

WHEREAS, the Mayor of the City of Modesto has recommended the replacement of the citizen-at-large member with a member of the Bicycle Advisory Committee, and

WHEREAS, the proposed members for the CIP Task Force are:

Outside Members:

Councilmember	Joseph Muratore
Planning Commission member	Steve Carter
Bicycle Advisory Committee member	John Gerling
StanCOG Citizen Advisory member	Joe Hollstein
Manufacturer's Council member	Jennifer Carlson
Chairperson, Land Use & Transportation Modesto Chamber of Commerce	Craig Lewis

Staff members:
Director of Public Works (or designee)
Director of Utility Planning & Projects (or designee)
Director of Community & Economic Development (or designee)
Director of Parks, Recreation & Neighborhoods (or designee)
Director Representing Public Safety (Police Chief, Fire Chief, or designee)
Director of Finance (or designee)

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Councilmember Joseph Muratore, Steve Carter, John Gerling, Joe Hollstein, Jennifer Carlson, Craig Lewis, the Director of Public Works, the Director of Utility Planning & Projects, the Director of Community & Economic Development, the Director of Parks, Recreation & Neighborhoods, the Director Representing Public Safety, and the Director of Finance, or their designees, to the Capital Improvement Program Task Force.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-214

A RESOLUTION COMMENDING RONALD JESKE FOR HIS SERVICE AS THE CIP TASK FORCE CITIZEN MEMBER FROM DECEMBER 9, 2008 THROUGH JUNE 30, 2013

WHEREAS, the City Council approved the formation of the Capital Improvement Program (CIP Task Force) on December 9, 2008, and

WHEREAS, the Task Force was comprised of:

1 City Councilmember
1 Planning Commissioner
1 Citizen Member
1 Representative from the StanCOG Citizen Advisory Committee
1 Representative from the Manufacturers' Council
Chairperson of the Modesto Chamber of Commerce Land Use & Transportation Committee
Director of Public Works
Director of Utility Planning & Projects
Director of Community & Economic Development
Director of Parks, Recreation & Neighborhoods
Director Representing Public Safety
Director of Finance, and

WHEREAS, Ronald Jeske was appointed as the Citizen Member at that time, and

WHEREAS, he has spent considerable time, energy and effort in his service to the City of Modesto, and

WHEREAS, he has attended 33 CIP Task Force Meetings and has provided significant contributions to decisions and recommendations made by the CIP Task Force.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby thanks and commends Ronald Jeske for his contribution and service to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-215

RESOLUTION APPROVING THE EXPANSION OF THE STANISLAUS COUNTY ENTERPRISE ZONE BY APPROXIMATELY 134.45 ACRES IN THE UNINCORPORATED AREA OF STANISLAUS COUNTY AND 190.78 ACRES IN THE CITY OF MODESTO FOR A TOTAL OF 325.23 ACRES; AND DIRECT THE STANISLAUS ECONOMIC DEVELOPMENT AND WORKFORCE ALLIANCE, AS THE ZONE ADMINISTRATOR, TO SUBMIT THE WRITTEN REQUESTS AND REQUIRED DOCUMENTATION TO THE CALIFORNIA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT FOR ENTERPRISE ZONE EXPANSION APPROVAL

WHEREAS, Enterprise Zones were established in 1984 to stimulate business investment in depressed areas of the State and to create job opportunities for Californians; and

WHEREAS, the Stanislaus Enterprise Zone, encompassing portions of Modesto, Turlock, Ceres and the County of Stanislaus, was designed by the California Department of Housing & Community Development on November 16, 2005; and

WHEREAS, the Enterprise Zone is a long-term (15-year) partnership with local governments and private companies to generate new private sector investment and currently encompasses 76,858.66 acres; and

WHEREAS, the Enterprise Zone Program offers five State tax credits that assist in reducing the cost of hiring new employees and investing in production/office equipment for businesses that operate within its boundares; and

WHEREAS, in accordance with State Enterprise Zone law, up to 15% of the total (original) zone designation can be sought for zone expansion purposes (10,126.35 acres in the Zone 40); and

WHEREAS, both the City of Modesto and Stanislaus County are applying for expansion of the Enterprise Zone boundaries to include 325.23 acres that are zoned for

commercial use and have available infrastructure (City of Modesto acres total 190.78 and Stanislaus County acres total 134.45); and

WHEREAS, the California Department of Housing & Community Development requires a resolution of approval of all Enterprise Zone expansions from all jurisdictions in the Enterprise zone; and

WHEREAS, prior to July 2013, all jurisdictions in the Stanislaus Enterprise Zone will need to adopt a resolution approving the expansion of the Stanislaus Enterprise Zone by 325.23 acres in both the City of Modesto and the unincorporated area to include: Modesto Coffee & Oakdale Road Expansion (190.78 acres), Salida Business Park (50.85 acres), Waterford Almond Huller & Sheller (33.28 acres), Flory Industries (39.25 acres), and Interstate Truck Center (11.07 acres); and

WHEREAS, with the approval of the expansion request, there will be a zone balance of 827.55 acres; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the expansion of the Stanislaus County Enterprise Zone by approximately 134.45 acres in the unincorporated area of Stanislaus County and 190.78 acres in the City of Modesto for a total of 325.23 acres.

BE IT FURTHER RESOLVED that the Council of the City of Modesto directs the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the written requests and required documents to the California State Department of Housing and Community Development for Enterprise Zone expansion approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-216

RESOLUTION APPROVING THE BOUNDARIES OF THE TARGETED EMPLOYMENT AREA FOR THE STANISLAUS COUNTY ENTERPRISE ZONE; SUPPORTING THE UPDATING OF THE BOUNDARIES AND DIRECTING THE STANISLAUS ECONOMIC DEVELOPMENT AND WORKFORCE ALLIANCE, AS THE ZONE ADMINISTRATOR, TO SUBMIT THE APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, Enterprise Zones were established in 1984 to stimulate business investment in depressed areas of the State and to create job opportunities for Californians; and

WHEREAS, a provision of the California Government Code provides for a Targeted Employment Area (TEA) within an Enterprise Zone; and

WHEREAS, Section 7072(i) of the Government Code defines a TEA as an area within a County that is comprised solely of those census tracts that have at least 51 percent of its residents of low- or moderate-income levels; and

WHEREAS, its purpose is to encourage businesses in an Enterprise Zone to hire eligible residents from these geographic areas; and

WHEREAS, the inventive for these businesses is the availability of a tax credit for hiring residents who reside in a TEA; and

WHEREAS, the statues governing the Enterprise Zone program require that each zone update its TEA within 180 days of new census data becoming available; and

WHEREAS, The Stat of California Department of Housing and Community Development has determined that the census data necessary to update TEAs was made available in December 2012 via the United States Census Bureau's American Community Survey five year averages; and

WHEREAS, the following qualified TEA census tracts are located in the cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford and the unincorporated areas of Stanislaus County: 3.01, 3.02, 3.04, 5.06, 8.03, 8.06, 9.09, 9.1, 10.01, 10.02, 11, 12, 14, 15, 16.01, 16.03, 16.04, 17, 18, 19, 20.02, 20.04, 20.05, 21, 22, 23.01, 23.02, 24.01, 24.02, 25.03, 26.02, 26.04, 26.05, 30.02, 31, 32.01, 34, 35, 36.03, 36.05, 37, 38.02, 38.03, 38.04, 39.04, 39.06, 39.08 ; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the boundaries of the Targeted Employment Area for the Stanislaus County Enterprise Zone.

BE IT FURTHER RESOLVED that the Council of the City of Modesto supports the updating of the boundaries and directs the Stanislaus Economic Development and Workforce Alliance, as the Zone Administrator, to submit the application to the California State Department of Housing and Community Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-217

RESOLUTION ESTABLISHING THE CALCULATION FOR THE APPROPRIATION LIMIT FOR THE FISCAL YEAR 2013-2014 ANNUAL 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 appropriation 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 in the City of Modesto Finance Department,

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 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

SCHEDULE A

FISCAL YEAR 2013-2014

PROPOSITION 4

APPROPRIATION LIMIT CALCULATION

FY2012-2013 Appropriation Limit		$343,430,358
Adjustment Factors		
Per Capita Personal Income Change	5.12%	
Population Change (Modesto)	1.55%	
Per Capita converted to a ratio	1.0512	
Population converted to a ratio	1.0155	
Calculation of factor for FY2013-2014	1.0675	
Adjustment		$23,181,549
FY2013-2014 Appropriation Limit		$366,611,907

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. 2013-218

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF BALLISTIC VESTS FOR THE POLICE DEPARTMENT TO LC ACTION POLICE SUPPLY, SAN JOSE, CA, 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 $48,733, AND IF ALL OPTIONS ARE EXCERISED, FOR A TOTAL COST OVER FIVE (5) YEARS OF $243,665

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of ballistic vests, and

WHEREAS, the Purchasing Division issued RFB No. 1213-22 Ballistic Vests to nine (9) prospective bidders, three (3) of which were local vendors and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Five (5) companies chose to respond, one of which was a local vendor, and

WHEREAS, all companies 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 ballistic vests for the Police Department to LC Action Police Supply, San Jose, CA, 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 $48,733, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which are above $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of ballistic vests for the Police

Department to LC Action Police Supply, San Jose, CA, conforms to the Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted for the purchase of ballistic vests in Appropriation Unit: 0100-19420-52300.

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 ballistic vests for the Police Department to LC Action Police Supply, San Jose, CA.

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 $48,733.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-219

RESOLUTION AMENDING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 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. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following class specifications:

1. Park Planning and Development Manager
2. Risk Manager
3. Risk and Loss Control Coordinator
4. Information Technology Manager

Said class specifications for the above listed classifications are being amended to update the essential functions and minimum qualifications to more accurately reflect the requirements of these classifications. The job specifications for the classifications are

shown in the **attached Exhibit** "A.1-A.4," which is made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS WITH TITLE CHANGES. The Position Classification Plan of the City of Modesto is hereby amended to title change the following classes:

1. Environmental Regulatory Compliance Administrator to Environmental Regulatory Compliance Manager
2. Environmental and Water Quality Laboratory Supervisor to Laboratory Supervisor
3. Principal Systems Engineer to Principal Information Technology Administrator

Said class specifications are being amended to reflect the title change, as shown in **attached Exhibit** "B.1-B.3," which is made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the following classifications:

1. Police Facilities Coordinator at salary range 425
2. Principal Software Analyst at salary range 442
3. Deputy Chief Information Officer at salary range 2452

Said classifications are being deleted as they no longer reflect the requirements of the City.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after June 18, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO
No. 2730

PARKS PLANNING AND DEVELOPMENT MANAGER

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

DEFINITION

To plan, organize, direct and coordinate the activities of the Parks Planning and Development Division within the Parks, Recreation and Neighborhoods Department, including the management of complex capital projects; to coordinate activities with other divisions and departments; to provide highly complex staff assistance to the Director of Parks, Recreation and Neighborhoods.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Parks, Recreation and Neighborhoods.

Exercises direct supervision over assigned technical and administrative support personnel.

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

Essential Functions:

Develop and implement divisional goals, objectives, policies and procedures.

Plan, organize and direct Parks Planning and Development Division activities including land acquisition, planning, design, implementation, and finance of parks, trails and landscaping programs.

Direct, oversee, and participate in the development of the Parks Planning and Development Division work plan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods and procedures.

Prepare the Parks Planning and Development Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Essential Functions: (Continued)

Recommend the appointment of personnel; provide or coordinate staff training; conduct performance evaluations; implement discipline procedures as required; maintain discipline and high standards necessary for the efficient and professional operation of the Department.

Analyze Capital Improvement Program needs for the Parks, Recreation and Neighborhoods Department; develop recommendations.

Receive and review projects from the Planning Division; determine compliance with the Urban Area General Plan, Dual Use Basin Policy, Non-Motorized Transportation Plan, and related regulations; review planned development and conditional use permits.

Respond to inquiries regarding general park development issues; disseminate information and seek clarification regarding development projects.

Conduct public and internal meetings regarding the design and development of new parks and trails and to improve the fund development program.

Review and evaluate municipal landscape and irrigation projects prepared by outside consultants; act as a Department representative with contractors on landscape and irrigation projects; inspect commercial landscape and irrigation installations.

Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.

Represent the division and department to outside agencies and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.

Research and prepare technical and administrative reports; prepare written correspondence.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of landscape architecture, horticulture, planning, and engineering as they related to landscape design, construction and installation.

Principles and utilization of architecture tools, templates, scales, and graphics.

Principles and practices of leadership, motivation, team building and conflict resolution.

Pertinent local, State and Federal rules, regulations and laws.

Modern office procedures and computer equipment.

Principles and practices of organizational analysis and management.

Budgeting procedures and techniques.

Principles and practices of supervision, training and personnel management.

Ability to:

Organize and direct Parks Planning and Development operations.

Conduct studies, prepare and present complex technical reports.

Perform the most complex work of the division.

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

Gain cooperation through discussion and persuasion.

Interpret and apply City and department policies, procedures, rules and regulations.

Prepare and administer a budget.

Supervise, train and evaluate personnel.

Ability to: (Continued)

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

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

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

Experience:

Five years of increasingly responsible experience in a landscape architecture, the landscape construction field, regional and community planning and/or capital project management, including one year providing technical and functional supervision over assigned personnel.

Training:

Bachelor's degree from an accredited college or university with major course work in landscape architecture, parks and recreation administration, community development or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

Possession of a valid Landscape Architect License in the State of California is desirable.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time;occasional bending or squatting. **Lifting**: frequently up to 10 pounds; occasionally up to 50 pounds. **Vision**: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity**: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking**: frequent hearing and talking, in person and on the phone. **Emotional/Psychological**: frequent

PHYSICAL AND MENTAL REQUIREMENTS: (Continued)

decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental**: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Some positions may be assigned to remote locations. Some positions may be assigned to remote locations. Positions require occasional overtime or weekend work and the ability to travel.

Class Spec History	
Adopted	12/94
Revised	12/08
	6/13
BU	Mgt/Conf NS

CITY OF MODESTO
NO. 2307

RISK MANAGER

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

DEFINITION

To plan, organize, direct and coordinate the risk management activities of the City including general liability, property insurance, contract insurance requirements, and other related insurance programs.

SUPERVISION RECEIVED AND EXERCISED

Receive administrative direction from a higher level management position.

Exercise direct supervision over assigned personnel.

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

Develop and implement divisional goals, objectives, policies, and procedures.

Plan, organize and direct risk management program activities including thegeneral liability,, property, and other related insurance programs.

Prepare the budget for the risk management program; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Recommend the appointment of personnel; provide or coordinate staff training, conduct performance evaluations; implement discipline procedures as required; maintain discipline and high standards necessary for the efficient and professional operation of the program.

Implement and maintain appropriate risk financing techniques, including maintaining adequate monetary reserves and departmental cost allocation plans.

Evaluate and act on opportunities for improvement in service delivery or operations for the program.

Ensure the City's immunities are properly utilized, ensuring appropriate risk control techniques are implemented.

Review insurance documents, contracts, and leases to ensure the City is not assuming undo risk and appropriate risk transfer techniques are implemented; consult with project managers regarding risk exposure and risk transfer; review contracts to ensure proper indemnification language and insurance requirements.

Handle and coordinate the completion of insurance renewal applications, working with City departments, brokers, and insurers.

Act as representative to City's excess liability pool, attending meetings as required.

Negotiate adjustments and settlements of uninsured and insured losses involving damage to City property.

Analyze trends in liability coverages and case law; make recommendations for the needed coverage, purchase, loss reduction, and cost; review contracts and agreements relating to insurances and endorsements.

Build and maintain positive working relationships with co-workers, other City employees, and the public using principles of good customer service.

Represent the City to outside agencies and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.

Research and prepare technical and administrative reports; prepare written correspondence.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles, practices, and techniques of establishing, maintaining, and modifying a comprehensive risk management program.

Principles and practices of risk management, risk transfer, and asset protection

programs relating to general and financial liability protection.

Records and procedures relating to court actions on risk management matters.

Principles and practices of leadership, motivation, team building, and conflict resolution.

Pertinent local, state, and federal rules, regulations, and laws.

Modern office procedures and computer equipment.

Principles and practices of organizational analysis and management.

Budgeting procedures and techniques.

Principles and practices of supervision, training, and personnel management.

Ability to:

Organize and direct the risk management program operations.

Analyze and interpret a variety of complex insurance and legal documents.

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

Gain cooperation through discussion and persuasion.

Interpret and apply City and department policies, procedures, rules, and regulations.

Prepare and administer a program budget.
Supervise, train, and evaluate personnel.

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

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

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

Experience:

Four years of increasingly responsible experience in the management of a liability and property insurance program; including one year providing supervision over assigned personnel.

Training:

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

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of an Associate in Risk Management (ARM) certificate is highly desirable.

Possession of a Certified Professional in Disability Management (CPDM) is also highly desirable.

PHYSICAL AND MENTAL REQUIREMENTS

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Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting**: frequently up to 10 pounds; occasionally up to 25 pounds. **Vision**: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity**: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking**: frequent hearing and talking, in person and on the phone. **Emotional/Psychological**: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental**: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Some positions may be assigned to remote locations. Positions require occasional overtime or weekend work and the ability to travel.

Class Spec History	
Adopted	12/02
Revised	12/08
	6/13
BU	Unrep M/C NS

CITY OF MODESTO
NO. 2370

RISK AND LOSS CONTROL COORDINATOR

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

DEFINITION

To plan, organize, coordinate, and implement the risk and loss control, ~~-~~workers compensation, and safety program/operations within the City's ~~Risk Management Division~~Human Resources Department; oversee the prevention and management of employee absences; to provide expertise in program elements for the organization; and to perform a variety of professional and technical level tasks related to assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from ~~the Risk Manager~~a higher level management position.

~~May e~~Exercise ~~technical and functional~~ supervision over assigned personnel.

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

Essential Functions:

Recommend and assist in the implementation of goals and objectives; establish schedules and methods regarding the City's ~~liability, insurance and loss control~~workers compensation and safety programs; implement policies and procedures.

Develop and implement a loss control program by compiling, evaluating and determining methods for reducing the frequency and severity of workers' compensation ~~and liability~~ claims ~~against the City~~.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Work with the City's Third Party Administrator in planning, organizing, administering, and supervising the City's Workers Compensation program.

Coordinate and work with legal counsel, medical providers, and management in handling workers compensation claims.

Oversee and participate in the administration of the City's DOT drug and alcohol testing program including medical clearances and monitoring of commercial driver qualifications.

Make recommendations to City management on medical issues related to disability retirements.

Develop and coordinate the City's return-to-work program.

Research, compile, and prepare reports and documentation on program activities; analyze and develop corrective action, maintain records of findings, and corrective actions; prepare periodic status reports.

~~Coordinate and participate in the administration of the City's self-insured civil liability claims and recovery program in accordance with applicable laws; conduct accident investigations to determine degree of liability or negligence on the part of the City and adjust claims.~~

~~Review claims for approval or rejection in compliance with established procedures; Essential Functions: (Continued)~~

~~negotiate settlements with claimants, attorneys and insurance carriers.~~

~~Take written and recorded statements of claimants, employees and witnesses; inspect accident scenes; take photographs and collect evidence; represent City in small claims actions.~~

~~Review several of the City's risk management programs including property and casualty insurance, workers' compensation, employee safety, and public loss prevention.~~

~~Review contracts and certificates of insurance to ensure compliance with City insurance requirements.~~

Design, develop and oversee the City's Safety Program; establish, coordinate, and implement health and safety training; ~~provide and/or coordinate safety training;~~ develop safety programs needed to ensure compliance with Cal OSHA regulations.

Conduct employee safety inspections and identify potentially unsafe conditions; prepare

recommendations for improvements and implementation.

Serve as primary liaison with Cal OSHA and other safety related regulatory agencies.

~~Meet with departments regarding risk management and loss control needs and requirements; contact departments to review claims against the City and suggest operational improvements to reduce employee accidents and liability claims against the City; prepare~~Prepare and distribute safety material and aids.

Manage the City's overall Illness and Injury Prevention Program; act as a resource for the development and management of specialized IIPPs in the departments that require them.

Maintain a variety of confidential records and files.

Represent function on committees, outside organizations, and at staff subcommittees as necessary; coordinate ~~loss control~~ activities with other ~~divisions~~ departments and outside agencies.

Build and maintain positive working relationships with co-workers, other City employees, and the public using principles of good customer service.

May plan, prioritize, assign, supervise, and review the work of assigned staff related to program activities.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles, practices, and techniques of establishing, maintaining, and modifying ~~a~~ comprehensive ~~risk management~~workers compensation and safety programs.

~~Liability and employee benefits insurance coverages.~~

Safety regulations and practices involved in municipal operations and safety laws regarding the public sector.

Techniques used in accident and claims investigations.

Pertinent f~~F~~ederal, s~~S~~tate and local laws, codes and regulations.

Modern office procedures, methods, and computer equipment.

~~Claims adjustment administration.~~

Department of Transportation commercial driver license requirements and programs.

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Ability to:

Organize, implement, and direct ~~loss control~~safety program activities.

Identify risk and unsafe behaviors and develop and implement procedures to minimize.

Analyze and interpret a variety of complex ~~insurance,~~ medical and legal documents.

Interpret and explain pertinent City and department policies and procedures.

Develop and recommend policies and procedures related to assigned operations.

Establish and maintain effective working relationships with those contracted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Supervise, lead, train, and evaluate assigned staff.

EXPERIENCE AND TRAINING GUIDELINES

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

Experience:

Three years of increasingly responsible professional level experience in ~~adjusting casualty claims~~workers compensation and workplace safety.

Training:

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

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

~~Possession of Associate in Claims and Associate in Risk Management certification desirable.~~

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting**: frequently up to 10 pounds; occasionally up to 25 pounds. **Vision**: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity**: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking**: frequent hearing and talking, in person and on the phone. **Emotional/Psychological**: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental**: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Some positions may be assigned to remote locations. Positions may require occasional overtime or weekend work and travel is rare.

Class Spec History	
Adopted	1/06
Revised	12/08
	6/13
BU	Mgt/Conf NS

CITY OF MODESTO
No. 5105

INFORMATION TECHNOLOGY MANAGER

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

DEFINITION

To plan, organize, direct and coordinate the activities of ~~the Applications Development and Geographical Information System Division~~a major division within the Information Technology Department including overseeing infrastructure, applications, project oversight, and program management in areas of~~definition and overall program,~~; security, networks, communications, help desk management, web development/maintenance/support, geographic information systems, ~~and project oversight~~; to coordinate activities with other divisions and departments; and to provide highly complex staff assistance to the Chief Information Officer.

SUPERVISION RECEIVED AND EXERCISED

Receives ~~administrative~~ direction from the Chief Information Officer.

Exercises direct supervision over assigned supervisory, professional, and technical personnel.

DISTINGUISHING CHARACTERISTICS

Information Technology Manager is a division head position responsible for the operation of a variety of units within the Information Technology Department. Incumbents have direct supervision over divisional staff providing information technology support to all City departments and staff. Assignments are broad in scope and are carried out with a significant degree of latitude and independence.

This class differs from Senior Software Analyst and Senior Systems Engineer in that it provides direct supervision over the work of those classes and manages a variety of specialized areas of information technology.

This class differs from the Principal Information Technology Coordinator in that the Coordinator is responsible for a single specialized area but may report directly to the Chief Information Officer or other ~~City officials~~ higher level manager.

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

Essential Functions:

Develop and implement divisional goals, objectives, policies, and procedures.

Plan, organize and direct ~~Applications Development and Geographical Information System Division~~ the activities including application operations of a major divisional unit of the department.

Direct, oversee and participate in the development of the ~~Applications Development and Geographical Information System~~ assigned area work plans; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Prepare the ~~Applications Development and Geographical Information System~~division budget; assist in overall budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Recommend the appointment of personnel; provide or coordinate staff training; conduct performance evaluations; implement discipline procedures as required; maintain discipline and high standards necessary for the efficient and professional operation of the Department.

Oversee third-party systems, vendor sales, and support, the installation, configuration, and cutover phases of a project, professional IT consulting/development projects, and complex business changes in the implementation of emerging information technologies.

Assure a strong commitment to customer service; monitor and manage departmental customer satisfaction.

Review system design and end-user documentation prepared by other project staff.

Carry out resource allocation planning and management to effectively assign work tasks to team members.

Use formal project management techniques and tools to effectively manage the scope of work, project costs, technical resources, and maintain schedule integrity; utilize project management software; make modifications and adjustments as required to ensure projects are delivered on time and within budget.

Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.

Essential Functions: (Continued)

Represent the division and department to outside agencies and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.

Research and prepare technical and administrative reports; prepare written correspondence.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of information technology ~~with an emphasis on application development and support and software life cycle management~~.

Business issues related to implementing systems.

Project management methodologies, including project estimating, planning, executing, and examining business or functional issues including technical, operational, and management concerns.

Principles and practices of leadership, motivation, team building and conflict resolution.

Pertinent local, State and Federal, State rules, regulations and laws.

Modern office procedures and computer equipment.

Principles and practices of organizational analysis and management.

Budgeting procedures and techniques.

Principles and practices of supervision, training and personnel management...

Ability to:

Organize and direct the ~~Applications Development and Geographical Information Systems Division~~ operations of the assigned division.

Carry out and/or manage application design, development, deployment, support and maintenance.

Ability to: (Continued)

Effectively oversee multiple projects simultaneously while managing project costs, resources, and schedules.

Gain cooperation through discussion and persuasion.

Interpret and apply City and department policies, procedures, rules and regulations.

Prepare and administer a budget.

Supervise, train and evaluate personnel.

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

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

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

Experience:

Five years of increasingly responsible experience in managing and carrying out complex system development at the departmental and/or enterprise level; including two years of supervisory experience.

OR

Five years of experience in an internal technology support environment including experience in network administration, communications or operating systems software and hardware, automated business systems, and implementation of new systems using web-based and client server technology; including two years of supervisory experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university in a computer related field, business information systems, public/business administration, or closely related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.
ADDITIONAL REQUIREMENTS:

Candidates must pass a P.O.S.T. level background investigation for clearance to work on Police Department Information Systems prior to appointment.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting**: frequently up to 10 pounds; occasionally up to 25 pounds. **Vision**: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity**: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking**: frequent hearing and talking, in person and on the phone. **Emotional/Psychological**: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental**: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Positions require occasional overtime or weekend work and the ability to travel.

Class Spec History	
Adopted	8/04
Revised	12/08, 6/13
BU	Mgt/Conf NS

CITY OF MODESTO
No. 3268

ENVIRONMENTAL REGULATORY COMPLIANCE ~~ADMINISTRATOR~~MANAGER

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

DEFINITION

To plan, organize and direct the activities of the Environmental Compliance section; to coordinate section activities with other divisions and departments; and to provide highly responsible technical support to the Deputy Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Deputy Director.

Exercises direct supervision over professional, technical and administrative support personnel.

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

Essential Functions:

Recommend and implement section goals and objectives; establish performance standards and methods for pretreatment, industrial, plan check, and public education programs; develop and implement policies and procedures.

Plan, develop and oversee the work of staff involved in pretreatment and stormwater inspection and enforcement programs that promote a safer environment, protect collection systems, groundwater, and receiving water in compliance with State, Federal, and local laws, regulations, and ordinances.

Evaluate operations and activities of assigned section; implement improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for staffing, equipment, materials and supplies; monitor and control expenditures.

Participate in the selection of staff; coordinate staff training; conduct performance evaluations; recommend discipline; implement discipline procedures as directed.

Essential Functions: (Continued)

Participate in the negotiations with regional, State, and Federal regulatory agencies issuing environmental permits for the City involving wastewater and stormwater.

Support other divisions in meeting and reporting requirements to maintain compliance with permits; oversee development and submission of required reports for State and Federal regulatory agencies associated with permits and programs including the annual pretreatment and stormwater reports.

Oversee the development and issuance of environmental permits issued for discharging into the wastewater systems including industrial, groundwater, liquid waste haulers and other agencies.

Coordinate between City departments, divisions and consultants on special water quality studies related to wastewater and stormwater on developing, gathering, reviewing or obtaining data for assessment of current and future infrastructure needs and compliance with environmental requirements.

Respond to illicit discharges and potential illicit discharges to the storm drain system or receiving waters; assist in determining the types of pollutants; assess cleanup procedures, and make appropriate recommendations for clean up; ensure cleanup is adequate and make appropriate notifications to environmental agencies.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of wastewater and stormwater treatment, collections systems and impacts to the environment.

Knowledge of: (Continued)

Principles and practices of environmental compliance, including inspection, review and enforcement methods.

Policies and procedures of the City's Environmental Compliance Program.

State and Federal requirements and procedures governing pretreatment, and stormwater inspection and enforcement, including local ordinances, and related State and Federal regulations and laws.

Modern office procedures, methods and computer equipment.

Principles and practices of research analysis and management.

Principles and practices of budget development, implementation and monitoring.

Principles and practices of supervision, training and performance evaluation.

Principles and practices of work safety.

Ability to:

Organize, implement and direct Environmental Compliance operations and activities.

Analyze and interpret environmental data and prepare technical reports.

Interpret and explain pertinent City and department polices and procedures.

Assist in the development and monitoring of assigned program budget.

Develop and recommend policies and procedures related to assigned operations.

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

Supervise, train and evaluate personnel.

Ability to: (Continued)

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines:

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

Experience:

Four years of increasingly responsible experience performing a variety of environmental investigations and inspections in the analysis of water, wastewater or other environmental sample; including one year providing technical and functional supervision over assigned personnel.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in biology, chemistry, physics, environmental science or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California Driver's license.

Possession of a valid Grade II Environmental Compliance Inspector Certificate issued by the California Water Environmental Association within 18 months of appointment.

Completion of Hazardous Material Forty-Hour First Responder Training, as prescribed by the State Office of Emergency Services within two years of appointment. Failure to obtain the required training may result in termination.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting**: frequently up to 10 pounds; occasionally up to 25 pounds. **Vision**: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity**: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking**: frequent hearing and talking, in person and on the phone. **Emotional/Psychological**: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental**: frequent exposure to noise; occasional exposure to unknown materials in illicit discharges.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Some duties involve working outside in a variety of climates and in traffic. Positions require occasional overtime or weekend work and the ability to travel.

Class Spec History	
Adopted	7/03
Revised	~~08/14/09~~06/13
BU	Mgt/Conf NS

CITY OF MODESTO
No. 3269

~~ENVIRONMENTAL AND WATER QUALITY~~ LABORATORY SUPERVISOR

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

DEFINITION

To plan, organize direct and supervise staff and operations in support of the City's Laboratory and Environmental Monitoring Program; to maintain the consistency of the City's Laboratory and manage compliance with State and Federal mandates, approved standards and quality assurance and control pertaining to storm water and pretreatment sampling as well as industrial discharges into the City's wastewater collection system; and to direct the monitoring, sampling and record keeping associated with compliance with discharge permits.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Environmental Regulatory Compliance ~~Administrator~~Manager.

Exercises direct supervision over assigned professional, technical and administrative support personnel.

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

Essential Functions:

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for laboratory analysis and program administration; implement policies and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in the Industrial and Water Quality Control sampling and testing programs in accordance with regulations, standards, and quality assurance requirements.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare costs estimates for budget recommendations; submit justifications; monitor and control expenditures.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Essential Functions: (Continued)

Coordinate the development of additional markets for existing laboratory services and recommend further testing apparatus be purchased based on cost effectiveness or the need to meet regulatory requirements.

Coordinate with the Water Services Division and other existing clients to ensure client monitoring, sampling, testing, and reporting needs are being met.

Oversee development, and certification of laboratory results for submission to State and Federal regulatory agencies associated with programs.

Monitor and coordinate contractual service activities related to sampling activities associated with effluent discharges, storm water, and pretreatment activities.

Meet with various City and community groups and committees to discuss Laboratory results associated with monitoring issues.

Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

~~Principles and practices of water and waste water pretreatment, sampling and testing; approved related laboratory practices and procedures.~~

Principles and practices of water and wastewater pretreatment, sampling and testing.

Principles and practices of laboratory management and operations.

Equipment, tools and materials used in laboratory and environmental monitoring programs.

Principles and practices of supervision, training and performance evaluation.

Principles and practices of budget monitoring.

Principles and practices of safety management.

Program planning and development methods and techniques.

Local ordinances, as well as State and Federal laws, rules, regulations, requirements and procedures governing laboratory, pretreatment, and storm water sampling.

Chemical, biological, physical, and environmental sciences.

Knowledge of: (Continued)

Principles and practices of environmental sampling and testing, methods and practices.

Functions and operations of State and Federal environmental health and regulatory agencies.

Computers and software used in laboratory testing, environmental sampling, and an office environment.

Ability to:

Organize, implement, and direct laboratory and environmental monitoring programs and staff to ensure compliance with State and Federal programs; develop and recommend policies and procedures related to assigned operations.

Learn and apply the policies and procedures of the City's Environmental Compliance Programs.

Interpret and explain pertinent laboratory and department policies and procedures.

Assist in the development and monitoring of an assigned budget.

Prepare a variety of technical reports using a personal computers, word processing and spreadsheet software; analyze, and interpret environmental data, reach valid conclusions.

Operate a variety of office and technical equipment and computers in the performance of laboratory sampling, testing and environmental monitoring.

Effectively represent the Laboratory ~~and Environmental~~ Services Section of the Wastewater Services Division in contacts with the public, businesses, engineers, architects, and other City staff.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

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

Experience:

Three years of increasingly responsible experience performing laboratory analyses and/or a variety of laboratory work with emphasis on environmental monitoring, sampling, and analysis of water, wastewater or other closely related environmental samples, including one year providing technical and functional supervision over assigned personnel.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major coursework in chemistry, biology, environmental science or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate valid California driver's license.

Must obtain a valid Grade II Laboratory Analyst Certificate as issued by the California Water Environment Associatio~~nal~~, within two and a half years of appointment. Must obtain a valid Grade III Laboratory Analyst Certificate as issued by the California Water Environmen~~tal~~ Association, within four years of appointment. Failure to obtain the required certificates may result in termination.

Must complete hazardous material forty (40) hour First Responder Training, as prescribed by the State Office of Emergency Services within two years of appointment. Failure to complete the required training may result in termination.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending, kneeling or squatting. **Lifting**: frequently up to 10 pounds; occasionally up to 25 pounds. **Vision**: constant use of overall vision; frequent reading and close-up work, color and depth vision. **Dexterity**: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking**: frequent hearing and talking, in person and on the phone. **Emotional/Psychological**: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental**: frequent exposure to noise; frequent exposure to chemicals, fumes, and other environmental substances.

WORKING CONDITIONS

Work is performed primarily in an indoor laboratory environment, but duties are frequently performed in an outdoor environment with some exposure to year-round weather conditions. May be subject to indoor laboratory equipment or field noise. Work frequently involves offsite and/or remote locations. Positions may require occasional overtime and weekend work and travel is rare.

Class Spec History	
Adopted	8/04
Revised	12/08, 6/12, 6/13
BU	Mgt/Conf NS

CITY OF MODESTO
No. 5122

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PRINCIPAL ~~SYSTEMS ENGINEER~~INFORMATION TECHNOLOGY ~~OFFICER~~ ~~COORDINATOR~~ADMINISTRATOR

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

DEFINITION

To plan, organize and direct the activities of an assigned section within the Information Technology Department; to coordinate section activities with other divisions and departments; and to provide highly responsible technical support to the Chief Information Officer. Positions perform a variety of the most difficult and sensitive ~~systems engineering~~information technology duties of a high degree of complexity ~~including the overall management of complex networks encompassing one or more of the following~~in an assigned specialty areas.~~:~~

~~• Local/Wide Area Networks~~
~~• Network Operating Systems~~
~~• Telecommunications Networks~~

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Chief Information Officer or higher level manager.

Exercise direct supervision over assigned professional and technical personnel

DISTINGUISHING CHARACTERISTICS

This class is responsible for performing the most difficult, complex, sensitive, and confidential information technology assignments ~~such as security~~ in a specialized area. It differs from the Information Technology Manager in that the Manager is responsible for managing a major division in the department consisting of a significant number of staff. The Principal Information Technology ~~Officer~~Coordinator differs from the Senior Software Analyst / Senior Systems Engineer in that the former ~~handles the most difficult, complex, and sensitive assignments. While the Senior Software Analyst can handle difficult and complex assignments, these assignments do not rise to the same level as assigned to the Principal level.~~serves as principal advisor to the Chief Information Officer andor other ~~City officials~~higher level manager in a specialized assigned area.

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

Essential Functions:

~~All Assignments:~~

Recommend and implement section goals and objectives; establish performance standards and methods for providing technical and professional information technology support to City departments.

Plan, develop and oversee the work of staff involved in the performance of professional and technical information technology functions.

Evaluate operations and activities of assigned section; implement improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for staffing, equipment, materials and supplies; monitor and control expenditures.

Participate in the selection of staff; coordinate staff training; conduct performance evaluations; recommend discipline; implement discipline procedures as directed.

Use formal project management techniques and tools to effectively manage the scope of work, project costs, technical resources, and maintain schedule integrity; utilize project management software; make modifications and adjustments as required to ensure projects are delivered on time and within budget.

Communicate and work with third-party applications, vendor sales, and support.

Assume a key role in the execution of professional IT consulting/development projects.

Manage complex business changes in the implementation of emerging Information Technologies.

Interface with appropriate department staff in defining systems standards and operating procedures.

Utilize current and emerging networking, communications or operating system technologies.

Prepare activity reports, progress reports, and correspondence.

Review, interpret, and maintain contracts.

Oversee the work of contractors involved with City IT projects and systems.

Essential Functions: (Continued)

Actively monitor systems performance, architecture changes, and be aware of future upgrades in an effort to proactively avert potential problems.

Carry out business process analysis/re-engineering, using a formal and proven methodology.

Review system design and end-user documentation prepared by other project staff.

Manage the development, production, and execution of training programs.

Monitor the overall performance of systems and resolve complex problems as required.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.

~~**When Assigned to LAN/WAN:**~~

~~Manage the execution of Networking/Communications (LAN/WAN) projects of scale and complexity.~~

~~Perform LAN/WAN system requirement definitions, identifying end user operational or customer service delivery needs.~~

~~Assume management responsibility for LAN/WAN projects including: scope of work, quality execution of task(s), resources, staff allocation, planning and management, cost controls, and maintenance of schedule integrity.~~

~~Manage and/or participate in network/communications upgrades, support, and maintenance.~~

~~Perform LAN/WAN systems analysis at the workgroup, department or enterprise level.~~

~~Perform LAN/WAN design and engineering.~~

~~Develop functional and technical specifications used to procure and deploy networking/communications systems.~~

~~**When Assigned to Network Operating System:**~~

~~Manage the installation and maintenance of Network Operating System (NOS) projects of scale and complexity.~~

Essential Functions: (Continued)

~~Play a key role in reviewing and evaluating new operating systems and enhancements, develop purchasing guidelines, and aid in planning their installation.~~

~~Work with IT staff, vendors, and system users regarding changes, anticipated upgrades, and future enhancements to existing systems software or to resolve/prevent technical problems.~~

~~*Establish standards and procedures relating to operating system software products.*~~

~~**When Assigned to Telecom:**~~

~~Manage the installation, repair, and maintenance of large and complex telecommunications system projects and enhancements.~~

~~Manage the review and evaluation of new telecommunications systems and enhancements, develop purchasing guidelines, and aid in planning their installation.~~

~~Develop the vision, promote the visionary plan, and manage the procurement for the current and future city communications systems and networks, including computer-assisted communications systems and control systems.~~

~~Establish standards and procedures relating to telecommunications systems.~~

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Depending on assignment:~~All Assignments:~~

Principles and practices of technology advancements and how they can/will be applied within the current/future business models.

Information Technology best practices and quality assurance programs.

~~Advanced knowledge of voice over IP.~~

~~Disciplined p~~Project management methodologies, including project estimating, planning, executing, and examining business or functional issues including technical, operational, and management concerns.

Knowledge of: (Continued)

~~Systems~~ Technical ~~Engineering~~ problem solving and solution development.

Pertinent local, State, Federal rules, regulations and laws.

Modern office procedures, methods and computer equipment.

Principles and practices of research analysis and management.

Principles and practices of budget development, implementation and monitoring.

Principles and practices of supervision, training and performance evaluations.

~~**When Assigned to LAN/WAN:**~~

Industry standard networking and communications protocols, ~~standard speeds~~, network design, management and security.

~~Techniques for installing, configuring, and troubleshooting of routers, hubs, and bridges.~~

~~Techniques for implementing and managing network operating systems such as Novell and NT.~~

Wide Area Networks, backbone network; Asynchronous Transfer Mode (ATM) and Regional Networks.

~~Internetworking and voice; bridges and routers; design considerations building versus campus voice systems.~~

~~**When Assigned to Network Operating Systems:**~~

Research and evaluation methods associated with ~~micro and mini~~ hardware, operating systems, and communications software; capabilities and limitations of current ~~micro and mini~~ hardware, operating systems, and communications software.

~~Analyzing systems engineering problems and developing solutions.~~

Methods for implementing and managing network operating systems such as ~~Novell NetWare~~Cisco, Linox and Microsoft, and administering network security.

~~**When Assigned to Telecom:**~~

Data communications and telecommunications with an emphasis in networking.

Knowledge of: (Continued)

~~Network design, configuration, and provisioning.~~

~~Key network access technologies and protocols.~~

~~*Telecommunications equipment including PBX and Centrex phone systems.*~~

~~Router installation and the best use of high speed (e.g. T1) information lines.~~
~~Assess risks to systems, and developing plans to minimize potential threats.~~

~~Design new security systems or upgrading existing ones.~~

~~Test and evaluating security, web and social media products.~~

~~Plan for disaster recovery in the event of security breaches.~~

~~Test procedures by simulating breaches / penetration testing.~~

~~Investigating breaches and carrying out corrective actions.~~

~~Test systems for weak points / vulnerability scanning.~~

~~Ensure City procedures meet national and international network security standards.~~

Ability to:

~~**All Assignments:**~~

Organize, implement and direct assigned section activities and operations.

Remain current with the latest trends and developments in the computer, networking, and telecommunications industry.

Apply knowledge of industry best practices, business process re-engineering or change management methods.

Create and implement project plans.

Prepare project proposals including the submission of budget items.

Design and develop presentations, documentation, and training.

Prepare workflow and process diagrams, and cost/benefit analysis.

Ability to: (Continued)

Manage the technical aspects of the assigned systems, from analysis through deployment and management.

Interpret and explain pertinent City and department policies and procedures.

Assist in the development and monitoring of an assigned program budget.

Develop and recommend policies and procedures related to assigned operations.

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

Supervise, train and evaluate personnel.

Communicate clearly and concisely, both orally and in writing.

~~**When Assigned of LAN/WAN:**~~

Carry out and/or manage network design, development, deployment, support, and maintenance.

~~Plan system architecture, install, configure, and support network operating systems such as Microsoft Windows, Unix, and Novell NetWare.~~

~~Plan system architecture, install, configure, and support complex router configurations, hubs, and bridges, switches and switch routers including VLANs, Internet/Intranet routers in complex TCP/IP configurations and VPN solutions.~~

Manage network security including, planning system architecture, installing, configuring, and supporting security devices such as firewalls and intrusion detection systems (IDS).

~~Support desktop Operating Systems.~~

~~**When Assigned to Network Operating Systems:**~~

Manage the planning, installation, evaluation, monitoring, and implementation of non-application software associated with computer operating systems such as Unix or Microsoft Windows.

~~Plan system architecture and manage the installation, configuration, and support of Web servers such as Internet, Intranet, and Extranet.~~

Ability to: (Continued)

~~Plan system architecture and manage the installation, configuration, and support of IBM AIX and UNIX servers, network routers, hubs, bridges, and coordinate network security.~~

~~**When Assigned to Telecom:**~~

~~Plan system architecture and install, configure, and support telecommunications systems and associated infrastructure.~~

Assess risks to systems~~,~~ and develop~~ing~~ plans to minimize potential threats.

Design new security systems or upgrade~~ing~~ existing ones.

Test and evaluate~~ing~~ security, web and social media products.

Plan for disaster recovery in the event of security breaches.

Test procedures by simulating breaches / penetration testing.

Investigate~~ing~~ breaches and carry~~ing~~ out corrective actions.

Test systems for weak points / vulnerability scanning.

Ensure City procedures meet national and international network security standards.

EXPERIENCE AND TRAINING GUIDELINES

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

Experience:

Four years of increasingly responsible experience performing network administration, installing, implementing and monitoring of communications or operating system software and hardware, and/or maintaining high-end computing platforms; automated business systems, including technological project management, and the implementation of new systems using web-based and client server technology; including one year providing technical and functional supervision over assigned personnel.

Training:

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

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

ADDITIONAL REQUIREMENTS:

Candidates must pass a P.O.S.T. level background investigation for clearance to work on Police Department Information Systems prior to appointment.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting**: frequently up to 10 pounds; occasionally up to 25 pounds. **Vision**: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity**: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking**: frequent hearing and talking, in person and on the phone. **Emotional/Psychological**: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental**: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Positions require occasional overtime or weekend work and the ability to travel.

Class Spec History	
Adopted	8/04
Revised	12/08, 4/13
Retitled	6/13 From Principal

	Systems Engineer
BU	Mgt/Conf NS

AMENDED exhibit A
on June 10, 2014
By Resolution 2014-226

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-220

RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2008-683 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. 2008-683, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2008-683. Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes," attached to Resolution No. 2008-683, 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 11, 2013," 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. Deletes the Police Facilities Coordinator from salary range 425
2. Changes the salary range for Risk and Loss Control Coordinator from salary range 431 to salary range 437
3. Changes the salary range for Environmental and Water Quality Laboratory Supervisor from salary range 436 to the new title of Laboratory Supervisor at salary range 438
4. Changes the salary range for Environmental Services Supervisor from salary range 436 to salary range 438
5. Changes the salary range Environmental Regulatory Compliance Administrator from salary range 440 to the new title of Environmental Regulatory Compliance Manager at salary range 442

6. Changes the salary range for Park Planning and Development Manager from salary range 441 to salary range 440

7. Changes the salary range for Wastewater Collections Manager from salary range 441to salary range 442

8. Changes the title of Principal Systems Engineer to Principal Information Technology Administrator at salary range 442

9. Deletes the Principal Software Analyst from salary range 442

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after June 18, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Attorney

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **June 18, 2013**

RANGE	TITLE
407	Administrative Office Assistant II (Confidential)
411	Administrative Office Assistant III (Confidential)
412	Police Clerk II (Confidential)
414	Legal Secretary I
415	Administrative Services Technician I (Confidential) Senior Administrative Office Assistant (Confidential)
418	Legal Secretary II Systems Technician I
419	Administrative Services Technician II (Confidential) Workers' Compensation Claims Assistant
420	Deputy City Clerk Employee Benefits Coordinator Executive Assistant Senior Legal Secretary
422	Office Supervisor Systems Technician II Workers' Compensation Claims Examiner I
423	Custodian Supervisor Parking Services Supervisor
424	Buyer
425	Parking Adjudication Program Coordinator ~~Parking Facilities Coordinator~~
426	Assistant Planner Central Stores Supervisor Financial Analyst I Senior Systems Technician

Exhibit A

RANGE	TITLE
427	Administrative Analyst I
	Animal Control Supervisor
	Human Resources Analyst I
	Police Civilian Supervisor
	Technology Solutions Analyst I
	Workers' Compensation Claims Examiner II
428	Assistant City Clerk
430	Associate Planner
	Financial Analyst II
	Senior Buyer
	Software Analyst I
	Systems Engineer I
431	Administrative Analyst II
	Events Coordinator
	Human Resources Analyst II
	~~Risk and Loss Control Coordinator~~
	Senior Workers' Compensation Claims Examiner
	Technology Solutions Analyst II
432	Compost Facility Supervisor
	Junior Engineer
	Neighborhood Preservation Supervisor
	Operations Supervisor
	Parks Project Coordinator
	Recreation Supervisor
	Senior Crime and Intelligence Analyst
	Wastewater Collection Systems Supervisor
	Water Quality Control Plant Maintenance Supervisor
433	Water Resources Analyst
434	Customer Services Supervisor
	Financial Analyst III
	Recycling Program Coordinator
	Senior Community Development Program Specialist
	Software Analyst II
	Systems Engineer II

RANGE	TITLE
435	Assistant Transportation Planner
	Business Analyst
	Cultural Services Program Manager
	Emergency Medical Services Coordinator
	Management Analyst
	Organizational Development Coordinator
	Public Information Coordinator
	Transit Analyst
	Weed and Seed Program Coordinator
436	Assistant Engineer
	Deputy Fire Marshal
	Electrical Supervisor
	~~Environmental and Water Quality Laboratory Supervisor~~
	~~Environmental Services Supervisor~~
	Housing Rehabilitation Supervisor
	Senior Planner
437	**Risk and Loss Control Coordinator**
	Senior Human Resources Analyst
438	Associate Land Surveyor
	Environmental Services Supervisor
	Integrated Waste Specialist
	Laboratory Supervisor
	Property Agent
	Public Safety Business Services Analyst
	Senior Financial Analyst
	Senior Software Analyst
	Senior Systems Engineer
	Water Distribution and Production Supervisor
	Modesto Regional Fire Authority Finance Manager
439	Administrative Services Officer
	Associate Transportation Planner
	Senior Business Analyst
440	Associate Engineer
	~~Environmental Regulatory Compliance Administrator~~
	Park Planning and Development Manager
	Recreation Program Manager
	Water Quality Control Operations Supervisor

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RANGE	TITLE

RANGE	TITLE
441	Housing and Urban Development Manager
	Infrastructure Financing Program Administrator
	~~Parks Planning and Development Manager~~
	Streets Manager
	~~Wastewater Collections Manager~~
442	Budget and Financial Analysis Manager
	Centre Plaza Manager
	Construction Inspection Supervisor
	Customer Services Manager
	Environmental and Regulatory Compliance Manager
	Information Technology Administrator
	Principal Accountant
	~~Principal Softwart Analyst~~
	~~Principal Systems Engineer~~
	Purchasing Manager
	Wastewater Collections Manager
443	Associate Civil/Traffic Engineer
	Senior Transportation Planner
444	Airport Manager
	Building Inspection Program Coordinator
	Building Inspection Supervisor
	Fleet Manager
	Principal Planner
	Solid Waste Program Manager
	Transit Manager
446	Assistant Chief Building Official
	Information Technology Manager
	Water Quality Control Plant Manager
	Principal Information Technology Administrator
447	Traffic Operations Engineer
	Water Systems Manager

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RANGE	TITLE
450	Business Development Manager Chief Building Official Planning Manager Senior Civil Engineer
451	Parks Recreation & Neighborhoods Operations Manager
452	City Engineer Traffic Engineer

AMENDED DUE TO CLERICAL ERROR

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-221

AMENDED exhibit A
on June 10, 2014
By Resolution 2014-227

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2013-80 TO AMEND THE CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO DELETE THE CLASSIFICATION OF DEPUTY CHIEF INFORMATION OFFICER AT SALARY RANGE 2452 AND TO CHANGE THE RISK MANAGER FROM SALARY RANGE 2444 TO SALARY RANGE 2439

WHEREAS, Council desires to amend Exhibit "A" of Resolution No. 2013-80, which approved the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes, effective July 2, 2013,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2013-80. Exhibit "A" entitled, "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-Sworn Classes Effective July 2, 2013, is hereby amended as shown on Exhibit "A" entitled, "City of Modesto Class Range Table Unrepresented Management and Confidential Non-Sworn Classes, Effective July 2, 2013," which is **attached** hereto and made part hereof as though set forth in full herein. Said amended **Exhibit "A"** amends the Class Range Table as follows:

1. Deletes the Deputy Chief Information Officer from salary range 2452
2. Changes the Risk Manager from salary range 2444 to salary range 2439

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after July 2, 2013.

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **July 2, 2013**

RANGE	TITLE
2420	Executive Assistant
2422	Office Supervisor - Personnel
2425	Executive Assistant to the City Council Executive Assistant to the City Manager Paralegal
2427	Legal Services Administrator
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager Employee Relations Coordinator **Risk Manager**
2444	Deputy City Attorney I ~~Risk Manager~~
2448	Deputy City Attorney II
2452	~~Deputy Chief Information Officer~~ 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

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-222

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 13/14 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 11, 2013, as part of the Annual Budget of the City of Modesto for Fiscal Year 2013-2014, and

WHEREAS, the Human Resources staff recently completed a classification study of several positions, due to changes in the level of their work assignments, and

WHEREAS, the Human Resources Director concluded that the assigned duties and responsibilities of these four positions exceeded the essential functions of their current classification and recommended re-allocation to a higher level, and

WHEREAS, the Risk Management Administration Division has identified the need for one 0.5 Administrative Office Assistant III, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation for Fiscal Year 2013-14 as follows:

1. Finance Department to delete two Accounting Technician allocations in Cost Center 12110; to add one Financial Analyst I/II allocation to Cost Center 12110, and to add one Account Clerk II allocation to Cost Center 12110;
2. Parks, Recreation and Neighborhoods Department to reallocate one Parks Project Coordinator at salary range 432 to Park Planning and Development Manager at salary range 440 in Cost Center 32020;
3. Information Technology Department to reallocate the Principal Software Analyst at salary range 442 to Information Technology Manager at salary range 446 in Cost Center 07210;
4. Utility Planning and Projects Department to reallocate the Senior Administrative Office Assistant-Confidential at salary range 415 to Administrative Services Technician II-Confidential at salary range 419 in Cost Center 42300;
5. Human Resources Department to add one 0.5 Administrative Office Assistant III at salary range 111 in cost center 03310.

This resolution shall become effective on and after June 18, 2013.

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-223

RESOLUTION ACCEPTING THE WORK BY CERTIFIED COATING COMPANY FOR THE "CLARIFIER COATING REHABILITATION PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $317,362

WHEREAS, a report has been filed by the Director of Public Works that the Clarifier Coating Rehabilitation Project has been completed by Certified Coating Company, in accordance with the contract dated February 28, 2013 in the amount of $317,362.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Clarifier Coating Rehabilitation Project is hereby accepted as complete from said contractor, Certified Coating Company, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond and that payment of amounts totaling $317,362 is authorized as provided in 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 June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-224

RESOLUTION ACCEPTING THE WORK BY SOCAL PACIFIC CONSTRUCTION CORPORATION FOR THE "SANITARY LIFT STATION LINING REHABILITATION PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $173,719

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Sanitary Lift Station Lining Rehabilitation Project has been completed by Socal Pacific Construction Corporation, in accordance with the contract agreement dated December 11, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sanitary Lift Station Lining Rehabilitation Project is hereby accepted as complete from said contractor, Socal Pacific Construction Corporation, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $173,719 is authorized as provided in 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 June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Burnside, Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

RESCINDED

JUN - 3 2014

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2014-207

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-225

RESOLUTION APPROVING ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE COLLECTION SERVICES, TO BECOME EFFECTIVE JULY 1, 2013, AND RESCINDING RESOLUTION NO. 2012-267

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 a 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 adjustment into the schedule of

Maximum Charges for Garbage Service **attached** hereto, marked **Exhibit** "1" 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 increase in the current base disposal fee at the facility from $22 per ton to $32 per ton with an annual escalator, and

WHEREAS, in addition to the base tip fee, there are also AB 939 ($3 per ton) and Household Hazardous Waste ($3 per ton) program fees, and scale house and administrative costs ($1.00 per ton), that need to be incorporated into the disposal fee at the facility, and

WHEREAS, when those fees and annual escalator are added to the base disposal fee, the new disposal fee would be $39.29 per ton, an $11.29 per ton increase from the current disposal fee of $28 per ton, and

WHEREAS, this $11.29 per ton increase equates to an increase of $1.45 per month on residential rates and $0.49 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, on November 25, 2008, by Resolution No. 2008-650, the Council approved the assessment of an AB 939 Green Waste Diversion fee that would be assessed on a per ton basis on residential, commercial bin, and drop box wastes generated in the City of Modesto, and

WHEREAS, on June 26, 2012 the Council approved increasing the fee on wastes from residential sources be to $1.93 per month, the fee on wastes from commercial bins to $3.46 per cubic yard per month, and the fee on wastes from industrial bins to $8.72 per ton in order to fully fund the purchase of green waste collection equipment that complies with the California Air Resources Board's (CARB) emissions regulations by FY 2014-2015, and

WHEREAS, the above noted fees and charges to the collection companies have been incorporated into the recommended schedules of maximum rates shown as **Exhibit** 1 hereto, and

WHEREAS, a report dated May 26, 2013, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on June 11, 2013, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto California, at which date and time a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, 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.

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 **Exhibit** "1" and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective July 1, 2013, and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2012-267 is hereby rescinded, effective July 1, 2013.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT "1"
July 1, 2013

MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Maximum Monthly Rates
(Once a Week Pickup Service)

Standard container service shall include the following:

- One, 96-gallon container for garbage
- One, 96-gallon container for green waste, food, paper, and other organics
- Countertop container for kitchen scraps
- Drop-off of old TV and computer tubes
- Two bulky item collections per year by appointment
- Pruned Refuse Collection

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 **$27.34 per month** regardless of size of container. A fuel component of $1.35 per month is included in the maximum rate for the quarter beginning July 1, 2013 and ending September 30, 2013. The fuel component may be adjusted quarterly.

b. The maximum rate for each additional garbage container shall be **$20.28 per month, and $10.27 per month** for each additional green waste 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 **$22.87 per month**. A fuel component of $1.35 per month is included in the maximum rate for the quarter beginning July 1, 2013 and ending September 30, 2013. The fuel component may be adjusted quarterly.

b. The maximum rate for each additional 60-gallon garbage container shall be **$19.78 per month.**

3. Fuel Component adjustments - 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 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	$30.26	$60.52	$90.78	$121.04	$151.30	$181.56
2 CY	$60.52	$121.04	$181.56	$242.08	$302.60	$363.12
3 CY	$90.78	$181.56	$272.34	$363.12	$453.90	$544.68
4 CY	$121.04	$242.08	$363.12	$484.16	$605.20	$726.24
5 CY	$151.30	$302.60	$453.90	$605.20	$756.50	$907.80
6 CY	$181.56	$363.12	$544.68	$726.24	$907.80	$1,089.36

	FORK Participants Container Maximum Rates					
Container	NUMBER OF COLLECTIONS PER WEEK					
Size	1	2	3	4	5	6
2 CY	$45.39	$90.78	$136.17	$181.56	$226.95	$272.34
3 CY	$68.09	$136.17	$204.26	$272.34	$340.43	$408.51
4 CY	$90.78	$181.56	$272.34	$363.12	$453.90	$544.68
5 CY	$113.48	$226.95	$340.43	$453.90	$567.38	$680.85
6 CY	$136.17	$272.34	$408.51	$544.68	$680.85	$817.02
90-gallon	$20.51	$41.01	$61.52	$82.02	$102.53	$123.03

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

2. **Fuel Component** - A fuel component of $1.18 per cubic yard per month ($0.27 per cubic yard) for a 1 cubic yard container collected once a week is included in the maximum rate for the quarter beginning July 1, 2013 and ending September 30, 2013. 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 $8.72 per ton will be added to the disposal charges.

COMPACTORS

Front Loader Type:

Compactor Rates						
Container Size	**NUMBER OF COLLECTIONS PER WEEK**					
	1	**2**	**3**	**4**	**5**	**6**
3 CY	**$272.34**	**$544.68**	**$817.02**	**$1,089.36**	**$1,361.70**	**$1,634.04**
4 CY	**$363.12**	**$726.24**	**$1,089.36**	**$1,452.48**	**$1,815.60**	**$2,178.72**

Roll-Off Types:

1. **6 CY to 40 CY** — $248.22 per pickup
2. **Medical waste compactors** — $265.00 per pickup
3. **Washing compactor** — $30.00
4. **Disposal Charge:** — Actual charge to be paid by customer
5. **AB 939 Green Waste Diversion Fee** — $8.72 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 $0.15 per month residential litter abatement fee, and a $0.05 per cubic yard ($0.22/cubic yard/month) commercial litter abatement fee.
2. The above residential maximum rates include a $1.93 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 $3.46 per yard/month.
4. The above maximum rates include Carpenter Road Landfill Mitigation Fees of $0.25 per month on residential wastes, $0.21 per cubic yard ($0.90/cubic yard/month) on commercial wastes; and $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.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-226

A RESOLUTION APPROVING BUDGET GOALS AND BUDGET PRINCIPLES AS OUTLINED IN THE MAYOR'S BUDGET MESSAGE AND RECOMMENDED BY THE CITY COUNCIL FINANCE COMMITTEE AS PART OF THE FY 2013-2014 BUDGET DEVELOPMENT PROCESS

WHEREAS, as part of the Mayor's Proposed Budget for FY 2013-2014, the Mayor included Proposed Budget Goals and Budget Principles for the Council's consideration, and

WHEREAS, each year the City Council's Finance Committee makes recommendations regarding the upcoming Fiscal Year operating budget and capital improvement program, and

WHEREAS, in the development of the FY 2013-2014 operating budget, the Finance Committee reviewed and recommended for City Council consideration the **attached** Proposed Budget Goals and Budget Principles,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Proposed Budget Goals and Budget Principles as shown in **Attachments 4** and **5**, which are incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Mayor Garrad Marsh
City of Modesto
1010 Tenth Street, Suite 6200
Modesto, CA 95354
gmarsh@modestogov.com

May 20, 2013

To the Members of the Finance Committee, the City Council and the Citizens of Modesto:

It is my privilege to present to you the Proposed Fiscal Year 2013-14 (FY13-14) Budget for the City of Modesto. The Proposed Budget is in response to the continued fiscal challenges faced by the City. It reflects decisions made in a coordinated effort between the City staff, the City Manager and myself and is guided by the policy and priority direction of the City Council.

Mayor's Recommendation

I recommend that the Finance Committee forward to the City Council for adoption the Proposed Budget for Fiscal Year 2013-14.

Introduction and Background

Modesto's glass is half full. The financial crisis we have faced in recent years is passing and the City has been responsible stewards of our financial resources. Fortunately, we are in much better financial condition than some of our neighboring cities in the Central Valley. This is largely due to our historically conservative approach to fiscal matters and the solid financial policies adopted by the Council. We have a diverse revenue base and sufficient reserves that enable us to provide a minimal level of essential programs and services to our residents for another year.

However, Modesto's glass is half empty. Minimal service levels are not enough. Our citizens expect and deserve more. Our community cannot shine brightly while police officers struggle to respond to routine calls and fire services are fully committed leaving no margin of safety. Our roads need work, our beautiful urban forest continues to be plagued by mistletoe and neglect, children cannot enjoy splash pads at certain parks because they have been vandalized and we cannot afford to repair them. I have not been able to allocate funds for economic development as I planned in my 2013 State of the City Address. We have weathered a severe financial storm and are treading water, but barely. Now is the time we must be proactive and strategic in planning for the future and how best to provide quality levels of service to our community.

One of the first challenges I faced in 2012 as the newly-elected Mayor of Modesto was to tackle the FY12-13 budget. As I took office, the worst of the effects of the recession had eased and the Central Valley had begun to show signs of recovery. Those signs have continued over the last 12 months; however, it has become clear that recovery will indeed be slow. Economic indicators continue to be nearly flat with gradual revenue increases, which is good news. The bad news is that General Fund expenditures continue to rise at pace that exceeds our revenue growth despite permanent reductions and labor concessions made by City staff. The result was a preliminary projected General Fund deficit of $11.8 million for FY13-14.

Over the last three months, the City Manager and I have met with all departments, as well as Modesto Regional Fire Authority staff, to review service levels and the needs of our community. Parameters were established to ensure essential services are maintained at minimally acceptable levels. In order to be good stewards of Modesto's finances, the proposed budget works to protect the current and future viability of our community and reflects the values and priorities of our City and its people.

The proposed budget also aligns with the City Council's financial policy to maintain a minimum of $7 million in unreserved General Fund balance. This unreserved General Fund balance is established by our bond requirements and represents money that would be used as our contingency fund. It is also the absolute minimum amount Modesto must maintain. Prudent financial management requires this amount be $2-3 million higher and is a goal I have for this City, once we realign expenditures with revenues. Modesto has not and will not draw down this reserve below $7 million as a means to balance our budget.

In order to balance the FY13-14 General Fund operating budget, I have combined the use of one-time funding and department reductions. As of the printing of this document, I am recommending the use of fund balance carryover of $6.4 million to help balance our FY13-14 budget. This amount is in excess of our minimum $7 million reserve requirement. Additionally, I propose reduced funding to our Internal Service Funds (ISFs) by $3.5 million. Budgeted allocations for our Workers' Compensation and Employee Benefits Funds will not cover our pay-go expenditures in FY13-14 and will result in a reduction of reserves in those funds to approximately $5.6 million. Finally, this budget requires department reductions of $1.9 million, primarily to be achieved through salary savings from position vacancies and overtime reductions in the Police Department.

At the end of FY11-12, I recommended to Council a series of budget adjustments to use unanticipated savings that occurred at the end of the fiscal year to augment amounts to be transferred to the Workers' Compensation Fund. This practice replenished the balance of this Fund, which also has allowed us to again reduce our annual contribution to that Fund in FY13-14. It is my intention to continue this practice at the end of FY12-13. I intend to use any significant unanticipated savings at the end of FY12-13 to replenish the Workers' Compensation and Employee Benefits Funds and restore their depleting fund balances.

Overview of the Mayor's Proposed Budget

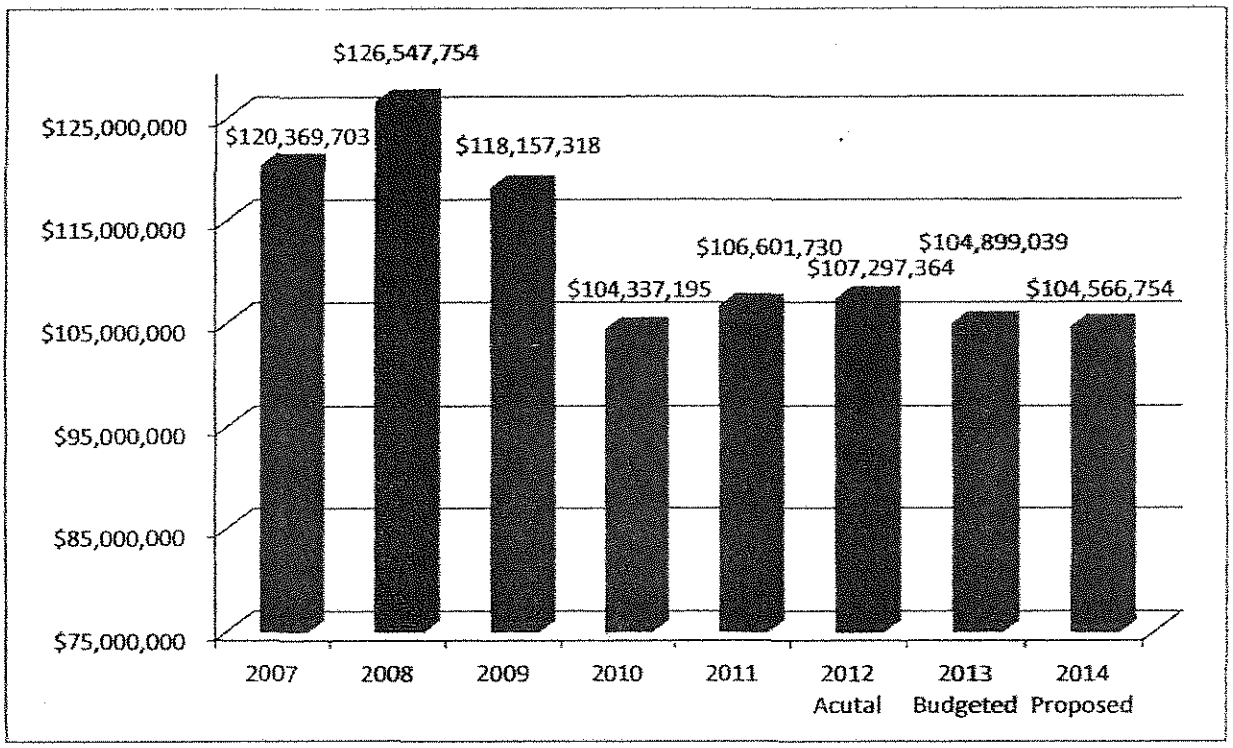
The total City of Modesto operating expense budget for all funds, including certain Joint Power Authorities, for FY13-14 is $344 million. There are three major funds within the City's budget: General, Water and Wastewater. There are also a number of smaller funds; examples include the Golf Fund, Modesto Centre Plaza, Storm Drainage and Airport Funds.

The General Fund has experienced the most dramatic decline while the Water and Wastewater Funds have remained relatively stable. This budget message summarizes information for these three funds. During the Finance Committee Workshops more information will be provided on all funds.

The General Fund Numbers

In FY07-08, the City took in $126.5 million in General Fund revenues (including transfers in from other funds). Since that time, this amount has declined. For FY13-14, it is projected that General Fund revenues will be $104.6 million and still approximately 17% below FY07-08 amounts.

As mentioned earlier and as shown in the chart below, revenues are anticipated to remain relatively flat in FY13-14:

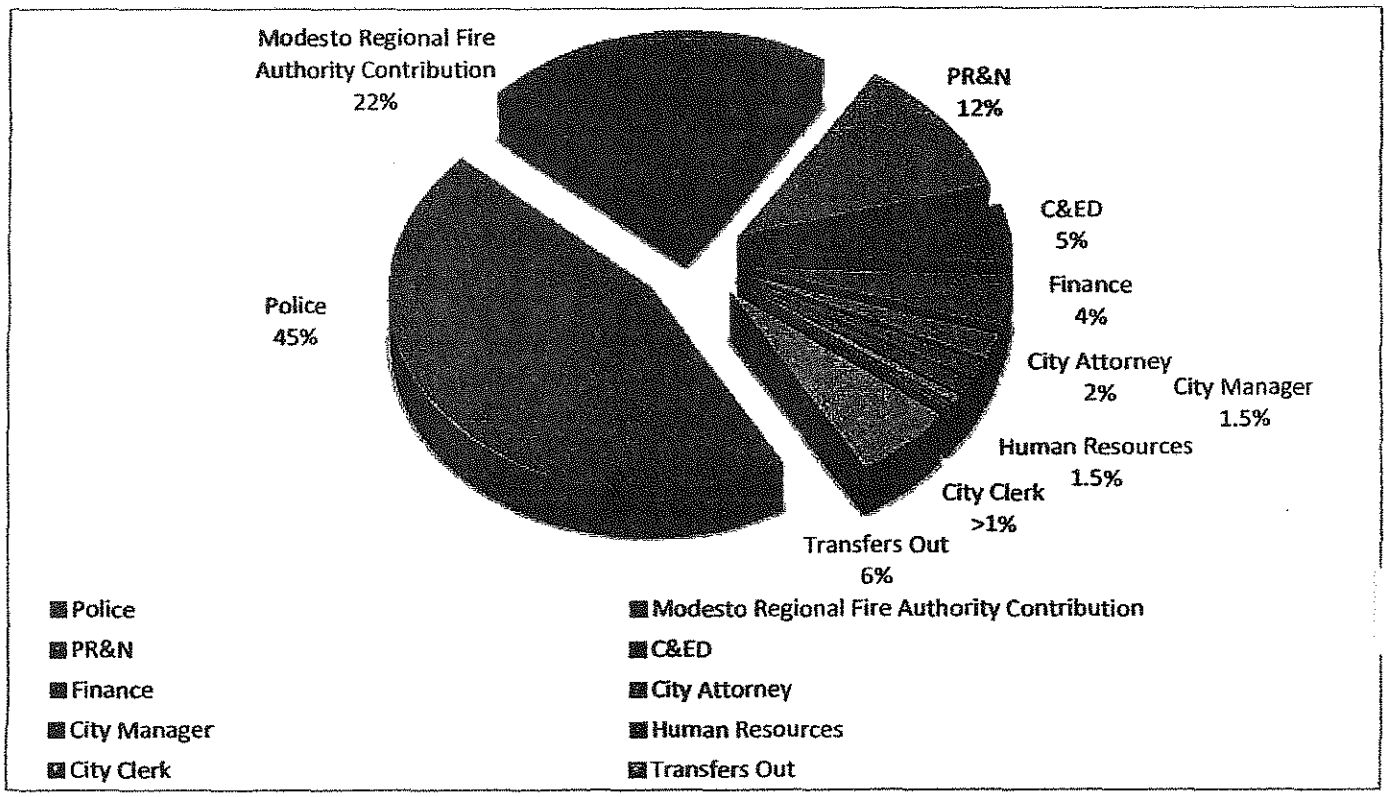


General Fund Major Sources of Revenues

Equally important to revenues are expenditures. The City of Modesto still faces significant challenges in this area. Expenditures have continued to increase at a faster pace than our revenues; thus, causing an imbalance in the City's budget. Total General Fund expenditures in the Proposed Budget are $111.2 million. Despite significant concessions from many of our labor groups, GATB funding of compensation packages represents the greatest financial challenge we currently face. Retiree health funding has been stabilized and ongoing negotiations should result in substantial actuarial improvement.

The following chart summarizes General Fund expenditures by department. It is clear that public safety comprises two-thirds of the budget with the Police Department being the largest department within the General Fund. Public safety is our number one priority, but there are also other essential and quality of life services that need to be provided in complement to public safety. The City will spend approximately $74 million in FY13-14 to provide public safety services to our community.

General Fund Expenditures by Department



As the budget is reviewed, the following questions are asked about City programs and services:

- Is the service essential and who does it serve?
- Does it serve Modesto residents' greatest needs?
- Can we do it better and at less cost?
- Are there others who provide the service with whom we can partner to reduce costs and improve effectiveness?
- What are the long-term benefits of continuing the program or spending level?

These are questions that need to be asked not only in difficult financial times, but each year as we evaluate our performance and the ways in which we allocate funding.

The following information provides you with a quick summary of the City's major funds and the impacts of the Proposed Budget:

General Fund

As previously mentioned, total General Fund revenues for FY13-14 are anticipated to be $104 million and total expenditures are $111.2 million. In the coming fiscal year, it is proposed that we spend approximately 67% of the City's General Fund on public safety – police and fire services – which leaves

33% to be strategically budgeted to preserve other essential, general government and quality of life services.

I would like to note that my Proposed Budget provides funding for essential services in the community. However, all of these areas are still underfunded and at low service levels. Some areas where we prioritized spending and allocated new revenues include:

- $49.6 million, or $896,000 above prior year amounts, will be allocated to Modesto Police Department. This increase will primarily be used to maintain 11 police officers that were funded from grant funds in past years. In FY13-14, the grant was complete and the City was no longer required to keep these officers. However, since they provide essential services to protect this community, I ensured that there was money allocated to maintain these officers on our streets.
- $24.6 million will be contributed to the Modesto Regional Fire Authority. This is approximately $121,000 more than prior fiscal year amounts and ensures that essential fire services are provided to our residents at levels consistent with last year.

It is critically important to keep an eye on the true severity of our financial situation. Police and Fire services are vital expenditures to our community and absorb almost all of the revenue gains in FY13-14. This did not leave any new resources for improving our roads and parks, expediting our mistletoe abatement activities, hiring new employees to focus on economic development or bringing new jobs to Modesto.

- I could not allocate $500,000 to economic development as I had hoped. We are still simply treading water in many critical services areas.
- We cannot fund critical capital needs with our existing revenue streams.
- We do not have the resources to replace a fire station downtown that is in severe disrepair or replace aging fire engines.
- We cannot build our operating reserves by $3 million to levels dictated by prudent financial management policies.
- We cannot fund vital elements of our new Strategic Plan.
- We cannot repair our sidewalks.
- We cannot maintain police and fire response times on par with national and state levels.
- We cannot water, fertilize and aerate our parks or protect them from vandals.
- We cannot plan for succession planning of our aging workforce or ensure adequate staffing in key support areas such as the City Attorney's Office.

More alarming to me is the $11.8 structural shortfall in the FY13-14 budget. This shortfall occurred despite labor concessions from many of our labor groups and permanent reductions in staffing levels. These concessions include permanent 5% pay reductions for existing employees as well as pension and retiree medical reform for new employees.

As I previously mentioned, this structural shortfall was closed with approximately $9 million of one-time money and clearly can't be sustained into the future. However, the alternatives to using our "savings accounts" were unacceptable to me and involved drastic reductions in services to this community. Making $9 million of permanent reductions to the General Fund would equate to eliminating an additional 90 employees. Reductions of this magnitude would be felt by every citizen and would involve a major reengineering of City services. The quality of life in this reengineered City would not be what I

envisioned for our citizens. Therefore, I chose instead to rely once more on one-time money in order to buy more time for revenues to realign with our expenditures.

Wastewater Fund

Wastewater Fund revenues come from monthly service charges to residents at rates established by the City Council. Total revenue for FY 13-14 is estimated to be $48.4 million including a planned rate increase of 6% that will take effect July 1, 2013. This rate increase will be used to pay debt service costs.

Wastewater Capital Improvement Program expenses from FY 13-14 are projected to be $64 million and are in addition to the annual operating and debt service expenses. These expenses include the third of four years' construction costs for the Wastewater Tertiary Phase 2 Treatment Plant which is anticipated to cost $128 million and will enable the City to comply with its new National Pollutant Discharge Elimination Permit (NPDES) in FY 2016. The City has secured a State Revolving Fund low interest rate loan to fund the majority of the construction costs of this project.

The Wastewater Fund provides wastewater services to customers in the Cities of Modesto, Empire and a portion of Ceres. This service area equates to over 200,000 residents. The system consists of approximately 70 miles of trunk lines, 670 miles of sanitary lines and 40 wastewater lift stations. Wastewater is treated at the Sutter Primary Treatment Plant and the Jennings Secondary Treatment Plant.

Water Fund

The City's collects monthly service charges from the residents within our service area, which represent the primary source of revenues for the Fund. For FY13-14, revenues are projected to be $56 million with an anticipated inflationary rate increase of 2.3%.

The capital replacement program for the water utility system in FY13-14 is projected to be $19.9 million and includes major capital projects for downstream improvements related to Modesto Regional Water Treatment Plant - Phase 2 Expansion (MRWTP), the strengthening and replacement of various components of the water system, state-mandated water meter installation and wellhead treatment. These projects are funded through the existing revenue stream generated from monthly service charges.

The FY13-14 Water Fund budget does not have any capital expenditures related to the MRWTP, which historically have been paid for by the Modesto Irrigation District (MID) and funded through long-term financing by MID and the City under a treatment and delivery project. Soon after taking the office of Mayor, I faced the significant challenge of resolving disputes related to this plant. Due to significant construction deficiencies, the MRWTP remains nonoperational with most of the long-term financing depleted. Over the last year, Councilmember Cogdill and I have been engaged in negotiations with MID to find a cost-effective solution to this situation. I am happy to say that MID and the City have reached settlement agreements with the parties responsible for the deficiencies. We have also reached agreement with MID on several significant construction issues and work on the new plant has recommenced. There are still several issues to be resolved and we continue to discuss cost impacts with MID. I am hopeful that MID and the City will find a mutually agreeable solution to these issues prior to the plant's completion.

The City provides drinking water to residents in the areas of Modesto, Empire, Salida, Waterford, Hickman, Grayson, Del Rio, parts of Ceres and Turlock, and County areas adjacent to the City system equating to approximately 250,000 residents. Water Fund expenses for its day-to-day operations includes employee salaries, chemicals for treating water, power for pumping water and water purchases.

Closing Remarks

I would like to thank those responsible for the preparation of this year's proposed budget. This document represents a tremendous amount of work by the City's department directors and key members of their staff. Special thanks go to the City's budget staff, which spent countless hours developing this budget into a single working document. I would also like to thank the City Manager, Deputy City Manager and City Council for their leadership throughout this process.

I am recommending that the Finance Committee forward my Proposed FY13-14 budget to the full City Council for approval. I believe the Finance Committee, City Council and City Management have more to do. We must strategically attack our funding issues. We need to be creative in looking at our problems and finding new solutions. One of the greatest inventors of our lifetime said, *"Creativity is just connecting things. When you ask creative people how they did something, they feel a little guilty because they didn't really do it, they just saw something. It seemed obvious to them after a while."– Steve Jobs.* Together, let's look for the obvious and find creative ways to expand revenues, deliver services, and better meet the community's needs!

Sincerely,

Garrad Marsh
Mayor, City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-227

A RESOLUTION AMENDING THE FY 2013-2014 POSITION ALLOCATION TO MODIFY THE POSITION ALLOCATION FOR PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT FOR ITS RE-ORGANIZATION AS PART OF THE ADDENDUM TO THE FY 2013-2014 CITY OF MODESTO OPERATING BUDGET SHOWN IN EXHIBIT 5

WHEREAS, Parks, Recreation and Neighborhoods has identified the need for a departmental re-organization, which has been approved as part of the Mayor's Proposed Budget and moved on to City Council for approval, and

WHEREAS, this departmental re-organization requires multiple amendments to position allocation which are detailed in **Exhibit** 5 numbers 3 through 15, and

WHEREAS, the budgetary changes have been accounted for in the Fiscal Year 2013-2014 City of Modesto Operating Budgets, and

WHEREAS, none of these positions were included as part of the position allocation document presented in the Mayor's Proposed Budget for Fiscal Year 2013-2014, but are identified as part of the Proposed Operating Budget Addendum for Fiscal Year 2013-2014 (**Exhibit** 5),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation to make the modifications to the Fiscal Year 2013-2014 Parks, Recreation and Neighborhoods position allocation to carry out its departmental re-organization.

BE IT FURTHER RESOLVED that the Director of Human Resources, or his 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 June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Fiscal Year 2013-14
Proposed Operating Budget Addendum

1. Amend the operating budget to add funding for one new .50 Administrative Office Assistant III to Risk Management Administration (5310-03310). The salary for this new position will be approved at $22,692 and benefits of $9,077. The existing part-time salary budget in cost center 03310 will be decreased by $19,020.

2. Amend the operating budget to move the Information Technology rate holiday reduction in revenues of $500,001 from cost center 07410-Network Data Center to cost center 07510-Technology and Equipment Replacement.

3. Amend the position allocation to add one (1.0) new Maintenance Worker II to PRN Mary E. Grogan Community Park (0100-35160) and amend the budget to add $209,000 in expenditure and revenues as part of the Parks, Recreation and Neighborhoods Re-organization.

4. Amend the position allocation to reduce one (1.0) Recreation Program Manager and add one (1.0) Recreation Supervisor II to PRN Recreation Administration (0100-33030) as part of the Parks, Recreation and Neighborhoods Re-organization. The budgets have been adjusted as part of Mayor's Proposed Budget.

5. Amend the position allocation to reduce one (1.0) Recreation Coordinator in PRN Sports and Aquatics Services (0100-33130) as part of the Parks, Recreation and Neighborhoods Re-organization. The budgets have been adjusted as part of Mayor's Proposed Budget.

6. Amend the position allocation to reduce one (1.0) Operations Crew Leader and add one (1.0) Building Maintenance Technician to PRN City 10th Street Place JPA Operations Services (5810-36010) as part of the Parks, Recreation and Neighborhoods Re-organization. The existing salary budget in cost center 36010 will be decreased by $7,664.

7. Amend the position allocation to add one (1.0) Maintenance Worker II to PRN City 10th Street Place JPA Operations Services (5810-36010) as part of the Parks, Recreation and Neighborhoods Re-organization. The existing salary budget in cost center 36010 will be increased by $7,618.

8. Amend the position allocation to add one (1.0) Maintenance Worker II to PRN Graffiti Abatement (0100-35170) as part of the Parks, Recreation and Neighborhoods Re-organization. The budgets have been adjusted as part of Mayor's Proposed Budget.

9. Amend the position allocation to reduce one (0.8) Administrative Analyst II and add one (0.8) Management Analyst to PRN Building Administration (5800-35120) as part of the Parks, Recreation and Neighborhoods Re-organization. The existing salary budget in cost center 35120 will be increased by $8,000 which will be offset by an increase to Direct Charge revenue in the same amount.

10. Amend the position allocation to reduce one (1.0) Housing Finance Specialist and add one (1.0) Administrative Analyst II to PRN CDBG Housing Rehabilitation (1130-38400) as part of the Parks, Recreation and Neighborhoods Re-organization. The existing salary budget in cost center 38400 will be decreased by $1,835.

11. Amend the position allocation to reduce one (1.0) Senior Administrative Office Assistant (Conf) and add one (1.0) Administrative Office Assistant II to PRN Historical Properties (0100-34110) as part of the Parks, Recreation and Neighborhoods Re-organization. The budgets have been adjusted as part of Mayor's Proposed Budget.

12. Amend the position allocation to increase the allocation for one (0.75) Exhibits Coordinator to one (1.0) Exhibits Coordinator in PRN Historical Properties (0100-34110) as part of the Parks, Recreation and Neighborhoods Re-organization. The budgets have been adjusted as part of Mayor's Proposed Budget.

13. Amend the position allocation to add one (1.0) Community Forestry Operations Supervisor to PRN Community Forestry (0100-35010) as part of the Parks, Recreation and Neighborhoods Re-organization. The budgets have been adjusted as part of Mayor's Proposed Budget.

14. Amend the position allocation to add one (1.0) Administrative Office Assistant I to PRN Solid Waste Management (4891-37025) as part of the Parks, Recreation and Neighborhoods Re-organization. The existing salary and benefit budget in cost center 37025 will be increased by $45,076.

15. Amend the position allocation to reduce one (1.0) Parks Project Coordinator and add one (1.0) Parks Planning and Development Manager to PRN - Parks

Planning and Development (0100-32020) as part of the Parks, Recreation and Neighborhoods Re-organization. The budgets have been adjusted as part of Mayor's Proposed Budget.

16. Amend the operating budget in PRN HUD/RDA Housing Administration (1130-38100) to unfund the HUD Manager position for Fiscal Year 2013-2014. The position allocation will not be removed through this action just the funding for the position as it is currently vacant. The existing salary and benefit expenses will be decreased in cost center 38100 by $104,521.

17. Amend the operating budget to increase the transfer out from the Solid Waste Fund to the General Fund in the amount of $570,983. A portion of this transfer will be used to completely fund the increased costs of the additional Community Forestry Operations Supervisor in PRN Community Forestry (0100-35010).

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-228

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S TRANSPORTATION DEVELOPMENT ACT TRANSIT CLAIM FOR FISCAL YEAR 2013 - 2014 TO THE STANISLAUS COUNCIL OF GOVERNMENTS IN THE AMOUNT OF $7,286,725

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 Articles 4 and 8 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2013-2014 pursuant to these sections of the California PUC, and

WHEREAS, the City's Transit TDA Claim for Fiscal Year 2013-2014 is $7,286,725 and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2013-2014 is $16,670,632 and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99261 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 2013-2014 to StanCOG in the amount of $7,286,725.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-229

RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DONALD BORGWARDT FROM THE HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, Don Borgwardt was appointed a member of the Housing Rehabilitation Loan Committee on March 24, 2009, and

WHEREAS, Don Borgwardt has tendered his resignation from the Housing Rehabilitation Loan Committee, and

NOW, THERFORE, BE IT RESOLVED that the resignation of Don Borgwardt from the Housing Rehabilitation Loan Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of the City, hereby expresses its sincere appreciation to Don Borgwardt for his service to the community.

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 25th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-230

RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ALEXANDRA J. HOFFMANN FROM THE HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, Alexandra J. Hoffmann was appointed a member of the Housing Rehabilitation Loan Committee on January 1, 2009, and

WHEREAS, Alexandra J. Hoffmann has tendered her resignation from the Housing Rehabilitation Loan Committee, and

NOW, THERFORE, BE IT RESOLVED that the resignation of Alexandra J. Hoffmann from the Housing Rehabilitation Loan Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of the City, hereby expresses its sincere appreciation to Alexandra J. Hoffman for her service to the community.

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 25th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-231

A RESOLUTION APPROVING AN AGREEMENT FOR THE ACQUISITION OF RIGHT OF WAY FOR A PORTION OF REAL PROPERTY AT 2701 KODIAK DRIVE BETWEEN ROSELLE AVENUE AND OAKDALE ROAD AT LINCOLN OAK DRIVE, ASSESSOR'S PARCEL NUMBER 077-009-042; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS

WHEREAS, per the Village One Precise Plans #18 and #19, the City Council approved a roundabout at the Kodiak/Lincoln Oak intersection, and

WHEREAS, in order to construct this roundabout, right of way was needed from the Sylvan Union School District, and

WHEREAS, the $500 purchase of additional right of way was approved by the Sylvan Union School District on February 5, 2013, in order to accommodate the construction of a roundabout, and

WHEREAS, funding, in the amount of $500, for the Right-of-Way Acquisition for a portion of real property at 2701 Kodiak Drive between Roselle Avenue and Oakdale Road at Lincoln Oak Drive, is budgeted in the Surface Transportation Fund Traffic Engineering-Professional Services 1700-14510-53300 account, and

WHEREAS, the City Council approved the Roundabout Policy at their September 7, 2004, meeting by Resolution 2004-451.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves accepting an agreement for the acquisition of right of way for a portion of real property at 2701 Kodiak Drive between Roselle Avenue and Oakdale Road at Lincoln Oak Drive, Assessor's Parcel Number 077-009-042.

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 25th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-232

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE DEVELOPMENT OF THE AIRPORT NEIGHBORHOOD URBAN GREENING MASTER PLAN AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto supported the County of Stanislaus in its application to the State of California Urban Greening Grant Program, and

WHEREAS, the County of Stanislaus was successful in its application and was awarded a grant for the development of the Airport Neighborhood Urban Greening Master Plan, and

WHEREAS, the County of Stanislaus is desirous of having staff from the City of Modesto perform specific services as identified in **Exhibit A**, and

WHEREAS, the City of Modesto will be reimbursed on a quarterly basis for staff time spent on the project up to a total compensation of $100,004, and

WHEREAS, the City of Modesto and County of Stanislaus are desirous to complete the Airport Neighborhood Urban Greening Master Plan, and

WHEREAS, there is no additional fiscal impact to the City's General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement between the City of Modesto and the County of Stanislaus for the development of the Airport Neighborhood Urban Greening Master Plan.

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 25th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A - AIRPORT NEIGHBORHOOD URBAN GREENING MASTER PLAN SCOPE OF WORK

Element 1: *Goals and Objectives of Plan*

Overview: The first element of the Plan will allow the grant partners to review the Work Plan and formalize a summary of the goals and objectives of the Plan for inclusion in the documents. The Strategic Growth Council's definition of a healthy community will provide the framework for the goals and objectives of the Plan: To promote a sustainable Airport Neighborhood by creating a plan that meets the basic needs of all residents, ensures quality and sustainability of the environment, provides for adequate levels of economic and social development, and assures social relationships that are supportive and respectful.

Goals: To finalize the goals and objectives for inclusion in the Plan Introduction

- **Task 1:** Modesto, Stanislaus County and Tuolumne River Trust grant staff will meet to come up with a draft of the goals and objectives of the Plan
- **Task 2:** Draft of the goals and objectives will be brought before the Airport Neighborhood Collaborative for input and approval
- **Task 3:** Amend and finalize goals and objectives

Resources: City of Modesto Planning Staff, County Planning Staff, Tuolumne River Trust, City of Modesto Parks Staff, Strategic Growth Council Resource Documents, Airport Neighborhood Collaborative

Element 2: *Existing Conditions and Needs Assessment*

Overview: Analyze the baseline conditions of the Neighborhood by gathering existing data and combining it with local community knowledge. Display data in both narrative format and with mapping.

Goals: To finalize the goals and objectives for inclusion in the Plan Introduction

- **Task 1:** Gather data from the Stanislaus County RST Greenhouse gas Inventory and GIS Data project, create a Neighborhood Inventory of existing baseline conditions, including greenhouse gas levels, crime rates
- **Task 2:** Inventory existing infrastructure, including stormwater systems, sewer, water, sidewalks, lighting, landscaping, parks, alleys and MID canal laterals
- **Task 3:** Gather household demographic data from the 2010 Census, including income and poverty levels, unemployment rate, age, race, ethnicity, sex, household size, etc.
- **Task 4:** Review existing documents that assess community needs, including City of Modesto and Stanislaus County's Airport Neighborhood Revitalization Strategies and Revitalization Plans
- **Task 5:** Review baseline data included within assessments completed for the Tuolumne River, including the Tuolumne River Regional Parks Master Plan, The Lower Tuolumne River Parkway: A Framework for the Future and Habitat Restoration Plan for the Lower Tuolumne River Corridor (Restoration Plan)

- **Task 6:** Review HSA Community Health Document to draw obesity, diabetes and asthma rates in the County
- **Task 7:** Prepare draft baseline inventory narrative
- **Task 8:** Map draft baseline data
- **Task 9:** Present baseline data to the Airport Neighborhood Collaborative and Built Environment Advisory Committee
- **Task 10:** Amend and Finalize baseline inventory narrative and mapping for inclusion in the Plan

Resources: City of Modesto Planning Staff, County Planning Staff, Tuolumne River Trust, City of Modesto Parks Staff, Local and Regional Assessment Documents, Stanislaus County RST Greenhouse Gas Inventory and GIS Data, Census 2010, Airport Neighborhood Collaborative, Built Environment Advisory Committee

Element 3: ***Assessment of Storm Water Run-off System Options***

Overview: The specific intent of this element is to determine the comprehensive storm water needs for the Airport Neighborhood and to provide a strategy for upgrading storm drainage facilities. The recommended target tasks will be used for storm water run-off analysis and the development of possible solutions and recommendations for dealing with the storm run-off, including a drain system, basins/open space and/or bio-swales/green belts.

Goals: As a whole, the Plan will focus on creating solutions for reducing greenhouse gas emissions, increasing urban greening, decreasing air and water pollution, reducing the consumption of natural resources and energy, increase the reliability of local water supplies and to improve community health and public access to green spaces. As part of a multi-discipline effort, the storm drainage solution can enhance livability and sustainability through the effective use of best-management practices (BMP). BMP's can include curbless gutters that drain into native grasses which would help capture and slow down runoff and recharge groundwater, while others utilize pervious pavements to reduce urban runoff. Additionally, street trees can be an effective method of reducing urban runoff, heat island effects and as a store of carbon.

- **Task 1:** Collect Existing Records
  a. Collect and research any existing records (as-builts) that might be used to identify any existing storm water facilities.
  b. Contact all affected utility companies to collect information that will be used in determining any possible conflicts with the existing utilities.
  c. Identify any existing storm water inflow locations, and corresponding inflow rates (cfs), from adjoining land areas.
  d. Identify existing conditions and constrains related to the storm water run-off.
- **Task 2:** Hydrological Map
  a. Identify and define target area for the storm system feasibility study.
  b. Conduct a topographical survey to gather relevant information that will be used for defining the water shed area (hydrological contributory area). The water shed area will be used for determining storm water system demands. This task shall produce drainage maps and identify any inflow locations from neighboring land parcels.

c. Collect information on the existing and proposed land types/uses for the purposes of sub-dividing overall water shed map into sub areas with unique run-off coefficients.

- **Task 3:** Method Selection
  a. Analyze existing conditions and determine most practical direction for the storm water system retrofit study.
  b. Determine appropriate hydrological model and method to be used for the study.
  c. Determine appropriate flood period for the hydrology study (50-year or 100-year flood).
  d. Determine an engineering approach for analyzing existing drainage conditions and developing ideas for future storm drainage solutions.
  e. Incorporate BMP's into the storm drainage solution to complement and augment the Urban Greening Master Plan for the Airport District.
  f. Identify with Planners, those solutions that best fit with the "greening" of the Airport District.
- **Task 4:** Hydrology Study
  a. Calculate the amount of storm water run-off (cfs) from the adjoining properties.
  b. Research and collect any reference charts that will be used for calculating run-off from a maximum storm event.
  c. Perform appropriate hydrology calculations consistent with previously determined study method.
  d. In addition, this task shall compare the existing storm run-off and post-development storm water run-off.
- **Task 5:** Drainage Study
  a. Assess options for disposing water from storm water run-off, with an emphasis on sustainability, urban greening and ground water recharge.
  b. Perform storm drain sizing calculations for the various options.
  c. Develop possible alternatives for storm water storage and/or disposal including determining possible discharge location/s and/or recharge locations.
  d. Determine most practical locations/s for storm basin retention/detention.
  e. If any storm basins are to be used for handling storm water run-off, perform percolation tests at the site/s of the proposed basin/s. In addition, perform borings at the proposed basin locations to take soil core samples for the purposes of analyzing the underlying strata.
  f. Identify potential BMP's for reducing urban runoff and implement the greening master plan.
- **Task 6:** System Feasibility
  a. Determine the engineering support costs for the project.
  b. Determine possible sources for financing the required tasks.
  c. Develop and approximate timeline for the proposed services.
  d. Prepare an engineer's report for development of a Community Service Area benefit district for the maintenance of the proposed improvements.

Resources: City and County Public Works Engineering and Project Management Staff

Element 4: ***Green Space Analysis (Plant Palette, Connectivity and Public Access)***

Overview: Utilizing the baseline data a green space analysis will be conducted to establish paths of green space connectivity to maximize existing green space and provide for additional and easily accessed public use. The plant palette for the Airport Neighborhood Urban Greening Master Plan will primarily draw upon locally native plants, which are best adapted to local climate and soil conditions. The plant palettes from nearby park and habitat restoration projects provide an easy an obvious source list for plants that could be used in the Airport Neighborhood.

Goals: To create a plant palette for use in future Airport Neighborhood projects and to create an Airport Neighborhood Green Space Plan for inclusion in the Plan Introduction

- **Task 1:** Prepare a draft plant palette, drawing on plant palettes from nearby park and habitat restoration projects
- **Task 2:** Stakeholder review (including the Airport Land Use Commission) of the draft plant palette
- **Task 3:** Prepare final plant palette
- **Task 4:** Utilize baseline inventory to analyze potential for connections between existing green spaces
- **Task 5:** Prepare a cost and benefit analysis for potential connections, including infrastructure required for construction (water, sidewalk, storm drain, etc.), plant palette selection, stakeholder participation needed and impacts on stormwater and pedestrian and bicycle transportation for various connections
- **Task 6:** Prepare a draft Green Space Plan
- **Task 7:** Get community and stakeholder input on the draft plan
- **Task 8:** Amend and Finalize Green Space plan

Resources: Baseline Inventory, Previous Habitat and Restoration Plant Palettes, Airport Land Use Commission, Airport Neighborhood Collaborative

Element 5: ***Identify Barriers and Opportunities for Improving Physical Health in the Community***

Overview: As an agency whose purpose is to promote public health, Stanislaus County's Health Services Agency has been actively collaborating with City and County staff to incorporate issues of public health into the planning process. With 60% of adults in Stanislaus County suffering from being overweight or obese, a lack of access to healthy foods and a built environment that facilitates physical activity have become the focal points of HSA's efforts to combat this widespread health epidemic. Obesity, which leads to diabetes and other chronic diseases, is preventable through education, planning, the built environment and multi-disciplinary collaboration. HSA's Built Environment Advisory Committee works to implement issues of health into Planning efforts. This element will assist in that effort.

Goals: To Assess Barriers to improving Physical Health in the Airport Neighborhood and to Establish potential Solutions to those Barriers

- **Task 1:** Utilize baseline inventory data to establish barriers to improving physical health in the Airport Neighborhood

- **Task 2:** Collect community input regarding Neighborhood barriers to increased physical activity, use of public spaces and access to healthy foods and potential solutions
- **Task 3:** Prepare draft Strategy for Improving Physical Health for the Airport Neighborhood
- **Task 4:** Present Strategy for Improving Physical Health for the Airport Neighborhood to the Airport Neighborhood Collaborative and to the Built Environment Advisory Committee for input
- **Task 5:** Amend and Finalize Strategy for Improving Physical Health for the Airport Neighborhood

Resources: Baseline Inventory, Community Input, Built Environment Advisory Committee, Airport Neighborhood Collaborative

Element 6: ***"Complete Streets" Design (Inclusive of Safe Routes to School Analysis)***

Overview: Based on the City of Modesto downtown model, new standards for streets following multi-modal, complete-streets principles will be evaluated. The effort involves developing new street sections, street furniture, bus canopy design, and tree options, to be implemented with future projects.

Goals: To create a Complete Streets Design for the Airport Neighborhood for inclusion in the Plan

- **Task 1:** Review other jurisdiction's Complete Streets design and implementation efforts
- **Task 2:** Analyze main arterials of focus
- **Task 3:** Review baseline infrastructure inventory
- **Task 4:** Collect community input regarding the safety of routes to school
- **Task 5:** Prepare draft of safe routes to school
- **Task 6:** Utilize Landscape Architect to prepare draft street view and safe routes to school drawings and design
- **Task 7:** Get community input on draft complete streets and safe routes to school designs
- **Task 8:** Amend and finalize complete street design for Airport Neighborhood

Resources: Baseline Infrastructure Inventory, Charlas Comunitarias, Airport Neighborhood Collaborative, Landscape Architect, City and County Public Works, Other Jurisdiction's Complete Streets and Safe Routes to School Projects

Element 7: ***Integration of Urban Greening Principles into Existing Projects***

Overview: Investigate the potential for integrating Urban Greening into the existing or projected projects, such as City of Modesto's Empire Avenue and Community Center projects

Goals: To Assess potential for the integration of the Airport Urban Greening Master Plan into Existing or Projected Projects

- **Task 1:** Inventory existing or projected projects
- **Task 2:** Provide inventory to Airport Taskforce for input
- **Task 3:** Meet with project Stakeholders regarding the Plan

- **Task 4:** Summarize potential projects that may be able to integrate urban greening principles

Resources: Baseline Inventory, Plant Palette, Green Space Plan, Complete Street Design, Stormwater Options, Stakeholders, Airport Taskforce

Element 8: ***Identification and Prioritization of Potential Projects***

Overview: This element will identify potential projects drawing from all of the work completed within the previous elements. Projects may include bike path park connectors and greening, street greening and beautification, Community Garden space, improving safety through greening, community participatory design opportunities.

Goals: To identify, prioritize and create designs and graphics for potential projects for the implementation of the Plan.

- **Task 1:** Analyze Baseline Inventory, Plant Palette, Green Space Plan, Complete Street Design, Stormwater Options
- **Task 2:** Create list with details of potential projects
- **Task 3:** Community and Stakeholder review (including the Airport Land Use Commission) of potential projects
- **Task 4:** Prioritize projects based off of community input, and existing guidance within County and City Airport Neighborhood Revitalization Plans and Strategies, Consolidated Plans, Implementation Plans and General Plans
- **Task 5:** Design projects based around the Airport Neighborhood Plant Palette, identified stormwater options, complete streets design, fire and building codes, city and County Ordinances, Tuolumne River Resource Management Guides, Public Works Standards and Specifications and Park's Best Management Practices to design projects and any other applicable resource guidance documents
- **Task 6:** Utilize Landscape Architect to complete project design and to produce project graphics
- **Task 7:** Community and Stakeholder review of draft project design
- **Task 8:** Amend project design accordingly

Resources: Plant Palette, Stormwater Options, Complete Streets Design, Resource Management Guides, County and City Community Development Guiding Documents, City and County General Plans and Ordinances, Airport Land Use Commission, Airport Neighborhood Collaborative, Airport Taskforce, Landscape Architect

Element 9: ***Evaluation and Assessment of Financing Options for Planning, Construction and on-going Operation and Maintenance Costs of Identified Projects***

Overview: City and County Public Works and County Planning Staff will evaluate potential financing options for the identified Plan projects, including planning, construction and on-going operation and maintenance costs.

Goals: To establish a list of financing options and their associated feasibility

- **Task 1:** Research capital projects financing options
- **Task 2:** Prepare cost estimates for identified projects for planning, construction and on-going O&M costs
- **Task 3:** Assess community willingness to support financing of projects
- **Task 4:** Conduct outreach to potential financing partners
- **Task 5:** Identify match funding opportunities
- **Task 6:** Analyze pros and cons of each option in terms of feasibility for the identified projects
- **Task 7:** Prepare report on financing options
- **Task 8:** Re-evaluate project priorities based on their financing feasibility

Resources: Capital Project Financing Research, Community Assessment, County Public Works, County Planning Staff

Element 10: ***Assessment of Project Compliance with Federal, State and Local Regulations, as well as with Existing Resources Management Plans and the State's Planning Priorities***

Overview: This element is intended to ensure the draft Plan's compliance with local, State and Federal regulations, as well as with resource management guidelines and the State's planning priorities.

Goals: To ensure Plan compliance

- **Task 1:** Review Airport Neighborhood Urban Greening Master Plan in terms of compliance with State AB32, SB275, AB881, Strategic Growth Council planning priorities, Federal Community Development Program Codes, City and County General Plans, Airport Land Use Commission Plan, Airport Revitalization Strategies and Plans, City and County Ordinances, Fire Code, Building Code and Resource Management Guides
- **Task 2:** Amend the Plan according to findings

Resources: Local, State and Federal codes, regulations and guides, City and County Planning Staff

Element 11: ***Development of Implementation Strategies for Identified Projects***

Overview: This element is intended to establish best practices for implementation of the plan, in terms of inter-agency cooperation, timing and financing of projects and stakeholder and community engagement

Goals: To establish best practices for multi-jurisdictional implementation, project timelines and projected financing for project construction and operations and maintenance costs

- **Task 1:** Develop Best Practices for on-going multi-jurisdictional cooperation, including adoption of the Plan by Modesto City Council and the Stanislaus County Board of Supervisors, and for maintaining partnerships between jurisdictions throughout the implementation of the Plan's projects

- **Task 2:** Assign projected timelines, financing and leveraging sources and amounts, list stakeholders required for construction, establish estimates for on-going maintenance and operations costs, water sources and entity responsible for maintenance for each identified project
- **Task 3:** Develop list of existing partners and stakeholder groups
- **Task 4:** Establish best practices for the continued engagement of existing community members and stakeholder groups and methods for establishing new community and stakeholder partnerships to advocate for and assist with project implementation

Resources: Financial Analysis of Projects, City and County Planning Staff, Tuolumne River Trust, Airport Neighborhood Collaborative, Community-based Organizations

Element 12: ***Development of Stakeholder and Community Outreach and Engagement Strategies for Long-term Community Participation and Empowerment.***

Overview: With assistance from existing community-based organizations that are active in the Airport Neighborhood, the community outreach and community engagement strategies of the Plan are anticipated to transform community participation into community empowerment. Educating residents on how to work from the planning process to project implementation can ultimately transform residents into citizens. Some existing examples of this type of work that will be incorporated into the Plan include:

Goals: To create best practices and strategies for lasting and meaningful community participations, education, and engagement.

- **Task 1:** Research on existing community empowerment strategies
- **Task 2:** Develop Best Practices for community participation and empowerment
- **Task 3:** Identify lead community-based organizations to act as a liaison between the community and those overseeing project implementation of the Plan
- **Task 4:** Identify opportunities for community participation in the implementation of the Plan
- **Task 5:** Identify needs for community and youth education and outreach regarding urban greening, climate change and the Tuolumne River ecosystem (begin with the existing Tuolumne River Trust's Tuolumne River Adventure Club program)
- **Task 5:** Summarize findings in a narrative

Resources: Community Empowerment Strategies, Tuolumne River Trust, County planning Staff, City Parks Staff, Airport Neighborhood Collaborative

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-233

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE RENOVATION OF TENNIS COURTS AT MODESTO HIGH SCHOOL PROJECT, ACCEPTING THE BID, AND APPROVING AN AGREEMENT WITH DOUG ROSS, INC. DBA CENTRAL VALLEY ASPHALT, OF LINDSAY, CA, FOR AN ESTIMATED TOTAL COST OF $159,965.95, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Renovation of Tennis Courts at Modesto High School project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Renovation of Tennis Courts at Modesto High School project were opened at 11:00 a.m., on June 4, 2013, and later tabulated by the Director of Parks, Recreation and Neighborhoods for the consideration of the Council, and

WHEREAS, the Director of Parks, Recreation and Neighborhoods Department has recommended the bid of $159,965.95 received from Doug Ross, Inc. dba Central Valley Asphalt of Lindsay, CA be accepted as the lowest responsible bid and the contract be awarded to Doug Ross, Inc. dba Central Valley Asphalt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Renovation of Tennis Courts at Modesto High School project, accepts the bid of Doug Ross, Inc. dba Central Valley Asphalt of Lindsay, CA in the amount of $159,965.95, and awards Doug Ross, Inc. dba Central Valley Asphalt the contract for the Renovation of Tennis Courts at Modesto high School.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-234

RESOLUTION ACCEPTING THE WORK BY HARRIS BUILDERS, INC., OF HILMAR, CA FOR THE AIRPORT NEIGHBORHOOD COMMUNITY CENTER AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED BOND, AND AUTHORIZING FINAL PAYMENT IN ACCORDANCE WITH THE CONTRACT

WHEREAS, a report has been filed by the Director, Parks, Recreation and Neighborhoods Department that the Airport Neighborhoods Community Center project has been completed by Harris Builders, Inc., of Hilmar CA in accordance with the contract agreement, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Airport Neighborhood Community Center Project is hereby accepted as complete from said contractor Harris Builders, Inc., of Hilmar, CA, and the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Bond, and that final payment is authorized in accordance with the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-235

RESOLUTION APPROVING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR AN INITIAL TERM OF FIVE (5) YEARS WITH THREE (3) ADDITIONAL FIVE-YEAR (5) RENEWAL TERMS, FOR INSTALLATION OF CELLULAR TELEPHONE EQUIPMENT AT THE SUTTER AVENUE WASTEWATER TREATMENT FACILITY AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LEASE AGREEMENT AND MEMORANDUM OF LEASE

WHEREAS, New Cingular Wireless PCS, LLC desires to install cellular telephone equipment at the Sutter Avenue Wastewater Treatment Facility for an initial term of five (5) years with three (3) additional five-year (5) renewal terms, and

WHEREAS, the City of Modesto is willing to allow New Cingular Wireless PCS, LLC to install cellular telephone antennas on the existing communications tower at the Sutter Avenue Wastewater Treatment Facility for the sum of $1,800 per month for the first year of the lease, and will increase rent by 3% each year thereafter over the rent paid during the previous year, and

WHEREAS in addition to the antennas, the project will also construct a building enclosing the electronic cellular equipment and the building will also provide laboratory and storage space for the City's use at no cost to the City, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, for an initial term of five (5) years with three (3) additional five-year (5) renewal terms, for installation of cellular telephone equipment at the Sutter Avenue Wastewater Treatment Facility.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-236

RESOLUTION ACCEPTING THE DIGESTER EVALUATION REPORT DATED JANUARY 2009 AS PRELIMINARY DESIGN REPORT EQUIVALENT FOR THE SUTTER TREATMENT PLANT IMPROVEMENTS PROJECT AS COMPLETE

WHEREAS, the City of Modesto's Sutter Wastewater Treatment Plant (Sutter Plant), located on Sutter Avenue, is in need of improvements to existing facilities, and

WHEREAS, the Sutter Plant has two 2-million gallon (MG) primary Anaerobic Digesters (Digesters), and

WHEREAS, Digester #1 is approximately 41 years old; Digester #2 is approximately 26 years old, and

WHEREAS, both digesters are in need of rehabilitation as both show signs of corrosion and the support facilities, such as the heating and mixing systems, are outdated and inadequate, and

WHEREAS, on August 6, 2008, by Resolution No. 2008-446, the City Council approved an agreement with Carollo Engineers, Inc. (Carollo) to evaluate the condition of Digester #1, including seismic analysis, mixing and pumping improvements, flood protection improvements, recoating the interior of the tank, and provide rehabilitation cost estimates, and

WHEREAS, the Digester Evaluation Report was completed in January 2009, and

WHEREAS, in accordance with the Public Works Department "Major Scope Policy", approved on September 26, 2006, all projects exceeding $1,000,000 are required to be presented at Council at the Preliminary Design Report (PDR) stage, and

WHEREAS, the Digester Evaluation Report is considered equivalent to a PDR because it provides substantial preliminary design analysis, including field analysis, project scoping, design improvement recommendations and associated costs, and

WHEREAS, as a result, staff is requesting that City Council accept the Digester Evaluation Report and these findings as the basis of design for the digester improvements, and

WHEREAS, upon acceptance of the Digester Evaluation Report by City Council, it is intended to concurrently submit at the June 25, 2013 meeting, a request authorizing an accelerated selection process in lieu of the standard Request for Qualifications (RFQ)/Request for Proposals (RFP) selection process and approve a separate agreement with Carollo for Design Services for Sutter Treatment Plant Improvements to prepare final design documents, as well as bidding and construction phase services, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Digester Evaluation Report dated January 2009 as Preliminary Design Report equivalent for the Sutter Treatment Plant Improvements project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-237

RESOLUTION AUTHORIZING AN ACCELERATED SELECTION PROCESS IN LIEU OF THE STANDARD REQUEST FOR QUALIFICATIONS (RFQ)/REQUEST FOR PROPOSALS (RFP) SELECTION PROCESS AND APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC. (CAROLLO) FOR DESIGN SERVICES FOR SUTTER TREATMENT PLANT IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED $174,809 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $17,481 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $192,290, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's Sutter Wastewater Treatment Plant (Sutter Plant), located on Sutter Avenue, is in need of improvements to existing facilities, and

WHEREAS, the Sutter Plant has two 2-million gallon (MG) primary Anaerobic Digesters (Digesters), and

WHEREAS, Digester #1 is approximately 41 years old; Digester #2 is approximately 26 years old, and

WHEREAS, both digesters are in need of rehabilitation as both show signs of corrosion and the support facilities, such as the heating and mixing systems, are outdated and inadequate, and

WHEREAS, immediate improvements are needed to ensure that both Digesters continue to be operable for at least 10 years if the Primary Treatment Facilities are moved to the Jennings Plant, and

WHEREAS, the Digester Evaluation Report was completed in January 2009; however, due to the potential high costs for rehabilitation, staff decided that wastewater funds would be better spent on a new Anaerobic Digester, which would meet current code requirements and be built above the flood plain, and

WHEREAS, final design has been deferred pending the recommendations from the Wastewater Treatment Facility Relocation Study which was authorized by City Council on April 23, 2013 by Resolution 2013-166, and

WHEREAS, the Wastewater Treatment Facility Relocation Study will evaluate the feasibility of relocating the Primary Wastewater Treatment Facilities, including new Anaerobic Digesters, from the Sutter Plant to the Jennings Plant, and

WHEREAS, meanwhile both existing Digesters #1 and #2 are still in need of extensive repairs and/or maintenance and pose major concerns to the plant's operation, and

WHEREAS, the operating efficiency of Digester #2 has diminished, and with Digester #1 out of service, the City does not have redundant digestion facilities, and continues to be at risk of exceeding permit requirement, which would result in potential penalties and fines, and

WHEREAS, City staff subsequently prepared a scope of work for the digester improvements, using the Digester Evaluation Report as a basis for design, to extend the operating life of these digesters to last approximately 10 years until the potential relocation of Primary Treatment Facilities to the Jennings Plant would occur, and

WHEREAS, in addition, OSHA-compliant improvements will be installed and areas of corrosion will be repaired, and

WHEREAS, given some of the more technical improvements such as the structural evaluation of the roofs, repairs to the exterior insulation and safety improvements, staff determined it would best to utilize a consultant for these improvements, and

WHEREAS, in addition, the grit piping at the Sutter Plant headworks has experienced a leak in what is believed to be in one of the underground elbows outside of the Grit Chambers which is allowing water to enter into some of the electrical conduits, which has caused operational problems for plant staff, and

WHEREAS, because the grit piping is both encased in the concrete wall and buried under asphalt, the leak is problematic to locate and therefore difficult to repair, and

WHEREAS, previously, on August 4, 2010, by Resolution No. 2010-325, the City Council also approved an agreement with Carollo for on-call engineering services for the Public Works Department, and

WHEREAS, due to Carollo's familiarity and previous experience in preparing the Digester Evaluation Report, Public Works staff directed UP&P to solicit a proposal from Carollo to design the necessary repairs quickly, and

WHEREAS, Public Works also requested a proposal from Carollo in December 2012 to provide the design of the grit repairs, and

WHEREAS, consequently, for efficiency, Public Works staff inquired whether the grit piping repair and anaerobic digester rehabilitation projects could be combined and designed by Carollo, and then bid as a single project, and

WHEREAS, combining the projects would also enable City staff to manage construction more efficiently and could save overall construction costs through economy of scale, and

WHEREAS, City Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, allows for approval of an accelerated selection process where staff may select a

consultant from a pre-qualified consultant list maintained by the Department, if it is in the best interest of the City, and

WHEREAS, due to the urgency of these projects and since Carollo is on the Public Works' pre-qualified list for Civil Engineers, staff is requesting Council approval to forego the standard Request for Qualifications (RFQ)/Request for Proposal (RFP) selection process and authorize approval of an accelerated selection process with Carollo for design services, and

WHEREAS, the combined scope of work has been evaluated by both UP&P Engineering Design and Public Works staff and found to be acceptable, and

WHEREAS, Carollo will be utilizing local electrical engineering firm Miller-Pezzoni for the electrical design for these improvements, and

WHEREAS, staff recommends an agreement with Carollo, as the City does not have the staffing level or subject matter expertise to perform design services for the Sutter Treatment Plant Improvements project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, Inc. for Design Services for Sutter Treatment Plant Improvements project for an amount not to exceed $174,809 for the identified scope of services, plus $17,481 for additional services (if needed), for a maximum total amount of $192,290.

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 25th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-238

RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF PEROXIDE REGENERATED IRON-SULFIDE CONTROL TESTING BY US PEROXIDE, OF ATLANTA, GA, FOR THREE MONTHS, FOR AN ESTIMATED TOTAL COST OF $56,222, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $56,222

WHEREAS, the 2007 Wastewater Collection System Master Plan provided recommendations for a Chemical Coating Maintenance Program to help extend the service life of reinforced concrete pipe (RCP) sewer trunk lines, and

WHEREAS, City staff researched various chemical methods of corrosion control and determined liquid phase treatment was the suitable method, and

WHEREAS, corrosion of the reinforced concrete pipes is due to the presence of hydrogen sulfides in the collection system, and

WHEREAS, on May 3, 2011, the City contracted with Webster Environmental Associates (WEA), an engineering firm that specializes in odor and corrosion control, and

WHEREAS, during the summer of 2011, WEA assisted the City in testing the wastewater and sewer gases in the collection system, and

WHEREAS, WEA analyzed the collected data and recommended performing a chemical injection trial with three different chemicals: peroxide regenerated iron-sulfide control (PRI-SC), ferrous chloride and calcium nitrate, and

WHEREAS, the chemical injection trial is the next step in evaluating liquid phase treatment solutions to determine the most efficient and cost effective method for

controlling hydrogen sulfide levels and reducing the corrosion rate of unlined concrete sewer pipes throughout the collection system, and

WHEREAS, testing will be performed in the months of July, August and September when hydrogen sulfide levels are the highest, and

WHEREAS, the first chemical injection trial is scheduled for this summer and will evaluate PRI-SC technology supplied by US Peroxide

WHEREAS, US Peroxide provided a scope of work and proposal for the Wastewater Collection System Odor and Corrosion Control PRI-SC™ Demonstration Program, dated May 31, 2013, and

WHEREAS, to thoroughly evaluate each chemical trial efficiently, not all chemical solutions can be tested during a single summer season and therefore the remaining two chemical tests will occur during the next summer season in 2014, and

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

WHEREAS, Modesto Municipal Code Section 8-3.204(b) permits an exception, "Where the Purchasing Agency's requirements can be met solely by a single article or process," and

WHEREAS, the peroxide regenerated iron-sulfide control technology is patented by the proprietary manufacturer, US Peroxide, and therefore conforms to that exception,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole source procurement of peroxide regenerated iron-sulfide

control testing by US Peroxide, of Atlanta, GA, for three months, for an estimated total cost of $56,222.

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 $56,222.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-239

RESOLUTION APPOINTING SUSAN ("SUSIE") FAGUNDES TO THE DOWNTOWN IMPROVEMENT DISRICT ADVISORY BOARD WITH A TERM ENDING DATE OF JANUARY 1, 2016

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 appointment of SUSAN ("SUSIE") FAGUNDES to a term ending January 1, 2016 to the Downtown Improvement District Advisory Board to fill one existing vacancy created by a resignation.

WHEREAS, the Economic Development Committee met on June 5, 2013, and recommended the appointment of SUSAN ("SUSIE") FAGUNDES to Downtown Improvement District Advisory Board.

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

SECTION 1. SUSAN ("SUSIE") FAGUNDES is hereby appointed to the Downtown Improvement District Advisory Board.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed 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 2nd day of July, 2013 by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-240

RESOLUTION AMENDING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE THE CLASSIFICATION OF MODESTO REGIONAL FIRE AUTHORITY INFORMATION TECHNOLOGY TECHNICIAN

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. The Position Classification Plan xof the City of Modesto is hereby amended to create the classification of Modesto Regional Fire Authority Information Technology Technician at salary range 422. The job specification for Modesto Regional Fire Authority Information Technology Technician is being created to perform a variety of technical duties in support of Information Technology Systems used throughout the Modesto Regional Fire Authority; to provide technical support to fire agencies within Stanislaus County who participate in the Regional Fire Records Management System (RMS) and to those that need the support of the Communications Coordinator; to serve as first point of contact with respect to

troubleshooting, analyzing, and resolving system and application related issues; and to assist and train end users in the use of personal computer hardware and software, as shown in **attached Exhibit "A,"** which is made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 2, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO REGIONAL FIRE AUTHORITY

No. XXXX

MRFA INFORMATION TECHNOLOGY TECHNICIAN

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

DEFINITION

To perform a variety of technical duties in support of Information Technology Systems used throughout the Modesto Regional Fire Authority; to provide technical support to fire agencies within Stanislaus County who participate in the Regional Fire Records Management System (RMS) and to those that need the support of the Communications Coordinator; to serve as first point of contact with respect to troubleshooting, analyzing, and resolving system and application related issues; and to assist and train end users in the use of personal computer hardware and software.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory or management staff.

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

Essential Functions:

Coordinate and update resource data in the Resource Order Status System (ROSS federal fire database) and Incident Qualifications Systems (IQS state fire database) for all agencies within Stanislaus County.

Verify and open a variety of databases to ensure files are open and systems are available to users; administer and maintain a databases used by the Fire Authority.

Serve as primary contact and field expert for the Zoll FireRMS product within the Modesto Regional Fire Authority; provide technical support for the RMS application for all fire agencies within Stanislaus County.

Represent Stanislaus County Fire Agencies on the Operational and Technical Advisory Committee.

Monitor systems and identify malfunctions and initiate appropriate corrective action to maintain schedules and to assure integrity of production files and output.

Operate computer to run production jobs and back-ups or primary systems scheduled in accordance with system operations instructions.

Maintain and coordinator production schedules for all work processes on computer.

Troubleshoot and perform minor maintenance on personal computer hardware, software, printer, and network related problems; resolve issues related to communications, GIS map/data maintenance, or web page maintenance.

Assist in the installation, troubleshooting, maintenance, upgrades and administration of LAN/WAN.

Monitor the overall performance of the network operating systems and communications software; resolve problems as required.

Test, diagnose and resolve problems regarding hardware, applications, network connectivity, and operating systems; dispatch service to provide advanced level of support as necessary.

Receive, enter and track end user problems and resolutions; ensure appropriate measures have been taken to resolve problems within a timely manner; prepare status report of completed service items.

Assist in researching, evaluating and implementing new advances in personal computer hardware and software.

Assist in providing Authority-wide training for hardware, software, and/or applications.

Assist with the development of procedures.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Proper operation, use and application of a computer and related peripherals.

Computer and peripheral equipment maintenance methods and procedures.

Personal computer and server systems.

Fire related databases to include Fire Records Management System including Crystal Reports, Incident Qualification System and Resource Ordering Status System and Target Safety.

Basic principles and techniques of computer systems analysis and programming.

Principles and practices of customer service.

Modern office procedures, methods and computer equipment.

Ability to:

Troubleshoot, configure, perform simple repairs, and install computer and server hardware/software.

Work with word processing, database, spreadsheet, and presentation software.

Document and maintain accurate computer records and procedures.

Work with, control, and maintain sensitive, confidential information according to legal standards and/or Authority procedures, as required.

Organize and manage assigned tasks and requests from customers.

Assist in maintaining inventory of existing and newly acquired computer hardware and software.

Learn specialized functions, procedures and technical support tasks related to the assignment.

Read and understand job-related technical manuals.

Coordinate with customers to ensure successful completion of projects.

Assist in obtaining information required for completion of projects.

Follow oral and written instructions.

Ability to: (Continued)

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines:

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

Experience:

One year of experience providing end user support with respect to computer hardware and software, including proficiency in related technology used by MRFA in one of the assigned areas.

Training:

Equivalent to completion of the twelfth grade supplemented by specialized training in subjects directly related to the specific assignment.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting**: frequently up to 25 pounds; occasionally up to 50 pounds. **Vision**: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity**: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking**: frequent hearing and talking, in person and on the phone. **Emotional/Psychological**: frequent decision-making and concentration;

frequent public and/or coworker contact; occasional working alone. **Environmental**: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Some positions may be assigned to remote locations. Positions may require occasional overtime or weekend work and travel is rare.

Class Spec History
Adopted
Revised
BU

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-241

RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2008-683 TO REVISE THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD MODESTO REGIONAL FIRE AUTHORITY INFORMATION TECHNOLOGY TECHNICIAN TO SALARY RANGE 422

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2008-683, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2008-683. Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes," attached to Resolution No. 2008-683, 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 July 2, 2013," which is **attached** hereto and made a part hereof as though set forth in full herein. Said **Exhibit** "A" adds the Modesto Regional Fire Authority Information Technology Technician to salary range.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after July 2, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **June 18, 2013**

RANGE	TITLE
407	Administrative Office Assistant II (Confidential)
411	Administrative Office Assistant III (Confidential)
412	Police Clerk II (Confidential)
414	Legal Secretary I
415	Administrative Services Technician I (Confidential) Senior Administrative Office Assistant (Confidential)
418	Legal Secretary II Systems Technician I
419	Administrative Services Technician II (Confidential) Workers' Compensation Claims Assistant
420	Deputy City Clerk Employee Benefits Coordinator Executive Assistant Senior Legal Secretary
422	**Modesto Regional Fire Authority Information Technology Technician** Office Supervisor Systems Technician II Workers' Compensation Claims Examiner I
423	Custodian Supervisor Parking Services Supervisor
424	Buyer
425	Parking Adjudication Program Coordinator
426	Assistant Planner Central Stores Supervisor Financial Analyst I Senior Systems Technician

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RANGE	TITLE
427	Administrative Analyst I
	Animal Control Supervisor
	Human Resources Analyst I
	Police Civilian Supervisor
	Technology Solutions Analyst I
	Workers' Compensation Claims Examiner II
428	Assistant City Clerk
430	Associate Planner
	Financial Analyst II
	Senior Buyer
	Software Analyst I
	Systems Engineer I
431	Administrative Analyst II
	Events Coordinator
	Human Resources Analyst II
	Senior Workers' Compensation Claims Examiner
	Technology Solutions Analyst II
432	Compost Facility Supervisor
	Junior Engineer
	Neighborhood Preservation Supervisor
	Operations Supervisor
	Parks Project Coordinator
	Recreation Supervisor
	Senior Crime and Intelligence Analyst
	Wastewater Collection Systems Supervisor
	Water Quality Control Plant Maintenance Supervisor
433	Water Resources Analyst
434	Customer Services Supervisor
	Financial Analyst III
	Recycling Program Coordinator
	Senior Community Development Program Specialist
	Software Analyst II
	Systems Engineer II

RANGE	TITLE
435	Assistant Transportation Planner
	Business Analyst
	Cultural Services Program Manager
	Emergency Medical Services Coordinator
	Management Analyst
	Organizational Development Coordinator
	Public Information Coordinator
	Transit Analyst
	Weed and Seed Program Coordinator
436	Assistant Engineer
	Deputy Fire Marshal
	Electrical Supervisor
	Housing Rehabilitation Supervisor
	Senior Planner
437	Risk and Loss Control Coordinator
	Senior Human Resources Analyst
438	Associate Land Surveyor
	Environmental Services Supervisor
	Integrated Waste Specialist
	Laboratory Supervisor
	Property Agent
	Public Safety Business Services Analyst
	Senior Financial Analyst
	Senior Software Analyst
	Senior Systems Engineer
	Water Distribution and Production Supervisor
	Modesto Regional Fire Authority Finance Manager
439	Administrative Services Officer
	Associate Transportation Planner
	Senior Business Analyst
440	Associate Engineer
	Park Planning and Development Manager
	Recreation Program Manager
	Water Quality Control Operations Supervisor

RANGE	TITLE
441	Housing and Urban Development Manager
	Infrastructure Financing Program Administrator
	Streets Manager
442	Budget and Financial Analysis Manager
	Centre Plaza Manager
	Construction Inspection Supervisor
	Customer Services Manager
	Environmental and Regulatory Compliance Manager
	Information Technology Administrator
	Principal Accountant
	Purchasing Manager
	Wastewater Collections Manager
443	Associate Civil/Traffic Engineer
	Senior Transportation Planner
444	Airport Manager
	Building Inspection Program Coordinator
	Building Inspection Supervisor
	Fleet Manager
	Principal Planner
	Solid Waste Program Manager
	Transit Manager
446	Assistant Chief Building Official
	Information Technology Manager
	Water Quality Control Plant Manager
	Principal Information Technology Administrator
447	Traffic Operations Engineer
	Water Systems Manager

RANGE	TITLE
450	Business Development Manager
	Chief Building Official
	Planning Manager
	Senior Civil Engineer
451	Parks Recreation & Neighborhoods Operations Manager
452	City Engineer
	Traffic Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-242

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF A LIEBERT UNINTERRUPTIBLE POWER SUPPLY FOR THE MODESTO POLICE DEPARTMENT THROUGH THE INFORMATION TECHNOLOGY DEPARTMENT, TO EDP ENVIRONMENTS, INC., RANCHO CORDOVA, CA, FOR AN ESTIMATED TOTAL COST OF $110,438

WHEREAS, the purpose of an Uninterruptible Power Supply (UPS) system is to provide continuous power to all data center computer equipment in the event of a power failure. The UPS system is the "failsafe" that protects the Modesto Police Department's (MPD) data center, including all mission critical servers and data systems. The UPS system provides vital temporary power in the event of loss of utility provided power source. Without UPS protection, a failure would result in immediate shutdown of all data center systems. Additionally, this immediate mode of shutdown often results in severe damage to the servers and/or data systems. Shutdown of the data center and applications would negatively impact the MPD staff and the citizens of Modesto, and

WHEREAS, the MPD's current UPS system is beyond capacity, insufficient and may not sustain power draw demands for all systems and future growth. The MPD requires "clean" power and power outage protection for its data center, and

WHEREAS, Council approved a contract with NWN Corporation to purchase and install a Liebert Uninterruptible Power Supply System. During a company transition, NWN Corporation did not retain the appropriate California State Contractors license required to perform the installation of the UPS and could not enter into agreement with the City of Modesto. Council rescinded the resolution, and

WHEREAS, The City Manager authorized the Purchasing Manager to issue Request for Bids (RFB) for the purchase and installation of an Uninterruptible Power Supply System with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, the Purchasing Division issued RFB No. 1213-20 for the purchase and installation of an Uninterruptible Power Supply to thirty-two (32) prospective bidders, three of which are local vendors and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's office. Two (2) companies chose to respond, none of which were local vendors. One company provided a responsive and responsible bid. One company was disqualified for not having a California State Contractors license, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of contract for the purchase and installation of a Liebert Uninterruptible Power Supply to EDP Environments, Inc., Rancho Cordova, CA, for an estimated total cost of $110,438, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in account # 0100-19310-53300 and 5230-07510-57005, 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 contract for the purchase of a Liebert Uninterruptible Power Supply to EDP Environments, Inc., Rancho Cordova, 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 award of contract for the purchase and installation of a Liebert Uninterruptible Power Supply for the Modesto Police Department through the Information Technology Department, to EDP Environments, Inc., Rancho Cordova, CA.

BE IT FURTHER RESOLVED that the City Manager or his designee to issue an agreement for an estimated total cost of $110,438.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-243

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF SEVEN (7) BMW 1200 RT-P POLICE MOTORCYCLES FOR THE MODESTO POLICE DEPARTMENT THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO CYCLE SPECIALTIES, MODESTO, CA, FOR AN ESTIMATED TOTAL COST OF $195,454

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. The seven (7) Police Motorcycles are included in the new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the replacement of seven (7) Honda ST1300 Police Motorcycles have been subjected to a thorough evaluation and have met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, all seven (7) Police Motorcycles are replacements for the Modesto Police Department. There are two (2) viable options, in the market for police motorcycles, BMW and Harley Davidson. After review of both models of police motorcycles, the BMW's performance was found to be superior in overall performance, stopping ability, and safety, and

WHEREAS, the Purchasing Division issued RFB No. 1213-27 for the purchase of seven (7) BMW 1200 RT-P police Motorcycles to five (5) prospective bidders, one of which is a local vendor and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's office. Of the five (5) prospective bidders, two (2) companies chose to respond, one of which is a local vendor. Both companies provided responsive and responsible bids, and

WHEREAS, Modesto Municipal Code 8-3.206 Support of Local Vendors (SLV) allows the lowest bid or quote submitted by a local business that is within five (5) percent of the lowest bid, the opportunity to match the lowest bid price. Cycle Specialties, Inc. qualified for SLV and agreed to match lowest bid price for the seven (7) BMW 1200 RT-Police Motorcycles, which represents $195,454 of product purchased through the local vendor, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of seven (7) BMW 1200 RT-Police Motorcycles to Cycle Specialties, Inc., Modesto, CA, for a total estimated cost of $195,454, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in account # 5409-53246-57003, 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 seven (7) BMW 1200 RT-Police Motorcycles to Cycle Specialties, Inc., Modesto, 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 award of bid for the purchase of seven (7) BMW 1200 RT-Police Motorcycles for Modesto Police Department through the Public Works Department, Fleet Services Division, to Cycle Specialties, Inc., Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of 195,454.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2013, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-244

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM FISCAL YEAR 2013 LOCAL SOLICITATION AUTHORIZING A JOINT APPLICATION WITH THE COUNTY OF STANISLAUS, 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 $107,338 and Stanislaus County is eligible for $31,567, 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 $138,905 and

WHEREAS, recommended distribution of the 2012 JAG funds are as follows:

Probation	$ 7,892
Sheriff	$ 23,675
Sheriff (Administrative Fee)	$ 3,220
Modesto Police Department	$104,118

WHEREAS, the City of Modesto will use its allocation to purchase 800 Mhz radio for police officers.

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 $3,220 to cover the reporting costs associated with the grant, and

WHEREAS, the administrative fee reduces the City's total projected grant award to $104,118 ($107,338 less the 3% administrative fee of $3,220), 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 between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2013 Local Solicitation, authorizing a joint application with the County of Stanislaus.

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 2nd day of July, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-245

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC. (WEST YOST) FOR PROFESSIONAL ENGINEERING SERVICES FOR CITY'S WASTEWATER TREATMENT VULNERABILITY ASSESSMENT IN AN AMOUNT NOT TO EXCEED $152,874 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $15,287 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $168,161, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto currently treats year-round domestic wastewater flow through its two treatment plants: preliminary and primary treatment at the Sutter Plant, and secondary and some tertiary treatment at the Jennings Facilities, and

WHEREAS, the City currently disposes of its treated effluent in two different ways, and

WHEREAS, the current National Pollutant Discharge Elimination System (NPDES) permit allows seasonal discharge of secondary treated effluent discharge into the San Joaquin River from October through May, and

WHEREAS, when discharge is not allowed, treated effluent is used to irrigate the City's 2,530-acre ranch, and

WHEREAS, the City's Waste Discharge Requirement (WDR) permit also allows seasonal discharge of untreated cannery process water from July through October, and

WHEREAS, during this period, flows from canneries are discharged through a segregated trunk (Cannery Segregation or "Can Seg" line), and screened at the Sutter Plant, and

WHEREAS, the flows are then pumped under the Tuolumne River to the Jennings Ranch (Ranch) and used for irrigation, and

WHEREAS, the Can Seg flow applied to the Ranch displaces a portion of the secondary treated effluent irrigation water during this period, and

WHEREAS, representatives from the canneries approached the City regarding a concern that there could be potentially large financial impacts to them if processors were forced to shut down during a catastrophic event that would result in a disruption of cannery process water discharge into the Can Seg line, and

WHEREAS, in 2011, City staff commissioned a "Can Seg Diversion Study" to develop short and long-term solutions to address potential disruptions, and the study was completed in 2012, and

WHEREAS, while the short-term solutions focused on bypass pumping around Can Seg blockages, the long-term solutions addressed catastrophic/extended period events that would require diversion of Can Seg flows into the domestic River Trunk, and

WHEREAS, while hydraulically feasible, there is a concern regarding the City's current and future treatment systems being able to handle the combination of domestic and Can Seg flows for an extended period of time if the cannery segregation process water were comingled with the domestic wastewater, and

WHEREAS, City Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, allows the Director to approve an accelerated selection process where staff may select a consultant from a roster of qualified consultants maintained by the Department, if it is in the best interest of the City, and

WHEREAS, based on the need to move this study forward quickly, staff elected to use the accelerated process, and

WHEREAS, staff selected two firms, Carollo Engineers, Inc. (Carollo) and West Yost Associates, Inc. (West Yost) based on their qualifications, past performance and familiarity with the City's wastewater system, and

WHEREAS, on April 2, 2013, Utility Planning & Projects (UP&P) staff issued a Request for Proposals (RFP) to conduct a Wastewater Treatment Vulnerability Assessment, and

WHEREAS, proposals were received on May 7, 2013, and were reviewed by a selection committee that consisted of the City's Public Works and UP&P staff, as well as a representative from the canneries, and

WHEREAS, subsequently, consultant interviews were held on May 20, 2013, and

WHEREAS, after the interviews and discussion, the selection committee determined that West Yost was the most responsive and qualified firm to prepare the study based on its downstream treatment and regulatory approach to the Vulnerability Assessment, and

WHEREAS, West Yost's original proposed fee was $155,396; however, after reviewing West Yost's scope of work, the City was able to negotiate the fee down to $152,874, by reducing some items in the proposed scope of work, and

WHEREAS, staff recommends an agreement with West Yost, as the City does not have the staffing level or subject matter expertise to perform professional services for the City's Wastewater Treatment Vulnerability Assessment, and current workload levels do not provide for timely in-house solutions/responses,

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 Professional

Services for City's Wastewater Treatment Vulnerability Assessment for an amount not to exceed $152,874 for the identified scope of services, plus $15,287 for additional services (if needed), for a maximum total amount of $168,161.

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 July, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-246

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 OPERATING BUDGET IN THE AMOUNT OF $188,161 TO BE TRANSFERRED INTO THE ACCOUNT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND AN AGREEMENT WITH WEST YOST ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES, INCLUDING SUPPORT BY CITY STAFF FOR THE CITY'S WASTEWATER TREATMENT VULNERABILITY ASSESSMENT

WHEREAS, certain budgetary transactions are necessary in the amount of $188,161, in order to fund fully fund an agreement with West Yost Associates, Inc. for Professional Engineering Services, including support by City staff for the City's Wastewater Treatment Vulnerability Assessment, and

WHEREAS, the Fiscal Year 2013-2014 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 2013-2014 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 2nd day of July, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

Due to the importance to prepare a Wastewater Treatment Vulnerability Assessment, and increased costs to hire an outside consultant for professional services, and City staff support costs for Operating Account 4210-42300-53300 (Professional Services) "CIS ADMIN", the total operating expenses need to be increased by $188,161. This would be done by adjusting 53300 Professional Services by $168,161 and 54500 Services City Forces - Interfund by $20,000.

To fund the above account, $188,161 will be transferred from Wastewater Fund Reserves into Account 4210-42300 "CIS ADMIN" for the West Yost Associates, Inc. Agreement for Professional Services for Wastewater Treatment Vulnerability Assessment, including support by City staff.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-247

RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF BANKING SERVICES FROM BANK OF AMERICA MERRILL LYNCH FOR AN ESTIMATED ANNUAL COST OF APPROXIMATELY $92,000 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS

WHEREAS, the City currently uses Bank of the West to provide banking services at a cost of approximately $64,000 per year, and

WHEREAS, it is estimated that Bank of America Merrill Lynch can provide such services for $92,000 per year or $28,000 more than Bank of the West, and

WHEREAS, Bank of the West was unable to provide the City with liquidity support in the form of a Direct Pay Letter of Credit for its General Fund Variable Rate Demand Bonds, and

WHEREAS, Bank of America Merrill Lynch was the only institution who was able to provide the City with a Direct Pay Letter of Credit for its General Fund Variable Rate Demand Bonds, and

WHEREAS, the fees of the Direct Pay Letter of Credit can be reduced by 30 basis points if the City were to award a banking service contract to Bank of America thus resulting in cost savings of approximately $180,000 per year to the General Fund , and

WHEREAS, Bank of America Merrill Lynch participated in a Request for Proposal in 2009 for banking services and was ranked third in this competitive process, and

WHEREAS, the first year extension option of the contract with Bank of the West expired on March 1, 2013, and

WHEREAS, the City desires to build a strategic partnership with a financial institution which can support its banking needs as well as its liquidity needs, 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 a banking services agreement to the only financial institution (Bank of America Merrill Lynch) willing to provide liquidity support to the City's General Fund Variable Rate Demand Bond 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 of banking services from Bank of America Merrill Lynch for an estimated cost of approximately $92,000 per year, and

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a two (2) year agreement with three one (1) year extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-248

RESOLUTION REJECTING ALL BIDS FOR THE ROSELLE AND MERLE INTERSECTION PROJECT AND AUTHORIZING CITY STAFF TO RE-ADVERTISE THE PROJECT

WHEREAS, the bids received for the Roselle and Merle Intersection Project were opened at 11:00 a.m. on June 18, 2013, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, City staff determined that it would be in the best interest of the City to reject the sole bid, and

WHEREAS, City staff recommends 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 Roselle and Merle Intersection Project, opened in the office of the City Clerk on June 18, 2013.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-249

A RESOLUTION APPOINTING THE MODESTO REGIONAL FIRE AUTHORITY CHIEF OR ACTING CHIEF AS A VOTING ALTERNATE COMMISSIONER IN PLACE OF THE FIRE CHIEF OF THE CITY OF MODESTO ON THE MODESTO-CERES FIRE PROTECTION AGENCY COMMISSION

WHEREAS, the City of Modesto, along with the City of Ceres and the Industrial Fire District, formed a Joint Powers Agency (JPA) entitled the Modesto-Ceres Fire Protection Agency; and

WHEREAS, the Modesto Regional Fire Authority (MRFA) was formed on July 1, 2011; and

WHEREAS, Fire Chief of the MRFA acts as the Fire Chief of the City of Modesto; and

WHEREAS, this position is not specifically named as a voting member of the JPA Commission; and

WHEREAS, Section 7.1 allows the members of the JPA to each appoint an alternate Commissioner; and

WHEREAS, staff recommends Council formally adopt a resolution clarifying that the Fire Chief or Acting Fire Chief of the MRFA is a voting alternate Commissioner for the City of Modesto.

NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby appoint the Modesto Regional Fire Authority Chief or Acting Chief as a voting alternate Commissioner in place of the Fire Chief of the City of Modesto on the Modesto-Ceres Fire Protection Agency Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-250

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 ANNUAL OPERATING BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2012-2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 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 take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

PARKS, RECREATION AND NEIGHBORHOODS

A budget adjustment is necessary to recognize $150,000 of unbudgeted revenue in the General Fund (fund 0100), reduce $46,500 in Intrafund Direct Charge expense and reduce $19,000 in Professional Service expense and appropriate these funds to Salaries and Wages Part-Time for the Modesto City School After School Program.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-251

RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF AN ITERIS VIDEO DETECTION SYSTEM FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT, ELECTRICAL DIVISION, TO ITERIS, INC., SANTA ANA, CA, FOR AN ESTIMATED TOTAL COST OF $40,464, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT $26,666 AS TRADE-IN VALUE ON VARIOUS CAMERA EQUIPMENT TOWARDS THE PURCHASE OF SAID EQUIPMENT, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER

WHEREAS, through product testing, the Electrical Division selected video cameras provided by Iteris, Inc., for vehicle detection needs, and

WHEREAS, as the video technology is changing, Iteris continues to offer a superb product and support program, and

WHEREAS, Iteris is currently offering the City trade-in value on camera equipment produced by other manufacturers that have not proven reliable and taken out of service or is no longer necessary, and

WHEREAS, Iteris products are best quality equipment for the needs of the City and Iteris continues to provide ongoing support, and

WHEREAS, the Modesto Municipal Code, MMC 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 8-3.204 (b), which states that where the Purchasing Agency's requirements can be met solely by a single article or process. The sole source procurement for the purchase of an Iteris Video Detection System from Iteris, Inc., Santa Ana, CA, conforms to the Modesto Municipal Code 8-3.204 (b), and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the purchase of an Iteris Video Detection System in Appropriation Unit: 1700-14540-53105.

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 an Iteris Video Detection System for the Community and Economic Development, Electrical Division, to Iteris, Inc., Santa Ana, CA, and authorizes the City Manager, or his designee, to accept $26,666 as trade-in value on various camera equipment towards the purchase of said equipment.

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 $40,464.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-252

RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF A RAYCO STUMP GRINDER FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT, FORESTRY DIVISION THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO JCB OF SACRAMENTO, CA, FOR AN ESTIMATED TOTAL COST OF $57,768

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. The stump cutter is included in the new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the replacement of the stump cutter has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, Rayco Manufacturing is the only company that manufacturers a 99.2 horsepower, California emissions legal stump cutter. The Forestry Division currently is using a 70 horsepower unit that cannot keep up with the production schedule the Forestry Division is trying to maintain. The 70 horsepower unit bogs down when pushed at the rate the Forestry Division's crew needs to maintain the production rate required. The Forestry Division is substantially behind schedule because of the performance of the current 70 horsepower unit, and

WHEREAS, the Fleet Division researched and discovered that Rayco Manufacturing is the only manufacturer to provide a 99.2 horsepower stump cutter,

which can only be provided by one distributor in Northern California, JCB of Sacramento, West Sacramento, CA, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2012-13, in account # 5409-53246-57003, and

WHEREAS, The Modesto Municipal Code, MMC 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 8-3.204 (b), which states that where the Purchasing Agency's requirements can be met solely by a single article or process. The sole source procurement for the purchase of a Rayco Stump Cutter from JCB of Sacramento, West Sacramento, CA conforms to the Modesto Municipal Code 8-3.204 (b).

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 Rayco Stump Grinder for the Parks, Recreation and Neighborhoods Department, Forestry Division through the Public Works Department, Fleet Services Division, to JCB of Sacramento, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee is authorized to issue a purchase order for a total estimated cost of $57,768.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-253

RESOLUTION APPROVING AN ENTERTAINMENT PERMIT FOR X-FEST MODESTO 2013 AS OUTLINED BY THE CITY OF MODESTO ORDINANCE NO 3492-C.S. AND AUTHORIZING THE PERMIT ADMINISTRATOR TO EXECUTE THE ENTERTAINMENT SPECIAL EVENT PERMIT AND ALL RELATED DOCUMENTS

WHEREAS, X-Fest Modesto 2013 will consist of many different types of live outdoor musical stage performances that range from Pop/Alternative, Hip Hop and Classic Rock, and

WHEREAS, the event features vendor booths providing a wide variety of products, services, food and refreshments throughout the event area, and

WHEREAS, the event is open to the public who are 21 years of age and over, and

WHEREAS, the event is controlled by temporary fencing outlining the entire perimeter with security at all entrances and exists, and

WHEREAS, X-Fest Modesto has procured Olympic International Security, Inc to provide 200 security guards to assist the Modesto Police Department to ensure a safe and successful event, and

WHEREAS, the Modesto Police Department will be working the event as part of an Outside Work Agreement between the event promoters and the Modesto Police Department, and

WHEREAS this item was not heard by the Entertainment Committee on June 20, 2013 due to the number of conflicted committee members.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Entertainment Permit for X-Fest Modesto 2013 as outlined by the City of Modesto Ordinance No. 3492-C.S.

BE IT FURTHER RESOLVED that the Permit Administrator is hereby authorized to execute the Entertainment Special Event Permit and all related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-254

A RESOLUTION APPROVING A CONTRACT WITH TASER INTERNATIONAL, INC., SCOTTSDALE, AZ, FOR A VIDEO STORAGE SYSTEM AND MAINTENANCE FOR THE MODESTO POLICE DEPARTMENT'S TASER AXON FLEX CAMERA SYSTEM FOR THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, TASER International, Inc., is the sole source provider for the TASER Axon Flex camera system issued to uniformed personnel, and

WHEREAS, the current contract with TASER expires on July 27, 2013, and

WHEREAS, the Modesto Police Department wishes to enter into a three year contract 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, 2013 through July 30, 2016, and

WHEREAS, the estimated cost for this contract is $197,017, which will be funded through the existing Police Department Fiscal Year 2012/13 Operating Budget for this contract, and have been encumbered.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a contract with TASER International, Inc., Scottsdale, AZ for a video storage system and maintenance for the Modesto Police Department's TASER Axon Flex camera system for three years, in the amount of $197,017.

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 9th day of July, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-255

RESOLUTION ACCEPTING THE WORK BY GOODLAND LANDSCAPE CONSTRUCTION, INC. FOR THE "MARY E GROGAN COMMUNITY PARK - PHASE 1 DEVELOPMENT PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $8,238,966

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Mary E. Grogan Community Park – Phase 1 Project has been completed by Goodland Landscape Construction, Inc., in accordance with the contract agreement dated April 24, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Mary E. Grogan Community Park – Phase 1 Project is hereby accepted as complete from said contractor, Goodland Landscape Construction, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $8,238,966 is authorized as provided in 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 July, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-256

A RESOLUTION APPROVING THE ISSUANCE OF REFUNDING REVENUE BONDS BY THE MODESTO IRRIGATION DISTRICT FINANCING AUTHORITY RELATED TO THE REFINANCING OF THE MODESTO IRRIGATION DISTRICT DOMESTIC WATER PROJECT REFUNDING REVENUE BONDS, SERIES 1998D USED TO CONSTRUCT THE DOMESTIC WATER TREATMENT AND DELIVERY SYSTEM OF THE MODESTO IRRIGATION DISTRICT

WHEREAS, the City of Modesto, a charter city and municipal corporation organized and existing under the laws of the State of California (the "City"), currently provides municipal water service within the service boundaries of the Modesto Irrigation District (the "District"), and

WHEREAS, the District and the Modesto Irrigation District Financing Authority, a joint powers authority organized and existing under the laws of the State of California, have refinanced the domestic water treatment and delivery system of the District (the "Project") through the issuance of Modesto Irrigation District Financing Authority Domestic Water Project Refunding Revenue Bonds, Series 1998D currently outstanding in the aggregate principal amount of $52,620,000 (the "Prior Water Bonds"), and

WHEREAS, the District desires to further refinance the Project through the issuance of Modesto Irrigation District Financing Authority Domestic Water Project Refunding Revenue Bonds in one or more series (the "2013 Bonds"), the proceeds of which will be used to refund and defease the outstanding principal amount of the Prior Water Bonds, and

WHEREAS, the 2013 Bonds will be issued for the benefit of the City's Municipal Water Utility and will be repaid from the debt service portion of payments made by the City in accordance with the Amended and Restated Treatment and Delivery Agreement

entered into in 2005 by the City and the District, as amended by Financing Amendments to Amended and Restated Treatment and Delivery Agreement entered into in 2007 by the City and the District (the "Treatment and Delivery Agreement"),

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

SECTION 1. The City Council of the City hereby finds and determines that the matters set forth in the preambles to this Resolution are true and correct.

SECTION 2. The City Council of the City hereby approves of the issuance of the 2013 Bonds by the Authority at one time, or from time to time, in one or more series separately or differently identified for the benefit of the City's Municipal Water Utility; provided, however, that the aggregate principal amount of the 2013 Bonds shall not exceed $55,000,000, the final maturity of the 2013 Bonds shall not exceed September 1, 2022 and the underwriter's discount with respect to the 2013 Bonds shall not exceed 0.50%.

SECTION 3. The proposed form of the Official Statement relating to the 2013 Bonds (the "Official Statement") as presented to this meeting is hereby approved. The underwriters with respect to the 2013 Bonds, is hereby authorized to distribute copies of the Official Statement in preliminary form to prospective purchasers of the 2013 Bonds and is hereby directed to distribute copies of the Official Statement in final form to all actual purchasers of the 2013 Bonds. The Mayor, the City Manager or Finance Director is hereby authorized to certify that the preliminary official statement as of its date is "deemed final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission. The Mayor, the City Manager or Finance Director is hereby authorized and

directed to execute and deliver a final Official Statement, in substantially the form as such deemed final Preliminary Official Statement.

SECTION 4. The Treatment and Delivery Agreement is ratified and confirmed.

SECTION 5. Subject to the conditions specified in Section 2 hereof, the Mayor, the Finance Director and the City Manager (or his or her designee) are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents, certificates and other instruments, including, but not limited to, a continuing disclosure agreement and a tax certificate relating to the 2013 Bonds, which they may deem necessary or advisable, to carry out, give effect to and comply with the terms and intent of this Resolution.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the Resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-257

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE PUBLIC WORKS DEPARTMENT AND PARKS, RECREATION, AND NEIGHBORHOODS DEPARTMENT FOR THE TRANSFER OF A CAPITAL ASSET (NEW COMPOST FACILITY SITE, 7001 JENNINGS ROAD) FROM THE WASTEWATER TREATMENT ENTERPRISE FUND 4210 TO THE COMPOST ENTERPRISE FUND 4890

WHEREAS, the City of Modesto operates a compost facility at 7001 Jennings Road, Modesto, California, which accepts organic solid waste materials, and

WHEREAS, the facility diverts these materials to meet state diversion mandates, avoiding fines and saving ratepayers over $9 million in disposal costs, and

WHEREAS, the facility currently rents 51.2 acres of land at the Jennings Road Wastewater Treatment Facility from the Wastewater Fund under an inter-department MOU between Public Works and PR&N, and

WHEREAS, the Compost facility is moving to a new site (currently known as Field 3) further south on Jennings Road to make room for the Tertiary Treatment Plant expansion, which will occupy the site currently housing the Compost facility, and

WHEREAS, funding for the relocation of the site was obtained as part of the larger Tertiary Treatment Plant expansion which is being funded through a State Revolving Fund (SRF) loan administered by the State Water Resources Control Board, and

WHEREAS, the Compost Fund will reimburse the Wastewater Fund for approximately $4 million as its share of the SRF loan for construction of the new facility under an inter-department MOU between Public Works and PR&N dated December 6, 2011, and

WHEREAS, due to the significant cost of the capital improvements to the site and in order to ensure the long-term protection of the capital investment by the solid waste ratepayers, it is agreed by the parties that the land upon which the Compost Facility is being relocated will be transferred as a Capital Asset from the Wastewater Fund 4210 to the Compost Enterprise Fund 4890, and

WHEREAS, to establish the value of the asset for the purpose of compensation, an appraisal was conducted on November 5, 2012 by Hulberg and Associates which set the market value of the sixty-five (65) acre facility site at $1,140,000, ($17,500 per acre), and

WHEREAS, the Compost Fund hereby agrees to pay the Wastewater Fund the sum of $1,140,000 (one million one hundred forty thousand dollars) for the site, commencing with an initial payment of 10% of the principal balance ($114,000) followed by thirty (30) annual installments of $34,200 (principal balance amortized over 30 years) and interest on the principal balance based on the actual rate of return earned by the City's investment portfolio during the 12-month period immediately preceding the annual payment date, and

WHEREAS, annual payments of principal and interest shall be made on June 30th of each year, and the estimated total purchase price over the 30 year period based on the current 3% interest rate on the City's investment portfolio for the prior 12 month period is $1,671,570, and

WHEREAS, the Memorandum of Understanding sets forth other mutual roles and responsibilities of the parties, and

WHEREAS, a report dated July 9, 2013, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, said matter was set for a hearing of the City Council to be held at 5:30 p.m. on July 9, 2013, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto California, at which date and time a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the Public Works Department and the Parks, Recreation, and Neighborhoods Department for the transfer of a capital asset (new compost facility site, 7001 Jennings Road) from the Wastewater Treatment Enterprise Fund 4210 to the Compost Enterprise Fund 4890.

NOW, THEREFORE, BE IT RESOLVED, that Dennis Turner, Director, may execute the MOU on behalf of the Public Works Department, and Julie Hannon, Director, may execute the MOU on behalf of the Parks, Recreation and Neighborhoods Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-258

RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO WASTEWATER MASTER PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH#2006052076) AND GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH# 2007072023): REPLACEMENT OF HAHN AND EMERALD LIFT STATIONS

WHEREAS, the City of Modesto intends to rehabilitate and upgrade the Hahn and Emerald Lift Stations to replace deteriorated pumps, valves, piping, electrical control gear, and to minimize confined space entry conditions based on the findings of the Condition Assessment conducted as part of the City of Modesto Wastewater Master Plan Update (WWMP).

WHEREAS, on March 13, 2007, the City Council, by Resolution No. 2007-178 certified the Final Wastewater Master Plan Master Environmental Impact Report (SCH No. 2006052076, EA/PW2008-03) for the WWMP.

WHEREAS, the Utility Planning and Projects Department has prepared an Initial Study, Environmental Assessment No. EA/UP&P 2012-09 for the proposed Replacement of Hahn and Emerald Lift Stations, which concluded that the project is within the scope of the Final Wastewater Master Plan Master Environmental Impact Report for the City of Modesto Wastewater Master Plan Update (SCH No. 2006052076, EA/PW2008-03) and the General Plan Master Environmental Impact Report (SCH No. 2007072023) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required, and

WHEREAS, pursuant to Public Resources Code Section 21081 and 21158(d), the City of Modesto finds that no new effects could occur or no new mitigation measures

would be required, therefore the activity is within the scope of the project covered by the Master EIR and no new environmental review is required, and

WHEREAS, in accordance with CEQA guidelines on February 7, 2013, 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 Master EIR, and

WHEREAS, said matter was considered by the City Council at a regular meeting on July 9, 2013, 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. An Initial Study, EA/UP&P 2012-09, 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 Wastewater Master Plan Master EIR and the General Plan Master EIR and whether the subsequent project was described in the Master EIRs as being within the scope of the reports.

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 EIRs.

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 EIRs.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIRs 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 Utility Planning and Projects 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 9th day of July, 2013, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit "A"

INITIAL STUDY
EA/UP&P 2012-09

City of Modesto

Finding of Conformance to Wastewater Master Plan Master EIR:

Initial Study Environmental Checklist EA/UP&P No. 2012-09

For the proposed:

Replacement of Hahn and Emerald Lift Stations

Prepared by:
City of Modesto
Utilities Planning and Projects Department

January 2013

Updated: December 2012

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City of Modesto
Wastewater Master Plan Master EIR
Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Wastewater Master Plan Master Environmental Impact Report (SCH# 2006052076) ("Master EIR" or "MEIR") and General Plan Master EIR (SCH# 2007072023). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Replacement of the Hahn and Emerald Lift Stations are "within the scope" of the project analyzed in the Wastewater Master Plan Master EIR and General Plan Master EIR (Public Resources Code section 21157.1). If the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of a 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)]

This analysis is tiered from the 2007 Wastewater Master Plan Master EIR (SCH #2006052076) and from the Urban Area General Plan Master EIR (SCH #2007072023).

II. PROJECT DESCRIPTION

A. Title: Replacement of Hahn and Emerald Lift Stations

B. Address or Location: Stanislaus County, California.

The Hahn Lift Station will be located at 3200 Nightingale Drive, southwest of the intersection with Honey Creek Road within the City of Modesto (APN 076-001-037). Latitude: 37° 41' 36" N, Longitude: 121° 3' 17" W.

The Emerald Lift Station will be located north of MID Lateral #4 between 217 and 307 N. Emerald Avenue in the City of Modesto (APN 029-031-001). Latitude: 37° 38' 28" N, Longitude: 121° 1' 17" W.

C. Applicant: City of Modesto
Utility Planning and Projects Department
1010 Tenth Street
P. O. Box 642
Modesto, CA 95353

D. City Contact Person:

Hahn Lift Station Project Manager: Pete Kambel, Assistant Engineer
Department: Utility Planning and Projects Department
Phone Number: (209) 577-5444
E-mail address: pkambel@modestogov.com

Emerald Lift Station Project Manager: Lou Schlitz, Engineering Project Coordinator
Department: Utility Planning and Projects Department
Phone Number: (209) 577-5489
E-mail address: lschlitz@modestogov.com

Hahn Lift Station Site and Project Information

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

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

G. Surrounding Land Uses: Detached single family residences are adjacent to the subject lot on all sides.

H. Project Description:

The project is the replacement of an existing sewer lift station located at the intersection of Nightingale Drive and Honey Creek Road with a new sewer lift station to be located at the southwest corner of the intersection of Nightingale Drive and Honey Creek Road, as well as the construction of supporting infrastructure. A map of the project vicinity is attached as **Figure 1**.

The City of Modesto periodically evaluates the condition of its infrastructure to identify current and projected infrastructure needs so that catastrophic failures and unexpected expenditures can be minimized. The Hahn and Emerald Lift Stations were evaluated as part of the 2007 Wastewater Collection System Master Plan.

The City's reliability and redundancy standards minimize the probability of wastewater overflows at the pumping station and within the service area. These standards require the new Hahn and Emerald Lift Stations to include the following features.

- Standby power to pump 900 gpm (1.3 mgd) with a portable generator that can handle all station loads.
- Ability to pump 900 gpm (1.3 mgd) with the largest pump and motor out of service.
- Redundant pump and motor for each size pump.
- Pumps will handle solids
- Design will meet structural and seismic codes.
- Capable of pumping flows from minimum dry weather flow to peak wet weather flow without starting any pump more than 10 starts per hour.
- Appropriate tie-ins to the existing system.

Existing Infrastructure The existing lift station was installed in 1975 and upgraded in 1999. It is served by a drywell containing two 10-horsepower pumps and a wetwell. Among the lift station's deficiencies are:

- both pumps do not work during peak wet weather flow events;

- limited hydraulic capacity due to small pump suction pipes;
- the site is subject to flooding during storm events, which can cause pump failure;
- the ventilation system is inadequate, allowing heat to build up; and
- the drywell is deep, which presents access problems.

The City has determined that replacing the Hahn Lift Station is the most cost-effective means to improve its reliability.

Site Layout The site will be designed to include the following features.

- Wet well located toward the northeast corner of the site
- Space for equipment removal, vacuum truck, and parking.
- A single entrance and single exit for truck access
- Top of structures will be 6 inches above grade
- Concrete pavement
- Wrought iron fence on the north and east sides of the property, set back from the flow lines of the two streets a total distance of 20 feet (8 inches for curb, 4 foot sidewalk, 5-feet 4-inches to the property line, 10 feet for the PUE.)
- Concrete block (CMU) sound walls shall be constructed on west and south sides near property line, leaving the existing wood fences in place
- Bollards between electrical panel and fence.
- The area between the sidewalk and the north and east fences will be landscaped. The 10 foot public utility easement may be used in the future for an odor control soil bed if needed.
- The existing wetwell will be reused as a sewer manhole and the drywell may be converted to a rockwell if the drainage is favorable.

Figure 2 presents the conceptual site plan and **Figure 3** shows the elevation of a similar lift station in Modesto.

Construction Once begun, construction would continue approximately 180 calendar days, depending upon weather.

Emerald Lift Station Site and Project Information

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

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

G. Surrounding Land Uses: Detached single family residences are adjacent to the subject lot on the west, north, and east. Modesto Irrigation District's Lateral No. 4 is adjacent to the south.

H. Project Description:

The project is the replacement of an existing sewer lift station located at the southwest corner of the intersection of Emerald Avenue with Modesto Irrigation District Lateral No. 4 with a new sewer lift station on the same site. A map of the project vicinity is attached as Figure 1.

The City of Modesto periodically evaluates the condition of its infrastructure to identify current and projected infrastructure needs so that catastrophic failures and unexpected expenditures can be minimized. The Emerald Lift Station was evaluated as part of the 2007 Wastewater

Collection System Master Plan. The age of this lift station, combined with the work already performed to extend its useful life, have led City staff to conclude that it would be prudent to replace the lift station in the near future.

Design features required as part of the City's reliability and redundancy standards are noted above under the description of the Hahn Lift Station.

Existing Infrastructure The existing lift station, which lies inside a small masonry building, was installed in 1953, underwent a ventilation project in 1988, and was substantially rehabilitated in 1994. It is served by a drywell containing two 20-horsepower pumps and a 30-horsepower submersible pump. The lift station has a permanent 100 kiloWatt standby generator for backup power, and a wetwell. Among the lift station's deficiencies are:

- inability to pump peak wet weather flows with one of the three pumps out of service;
- firm capacity less than required 3,100 gallons per minute;
- inability to handle peak wet weather flows of up to 6,800 gallons per minute if the Emerald Relief Trunk is out of service;
- pumps are below grade and susceptible to flooding and failure;
- discharge forcemain leaks and its structural integrity is compromised;
- wetwell and manhole are corroded and the structural integrity of the wetwell is compromised;
- there are also concerns associated with the design of the lift station that are related to operational and maintenance safety.

Site Layout The Emerald Lift Station will have four electric submersible pumps which, when used together, will be able to handle 6,800 gallons per minute waste is diverted from the Emerald Relief Trunk. A diesel standby generator will be included, which will have the capacity to provide backup power for two pumps, adequate to provide firm capacity of 3,100 gallons per minute. Backup power may be required for all four pumps should a power outage occur when the Emerald Relief Trunk is being diverted through the Emerald Lift Station; an electrical "tap box" will be included to facilitate connection of an additional backup generator should it become necessary. The site will also be designed with the following features.

- Interior walls of the existing lift station building will be removed or modified to remove the existing electrical panel and maintenance room and replace them with new electrical equipment and restroom facilities, in addition to other modifications to support these improvements; part of the building will be removed.
- Submersible, self-cleaning trench-style lift station (approximately 23 feet long by eight feet wide) will be built at the northwest corner of the site.
- Minor modifications to influent and effluent sewers, such as manholes, extensions to reach new lift station
- Concrete pump washdown area
- Access to equipment for maintenance will be provided through a small "monorail" over the trench-style lift station to be used with a small hoist to allow pumps to be removed safely
- Existing concrete will be demolished to allow underground demolition and construction; concrete will be replaced after underground construction is complete.
- Gates, fencing, and odor control soil bed will remain, although they may be temporarily removed or modified to allow construction. Two trees along the southerly property line will be removed to accommodate construction and continued operation of the lift station.

Figure 4 presents the conceptual site plan and **Figures 5a**, **5b**, and **5c** are conceptual elevations.

Construction Once begun, construction on the Emerald Lift Station would continue approximately 300 calendar days, depending upon weather.

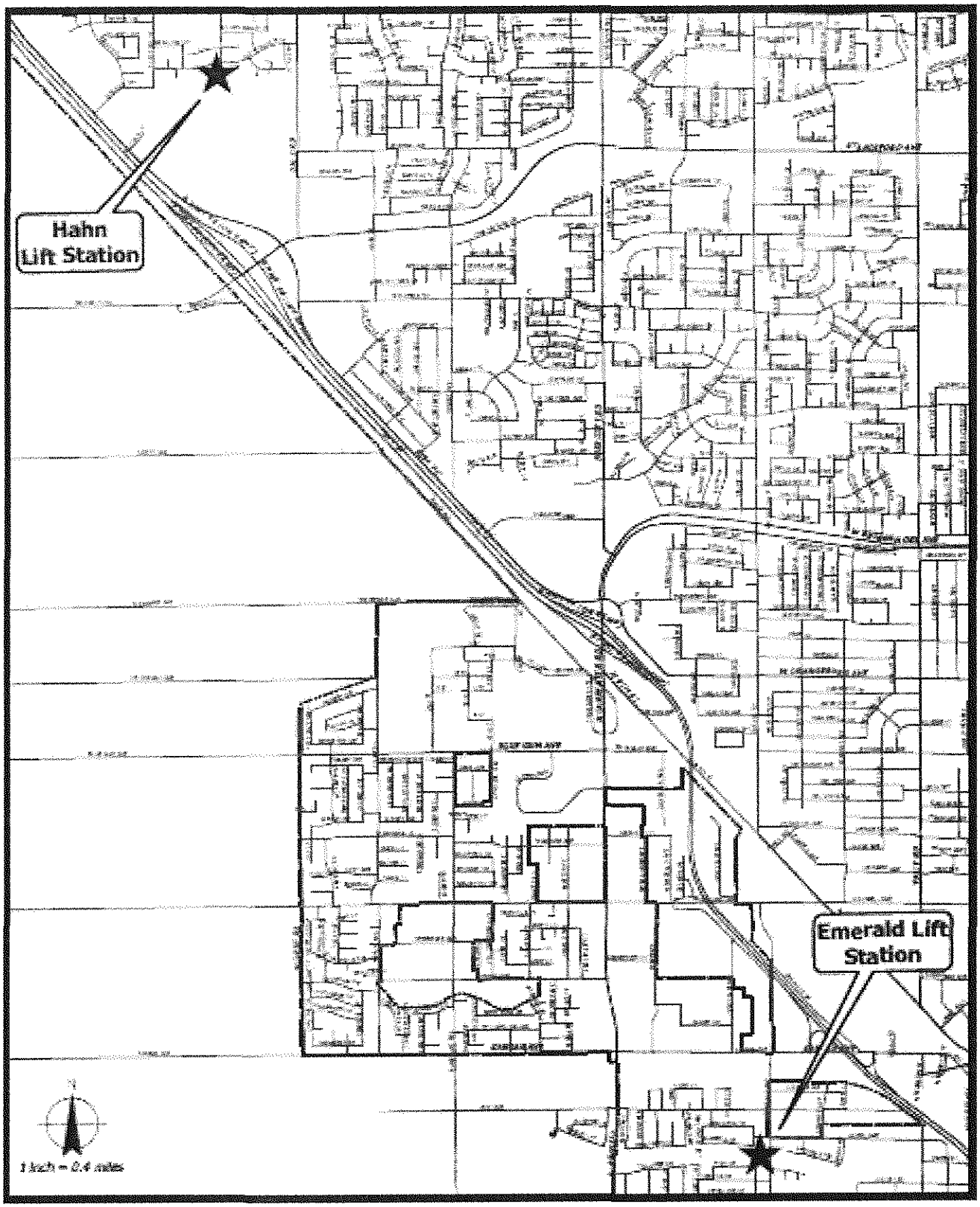
Described in the Master EIR The replacement of lift stations and other waste collection equipment was contemplated in the Wastewater Master Plan Update Master EIR. Chapter I identifies upgrades to the collection system, including lift stations and reliability improvements, that are considered subsequent projects for the purpose of tiering from the Wastewater Master Plan Master EIR. Chapter II's overview of the project elaborates on the need for adequate lift stations, which are included in the Wastewater Master Plan Update. Chapter III's project description identifies the locations of needed facilities, including both the Hahn and Emerald Lift Stations (see Figure III-7 in the Wastewater Master Plan MEIR).

To the extent that the proposed replacement lift stations have the potential to cause impacts related to greenhouse gases or to cultural resources, such potential impacts were evaluated in the General Plan Master EIR and mitigation measures in the General Plan Master EIR would be applied to the lift station replacement project to mitigate potential impacts to a less-than-significant level.

I. Other Public Agencies Whose Approval is Required:

Central Valley Water Quality Control Board
California Reclamation Board
State Water Resources Control Board
Modesto Irrigation District

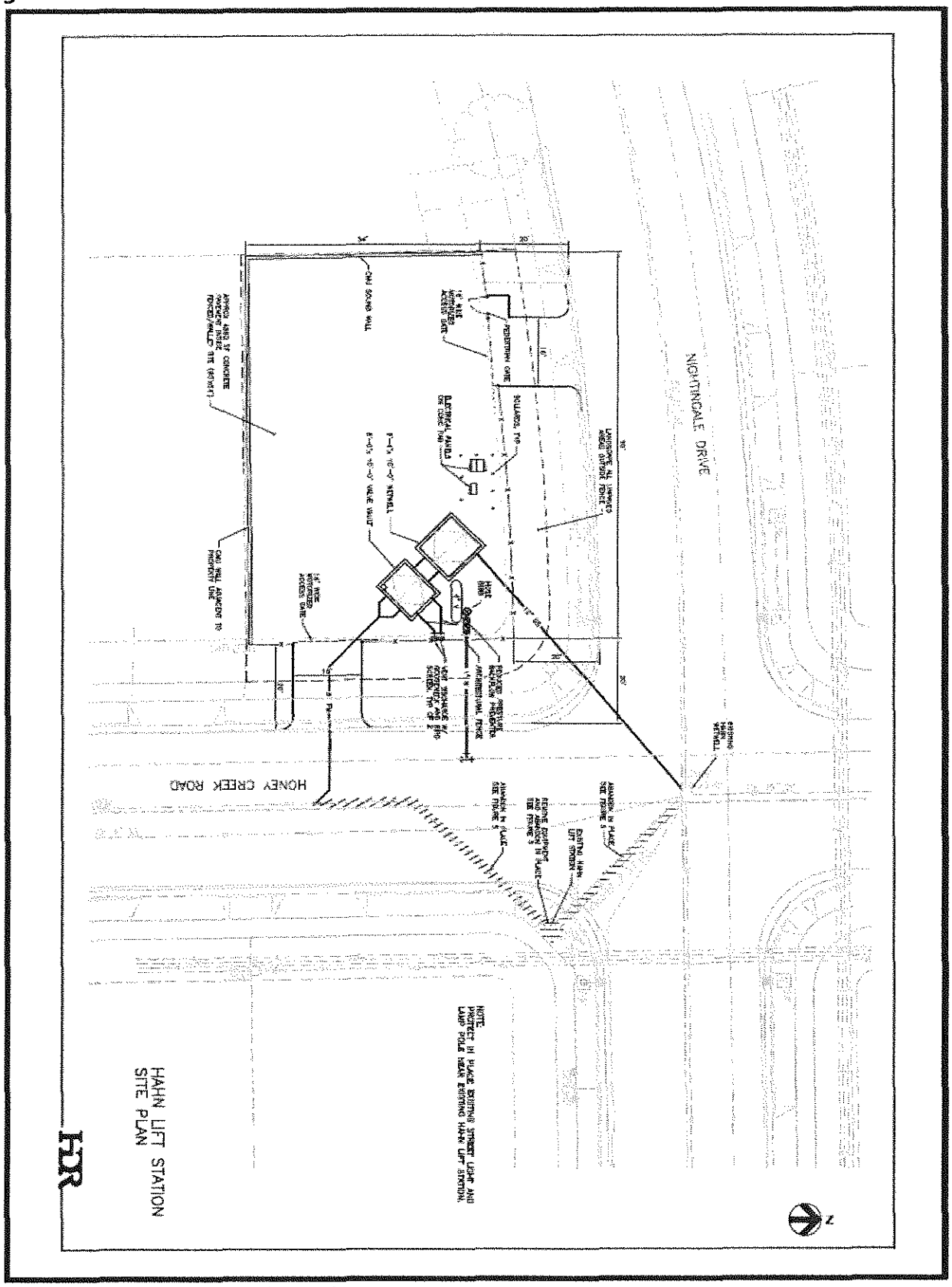
Figure 1



Vicinity Map, Hahn and Emerald Lift Stations

EA/UP&P No. 2012-09

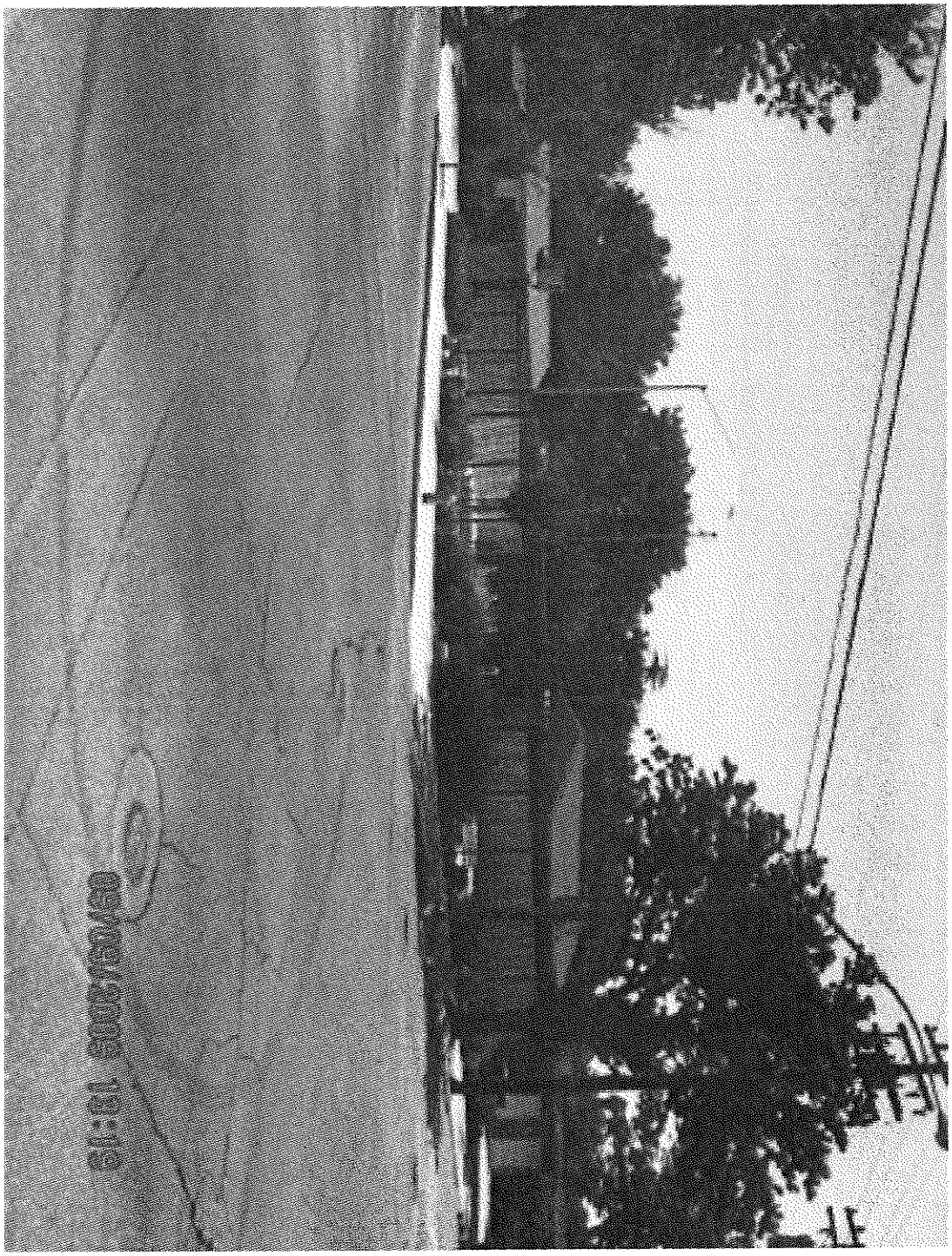
Figure 2



Hahn Lift Station, Conceptual Site Plan

EA/UP&P No. 2012-09

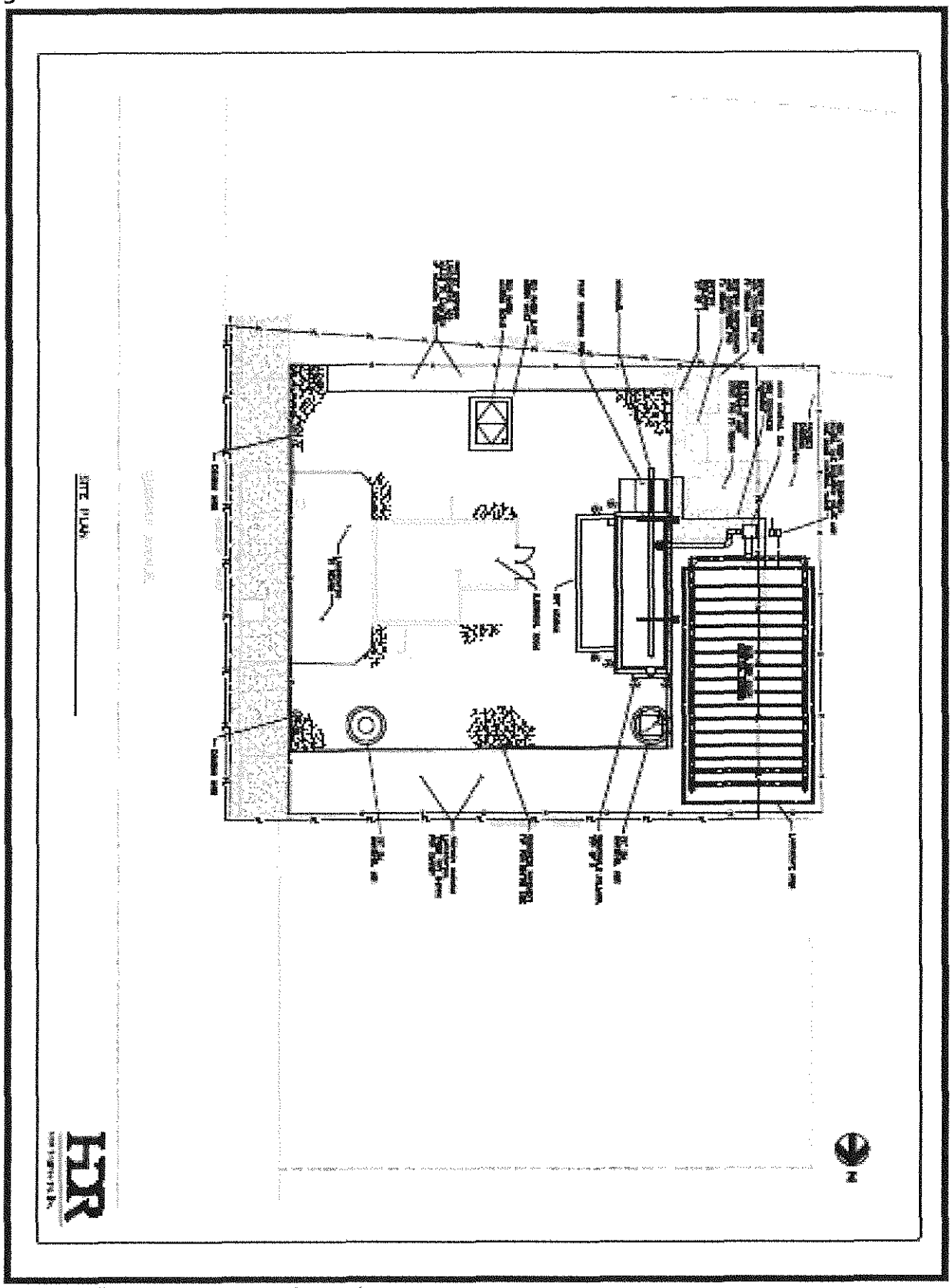
Figure 3



Hahn Lift Station, Conceptual Elevation

EA/UP&P No. 2012-09

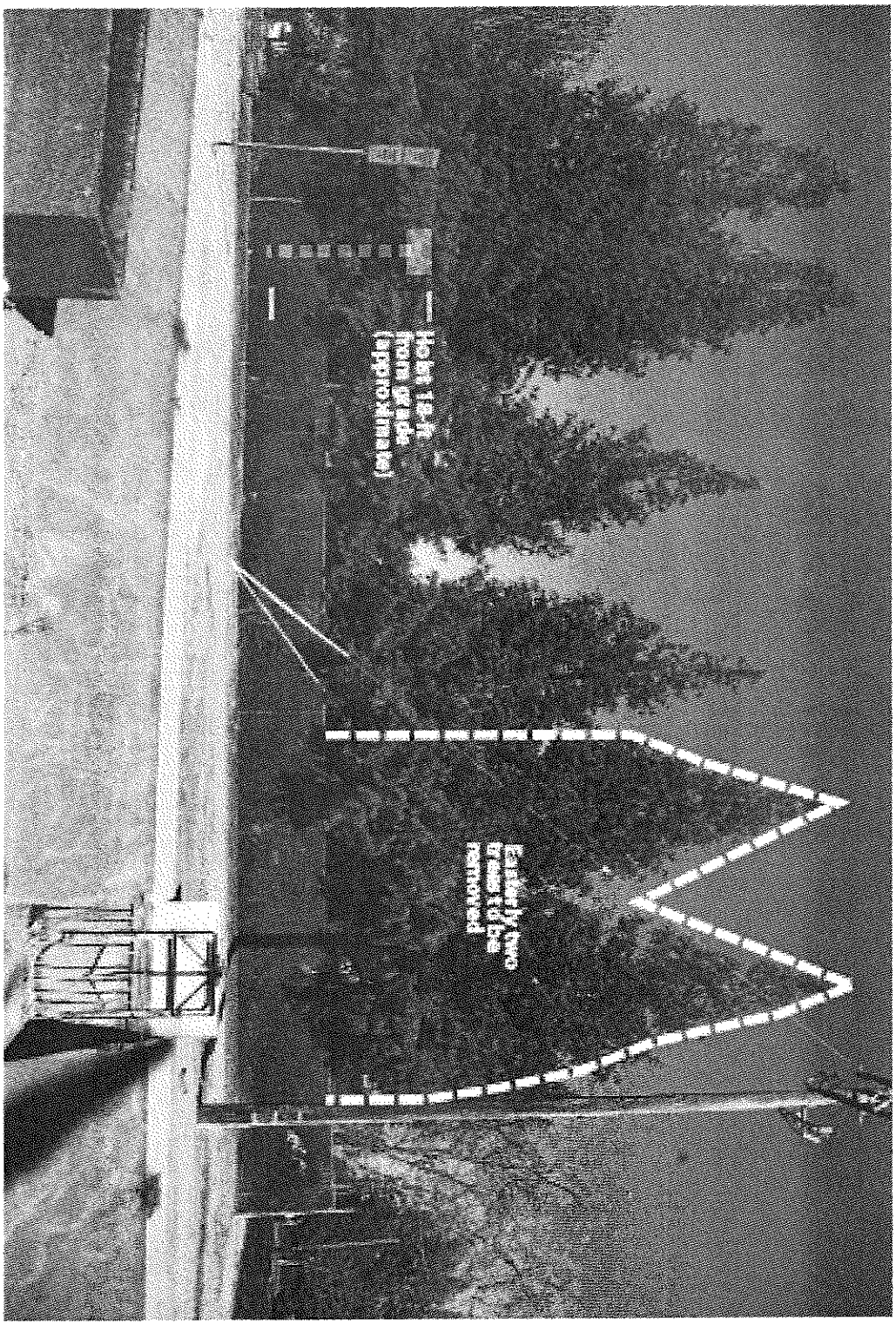
Figure 4



Emerald Lift Station, Conceptual Site Plan

EA/UP&P No. 2012-09

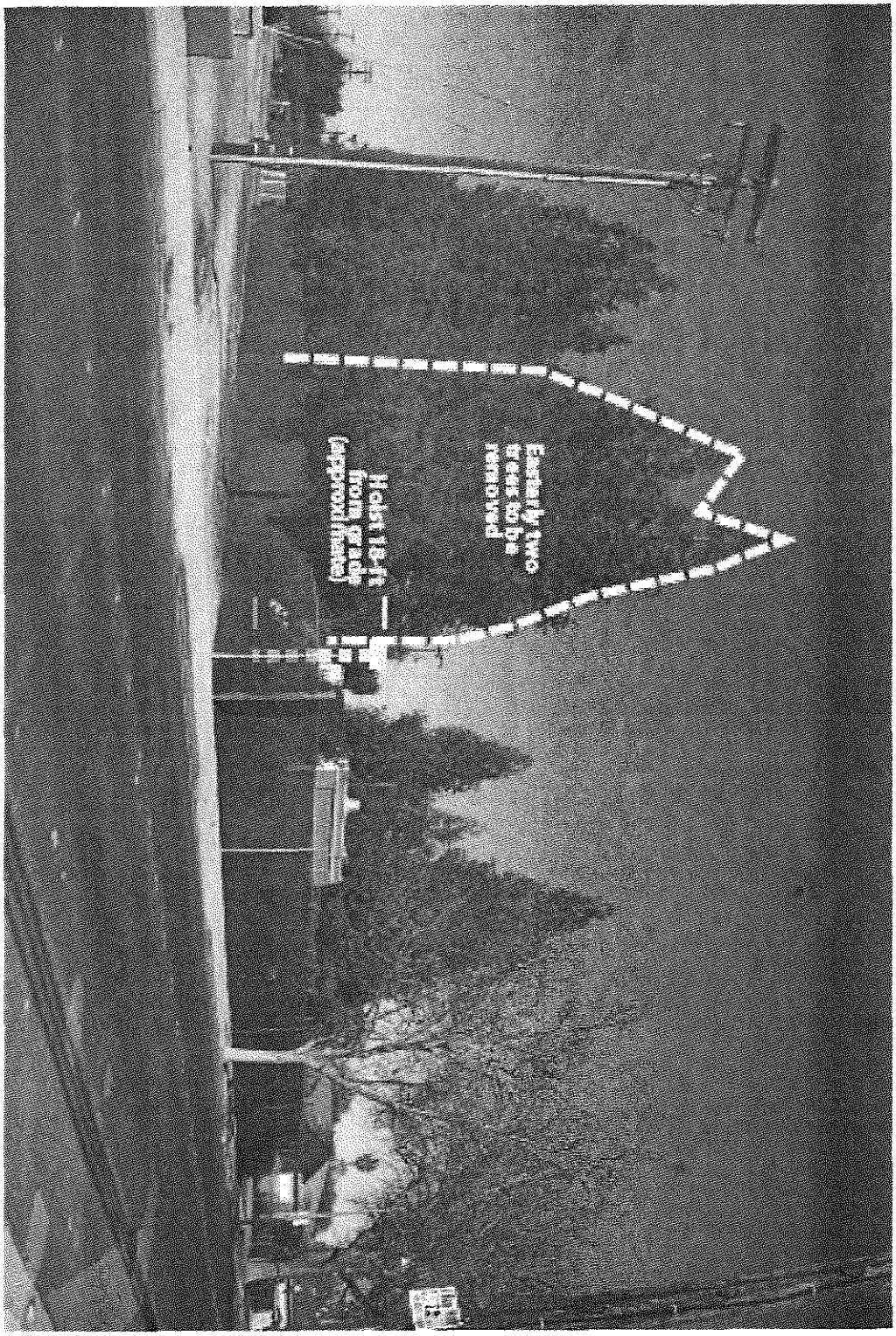
Figure 5a



Emerald Lift Station, Conceptual South Elevation

EA/UP&P No. 2012-09

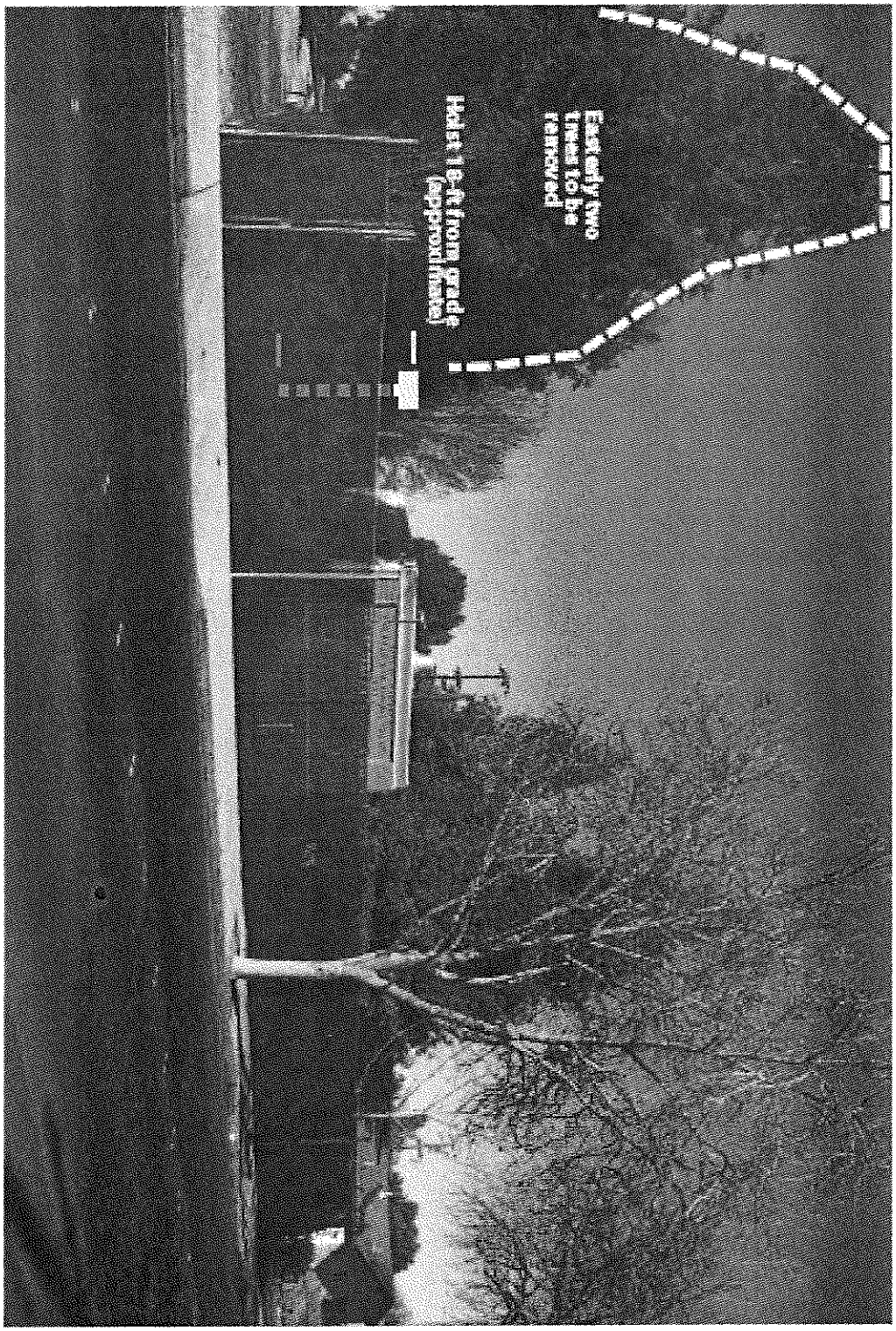
Figure 5b



Emerald Lift Station, Conceptual Southeast Elevation

EA/UP&P No. 2012-09

Figure 5c



Emerald Lift Station, Conceptual East Elevation

EA/UP&P No. 2012-09

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 theWastewater Master Plan Master EIR and General Plan 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 and mitigated through the Master EIRs.

   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 EIRs.

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

2. ____ **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Wastewater Master Plan Master EIR and General Plan 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.

3. ____ **Focused EIR Required**- On the basis of the above determinations, the project is not within the scope of the Wastewater Master Plan Master EIR and General Plan 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.

Project Manager	Senior Civil Engineer Title	2/26/13 Date

4. Within the Scope Analysis of this Document:

The Wastewater Master Plan Master EIR and General Plan Master EIR allow projects to be found within the scope of the MEIRs if certain criteria are met. If the following statements are found to be true for all impact categories included in this Initial Study, then the proposed project is addressed by the analyses contained in the Master EIRs and is within the scope of the Master EIRs. 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 Wastewater Master Plan MEIR and the General Plan MEIR.	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 Wastewater Master Plan MEIR and General Plan 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 Wastewater Master Plan Master EIR and General Plan 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 Wastewater Master Plan Master EIR and General Plan Master EIR.	X	☐

Discussion:

(1) The City of Modesto was the lead agency for the Wastewater Master Plan, the 2007 Wastewater Master Plan Master EIR, the General Plan, the 2008 General Plan Master EIR, and for construction and operation of all wastewater system improvements. Each contract is approved at the sole discretion of the City Council of the City of Modesto.

(2, 6) All relevant and appropriate policies and mitigation measures identified in the Wastewater Master Plan Master EIR and the General Plan Master EIR have been applied to the construction, operation, and maintenance of the Hahn and Emerald Lift Stations.

(3) Relevant Federal, State, regional, and County regulations have not become less restrictive since the Wastewater Master Plan Master EIR and General Plan Master EIR were certified.

(4) City staff is not aware of new information concerning the presence of significant resources in the project area. The General Plan Master EIR discloses information about such resources, as it is known at this time.

(5) Both the Hahn and Emerald Lift Stations lie within the sewer service area of the City of Modesto.

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 the Wastewater Master Plan MEIR and the General Plan MEIR in light of the criteria listed below to determine whether the Master EIRs are current. The analysis contained within the Master EIRs is current as long as the following circumstances have not changed. Any "no" response must be explained.

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

Discussion:

(1) The City of Modesto has reviewed the Wastewater Master Plan Master EIR that was certified in February 2007 and the 2008 General Plan Master EIR that was certified in October 2008 and has determined, as required by Public Resources Code Section 21157.6(b) that (a) no substantial changes have occurred with respect to the circumstances under which either of these Master EIRs were certified, and (b) no new information, which was not known and could not have been known at the time that these Master EIRs were certified as complete, has become available.

(2) The replacement of the Hahn and Emerald Lift Stations is specifically described in the Wastewater Master Plan Master EIR. Because this project is the replacement of an existing inadequate lift station, it is also consistent with the existing development described in the General Plan Master EIR.

(a) No substantial changes have occurred with respect to the circumstances under which these Master EIRs were certified. The City of Modesto has seen almost no increase in development since the Master EIRs were certified.

(b) The City of Modesto is not aware of new information relating to potential environmental impacts that was not known at the time the Master EIRs were certified.

(c) All relevant mitigation measures identified in the Wastewater Master Plan Master EIR and the greenhouse gas and archaeological/historical portions of the General Plan Master EIR will be applied to the proposed project, as described below.

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 conditions resulting from the Wastewater Master Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Wastewater Master Plan is organized in eleven subject areas. The following analysis is based on the impact analyses contained in Chapter IV of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter IV.

1. LAND USE, PLANS, AND POLICIES

a. Significant Effects Identified in the Master EIR

The Master EIR identifies the potential impacts on land use and their associated mitigation measures. Refer to pages IV.A.1 to IV.A.15 in the Wastewater master Plan MEIR for details.

Direct Impacts

Impact A.1: Proposed improvements to the wastewater collection system in the vicinity of established or planned land uses could create land use compatibility conflicts. (Less than significant)

No mitigation measures identified.

Impact A.2: The proposed project includes the construction and/or rehabilitation of portions of sewer lines under the watercourses or near the banks of the Tuolumne River or Dry Creek that could conflict with land use plans and policies. (Less than significant)

No mitigation measures identified.

Impact A.3: Proposed improvements to the Primary Plant in the vicinity of established or planned land uses could create land use compatibility conflicts. (Less than significant)

No mitigation measures identified.

Impact A.4: Proposed improvements to the Secondary Plant and Ranch could result in land use compatibility conflicts. (Less than significant)

No mitigation measures identified.

Impact A.5: Proposed improvements to the wastewater collection and treatment system could conflict with applicable land use plans and policies. (Less than significant)

No mitigation measures identified.

Cumulative Impacts

No cumulative impacts were disclosed in the Wastewater Master Plan Master EIR.

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

No mitigation measures related to land use, plans, and policies are proposed in the Wastewater Master Plan Master EIR.

Discussion:

There are no mitigation measures proposed in the Wastewater Master Plan Master EIR because no significant impacts on land use were identified. 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 IV.A of the Wastewater Master Plan Master EIR identifies the potential impacts of implementing the Wastewater Master Plan on land use, plans, and policies. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
1. LAND USE, PLANS, AND POLICIES			
1) Proposed improvements to the wastewater collection system in the vicinity of established or planned land uses could create land use compatibility conflicts.	☐	☐	X
2) The proposed project includes the construction and/or rehabilitation of portions of sewer lines under the watercourses or near the banks of the Tuolumne River or Dry Creek that could conflict with land use plans and policies.	☐	☐	X
3) Proposed improvements to the Primary Plant in the vicinity of established or planned land uses could create land use compatibility conflicts.	☐	☐	X
4) Proposed improvements to the Secondary Plant and Ranch could result in land use compatibility conflicts.	☐	☐	X
5) Proposed improvements to the wastewater collection and treatment system could conflict with applicable land use plans and policies.	☐	☐	X

Discussion:

Hahn and Emerald Lift Stations

(1) The proposed projects are the replacement of existing lift stations. No land use compatibility concerns are known to have occurred as a result of the existing Hahn and Emerald Lift Stations. The replacement lift stations will be somewhat larger, both physically and in terms of reliable capacity, than the existing lift stations to eliminate operational problems, but the majority of the equipment associated with the facility will be underground, similar to the existing facilities. No impact is expected and no mitigation is proposed.

(2) The proposed lift station replacements do not include work on any transmission lines in or near either the Tuolumne River or Dry Creek. No impact on these waterways will result from the projects and no mitigation is necessary.

(3-4) The proposed replacements of the Hahn and Emerald Lift Stations do not involve any changes to either the Primary or Secondary Plants. Therefore, no land use compatibility impacts in the vicinity of the Primary or Secondary Plant will occur and no mitigation is necessary.

(5) Infrastructure such as lift stations are a normal and necessary part of municipal services. Visible equipment located in neighborhoods is fairly small, typically occupying a single residential lot. Neither the replacement of the Hahn Lift Station nor of the Emerald Lift Station as proposed would have no additional impact on surrounding land uses than that disclosed in the Wastewater Master Plan MEIR.

2. AGRICULTURAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan Master EIR identifies the potential impacts on agricultural resources and their associated mitigation measures. Refer to pages IV.B.1 to IV.B.11 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact B.1: Construction of Collection System Improvements would not result in the permanent loss of Prime Farmland. (Less than significant)

No mitigation measures identified.

Impact B.2: Construction of the Phase IA tertiary treatment facilities at the Secondary Plant would directly result in the permanent loss of Prime Farmland. (Significant and unavoidable)

Mitigation Measure B.2: Compensation for loss of farmland.

Cumulative Impacts

Impact B.3: Construction of the proposed project components within the Planned Urbanizing Area would result in the cumulative loss of prime farmland. (Significant and unavoidable)

Mitigation Measure B.3: Compensation for loss of farmland through contribution to the Farmland Conservancy Fun or an equivalent farmland preservation program.

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

Mitigation measures related to agricultural resources are on pages IV.B.8 to IV.B.11 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.B of the Wastewater Master Plan Master EIR discloses impacts of implementing the Wastewater Master Plan on agricultural resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
2. AGRICULTURAL RESOURCES			
1) Construction of Collection System Improvements would not result in the permanent loss of Prime Farmland.	☐	☐	X
2) Construction of the Phase IA tertiary treatment facilities at the Secondary Plant would directly result in the permanent loss of Prime Farmland.	☐	☐	X
Cumulative Impacts: 3) Construction of the proposed project components within the Planned Urbanizing Area would result in the cumulative loss of prime farmland.	☐	☐	X

Discussion:

Hahn and Emerald Lift Stations

(1) Replacement of the Hahn and Emerald Lift Stations would increase the capacity of the lift station, as compared to the existing lift stations. The original Hahn Lift Station was undersized and has been retrofitted in an attempt to increase the capacity to an adequate level to serve existing development. The original Emerald Lift Station needs greater capacity to handle peak wet weather flows if the Emerald Trunk Line is out of service. Both proposed replacement lift stations would have capacity adequate to serve their areas without facilitating new development.

(2) The proposed replacements of the Hahn Lift Station and the Emerald Lift Station are unrelated to the Phase IA tertiary treatment facilities. No impact related to that facility would occur as a result of these projects.

Cumulative impacts:

(3) As noted in #1 above, the replacement lift stations are larger than the lift stations they will replace. However, the replacement lift stations are sized to accommodate the development currently served by the existing lift stations, which is undersized as compared to the current operating standards. No cumulative impact on farmland is expected to occur as a result of this project.

3. PARKS AND RECREATION

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan Master EIR identifies the potential impacts on land use and their associated mitigation measures. Refer to pages IV.C.1 to IV.C.8 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact C.1: The Beard Brook Reliability Project could result in an increase in localized noise and dust and restrict access and enjoyment of Beard Brook Park. (Less than significant)

No mitigation measures identified.

Impact C.2: Construction of a pipeline near the Dryden Municipal Golf Course could result in an increase in localized noise and dust, and restrict access and enjoyment of this recreational facility. (Less than significant)

No mitigation measures identified.

Impact C.3: The rehabilitation of the Primary Effluent Outfall could result in a temporary increase in localized noise and dust, and could temporarily impair access and enjoyment of a park facility at the southwest corner of West Hatch Road and Rancho Encantado Lane. (Less than significant)

No mitigation measures identified.

Cumulative Impacts

No cumulative impacts were disclosed in the Master EIR.

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

No mitigation measures related to parks and recreation use are proposed in the Master EIR.

Discussion:

No mitigation measures proposed in the Wastewater Master Plan MEIR because no significant impacts on parks and recreation were identified. 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 IV.C of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on parks and recreation. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
3. PARKS AND RECREATION			
1) The Beard Brook Reliability Project could result in an increase in localized noise and dust and restrict access and enjoyment of Beard Brook Park.	☐	☐	X
2) Construction of a pipeline near the Dryden Municipal Golf Course could result in an increase in localized noise and dust, and restrict access and enjoyment of this recreational facility.	☐	☐	X
3) The rehabilitation of the Primary Effluent Outfall could result in a temporary increase in localized noise and dust, and could temporarily impair access and enjoyment of a park facility at the southwest corner of West Hatch Road and Rancho Encantado Lane.	☐	☐	X

Discussion:

Hahn and Emerald Lift Stations

(1-3) The sites for the Hahn and Emerald Lift Station replacements were anticipated in the Wastewater Treatment Master Plan and are shown on Figure III-7 of the Wastewater Master Plan Master EIR. These sites are not components of the Wastewater Treatment Master Plan that were identified as having an impact on any parks in Modesto, nor are the sites within sight of any existing parks. No mitigation is necessary.

4. WATER QUALITY AND HYDROLOGY

a. Significant Effects Identified in the Master EIR

The Master EIR identifies the potential impacts on water quality and hydrology and the associated mitigation measures. Refer to pages IV.D.1 to IV.D.41 in the MEIR for details.

Direct Impacts

Impact D.1: Excavation and construction activities could cause erosion and/or result in chemical releases causing degradation of water quality in nearby surface water and/or groundwater bodies. (Less than significant with mitigation)

Mitigation Measure D.1: The City shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than one acre). The SWPPP shall emphasize measures designed to minimize erosion and off-site sedimentation during improvements to the collection system and installation of the new outfall.

Impact D.2: Elimination of the cross-connections between the stormwater drainage system and the wastewater collections system could result in localized flooding. (Less than significant with mitigation)

Mitigation Measure D.2: Each proposed cross-connection elimination project shall be carefully designed to ensure that existing flooding problems are not exacerbated. If the proposed solution (either temporary or permanent) is not fully compliant with the City standards for stormwater conveyance, then it shall be demonstrated through detailed hydraulic analysis that the proposed solution does not make existing flooding problems worse.

Impact D.3: Implementation of the proposed project that does not match the rate of growth may result in an incremental increase in operation-period surface water quality degradation due to the deficient effluent disposal system. (Significant and unavoidable)

Mitigation Measure D.3: Deficient effluent disposal system.
The City should continue to investigate the feasibility of near-term solutions: 1) additional land application of effluent, 2) expansion of storage capacity, and 3) conservation measures.

Impact D.4: Implementation of the proposed project may result in operation-period surface water quality degradation due to pollutant loading associated with treated wastewater discharges. (Significant and unavoidable)

Mitigation Measure D.4: To mitigate the potential impacts to San Joaquin River water quality associated with the expansion of treated wastewater capacity, the City shall conduct an antidegradation study as set forth above. The study shall be conducted in accordance with all applicable State and Federal anti-degradation policy standards.
NOTE: Modesto is in compliance with this mitigation measure, having prepared an antidegradation study (Stormwater Management Program Antidegradation Analysis, Larry Walker Associates, October 2008) as part of the renewal of the City's 2008 NPDES permit (CAS083526).

Impact D.5: Implementation of the proposed project may result in operation-period surface water quality degradation during daily operations and/or during flooding of the Primary Plant and sludge drying area. (Significant)

Mitigation Measure D.5/D.5 (a): To mitigate the potential impacts to local flooding conditions associated with placement of fill and construction of the flood walls proposed by the project, the City shall retain a qualified registered civil engineer or licensed architect to conduct the appropriate floodplain studies in compliance with Modesto Municipal Code Section 9-4.406 to determine whether the proposed floodplain encroachments could be constructed without increasing base flood elevations upstream or downstream of the Primary Plant. If the studies indicate that base flood elevations would increase, then other appropriate channel modifications shall be considered. If there are no feasible options to offset increases in base flood elevations, then the proposed fill placement and flood walls will not be constructed and the impact to water quality (Impact D.5) would be significant and unavoidable.

Impact D.6: The proposed increase in application of wastewater and biosolids to land would not significantly affect regional groundwater quality. (Less than significant)

No mitigation is necessary.

Impact D.7: Implementation of the project would not result in depletion of groundwater resources. (Less than significant)

No mitigation is necessary.

Impact D.8: The project would include construction activities within the San Joaquin River channel and on nearby levees and would include placement of a permanent structure in the San Joaquin River channel. These activities could affect river flow patterns and degrade water quality. (Less than significant with mitigation)

Mitigation Measure D.8: To the extent feasible, all instream excavation and construction activities shall be conducted during low flow conditions in the river and work within the wetted channel will be avoided. The design of the new outfall and diffuser shall avoid, to the extent feasible, permanent features that extend above the active streambed that could cause flow disruption and scour. (See also impacts on biological resources and mitigation measures.)

Cumulative Impacts

No cumulative impacts were disclosed in the Master EIR.

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

Mitigation measures related to water quality and hydrology are on pages IV.D.26 to IV.D.41 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.D of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on land use, plans, and policies. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
4. WATER QUALITY AND HYDROLOGY			
1) Excavation and construction activities could cause erosion and/or result in chemical releases causing degradation of water quality in nearby surface water and/or groundwater bodies.	☐	X	☐
2) Elimination of the cross-connections between the stormwater drainage system and the wastewater collections system could result in localized flooding.	☐	☐	X
3) Implementation of the proposed project that does not match the rate of growth may result in an incremental increase in operation-period surface water quality degradation due to the deficient effluent disposal system.	☐	☐	X
4) Implementation of the proposed project may result in operation-period surface water quality degradation due to pollutant loading associated with treated wastewater discharges.	☐	☐	X
5) Implementation of the proposed project may result in operation-period surface water quality degradation during daily operations and/or during flooding of the Primary Plant and sludge drying area.	☐	☐	X
6) The proposed increase in application of wastewater and biosolids to land would not significantly affect regional groundwater quality.	☐	☐	X
7) Implementation of the project would not result in depletion of groundwater resources.	☐	☐	X
8) The project would include construction activities within the San Joaquin River channel and on nearby levees and would include placement of a permanent structure in the San Joaquin River channel. These activities could affect river flow patterns and degrade water quality.	☐	☐	X

Discussion:

Hahn and Emerald Lift Stations

(1) Each of the project types evaluated in the Wastewater Master Plan Master EIR has the potential to degrade surface or groundwater quality. Mitigation Measure D.1 will be implemented for the Hahn and Emerald Lift Station replacements as part of the plan submittal for a building permit. These projects and their construction documents will be reviewed to ensure compliance with Modesto's approved Stormwater Pollution Prevention Plan.

(2) Replacement of the Hahn Lift Station will not eliminate cross-connections with the stormwater drainage system. Therefore, this impact is not relevant to the project and no mitigation is necessary.

(3-4) The replacement of the Hahn Lift Station will improve the reliability of the lift station and does not increase the amount of sewer effluent that will be generated in the area served by the Hahn Lift Station. No increase in surface water degradation is expected to occur as a result of this project and no mitigation is necessary.

(5-6) This impact relates to operation of the treatment plants. The replacement of the Hahn Lift Station will not result in a change in the operation of the treatment plants, nor will it increase the amount of sewage being collected and treated. No impact is anticipated and no mitigation is necessary.

(7) Replacement of the Hahn Lift Station would have no effect on groundwater resources, consistent with the Wastewater Master Plan Master EIR. No mitigation is necessary.

(8) This impact is related to construction activities at the treatment plant. Since replacement of the Hahn Lift Station will have no effect on activity at the treatment plant, no impact on the San Joaquin River channel will occur as a result of this project and no mitigation is necessary.

5. BIOLOGICAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on biological resources and the associated mitigation measures. Refer to pages IV.E.1 to IV.E.37 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact E.1: Construction of project facilities along the Tuolumne River adjacent to the Primary Plant, or in other riparian areas, could damage the habitat of the valley elderberry longhorn beetle. (Less than significant with mitigation)

Mitigation Measure E.1.1: Perform pre-construction surveys.

Mitigation Measure E.1.2a: Agency coordination and consultation.

Mitigation Measure E.1.2b: Avoidance.

Impact E.2: Construction of project facilities could cause loss of occupied Burrowing Owl habitat. (Less than significant with mitigation)

Mitigation Measure E.2.1: Avoidance.

Mitigation Measure E.2.2: Compensation for loss of Burrowing Owl habitat if a pre-construction survey finds that Burrowing Owls occupy the site and avoidance is not feasible.

Impact E.3: Construction of project facilities could cause disturbance of nesting raptors. (Less than significant with mitigation)

Mitigation Measure E.3.1: Avoidance.

Mitigation Measure E.3.2: Perform pre-construction surveys.

Impact E.4: Construction of the project facilities could cause impacts to biological resources and regulated habitats of Dry Creek (Beard Brook) and of the Tuolumne River. (Less than significant with mitigation)

Mitigation Measure E.4.1: Pre-construction surveys and agency coordination.

Mitigation Measure E.4.2: Implement mitigation for Special Status species that might be identified during pre-construction surveys.

Impact E.5: Construction of project facilities or development facilitated by construction of project facilities could cause loss of Swainson's Hawk foraging habitat. (Less than significant with mitigation)

Mitigation Measure E.5: Compensation for loss of foraging habitat.

Impact E.6: Construction during Swainson's Hawk breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. (Less than significant with mitigation)

Mitigation Measure E.6a: Perform pre-construction surveys.

Mitigation Measure E.6b: Nest trees should not be removed unless avoidance measures are determined to be infeasible.

Impact E.7: Construction of improvements to the Secondary Plant may cause impacts to regulated habitats. (Less than significant with mitigation)

Mitigation Measure E.7: Perform pre-construction surveys and agency coordination.

Impact E.8: Microtunneling could cause impacts to riparian habitats under the jurisdiction of the California Department of Fish and Game and/or the U.S. Army Corps of Engineers. (Less than significant with mitigation)

Mitigation Measure E.8: Perform pre-construction surveys and agency coordination.

Impact E.9: Construction activities could affect the habitat for Western Pond Turtles, the nesting and foraging habitat for Loggerhead Shrikes, and foraging habitat for Short-Eared Owls, Northern Harriers, and Tri-Colored Blackbirds. (Less than significant)

No mitigation is necessary.

Impact E.10: Construction of a new diffuser in the San Joaquin River, and additional discharges of treated wastewater to the San Joaquin River from the Secondary Plant could affect the spawning habitat or affect the health of the Sacramento Splittail. (Less than significant)

No mitigation is necessary.

Cumulative Impacts

Impact E.11: Growth facilitated by the project would result in cumulative loss of Swainson's Hawk and Burrowing Owl habitat. (Less than significant with mitigation)

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

Mitigation measures related to biological resources are shown on pages IV.E.25 to IV.E.37 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.E of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on biological resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

Hahn Lift Station

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
5. BIOLOGICAL RESOURCES			
1) Construction of project facilities along the Tuolumne River adjacent to the Primary Plant, or in other riparian areas, could damage the habitat of the valley elderberry longhorn beetle.	☐	☐	X
2) Construction of project facilities could cause loss of occupied Burrowing Owl habitat.	☐	X	☐
3) Construction of project facilities could cause disturbance of nesting raptors.	☐	☐	X
4) Construction of the project facilities could cause impacts to biological resources and regulated habitats of Dry Creek (Beard Brook) and of the Tuolumne River.	☐	☐	X
5) Construction of project facilities or development facilitated by construction of project facilities could cause loss of Swainson's Hawk foraging habitat.	☐	X	☐

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
6) Construction during Swainson's Hawk breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment.	☐	☐	X
7) Construction of improvements to the Secondary Plant may cause impacts to regulated habitats.	☐	☐	X
8) Microtunneling could cause impacts to riparian habitats under the jurisdiction of the California Department of Fish and Game and/or the U.S. Army Corps of Engineers.	☐	☐	X
9) Construction activities could affect the habitat for Western Pond Turtles, the nesting and foraging habitat for Loggerhead Shrikes, and foraging habitat for Short-Eared Owls, Northern Harriers, and Tri-Colored Blackbirds.	☐	☐	X
10) Construction of a new diffuser in the San Joaquin River, and additional discharges of treated wastewater to the San Joaquin River from the Secondary Plant could affect the spawning habitat or affect the health of the Sacramento Splittail.	☐	☐	X
Cumulative Impacts: 11) Growth facilitated by the project would result in cumulative loss of Swainson's Hawk and Burrowing Owl habitat.	☐	X	☐

Discussion (Hahn Lift Station):

(1) Replacement of the Hahn Lift Station will have no impact on riparian habitat or riparian species as it is not located near a natural watercourse. No mitigation is necessary.

(2) A biological resources survey will be performed prior to the commencement of construction to determine whether burrowing owl habitat exists on the site (Mitigation Measure E.2.2). Due to proximity of the project site to an open field, it is possible that ground squirrels have colonized the site since the house was demolished, providing an opportunity for burrowing owls to colonize the site, as well.

(3, 6) The project site contains no trees for raptors to nest in, therefore nesting raptors would not occur on the project site. No impact on nesting raptors is expected and no mitigation is necessary.

(4) Replacement of the Hahn Lift Station would result in localized impacts during construction. No impact on biological resources at Beard Brook Park or at the Tuolumne River would occur. No mitigation is necessary.

(5) A biological resources survey will be performed prior to the commencement of construction to determine whether Swainson's hawk foraging habitat exists on the site and loss of foraging habitat will be compensated for if found to exist (Mitigation Measure E.5). Due to proximity of the project site to an open field, it is possible that Swainson's hawks may use the project site for foraging.

(7-10) The replacement of the Hahn Lift Station does not include any improvements to the Secondary Treatment Plant, therefore, no impacts on habitats at the Secondary Treatment Plant would result. Furthermore, neither riparian habitats, riparian species, nor aquatic species will be affected by the replacement of this lift station. No mitigation is necessary.

Cumulative impacts:

(11) A pre-construction biological resources survey will be performed to determine whether impacts on burrowing owl habitat or Swainson's hawk foraging habitat will occur. Should any potential impact be identified, the City and its contractors will follow the recommendations contained in the survey. (Mitigation Measures E.2.2 and E.5.)

Emerald Lift Station

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
5. BIOLOGICAL RESOURCES			
1) Construction of project facilities along the Tuolumne River adjacent to the Primary Plant, or in other riparian areas, could damage the habitat of the valley elderberry longhorn beetle.	☐	☐	X
2) Construction of project facilities could cause loss of occupied Burrowing Owl habitat.	☐	☐	X
3) Construction of project facilities could cause disturbance of nesting raptors.	☐	☐	X
4) Construction of the project facilities could cause impacts to biological resources and regulated habitats of Dry Creek (Beard Brook) and of the Tuolumne River.	☐	☐	X
5) Construction of project facilities or development facilitated by construction of project facilities could cause loss of Swainson's Hawk foraging habitat.	☐	☐	X
6) Construction during Swainson's Hawk breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment.	☐	☐	X
7) Construction of improvements to the Secondary Plant may cause impacts to regulated habitats.	☐	☐	X
8) Microtunneling could cause impacts to riparian habitats under the jurisdiction of the California Department of Fish and Game and/or the U.S. Army Corps of Engineers.	☐	☐	X
9) Construction activities could affect the habitat for Western Pond Turtles, the nesting and foraging habitat for Loggerhead Shrikes, and foraging habitat for Short-Eared Owls, Northern Harriers, and Tri-Colored Blackbirds.	☐	☐	X

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
10) Construction of a new diffuser in the San Joaquin River, and additional discharges of treated wastewater to the San Joaquin River from the Secondary Plant could affect the spawning habitat or affect the health of the Sacramento Splittail.	☐	☐	X
Cumulative Impacts: 11) Growth facilitated by the project would result in cumulative loss of Swainson's Hawk and Burrowing Owl habitat.	☐	☐	X

Discussion (Emerald Lift Station):

(1) Replacement of the Emerald Lift Station will have no impact on riparian habitat or riparian species, as it is not located near a natural watercourse. No mitigation is necessary.

(2,3,5,6) The Emerald Lift Station site is in active use and is occupied by various buildings and structures. While there may be a few ground squirrel burrows on the project site, burrowing owls do not tolerate human disturbance well and are not expected to occupy any burrows that may exist on the site. The trees planted along the property lines are a species of redwood not native to the area, nor is the site located near a riparian area, where Swainson's hawks might be expected to nest and the site does not harbor suitable foraging habitat. Biological surveys will not be required for this site.

(4) Replacement of the Emerald Lift Station would result in localized impacts during construction. No impact on biological resources at Beard Brook Park or at the Tuolumne River would occur. No mitigation is necessary.

(7-10) The replacement of the Emerald Lift Station does not include any improvements to the Secondary Treatment Plant, therefore, no impacts on habitats at the Secondary Treatment Plant would result. Furthermore, neither riparian habitats, riparian species, nor aquatic species will be affected by the replacement of the Emerald lift station. No mitigation is necessary.

Cumulative impacts:

(11) As noted in the discussion above, a pre-construction biological survey will not be required for this site due to the improbability of encountering either burrowing owls or Swainson's hawks nesting or foraging on the site. No mitigation is necessary.

6. TRANSPORTATION

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on transportation and the associated mitigation measures. Refer to pages IV.F.1 to IV.F.12 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact F.1: Temporary reduction in roadway capacity and increased traffic delays. (Less than significant)

No mitigation is necessary.

Impact F.2: Short-term traffic increases on roadways due to construction-related vehicle trips. (Less than significant)

No mitigation is necessary.

Impact F.3: Increased potential for traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways during construction. (Less than significant)

No mitigation is necessary.

Impact F.4: Increases in vehicle trips to and from the facility sites for operation and maintenance. (Less than significant)

No mitigation is necessary.

Cumulative Impacts

Impact F.5: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable traffic impacts identified in the Urban Area General Plan.

Mitigation Measure F.1: With implementation of the Urban Area General Plan Master EIR's mitigation measures related to traffic, the significant cumulative impacts would be reduced, but not to less-than-significant levels.

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

Mitigation measures related to transportation are found on pages IV.F.10 to IV.F.12 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.C of the Wastewater Master Plan Master EIR identifies the potential impacts of implementing the Wastewater Master Plan on parks and recreation. 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
6. TRANSPORTATION			
1) Temporary reduction in roadway capacity and increased traffic delays.	☐	☐	X
2) Short-term traffic increases on roadways due to construction-related vehicle trips.	☐	☐	X
3) Increased potential for traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways during construction.	☐	☐	X
4) Increases in vehicle trips to and from the facility sites for operation and maintenance.	☐	☐	X
Cumulative Impacts: 5) The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable traffic impacts identified in the Urban Area General Plan.	☐	☐	X

Discussion:

Hahn and Emerald Lift Stations

(1-3) Construction of the replacement lift stations may temporarily constrain access to nearby residential properties. However, approximately five to seven employees will be on site at any specific time and no significant traffic impact is expected. Heavy equipment will also be in use, however, it will be mobile equipment and is not expected to obstruct the street for an extended period. While large equipment will be present and additional vehicles for construction crews will be present, these will not present a significant impact on pedestrian and bicycle safety because of the low traffic volumes on the affected residential streets and relatively low traffic volumes on Emerald Avenue and the relative ease of avoiding the equipment and vehicles. No significant impact is expected and no mitigation is necessary.

(4) Maintenance and operation of the Hahn and Emerald Lift Stations will require periodic site visits by staff. Site visits are expected to occur no more than once daily, fewer trips than the average expected to occur at a single house. This impact is not significant and no mitigation is necessary.

Cumulative impacts:

(5) The replacement of the Hahn Lift Station is planned to accommodate the waste generated by the existing development in the area served by the existing lift station, which is undersized. The replacement of the Emerald Lift Station is planned to accommodate local waste and also to handle on a temporary basis waste diverted from the Emerald Trunk Line to allow maintenance on the Trunk Line. No new growth will be accommodated by these lift stations and no impacts associated with growth are expected. No mitigation is necessary.

7. AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on air quality and the associated mitigation measures. Refer to pages IV.G.1 to IV.G.28 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact G.1: Emissions of criteria pollutants during construction of wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region. (Significant and unavoidable)

> Mitigation Measure G.1: The construction plans for each group of building permits shall incorporate recommendations from the San Joaquin Valley Air Pollution Control District specified on pages IV.G.17 and IV.G.18 in the Wastewater Master Plan Master EIR to minimize emissions during construction phases.

Impact G.2: Emissions of criteria pollutants during operation of the proposed wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region. (Significant and unavoidable)

> Mitigation Measure G.2: The City shall abide by permit limits imposed by the SJVAPCD to reduce pollutant emissions from diesel-powered engines for emergency power generation and any other sources requiring permits. The City shall abide by permit limits imposed by the SJVAPCD on operation of digester-gas burning equipment at the Primary Plant. If District Rule 9510 would apply, the City shall follow it and make the required emission reductions on-site (or pay for or create emission reductions off-site).

Impact G.3: Emissions during project operation could cause sensitive receptors to be exposed to toxic air contaminants. (Less than significant)

> No mitigation is necessary.

Impact G.4: Emissions of objectionable odors could occur during project operation. (Less than significant)

> No mitigation is necessary.

Cumulative Impacts

Impact G.5: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable air quality impacts identified in the Urban Area General Plan. (Significant and unavoidable)

> Mitigation Measure G.5: With implementation of the Urban Area's Master [General] Plan's mitigation measures [applied to new development projects] related to traffic and energy use (and related to carbon monoxide and particulate matter, in particular), the significant cumulative impacts would be reduced, but not to less-than-significant levels.

Impact G.6: The wastewater treatment facilities would cause a cumulatively considerable net increase of pollutants for which the San Joaquin Valley is designated as nonattainment.

Mitigation Measure G.6: See mitigation measures listed under Impacts G.1 and G.2. With implementation of these measures, significant cumulative impacts would be reduced, but not to less-than-significant levels.

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

Mitigation measures related to air quality appear on pages IV.G.17 to IV.G.28 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.G of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on air quality. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
7. AIR QUALITY			
1) Emissions of criteria pollutants during construction of wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region.	☐	X	☐
2) Emissions of criteria pollutants during operation of the proposed wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region.	☐	X	☐
3) Emissions during project operation could cause sensitive receptors to be exposed to toxic air contaminants.	☐	☐	X
4) Emissions of objectionable odors could occur during project operation.	☐	☐	X

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
Cumulative Impacts: 5) The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable air quality impacts identified in the Urban Area General Plan.	☐	☐	X
6) The wastewater treatment facilities would cause a cumulatively considerable net increase of pollutants for which the San Joaquin Valley is designated as nonattainment.	☐	X	☐

Discussion:

Hahn and Emerald Lift Stations

(1) Construction activities will contribute to existing violations of air quality standards. Mitigation Measure G.1 will be implemented as part of the building permit issuance process. The San Joaquin Air Pollution Control District will be consulted and that agency's recommendations will be implemented.

(2) Under normal circumstances, both lift stations will use electricity to operate. However, if there is a disruption in electrical service, the lift stations are designed to operate with a diesel-powered backup generator. Generators of this sort require a permit from the Air District and must comply with Air District regulations designed to reduce emissions of criteria pollutants. Mitigation Measure G.2 will be implemented as part of the building permit issuance process.

(3) Toxic air contaminants are not expected to be a significant part of the emissions from the Hahn and Emerald Lift Stations, as described in the Wastewater Master Plan Master EIR. No significant impact is expected and no mitigation measures are necessary.

(4) Emission of objectionable odors during project operation is possible, but not expected. No mitigation measures are necessary. The Emerald Lift Station has a successfully functioning odor control soil bed that will continue to be in use when the lift station is replaced. Should odor control at the Hahn Lift Station become a problem in the future, the site will be designed to allow the use of the public utility easement as an odor control soil bed.

Cumulative Impacts:

(5) As noted in other sections of this document, both the Hahn and Emerald Lift Stations will be designed to accommodate the sewage generated in its existing service area, and is not intended to allow for growth in its service area. No cumulative air quality impact associated with growth would be expected as a result of this project and no mitigation is necessary.

(6) Discussion items 1 and 2 have noted that activities associated with construction and operation of the Hahn and Emerald Lift Stations will contribute to existing violations of air quality standards. Mitigation Measures G.1 and G.2 will be implemented to reduce those impacts to a less-than-significant level.

8. NOISE

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on transportation and the associated mitigation measures. Refer to pages IV.H.1 to IV.H.13 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact H.1: Construction of the proposed project facilities could cause substantial, though intermittent and short-term, increases in noise levels, which would add to noise levels predicted by the City's *General Plan MEIR* and the *County General Plan*. (Less than significant with mitigation)

> Mitigation Measure H.1: Protection of sensitive receptors from excessive construction noise.

Impact H.2: Operation of new stationary sources of noise at the Primary and Secondary Plants associated with the proposed project could generate noise. (Less than significant)

> No mitigation is necessary.

Impact H.3: Increased trips by Public Works Department employees could cause noise increases for existing sensitive receptors in the project vicinity. (Less than significant)

> No mitigation is necessary.

Cumulative Impacts

Impact H.4: The proposed project would support cumulative development that could increase noise levels in areas where noise levels exceed, or would exceed, the noise and land use compatibility guidelines adopted by the City of Modesto and Stanislaus County, or the noise performance standards set by the City and County. (Significant and unavoidable)

> No mitigation measures identified in the MEIR.

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

Mitigation measures related to noise appear on pages IV.H.11 and IV.H.12 in the Wastewater Master Plan MEIR.

Discussion:

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 IV.H of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on parks and recreation. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
8. NOISE			
1) Construction of the proposed project facilities could cause substantial, though intermittent and short-term, increases in noise levels, which would add to noise levels predicted by the City's *General Plan MEIR* and the *County General Plan.*	☐	X	☐
2) Operation of new stationary sources of noise at the Primary and Secondary Plants associated with the proposed project could generate noise.	☐	☐	X
3) Increased trips by Public Works Department employees could cause noise increases for existing sensitive receptors in the project vicinity.	☐	☐	X
Cumulative Impacts: 4) The proposed project would support cumulative development that could increase noise levels in areas where noise levels exceed, or would exceed, the noise and land use compatibility guidelines adopted by the City of Modesto and Stanislaus County, or the noise performance standards set by the City and County.	☐	☐	X

Discussion:

Hahn and Emerald Lift Stations

(1) Construction of the replacement Hahn Lift Station would increase noise levels in the surrounding neighborhood for the duration of construction (180 days, depending on weather). Construction of the replacement Emerald Lift Station would continue for 300 days, depending on weather, and include the demolition of concrete on the site in order to perform the below-ground work. The noisiest activities at each site will be limited, but could occur at any time during the construction period. Mitigation Measure H.1 will be implemented in order to reduce construction noise impacts by specifying the following requirements in the construction contract:

a. Site work and equipment use will occur only between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between 9:00 a.m. and 9:00 p.m. Saturday and Sunday, as required by the City's noise ordinance.

b. Only noise-muffled equipment in good working order will be used and air compressors and pneumatic equipment will be equipped with mufflers, shrouds, or shields, as appropriate.

(2) The project will not involve any work at the Primary or Secondary Treatment Plants. No noise impacts will occur at these locations as a result of this project and no mitigation is necessary.

(3) Maintenance and operation of both lift stations will require periodic site visits by staff. Site visits are expected to occur no more than once daily, similar in frequency and duration to the site visits made to the existing Hahn and Emerald Lift Stations. This impact is not significant and no mitigation is necessary.

Cumulative Impacts:

(4) The replacement of the Hahn Lift Stations is planned to accommodate the waste generated by the existing development in the area served by the existing lift station, which is undersized. The capacity of the Emerald Lift Station will increase, but the purpose is to ensure the ability to divert waste from the Emerald Trunk Line in order to perform maintenance, not to accommodate new growth, as suggested in the project description by providing backup generator capacity for only two pumps, which provide the required firm capacity of 3,100 gallons per minute. No new growth will be accommodated by this lift station and no impacts associated with growth are expected. No mitigation is necessary.

9. VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on visual resources and the associated mitigation measures. Refer to pages IV.I.1 to IV.I.10 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact I.1: The proposed aboveground structures associated with wastewater collection would impact the visual quality of their surroundings. (Less than significant)

No mitigation is necessary.

Impact I.2: At the Primary and Secondary Plants, the proposed new aboveground structures and alterations to existing aboveground structures could impact the visual quality of their surroundings. (Less than significant)

No mitigation is necessary.

Impact I.3: The proposed area of fill and the berm around the perimeter of the fill at the Primary Plant would impact visual quality in the vicinity of the project when viewed from surrounding public streets and parks. (Less than significant)

No mitigation is necessary.

Cumulative Impacts

No cumulative impacts were disclosed in the Wastewater Master Plan MEIR.

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

The Wastewater Master Plan MEIR did not identify significant impacts related to visual resources, therefore, no mitigation measures were identified in the Wastewater Master Plan MEIR.

Discussion:

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 IV.I of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master 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 Wastewater Master 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
9. VISUAL RESOURCES			
1) The proposed aboveground structures associated with wastewater collection would impact the visual quality of their surroundings.	☐	☐	X
2) At the Primary and Secondary Plants, the proposed new aboveground structures and alterations to existing aboveground structures could impact the visual quality of their surroundings.	☐	☐	X
3) The proposed area of fill and the berm around the perimeter of the fill at the Primary Plant would impact visual quality in the vicinity of the project when viewed from surrounding public streets and parks.	☐	☐	X

Discussion:

Hahn and Emerald Lift Stations

(1) The proposed lift station replacements are described in the Wastewater Master Plan Master EIR (see Figure III-7) and the design will be consistent with the design of similar facilities in Modesto. Most of the lift station structures and equipment will be below ground with access, a wall, fencing, concrete cover, and landscaping above ground, as shown on Figures 4 and 5, although the Emerald Lift Station will include a "monorail" over the lift station to be used with a small hoist to allow the pumps to be removed safely (Figures 5a, 5b, and 5c). This will consist of three or four upright posts connected with a rail along which the hoist can be moved in place above a motor. The hoist assembly will stand no more than 18 feet high and will be visible from adjacent residences west and north of the lift station. The hoist assembly will be intermittently visible beyond the existing building from Emerald Avenue. Additionally, two trees will be removed to improve vehicle access to the rear of the site (Figures 5a, 5b, and 5c), where the lift station and hoist will be located. Removal of these trees will increase, the visibility of the hoist assembly from Emerald Avenue. No impacts greater than those identified in the Master EIR are expected to occur, therefore, no mitigation is necessary.

(2-3) The replacement of the Hahn Lift Station would have no effect on either the Primary or Secondary Wastewater Treatment Plants and therefore no effects related to these facilities will occur as a result. No mitigation is necessary.

10. PUBLIC HEALTH AND SAFETY: HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan Master EIR identifies the potential impacts on public health and safety related to hazardous materials and the associated mitigation measures. Refer to pages IV.J.1 to IV.J.12 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact J.1: Hazardous materials use, storage, and transportation during construction would cause potential hazards to the public and the environment. (Less than significant)

No mitigation is necessary.

Impact J.2: Hazardous materials use, storage, and transportation during the operation of the wastewater collection and treatment system would cause potential hazards to the public and the environment. (Less than significant)

No mitigation is necessary.

Impact J.3: Increased use of chlorine and sulfur dioxide at the Secondary Plant could expose workers and the public to accidental release of toxic gases. (Less than significant)

No mitigation is necessary.

Impact J.4: Construction and operation of the wastewater collection and treatment facilities would increase the amount of hazardous wastes generated at the facilities, resulting in increased hazards to the public and the environment. (Less than significant)

Cumulative Impacts

Impact J.5: The project would involve increased use and transport of hazardous materials and hazardous wastes within California. (Less than significant)

No mitigation is necessary.

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

Mitigation measures related to public health and safety with respect to hazardous materials appear on pages IV.J.11 and IV.J.12 in the Wastewater Master Plan MEIR.

Discussion:

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 IV.J of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on public health and safety related to hazardous materials. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
10. PUBLIC HEALTH AND SAFETY: HAZARDOUS MATERIALS			
1) Hazardous materials use, storage, and transportation during construction would cause potential hazards to the public and the environment.	☐	☐	X
2) Hazardous materials use, storage, and transportation during the operation of the wastewater collection and treatment system would cause potential hazards to the public and the environment.	☐	☐	X
3) Increased use of chlorine and sulfur dioxide at the Secondary Plant could expose workers and the public to accidental release of toxic gases.	☐	☐	X
4) Construction and operation of the wastewater collection and treatment facilities would increase	☐	☐	X

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
the amount of hazardous wastes generated at the facilities, resulting in increased hazards to the public and the environment.			
Cumulative Impact: 5) The project would involve increased use and transport of hazardous materials and hazardous wastes within California.	☐	☐	X

Discussion:

Hahn and Emerald Lift Stations

(1-2) The replacement lift stations would employ materials similar to those in use at the existing lift station in type and quantity. A backup diesel generator will be used at the replacement lift station and a small amount of diesel fuel will be stored on site for use in the generator when there is a power failure. Additionally, a few gallons of cleaning solutions will be stored on site. The hazard is similar to the hazard posed by the existing station and is no greater than the hazard disclosed in the Wastewater Master Plan MEIR. No impact is expected and no mitigation is necessary.

(3) The replacement of the Hahn and Emerald Lift Stations would have no effect on the Secondary Wastewater Treatment Plant. Therefore no effect related to this facility will occur as a result. No mitigation is necessary.

(4) Operation of the replacement lift stations would employ the hazardous materials identified in 1-2, above. Construction activities would involve the use of diesel fuel to power some of the larger pieces of equipment that would be used. The amount of diesel fuel that would be used during construction of the lift stations is no more than would be expected in similar construction situations. The impact is minimal and no mitigation is necessary.

Cumulative impacts:

(5) The proposed replacement lift stations would operate in a manner similar to that of the existing Hahn and Emerald Lift Stations and a similar amount of hazardous materials would be stored on the site today. No impact is expected as compared to the existing lift station or as compared to the project as described in the Wastewater Treatment Plant MEIR.

11. PUBLIC HEALTH AND SAFETY: CONTAMINATED SOILS AND DEMOLITION

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on public health and safety with respect to contaminated soils and demolition and the associated mitigation measures. Refer to pages IV.K.1 to IV.K.15 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact K.1: Excavation for installation of wastewater system improvements could encounter contaminated soil and/or groundwater and expose workers and the public to hazardous substances. (Less than significant with mitigation)

Mitigation Measure K.1a: Prior to activities involving soil disturbance for the improvements to the wastewater collection and treatment systems, the City shall use reasonable means to determine the presence of soil or groundwater contamination.

Mitigation Measure K.1b: If warranted, conduct soil and groundwater sampling and analysis.

Mitigation Measure K.1c: If warranted, prepare a site remediation plan and health and safety plan.

Mitigation Measure K.1d: Where any activity would be performed at a contaminated site or where hazardous materials are suspected, the City's contractor shall prepare a project-specific Health and Safety Plan prior to any site work.

Mitigation Measure K.1e: Prepare a Waste Disposal and Hazardous Materials Transportation Plan.

Mitigation Measure K.1f: In the event that previously unidentified contamination is encountered (e.g., identified by odor or visual staining) during soil disturbance activities or any underground storage tanks, abandoned drums, or other hazardous materials or wastes are encountered during construction, the contractor(s) shall immediately notify the City and the City shall then notify the County. The contractor(s) shall have prepared a Contingency Plan for Sampling and Analysis of potentially hazardous substances and coordination with appropriate regulatory agencies.

Impact K.2: Pipe bursting methods could release potentially hazardous material contaminants into soil and groundwater, causing health effects to construction workers and the public, and environmental degradation. (Less than significant with mitigation)

Mitigation Measure K.2: The contractor(s) shall prepare a procedure for review by the City for emptying pipes of their contents before pipe bursting begins. Once accepted by the City, with revisions if requested, the contractor shall implement the procedure prior to carrying out any pipe bursting.

Impact K.3: Construction activities involving demolition or modification of structures may result in the exposure of construction workers and the general public to added health risk. (Less than significant with mitigation)

Mitigation Measure K.3: As a condition of approval for any demolition permit for a structure or facility potentially containing lead or asbestos under the proposed project, a lead-based paint and asbestos-containing survey shall be performed at the structure or facility by a qualified environmental professional.

Cumulative Impacts

No cumulative impacts were disclosed in the Wastewater Master Plan MEIR.

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

Mitigation measures related to public health and safety with respect to contaminated soils and demolition appear on pages IV.K.11 and IV.K.15 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.K of the Wastewater Master Plan Master EIR identifies the potential impacts of implementing the Wastewater Master Plan on public health and safety with respect to contaminated soils and demolition. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
11. PUBLIC HEALTH AND SAFETY: CONTAMINATED SOILS AND DEMOLITION			
1) Excavation for installation of wastewater system improvements could encounter contaminated soil and/or groundwater and expose workers and the public to hazardous substances.	☐	X	☐
2) Pipe bursting methods could release potentially hazardous material contaminants into soil and groundwater, causing health effects to construction workers and the public, and environmental degradation.	☐	X	☐
3) Construction activities involving demolition or modification of structures may result in the exposure of construction workers and the general public to added health risk.	☐	X	☐

Discussion:

Hahn and Emerald Lift Stations

(1) While unlikely, it is possible that contaminated soils could be encountered during the small amount of trenching and excavation needed to construct the replacement lift stations. City

staff or the contractor will implement Mitigation measure K.1a to make a preliminary assessment of the site. If it appears that contaminated soils may be disturbed, additional mitigation measures will be employed to minimize or eliminate the risks associated with disturbing the contaminated area.

(2) Many hazardous materials used around a typical household are used in and around toilets, sinks, and bathtubs, all of which drain into the sewage collection system. Other hazardous materials used around a house are also often disposed of through the sewage collection system. If any pipes will be burst in order to replace the Hahn or Emerald Lift Stations, Mitigation Measure K.2 will be implemented by the contractor with approval from City staff.

(3) If any of the structures or coatings on the structures to be removed or demolished as part of the replacement of these lift stations are suspected to contain lead or asbestos, Mitigation Measure K.3 will be implemented by the City of Modesto or its contractor.

12. CLIMATE CHANGE (General Plan Master EIR Section 21)

a. Significant Effects Identified in the General Plan 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

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.

No project-level mitigation measures were identified, as indicated on page V-21-18 of the General Plan Master EIR.

Cumulative Impacts

Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change. Mitigation measures to reduce the cumulative impact of greenhouse gas emissions are detailed on pages V-21-7 to V-21-10 of the General Plan Master EIR.

Mitigation Measure CL-3: Discourage removal of street trees.

Mitigation Measure CL-4: The City of Modesto shall require shade trees, where feasible and appropriate, in landscape plans for all new development proposals.

Mitigation Measure CL-5: The City shall require the planting of large-canopy species in new development areas in such a way that they grow to full size without damaging streets and sidewalks.

Mitigation Measure CL-6: The goal of the street tree maintenance program is to maintain trees in the best possible health by ensuring that newly planted trees are cared for in such a way as to prevent or minimize sidewalk and street damage.

Mitigation Measure CL-7: The City of Modesto shall encourage the Modesto and Turlock Irrigation Districts to establish and promote a program whereby existing residential and

commercial building owners are provided incentives to increase the number of shade trees in developed parts of the City.

Mitigation Measure CL-8: The City of Modesto shall coordinate with the Modesto and Turlock Irrigation Districts and Pacific Gas & Electric Company on all new, large-scale development proposals in the City.

Mitigation Measure CL-9: The City of Modesto shall encourage the use of solar energy systems for residential, agricultural, parks, public buildings, and business purposes.

Mitigation Measure CL-10: Lots in new subdivisions should be oriented in such a way to maximize solar energy.

Mitigation Measure CL-11: The City of Modesto shall approve applications for solar energy systems in accordance with State law.

Mitigation Measure CL-12: To reduce heat gain from pavement, conside3r reducing street rights-of-way and pavement widths to pre-World War II widths and consider working with StanCOG to shift transportation money away from automobile transportation.

Mitigation Measure CL-13: The City shall consider instituting a development pattern that facilitates non-automobile transportation.

Mitigation Measure CL-14: The City shall consider renegotiating employee union contracts to eliminate parking subsidies for public employees, encourage carpools, and other means to reduce employee vehicle trips.

Mitigation Measure CL-15: The City shall purchase clean-fuel/alternative fuel fleet vehicles.

Mitigation Measure CL-16: All commercial development projects shall include bicycle racks and changing rooms.

Mitigation Measure CL-17: The City shall attempt to facilitate development of "brownfields."

Mitigation Measure CL-18: The City of Modesto shall work with the local energy providers and developers on voluntary incentive based programs to encourage the use of energy efficient designs and equipment.

Mitigation Measure CL-19: The City of Modesto shall cooperate with the local building industry, utilities and the Air District to promote enhanced energy conservation standards for new construction.

Mitigation Measure CL-20: The City shall encourage new residential, commercial, and industrial development to reduce air quality impacts from area sources and from energy consumption.

Mitigation Measure CL-21: The City shall consider requiring new public buildings to achieve the minimum LEED "Certified" rating.

Mitigation Measure CL-22: The City shall work with applicants and developers to encourage green building methods and practices and achieve LEED standards for all new development.

Mitigation Measure CL-23: Renovation of buildings shall achieve as many LEED pre-requisites and credits as feasible.

Mitigation Measure CL-24: The City shall work with the community to encourage private development to use green building methods and practices and to achieve standards set by LEED.

Mitigation Measure CL-25: New development shall comply with Green Building Standards adopted by the California Building Standards Commission in effect at the time of building permit application.
Mitigation Measure CL-26: The City shall encourage compliance with the California Green Building Code guidelines.

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 General 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 is necessary.

c. Project-Specific Effects

Section V-21 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 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
12. CLIMATE CHANGE			
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	X
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the General Plan Master EIR.	☐	☐	X
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.	☐	☐	X

Discussion:

Hahn and Emerald Lift Stations

(1-3) Replacement of the Hahn and Emerald Lift Stations is a normal and expected part of maintaining City services and as such is consistent with the Urban Area General Plan. Trips associated with the operation and maintenance of the lift station are expected to be similar to the trips associated with maintenance of the existing lift station and the replacement facility would not create an increase in vehicle trip lengths, as compared to those estimated in the General Plan Master EIR. The region does not yet have either an adopted Sustainable Communities Strategy or an Alternative Planning Strategy. Reducing energy use associated with the transmission of sewage is difficult because as a liquid, it has a limited potential for compression. Options for reducing energy use from sewage transmission are largely limited to reducing the amount of sewage generated and reducing the distance it must be transported. Because the houses served by the existing and proposed lift stations already exist in their current locations, the City's ability to reduce sewage flow or the distance it is transported are minimal.

13. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES (General Plan Master EIR Section 8)

The Wastewater Master Plan Master EIR incorporates the discussion of impacts on archaeological and historical sites from the 2003 General Plan Master EIR. The 2003 Master EIR (and the 1995 General Plan Master EIR) concluded that potential impacts on archaeological sites were limited to riparian areas. However, in 2008 Modesto certified a new General Plan Master EIR which concluded that although the likelihood of encountering archaeological sites in non-riparian areas is low, it is possible. Accordingly, policies and mitigation affecting these resources apply throughout Modesto. Because there has been a change in Modesto's approach to addressing archaeological and historical sites, this section is tiered from the 2008 General Plan Master EIR to allow full disclosure of potential impacts and mitigation.

a. Significant Effects Identified in the General Plan Master EIR

The General Plan Master EIR discloses the following residual significant and unavoidable impacts pertaining to cultural resources expected after application of mitigations/policies. The analysis and detail of mitigations is available on pages V-8-1 through V-8-25 in the General Plan Master EIR.

Direct Impacts

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

> Mitigation Measure AH-4: The City of Modesto shall implement regulations that identify important historic resources, and preserve the important aspects of those resources.
>
> Mitigation Measure AH-5: The City shall ensure that zoning provisions for structures of historical significance are sufficiently flexible to ensure that parking or other structures requirements of the Zoning Ordinance allow the historic structures to remain viable in the future.

Mitigation Measure AH-6: The modification of historic structures and places can be mitigated through the application of existing regulations and consultation with the State Historic Preservation Officer, an interim procedure whereby the City evaluates proposals to modify historic structure and develops a program to reduce the impacts on an individual basis.

Mitigation Measure AH-8: As an ongoing measure, the City of Modesto shall maintain professional standard inventories of historic resources, with the findings of those inventories concurred by the SHPO and kept on file with the State Office of Historic Preservation.

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

Mitigation Measure AH-3: The City of Modesto Landmark Preservation Ordinance establishes the recognition, preservation, enhancement, perpetuation, and use of structures, natural features, sites, and areas within the City of Modesto that have historic, architectural, archaeological, structural engineering, or aesthetic significance.

Mitigation Measure AH-7: When structures or areas of historical significance more than 50 years old are proposed for demolition, alteration, or where construction is proposed within 100 feet of that structure, the applicant shall submit data to the City regarding the structure's history or locations prepared by a qualified architectural historian.

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

Mitigation Measure AH-10: Prior to the adoption or amendment of the City of Modesto's UAGP, the City shall conduct consultations with the NAHC and those individuals and organizations identified by the NAHC.

Mitigation Measure AH-11: If land designated or proposed to be designated for development within the City of Modesto contains a sacred or traditional place, the City shall conduct consultations with the Native American Heritage Commission and the appropriate Native American groups and individuals.

Mitigation Measure AH-12: Any project subject to CEQA that involves substantial earth-disturbing activities, where excavation/construction would occur outside of areas where previous development has occurred, or where excavation/construction would occur at depths greater than existing foundations, roads and/or trenches in the immediate vicinity, shall require evaluation of the site by a qualified archaeologist.

Mitigation Measure AH-14: Any project that involves earth-disturbing activities shall require consultation by the applicant for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.

Potential Impact: Construction in an area of high archaeological sensitivity.

Mitigation Measure AH-9: For all proposed development within an archaeological resource study area a combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance as well as consultations with the Native American Heritage Commission (NAHC) and those individuals and organizations identified by the nAHC shall be employed to identify any areas that may have been used by Native Americans.

Mitigation Measure AH-13: If Phase II archaeological evaluations are recommended, a report of all such surveys and excavations with recommendations shall be completed prior to Project approval.

Mitigation Measure AH-15: 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 shall be subject to archaeological and Native American monitoring during all ground disturbing activities.

Mitigation Measure 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 (specified on pages V-8-18 and V-8-19 of the General Plan Master EIR).

Cumulative Impacts

Implementation of the Urban Area General Plan is not expected have a cumulatively considerable impact on archaeological and historical resources. No mitigation is necessary. The following policy is offered to promote historical awareness.

Mitigation Measure AH-17: The City of Modesto shall promote historical awareness through provision of educational opportunities for residents of all ages

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

The following archaeological and historical resources mitigation measures pertinent to the proposed project are found in detail on pages V-8-16 through V-8-19 in the General 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.

c. Project-Specific Effects

Section V-8 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
13. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES			

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	X
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	X
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	X
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	X
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	X

Discussion:

Hahn and Emerald Lift Stations

(1) As they are proposed, the replacement of the Hahn and Emerald Lift Stations is consistent with the policies affecting archaeological and historical resources, as set forth the General Plan and the General Plan Master EIR.

(2-3) No buildings will be demolished or altered to construct the Hahn Lift Station, which will be located on a site that is currently vacant. The Emerald Lift Station will be replaced on the same site as the existing lift station, although it will be built west of the existing building in which the lift station is now located. The lift station building will be reused for restrooms and electrical panels; a small portion on the western side of the building will be demolished to make room for the new lift station and the equipment needed to service it. The portion that will be demolished is not visible from the street and is a small part of a recent addition to the building, rather than part of the original lift station building, and is not considered to have any historic value. No mitigation is necessary at either site.

(4) The subject sites are located well away from riparian areas, which are considered to have the greatest potential for encountering archaeological resources. Nevertheless, it is still possible that archaeological materials may be encountered during construction. Should that occur, the contractor shall stop work immediately, inform City staff, and a specialist shall be consulted, consistent with Mitigation Measure AH-14. No other mitigation is necessary.

(5) The two easternmost non-native trees along the southerly property line of the Emerald Lift Station will be removed to make enough room for construction and maintenance equipment to access the site. Modesto has not adopted policies or ordinances to protect these trees. There will be no impact at the Hahn Lift Station site. No mitigation is necessary at either site.

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 Wastewater Master Plan 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:

1. Land Use, Plans, and Policies

No mitigation is necessary.

2. Agricultural Resources

No mitigation is necessary.

3. Parks and Recreation

No mitigation is necessary.

4. Water Quality and Hydrology

Mitigation Measure D.1: The City shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than one acre). The SWPPP shall emphasize measures designed to minimize erosion and off-site sedimentation during improvements to the collection system and installation of the new outfall.

5. Biological Resources

Mitigation Measure E.2.2: Compensation for loss of Burrowing Owl habitat if a pre-construction survey finds that Burrowing Owls occupy the site and avoidance is not feasible.

Mitigation Measure E.5: Compensation for loss of foraging habitat if a pre-construction survey finds that the site is used for foraging by Swainson's hawks.

6. Transportation

No mitigation is necessary.

7. Air Quality

Mitigation Measure G.1: The construction plans for each group of building permits shall incorporate recommendations from the San Joaquin Valley Air Pollution Control District specified on pages IV.G.17 and IV.G.18 in the Wastewater Master Plan Master EIR to minimize emissions during construction phases.

Mitigation Measure G.2: The City shall abide by permit limits imposed by the SJVAPCD to reduce pollutant emissions from diesel-powered engines for emergency power generation and any other sources requiring permits. The City shall abide by permit limits imposed by the SJVAPCD on operation of digester-gas burning equipment at the Primary Plant. If District Rule 9510 would apply, the City shall follow it and make the required emission reductions on-site (or pay for or create emission reductions off-site).

8. Noise

Mitigation Measure H.1 will be implemented in order to reduce construction noise impacts by specifying the following requirements in the construction contract:

a. Site work and equipment use will occur only between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between 9:00 a.m. and 9:00 p.m. Saturday and Sunday, as required by the City's noise ordinance.
b. Only noise-muffled equipment in good working order will be used and air compressors and pneumatic equipment will be equipped with mufflers, shrouds, or shields, as appropriate.

9. Visual Resources

No mitigation is necessary.

10. Public Health and Safety: Hazardous Materials

No mitigation is necessary.

11. Public Health and Safety: Contaminated Soils and Demolition

Mitigation Measure K.1a: Prior to activities involving soil disturbance for the improvements to the wastewater collection and treatment systems, the City shall use reasonable means to determine the presence of soil or groundwater contamination.

Mitigation Measure K.2: The contractor(s) shall prepare a procedure for review by the City for emptying pipes of their contents before pipe bursting begins. Once accepted by the City, with revisions if requested, the contractor shall implement the procedure prior to carrying out any pipe bursting.

Mitigation Measure K.3: As a condition of approval for any demolition permit for a structure or facility potentially containing lead or asbestos under the proposed project, a lead-based paint and asbestos-containing survey shall be performed at the structure or facility by a qualified environmental professional.

12. Climate Change:

No mitigation is necessary.

13. Disturbance of Archaeological/Historical Sites:

Mitigation Measure AH-14: Any project that involves earth-disturbing activities shall require consultation by the applicant for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-259

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE EMERALD LIFT STATION REHABILITATION, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH AZTEC CONSULTANTS OF SAN RAMON, CALIFORNIA IN THE AMOUNT OF $2,690,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Emerald Lift Station Rehabilitation, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Emerald Lift Station Rehabilitation were opened at 11:00 a.m. on June 11, 2013, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $2,690,000 received from Aztec Consultants of San Ramon, California be accepted as the lowest responsible and responsive bid and the contract be awarded to Aztec Consultants,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Emerald Lift Station Rehabilitation, accepts the bid of Aztec Consultants of San Ramon, California in the amount of $2,690,000, and awards Aztec Consultants the contract for the Emerald Lift Station Rehabilitation.

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 9th day of July, 2013, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-260

A RESOLUTION MAKING CERTAIN FINDINGS CONCERNING MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, MAKING FINDINGS CONCERNING ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WOODGLEN SPECIFIC PLAN PROJECT (SCH NO. 2007042087) (FITZPATRICK HOMES)

WHEREAS, in November 2005, Fitzpatrick Homes ("Applicant"), filed applications that include the following: adoption of the Woodglen Specific Plan ("Project"), prezone to Specific Plan, annexation to the City of Modesto, a Facilities Master Plan, an Infrastructure Finance Plan, and subsequent entitlements to allow the development of approximately 72 net acres located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road ("the Property"), and

WHEREAS, pursuant to Section 21067 of the Public Resources Code and Section 15367 of the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.), the City is the lead agency for the project, and

WHEREAS, on October 14, 2008, the City Council certified a General Plan Master Environmental Impact Report (MEIR) and, having reviewed and considered the information contained in the MEIR, adopted findings of fact and findings of overriding consideration and approved the Modesto Urban Area General Plan ("UAGP"), and

WHEREAS, the Project is consistent with the UAGP Village Residential ("VR") designation for the site, and

WHEREAS, the UAGP requires that a Focused EIR be prepared for new specific plan areas to consider project-specific traffic and circulation and noise impacts, and

WHEREAS, on April 16, 2007, the City of Modesto ("the City"), published an Initial Study and a Notice of Preparation for the Project, and

WHEREAS, the Notice of Preparation provided notice of the City's determination to prepare an EIR, and solicited public input on the proposed scope and content of the EIR for the Project, and

WHEREAS, on May 3, 2007, the City held a public scoping meeting to receive public comments on the scope and content of the EIR, and

WHEREAS, on June 19, 2012, the City published and distributed a Draft EIR for the Woodglen Specific Plan Project (State Clearinghouse Number 2007042087) ("DEIR") for public comment, in accordance with Section 21091 of the California Environmental Quality Act ("CEQA"), and

WHEREAS, the DEIR was available for public comment for a period of 45 days as required by Section 21091 of CEQA, the close of the public comment period being August 3, 2012, and

WHEREAS, during the 45-day public comment period the City received nine letters commenting on the DEIR, and

WHEREAS, the City prepared written responses to all written comments received on the DEIR, said responses being contained in a Final EIR for the Woodglen Specific Plan Project (State Clearinghouse Number 2007042087) ("FEIR") prepared pursuant to Section 15089 of the CEQA Guidelines, and

WHEREAS, on June 7, 2013, the FEIR was published and distributed, consisting of the Draft EIR, a list of commenters, copies of all written comments received, responses to those comments that raise environmental issues, and any revisions to the text

of the Draft EIR made in response to the comments, as required by Section 15132 of the CEQA Guidelines, and

WHEREAS, the Project would include approval / adoption of the Woodglen Specific Plan, prezoning the project site to Prezoned Specific Plan (P-SP), annexation of the project site to the City of Modesto, adoption of a Facilities Master Plan, adoption of an Infrastructure Finance Plan, and subsequent entitlements, and

WHEREAS, CEQA requires that, in connection with the approval of a project for which an EIR has been prepared which identifies one or more significant environmental effects, the decision-making agency make certain findings regarding those effects, and

WHEREAS, on June 17, 2013, a public hearing on the Project was held by the Planning Commission in Chambers at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2013-08, recommending to the City Council adoption of certain findings and certification of the FEIR, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on July 9, 2013, 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 evidence both oral and documentary was received and considered, and

WHEREAS, the City Council has received and considered the FEIR for the Woodglen Specific Plan Project (SCH No. 2007042087) that analyzed the potential environmental effects of the proposed Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines in respect to the FEIR:

1. That the FEIR has been completed in compliance with CEQA; that the City Council has reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the FEIR and the Project, prior to acting upon or approving the Project; and that the FEIR represents the independent judgment of the City of Modesto; and

2. That the Findings and Statements set forth in **Exhibit** "A", and incorporated herein by reference, be made by the Council as the City's findings under the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14, §15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of the Council regarding the Project's environmental impacts, mitigation measures and alternatives to the Project.

3. That pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 et seq., the City Council of the City of Modesto adopts and makes the following statement of overriding considerations regarding the remaining unavoidable impacts of the Project and the anticipated economic, social and other benefits of the Project.

   a. *Significant Unavoidable Impacts*

   With respect to the foregoing findings, as set forth in **Exhibit** A, and in recognition of those facts which are included in the record, the City has determined that the Project will cause significant, unavoidable impacts to Traffic and Circulation. These impacts cannot be avoided or substantially reduced by feasible changes or alterations to the Project, other than the changes or alterations already adopted.

   b. *Overriding Considerations*

   The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project includes all feasible measures that would eliminate or substantially lessen the significant impacts of the Project on the environment, and that the remaining significant, unavoidable impacts of the Project are acceptable in light of the environmental, economic, social and other considerations set forth herein because the benefits of the Project outweigh the significant and adverse impacts of the Project. The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for

finding that the benefits of the Project outweigh its significant adverse environmental impacts and sets forth an overriding consideration warranting approval of the Project. These matters are supported by evidence in the record.

c. *Benefits of Proposed Project*

The City Council has considered the FEIR, the public record of proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the substantial public benefits set forth below.

The City Council has weighed the benefits of the proposed Project against its unavoidable environmental risks and adverse environmental effects identified in the FEIR and hereby determines that those benefits outweigh the risks and adverse environmental effects and, therefore, further determines that these risks and adverse environmental effects are acceptable.

i. Project Objectives

a. Create high-quality residential development oriented to common open space.

b. Establish a street system that is local-serving, safe, and attractive.

c. Create a dual-purpose stormwater/open space area that is attractive and useable year-round

d. Implement the City's Small-Lot Single-Family Residential Development Guidelines

e. Comply with the Housing Element requirements for the development of eight acres of affordable housing within the area;

f. Provide stormwater drainage for Pelandale Avenue between Carver Road and Tully Road; and

g. Limit Premature and unnecessary extension of backbone infrastructure for roadways and utilities.

4. The Mitigation and Monitoring and Reporting Program for the Woodglen Specific Plan is **attached** to this resolution as **Exhibit** "B" and is incorporated and adopted as part of this resolution herein. The Program identifies impacts of the Project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action.

5. The City Council hereby finds and recognizes that the FEIR contains additions, clarifications, modifications and other information in its responses to comments on the Draft Environmental Impact Report for the Project ("DEIR") and also incorporates information obtained by the City since the DEIR was issued. This Council hereby finds and determines that such changes and additional information are not significant new information as that term is defined under the provisions of the California Environmental Quality Act, because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the Project and do not reflect any substantial increase in the severity of any environmental impact; that no feasible mitigation measures considerably different from those previously analyzed in the DEIR have been proposed that would lessen significant environmental impacts of the Project; and that no feasible alternatives considerably different from those analyzed in the DEIR have been proposed that would lessen significant environmental impacts of the Project. Accordingly, this Council hereby finds and determines that recirculation of the FEIR for further public review and comment is not warranted; and

6. The City Council does hereby designate the Community and Economic Development Director of the City of Modesto, at his office at 1010 Tenth Street, Modesto, California 95354 as the custodian of documents and record of proceedings on which the decision is based; and

7. The City Council does hereby make the foregoing findings with respect to the significant effects on the environment of such Project, as identified in the FEIR, with the stipulations that all information in these findings is intended as a summary of the full administrative record supporting the FEIR, which full administrative record should be consulted for the full details supporting these findings, and that any mitigation measures and/or alternatives that were suggested by commenters to the DEIR and were not adopted as part of the FEIR are hereby expressly rejected for the reasons stated in the responses to the comments set forth in the FEIR and elsewhere in the record.

BE IT FURTHER RESOLVED by the Council that it hereby certifies the Final Environmental Impact Report for the Woodglen Specific Plan Project (SCH No. 2007042087), on file in the office of the Community and Economic Development Department 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 the environmental impact report for the specific plan (File No. P-EIR-11-001). 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ACALA WOOD, City Attorney

Exhibit "A"

FINDINGS & STATEMENTS ON THE WOODGLEN SPECIFIC PLAN EIR

SECTION I

INTRODUCTION

A. Project Description

The Woodglen Specific Plan Project (project) is proposed on a site of 72 net acres located adjacent to the northern city limits and is bounded by Bangs Avenue on the north, Carver Road on the west, Pelandale Avenue on the south, and Tully Road on the east. The project includes 180 multi-family residential units and 353 low-density residential units for a total of 533 units. An open space area with a stormwater infiltration basin and active recreation areas would occupy the central portion of the project site. The project site is currently designated Village Residential (VR) on the City of Modesto Urban Area General Plan (UAGP) Adopted Land Use Diagram; the project is consistent with the UAGP designation. The project would require annexation into the City of Modesto.

B. Legal Requirements

Public Resources Code Section 21002 states that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." Section 21002 further states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Pursuant to Section 15091 of the State CEQA Guidelines, the City may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the City makes one or more of the following written finding(s) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental impact as identified in the EIR; or

2. Such changes or alterations are within the responsibility and jurisdiction of a public agency other than the City, and such changes have been adopted by such other agency, or can and should be adopted by such other agency; or

3. Specific economic, social, legal, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Notably, Public Resources Code Section 21002 requires an agency to "substantially lessen or avoid" significant adverse environmental impacts. Thus, mitigation measures that "substantially lessen" significant environmental impacts, even if not completely avoided, satisfy Section 21002's mandate [*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521 ("CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level"); *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal. App. 3d 300, 309 ("[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible")].

The Public Resources Code requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts. An agency need not, however, adopt infeasible mitigation measures or alternatives [State CEQA Guidelines, § 15091, subds. (a), (b)]. Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." State CEQA Guidelines Section 15091 adds "legal" considerations as other indicator of feasibility. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565.) Project objectives also inform the determination of "feasibility" (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417). " '[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715).

Environmental impacts that are less than significant do not require the imposition of mitigation measures (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347).

The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576). In addition, perfection in a project or a project's environmental alternatives is not required; rather, the requirement is that sufficient information be produced "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." Outside agencies (including courts) are not to "impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken" (*Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 287).

C. Summary of Environmental Findings

As more fully explained below, the City Council has determined that based on all of the evidence presented, including, but not limited to, the EIR, written and oral testimony given at meetings and hearings, and submission of comments from the public, organizations, and regulatory agencies, and the responses prepared to the public comments, the following environmental impacts associated with the project are:

1. Less Than Significant and No Impacts (Do Not Require Mitigation)

- Land Use (all)
- Population, Housing, and Employment (all)
- Hazards and Human Health (Hazardous Materials Transport, Use, or Disposal; Emit Hazardous Emissions; Hazardous Materials Sites; Airport and Airstrip Hazards; Emergency Plans; Wildland Fires)
- Traffic and Circulation (Construction Traffic Impacts; Emergency Access Impacts; Bicycle, Pedestrian, and Transit Impacts; Roadway Segment Impacts; Near-Term SR 99 Freeway Ramp Merge–Diverge LOS; Change in Air Traffic Patterns; Inadequate Parking Capacity; Alternative Transportation Policies, Plans, or Programs)
- Noise (Construction Noise Impacts; Construction Vibration Impacts; Stationary-Source Impacts; Traffic Noise Impacts; Temporary or Periodic Increase in Ambient Noise Levels; Airport and Airplane Noise)
- Hydrology and Water Quality (100-Year Floodplain Hazards; Exposure to Flooding and Inundation
- Geology and Soils (Faulting and Seismic Ground Shaking; Landslides; Expansive Soils; Soils Incapable of Supporting Alternative Wastewater Disposal Systems)
- Aesthetics/Visual Resources (Scenic Vistas and Scenic Resources)
- Public Services and Utilities (Fire Services Impacts; Police Services Impacts; Public School Impacts; Water Supply Impacts)
- Agricultural Resources (Forestland and Timberland)

2. Impacts Addressed Adequately in the Previously Certified UAGP MEIR

- Air Quality (all)
- Hazards and Human Health (Accidental Release of Hazardous Materials)
- Traffic and Circulation (Cumulative Traffic Impacts Degradation)
- Noise (Cumulative Noise)

- Biological and Natural Resources (all)
- Hydrology and Water Quality (Degradation of Surface Water Quality; Cumulative Inundation and Flooding)
- Geology and Soil (Ground Shaking, Unstable Soils, and Soil Erosion)
- Cultural Resources (all)
- Aesthetics/Visual Resources (Alteration of Existing Visual Character; New Light and Glare Sources)
- Public Services and Utilities (Cumulative Water Impacts; Wastewater Impacts; Solid Waste Impacts; Parks and Recreation Impacts; Electricity, Natural Gas, and Telephone Service Impacts)
- Agricultural Resources (Conversion of Farmland)
- Climate Change (all)

3. **Potentially Significant Impacts That Can Be Avoided or Reduced to a Less Than Significant Level Through Implementation of Mitigation Measures**

   - Noise (Traffic Noise Impacts to Sensitive Receptors)

4. **Potentially Significant and Cannot Be Avoided or Reduced to a Less Than Significant Level**

   - Traffic and Circulation (Intersection Impacts; Intersection LOS Impacts; Roadway Segment Levels of Service)

This document contains the findings required under the California Environmental Quality Act ("CEQA") (Public Resources Code, § 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.).

Public Resources Code Section 21081.6 requires the City to prepare and adopt a Mitigation Monitoring and Reporting Program for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The City adopts a Mitigation Monitoring and Reporting Program for the project in **Attachment** "B" of this Resolution.

No comments made in the public hearings conducted by the City Council or any additional information submitted to the City has produced any substantial new information requiring recirculation or additional environmental review of the Final EIR under CEQA because no new significant environmental impacts were identified, no substantial increase in the severity of any environmental impacts would occur, and no feasible mitigation measures or project alternatives as defined in State CEQA Guidelines Section 15088.5 were rejected.

SECTION II

FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

Section 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having "no impact" or a "less than significant" impact. Nevertheless, these findings fully account for all resource areas, including resource areas that were identified in the EIR to have either no impact or a less than significant impact on the environment. The City Council hereby finds that the project would either have no impact or a less than significant impact in the following resource areas:

A. Land Use

1. **Division of Established Communities:** Implementation of the project would not result in the division of an established community. The proposed plan area is adjacent to existing development within the city and has been identified for development in the City's UAGP. Therefore, the project would not physically divide an established community, and there is no impact. [Draft EIR p. 4.1-8]

2. **Conflict with Applicable Habitat Conservation Plans:** Stanislaus County and its nine incorporated cities currently do not have adopted habitat conservation plans (HCP) or natural community conservation plans (NCCP) under the federal and state endangered species acts. No HCPs or NCCPs are known to be currently in development. The project does not conflict with any applicable habitat conservation plan or natural community conservation plan, and there is no impact. [Draft EIR p. 4.1-8]

3. **Conflicts with Applicable Land Use Plans or Policies:** The intensity of development within the Woodglen Specific Plan is consistent with the City of Modesto General Plan, and the project will be subject to all applicable land use policies of the City. Potential conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect have been identified to be less than significant. [Draft EIR p. 4.1-8]

B. Population, Housing, and Employment

1. **Density in Excess of What Is Assumed by the General Plan:** Page 3-1 of the Specific Plan identifies that the overall density of the planning area is 7.4 dwelling units per gross acre. This density is within the threshold of 7.5 dwelling units per gross acre established by the General Plan. Therefore, the potential for impact regarding density in excess of what is assumed by the General Plan has been determined to be less than significant. [Draft EIR p. 4.2-9]

2. **Displacing Housing and People:** While implementation of the project would result in one home being displaced, the project would provide further housing opportunities in the City of Modesto to accommodate planned growth. Therefore, impacts relative to displacing existing housing or substantial numbers of people are considered less than significant. [Draft EIR p. 4.2-8]

C. Hazards and Human Health

1. **Hazardous Materials Transport, Use, or Disposal; Emit Hazardous Emissions; Hazardous Materials Sites:** The project would have less than significant impacts relative to routine transport, use, or disposal of hazardous materials, emitting hazards emissions/handling hazardous or acutely hazardous materials within one-quarter mile of an existing or proposed school, and locating on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No schools are located or proposed within one-quarter mile of the project site; the types of uses proposed as part of the project (residential and open space) would not require routine transport of hazardous materials or generate hazardous emissions, and the site itself is not included on a hazardous list. This impact is less than significant. [Draft EIR p. 4.4-14]

2. **Airport and Airstrip Hazards; Emergency Plans; Wildland Fires:** The project site is located approximately 5.7 miles northwest of the Modesto City-County Airport and is not within an airport land use plan as depicted on page 4 of the Airport Land Use Commission Plan (1978) or the vicinity of a private airstrip. The project would not interfere with an adopted emergency response plan, and it is surrounded by agricultural and urban uses, so would not be subject to threat of wildland fire. There is no impact. [Draft EIR p. 4.4-14]

D. Traffic and Circulation

1. **Construction Traffic Impacts:** Implementation of the project would result in increased short-term traffic volumes associated with construction trips to and from the project site. Potential off-site impacts associated with construction activities are due primarily to construction worker trips and material hauling. These trips would occur during both on-site development and installation of needed off-site project infrastructure and improvements, such as water, sewer, electricity, and natural gas lines and roadway improvements. Construction vehicles and equipment to be used could include, but are not limited to, loaders, dozers, haul trucks, dump trucks, delivery and service trucks, and construction workers' vehicles. Cut and fill will balance on the site; therefore, haul trips associated with soil removal would not occur. The movement of heavy construction equipment to and from the construction site prior to and after earth-moving activities would be scheduled during off-peak hours. Similarly, workers' arrival and departure times would be during off-peak hours, typically arriving before 7:00 a.m. and leaving before 4:00 p.m. Some of these vehicles and equipment would be left

on site for the duration of their use, while other construction vehicles would make daily trips to the project site. Because the majority of vehicle trips associated with construction activities would occur during off-peak hours and construction would occur for a temporary duration, impacts of construction were considered to be less than significant. [Draft EIR pp. 4.5-25 through 4.5-26]

2. **Emergency Access Impacts:** The internal street network identified in the project would provide adequate width to accommodate a fire lane. This impact is considered less than significant. [Draft EIR p. 4.5-26]

3. **Bicycle, Pedestrian, and Transit Impacts:** The project includes an internal circulation system that accommodates bicycles and pedestrians. In addition, the project frontages will be improved to provide sidewalks, a Class II bike lane along Tully Road, and four transit stops in accordance with City standards. Therefore, impacts to bicycle, pedestrian, and transit facilities are considered less than significant. [Draft EIR p. 4.5-26]

4. **Roadway Segment Impacts:** Project-generated traffic would not result in conditions in excess of the City's minimum LOS D standard. While some roadway segments may experience a decline in level of service, none of the segments would operate below LOS D. Therefore, impacts to roadway segments are considered less than significant. [Draft EIR pp. 4.5-29 through 4.5-32]

5. **Near-Term SR 99 Freeway Ramp Merge–Diverge LOS:** The addition of project-generated traffic does not result in any appreciable difference in ramp merge–diverge operations based on LOS or based on the incremental increase in volume through the merge–diverge area. Therefore, impacts to freeway ramps are considered less than significant. [Draft EIR pp. 4.5-38 through 4.5-39]

6. **Change in Air Traffic Patterns:** The project does not include any activities that would interfere with air traffic in the region. This impact is therefore less than significant. [Draft EIR p. 4.5-23]

7. **Inadequate Parking Capacity:** The project would not result in inadequate parking supply, as parking standards proposed by the Specific Plan are consistent with the City's adopted parking standards. This impact is therefore less than significant. [Draft EIR p. 4.5-23]

8. **Alternative Transportation Policies, Plans, or Programs:** The project would not conflict with policies regarding alternative transportation. The project includes provision for four bus stops along the perimeter of the site. Access to MAX would encourage usage of alternative transportation. There is no impact. [Draft EIR p. 4.5-23]

E. Noise

1. **Construction Noise Impacts (Impact 4.6.1):** Implementation of the project would result in increased short-term noise from construction activities. General Plan Policies VII-G.3[a–f] and VII-G.4[a–b] limit hours of construction activity to less noise-sensitive times and require construction equipment to include mufflers, shrouds, and shields. These policies would substantially reduce impacts related to temporary construction noise. Consequently, temporary construction-related noise impacts would be considered less than significant. [Draft EIR pp. 4.6-12 through 4.6-13]

2. **Construction Vibration Impacts (Impact 4.6.2):** Implementation of the project would result in construction-related ground borne vibrations. Because ground vibration levels diminish in strength with increased distance from the source, predicted vibration levels at the nearest off-site structures would not be anticipated to exceed even the most conservative threshold of 0.2 inches per second peak particle velocity. Therefore, short-term ground borne vibration impacts would be considered less than significant. [Draft EIR pp. 4.6-13 through 4.6-14]

3. **Stationary-Source Impacts (Impact 4.6.3):** Exposure to noise levels generated by future on-site stationary sources associated with the project could result in a substantial increase in ambient noise levels that could exceed the City's noise standards at noise-sensitive land uses. Noise associated with open space areas is typically limited to landscape maintenance and the voices of adults and children. While noises associated with these activities would generally not be considered significant, during the quieter and more noise-sensitive nighttime hours, these things can result in increased levels of annoyance and sleep disturbance. However, the Modesto Municipal Code prohibits loud and raucous yelling, shouting, talking, whistling, or singing between the hours of 10:00 p.m. and 7:00 a.m. and the noise of landscaping equipment between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and 9:00 a.m. and 9:00 p.m. on weekends and federal holidays. Therefore, stationary-source impacts are considered less than significant. [Draft EIR pp. 4.6-14 through 4.6-15]

4. **Traffic Noise Impacts (Impact 4.6.4):** Project-generated traffic could result in substantial increases in noise levels for sensitive receptors adjacent to the project. In comparison to existing traffic volumes, implementation of the project would result in predicted increases in traffic noise levels of approximately 2 dBA or less. The project's contribution to traffic noise levels would be anticipated to diminish in future years as traffic volumes increase due to additional development occurring within the city. Based on the modeling conducted, implementation of the project would not result in a significant increase in traffic noise levels. As a result, this impact is considered less than significant. [Draft EIR pp. 4.6-15 through 4.6-16]

5. **Temporary or Periodic Increase in Ambient Noise Levels:** The project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. This impact is less than significant. [Draft EIR p 4.6-11]

6. **Airport and Airplane Noise:** The project is not located near any airports or private airstrips, or within an airport land use plan. There is no impact. [Draft EIR p 4.6-11]

F. Hydrology and Water Quality

1. **100-Year Floodplain Hazards:** The project is not located within a 100-year floodplain as designated by the Federal Emergency Management Agency or in a Flood Potential Study Area outlined in the City of Modesto Urban Area General Plan. Therefore, the project would not place housing or structures within a 100-year flood hazard area. There is no impact. [Draft EIR p. 4.8-12]

2. **Exposure to Flooding and Inundation:** The project site is not located immediately downstream of a dam or adjacent to a levee that would expose individuals to risk from flooding. The project area is not located near any large bodies of water that would pose a seiche or tsunami hazard, nor does the project site include terrain that is sloped, so potential for mudflow hazard is not likely. There is no impact. [Draft EIR p. 4.8-12]

G. Geology and Soils

1. **Faulting and Seismic Ground Shaking:** There are no known active faults in the Modesto Urban Area, and the City building code requires special designs that would substantially reduce risks associated with potential strong seismic ground shaking. This impact is less than significant. [Draft EIR p. 4.9-9]

2. **Landslides:** There are no impacts associated with potential landslides, as the project site and surrounding area is relatively flat. There is no impact. [Draft EIR p. 4.9-9]

3. **Expansive Soils:** The potential for impacts related to expansive soils is less than significant, as there are no expansive soils mapped in Modesto. [Draft EIR p. 4.9-9]

4. **Soils Incapable of Supporting Alternative Wastewater Disposal Systems:** All properties will be required to be served by the City sanitary sewer system; therefore, there would be no impact related to septic or other alternative wastewater disposal systems. There is no impact. [Draft EIR p. 4.9-9]

H. Aesthetics/Visual Resources

1. **Scenic Vistas and Scenic Resources:** The project would not have a substantial adverse effect on a scenic vista or damage scenic resources, because the project site and surroundings are not designated as scenic vistas or classified as scenic resources. There is no impact. [Draft EIR p. 4.11-5]

I. Public Services and Utilities

1. **Fire Services Impacts:** Potential impacts to fire services would be less than significant, because the project would be served by Fire Station No. 11, located near the project site, and the Modesto Fire Chief indicated that this fire station could adequately serve the project. This impact is less than significant. [Draft EIR p. 4.12-1]

2. **Police Services Impacts:** Implementation of the project would increase demand for police services in association with new residential development. However, the project includes development of an infrastructure financing plan, which will address increased demand for police services and ensure appropriate fees are exacted by future development within the Specific Plan, where necessary. This impact is less than significant. [Draft EIR p. 4.12-5]

3. **Public School Impacts:** Implementation of the project would increase demand for public school services in association with new residential development. However, the project includes development of an infrastructure financing plan and payment of school impact fees (as required under General Plan MEIR Policies S-17 and S-19), which will address increased demand for school services. This impact is less than significant. [Draft EIR p. 4.12-11]

4. **Water Supply Impacts:** Implementation of the project would increase annual water demand by an additional 276.6 acre-feet per year. The Water Supply Assessment approved for the project found that the City currently has capacity to serve the additional water demand generated by the project. Furthermore, Phase 2 expansion of the Modesto Regional Water Treatment Plant (MRWTP) would expand its capacity, and the treatment and delivery agreement between the City and the Modesto Irrigation District (MID) states that upon completion and commercial operation of the MRWTP Phase 2 expansion project, treated water deliveries to the City of Modesto will increase from 33,602 acre-feet per year to 67,207 acre-feet per year. The project proposes to connect to the existing water transmission infrastructure surrounding the project site in Bangs Avenue, Carver Road, and Tully Road and install conveyance lines in accordance with City policies, ensuring adequate water pressure for domestic use and fire suppression. Therefore, impacts associated with water supply are less than significant. [Draft EIR p. 4.12-24]

J. Agricultural Resources

1. **Forestland and Timberland:** The project site is not zoned for forest production or located on land that contains timberland. No forestland would be lost or converted in association with the project. There is no impact. [Draft EIR p. 4.13-5]

SECTION III

FINDINGS REGARDING ENVIRONMENTAL IMPACTS PREVIOUSLY ADDRESSED IN THE UAGP MEIR

The City Council finds that the following environmental impacts were considered in the UAGP MEIR and that implementation of the project would not result in any new or more severe impacts with implementation of mitigation identified in the MEIR. The impacts and the mitigation measures are set forth in the EIR and are summarized as follows:

A. Air Quality

1. **Pollutant Emissions:** Implementation of the project would result in pollutant emissions being released into the atmosphere. [Draft EIR p. 4.3-18]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Impacts to air quality associated with the project would be associated with vehicular emissions, construction activities, and on-site sources, such as barbecues and landscape maintenance. The project is consistent with General Plan assumptions for land use and development intensity; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with air quality: AQ-6, AQ-26, AQ-42, AQ-43, AQ-44, AQ-45, AQ-46, AQ-47, AQ-48, AQ-49, AQ-50, AQ-51, AQ-52, AQ-53, AQ-54, AQ-55, AQ-56. [Draft EIR pp. 4.3-18 through 4.3-19]

B. Hazards and Human Health

1. **Accidental Release of Hazardous Materials:** Hazardous materials, such as oil and gasoline, would be used on the project site during construction in association with operation of heavy equipment, and limited amounts of these hazardous materials would be used on the site as part of routine maintenance. [Draft EIR pp. 4.4-14 through 4.4-15]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

Rationale: Impacts to hazards and human health would be associated with accidental release of hazardous materials. Phase I Environmental Assessments conducted for the project site identified any areas of potential environmental concern related to historical uses on the property. The project is consistent with General Plan assumptions for land use and development intensity and would therefore not include different uses or more intense land uses than assumed in the MEIR that would result in additional hazardous materials impacts. The project will be subject to all hazardous material policies of the City; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with hazards and human health: HM-17, HM-25, HM-26. [Draft EIR p. 4.4-14]

C. Traffic and Circulation

1. **Cumulative Traffic Impacts Degradation:** Traffic associated with the project would contribute to cumulative traffic degradation. [Draft EIR p. 4.5-39]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: The project is consistent with General Plan assumptions for land use and development intensity and would therefore not include different uses or more intense land uses than assumed in the MEIR that would result in additional traffic impacts. The project will be subject to all applicable traffic and circulation policies of the City; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with traffic: TC-21, TC-24, TC-25, TC-27, TC-28, TC-29, TC-32, TC-49, TC-50, TC-61. [Draft EIR pp. 4.5-19 through 4.5-22]

D. Noise

1. **Cumulative Noise Impacts:** Noise associated with the project would contribute to cumulative future automobile traffic, airport, construction, rail, and cumulative traffic noise. [Draft EIR p. 4.6-17]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: The project is consistent with General Plan assumptions for land use and development intensity and would therefore not include different uses or more intense land uses than assumed in the MEIR that would result in additional noise impacts. The project will be subject to all applicable noise policies of the City; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with noise: N-1, N-2, N-3, N-10. [Draft EIR pp. 4.6-17 through 4.6-18]

E. Biological and Natural Resources

1. **Habitat Loss or Conversion:** Implementation of the proposed project could result in habitat loss or conversion and its associated effects on raptors, migratory birds, and the western mastiff bat. [Draft EIR p. 4.7-20]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Potential biological resources impacts would be associated with habitat loss or conversion and its associated effects on raptors, migratory birds, and the western mastiff bat. The General Plan assumed development of the project site, and the project is consistent with General Plan assumptions for land use and development intensity. Therefore, there would be no additional conversion of land, and project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with biological resources: SWPH-10, SWPH-11, MEIR Table V-7-1 Policy d. [Draft EIR pp. 4.7-20 through 4.7-21]

2. **Cumulative Habitat Loss or Conversion:** Implementation of the project could contribute to the loss or conversion of habitat and its associated effect on raptors, migratory birds, and the western mastiff bat

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Potential biological resources impacts would be associated with the project's contribution to the loss or conversion of habitat and its associated effect on raptors, migratory birds, and the western mastiff bat. The General Plan assumed development of the project site, and the project is consistent with General Plan assumptions for land use and development intensity. Therefore, there would be no additional conversion of land, and project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with biological resources: SWPH-10, SWPH-11, MEIR Table V-7-1 Policy d. [Draft EIR pp. 4.7-20 through 4.7-21]

F. Hydrology and Water Quality

1. **Degradation of Surface Water Quality (Impact 3.2.7):** Implementation of the project would increase the amount of impervious surface on the project site and the amount of urban runoff. In addition, construction activity could contribute to short-term discharges of waste and accelerated soil erosion and siltation, which could degrade surface water quality. [Draft EIR p. 4.8-12 through 13]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

Rationale: Project-related hydrology and water quality impacts would be associated with degradation of surface water quality through an increase in the amount of impervious surface on the project site and short-term discharges of waste and accelerated soil erosion and siltation. The project is consistent with General Plan assumptions for land use and development intensity and would not result in more development than assumed in the MEIR. Therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with hydrology and water quality: SD-7 and FWQ-12, SD-9 and FWQ-13, SD-11, SD-17 and FWQ-15. [Draft EIR p. 4.8-13]

2. **Cumulative Inundation and Flooding (Impact 3.2.7):** Implementation of the project could result in a cumulatively considerable contribution to cumulative runoff, potentially resulting in periodic inundation where canals and drainage channels aren't able to accommodate the collective rate of drainage, particularly during wet weather. [Draft EIR p. 4.8-13]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Potential project impacts would be associated with cumulative runoff, potentially resulting in periodic inundation where canals and drainage channels are not able to accommodate the collective rate of drainage, particularly during wet weather. Project development type and intensity is consistent with General Plan assumptions for land use and development intensity; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with hydrology and water quality: SD-7 and FWQ-12, SD-9 and FWQ-13, SD-11, SD-17 and FWQ-15. [Draft EIR p. 4.8-13]

G. <u>Geology and Soils</u>

1. **Ground Shaking, Unstable Soils, and Soil Erosion:** Implementation of the project would expose people and structures to future ground shaking. The presence of sandy soils and groundwater creates the potential for unstable soil conditions and liquefaction. Construction on the project site could contribute to soil erosion. [Draft EIR p. 4.9-9]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Potential project impacts would be associated with exposure of people and structures to ground shaking, the potential for unstable soil conditions and liquefaction due to the presence of sandy soils, and groundwater and contribution to soil erosion. All project development would be required to conform to the California Uniform Building Code regarding construction techniques to reduce the potential for impacts related to soils and seismic activity. The project is consistent with General Plan assumptions

for land use and development intensity; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with geology and soils: GSM-6, GSM-10, GSM-11. [Draft EIR pp. 4.9-9 through 4.9-10]

H. Cultural Resources

1. **Impacts to Historical, Archeological, and Paleontological Resources:** Project-related ground-disturbing activities could uncover previously unknown cultural resources. [Draft EIR pp. 4.10-8 through 4.10-9]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: The project would result in demolition of an existing residence, barns, and other ancillary buildings and structures on the property. The structures on site were not identified as being historically significant and were determined to be ineligible for inclusion in the National Register of Historic Places and the California Register of Historic Resources. No other cultural resources were identified in the project boundaries as part of investigations undertaken for the project. Potential project impacts would be associated with project-related ground-disturbing activities that could uncover previously unknown cultural resources. The project is consistent with General Plan assumptions for land use and development intensity; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measure set forth in the MEIR to reduce project impacts associated with cultural resources: AH-16. [Draft EIR p. 4.10-9]

I. Aesthetics/Visual Resources

1. **Alteration of Existing Visual Character:** Implementation of the project would alter the visual character of the site by replacing existing agricultural uses with a residential community, containing single-family and multi-family homes as well as a central open space feature. [Draft EIR p. 4.11-6]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Potential project impacts would be associated with alteration of the visual character of the site by replacing existing agricultural uses with a residential community. The project is consistent with General Plan assumptions for land use and development intensity and would not result in additional changes other than those assumed in the MEIR. Therefore, project impacts are within the scope of the MEIR. The EIR identified the following measure set forth in the MEIR to reduce project impacts associated with aesthetics/visual resources: AH-16. [Draft EIR p. 4.10-9]

2. **New Light and Glare Sources:** Implementation of the project would introduce new light sources that could include, but are not limited to, streetlights, vehicle headlights, and residential lighting. Light "spilling over" (that is, light that extends beyond the targeted object) from these new light sources could adversely affect adjacent areas and could increase the sky glow (that is, the reflection seen overhead from artificial light scattering in the atmosphere obscuring the background stars) in the region. The new light sources would contribute to a cumulative increase in light and glare. [Draft EIR p. 4.11-6]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Potential project impacts would be associated with the introduction of new sources of light and glare. The project is consistent with General Plan assumptions for land use and development intensity and would not result in development that differs in type or intensity from that assumed in the MEIR. Therefore, project impacts are within the scope of the MEIR. The EIR identified the following measure set forth in the MEIR to reduce project impacts associated with aesthetics/visual resources: VR-3. [Draft EIR p. 4.11-6]

J. Public Services and Utilities

1. **Cumulative Water Impacts:** The project could contribute to cumulatively considerable groundwater withdrawals within the San Joaquin River Basin. [Draft EIR p 4.12-24]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Potential project impacts would be associated with the contribution to cumulatively considerable groundwater withdrawals. The project is consistent with General Plan assumptions for land use and development intensity and would not result in water demand that exceeds the assumptions for water demand in the MEIR. There would be no additional groundwater withdrawal than identified in the MEIR; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with water supply and management: WS-11, WS-24. [Draft EIR pp. 4.12-24 through 4.11-25]

2. **Wastewater Impacts:** The project would generate approximately 0.515 million gallons per day (mgd) of wastewater. [Draft EIR p. 4.11-34]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

Rationale: Potential project impacts would be associated with the generation of wastewater. According to the Final Wastewater Treatment Master Plan Update, both the primary plant and the secondary plant have adequate dry weather treatment capacity to accommodate projected growth until 2030, which includes development on the project site. The project is consistent with General Plan assumptions for land use and development intensity; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with wastewater: SS-23, SS-24, LUP-53. [Draft EIR p. 4.23-32]

3. **Solid Waste Impacts:** The project would add approximately 1,546 new residents to the City of Modesto, which would result in increased solid waste generation. [Draft EIR p. 4.12-38]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Potential project impacts would be associated with the generation of additional solid waste through the addition of 1,546 new residents. Project-generated solid waste would be collected by Gilton Solid Waste Management, which has indicated that it would be able to serve the project while maintaining the high level of service required by the City of Modesto. The project is consistent with General Plan assumptions for land use and development intensity; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measure set forth in the MEIR to reduce project impacts associated with solid waste services: SW-10. [Draft EIR pp. 4.12-38 through 4.12-39]

4. **Parks and Recreation Impacts:** The project would add approximately 1,546 new residents to the City of Modesto. Using the City's standards, the project would require a 7-acre neighborhood park. [Draft EIR p. 4.12-47]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Potential project impacts would be associated with additional park usage through the addition of 1,546 new residents. The project provides 9.2 acres of open space for parks, recreation facilities, and a stormwater dual-function infiltration basin. The project is consistent with General Plan assumptions for land use and development intensity; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measure set forth in the MEIR to reduce project impacts associated with parks and recreation: POS-9. [Draft EIR p. 4.12-47]

5. **Electricity, Natural Gas, and Telephone Service Impacts:** Implementation of the project would require extension of electrical infrastructure and increase demand for electricity, natural gas, and telephone service. [Draft EIR p. 4.12-54]

Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

Rationale: Potential project impacts to electricity, natural gas, and telephone service would be associated with extension of infrastructure and increased demand for these services. The project would connect to existing infrastructure in the vicinity of the project site. The project is consistent with General Plan assumptions for land use and development intensity; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with electricity, natural gas, and telephone service: CL-9, CL-10, CL-22. [Draft EIR pp. 4.12-54, 4.14-15]

K. Agricultural Resources

1. **Conversion of Farmland:** The project would result in the conversion of approximately 79.2 acres of Prime Farmland currently under a Williamson Act contract. The project site is located adjacent to lands currently in agricultural production to the north and east, which are also currently under Williamson Act contract. [Draft EIR p. 4.13-6]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Impacts to agricultural resources associated with the project would result from conversion of approximately 79.2 acres of Prime Farmland currently under a Williamson Act contract. The General Plan assumed development of the project site, and the project is consistent with General Plan assumptions for land use and development intensity. Therefore, there would be no additional conversion of land, and project impacts are within the scope of the MEIR. The EIR identified the following measure set forth in the MEIR to reduce project impacts associated with agricultural resources: AL-21. [Draft EIR p. 4.13-6]

L. Climate Change

1. **Generation of Greenhouse Gas Emissions and Conflict with a Greenhouse Gas Plan:** Impacts to climate change resulting from the project would be primarily related to vehicle emissions and energy use. [Draft EIR pp. 4.14-14 through 4.14-15]

   Finding: Changes or alterations have been incorporated into the project which mitigate or avoid the significant effects on the environment.

   Rationale: Impacts to climate change associated with the project would be associated with vehicle emissions and energy use. The project is consistent with General Plan assumptions for land use and development intensity; therefore, project impacts are within the scope of the MEIR. The EIR identified the following measures set forth in the MEIR to reduce project impacts associated with climate change: CL-4, CL-5, CL-9, CL-10, CL-20, CL-22. [Draft EIR p. 4.14-15]

SECTION IV

FINDINGS REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City Council finds that the following environmental impacts identified in the EIR are potentially significant but can be mitigated to a less than significant level. The potentially significant impacts and the mitigation measures which would reduce them to a less than significant level are set forth in the EIR and are summarized as follows:

A. Noise

1. **Traffic Noise Impacts to Sensitive Receptors (Impact 4.6.5):** Sensitive receptors within the project site could be substantially affected by traffic noise on roadways surrounding the project. Based on the traffic noise modeling conducted, the projected future 65 dBA L_{dn} noise contour for adjacent roadways, including Bangs Road, Carver Road, Tully Road, and Pelandale Avenue, would extend onto the project site. The City's normally acceptable noise level for residential land uses is limited to a maximum of 65 dBA L_{dn} for outdoor activity areas. [Draft EIR pp. 4.6-16 through 4.6-17]

   Finding: The mitigation measure outlined below would reduce to a less than significant level the project's impacts related to traffic noise on roadways. The mitigation measure reflects changes or alterations that the City has required, or incorporated into, the project which would avoid or substantially lessen the potentially significant impact as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).

   Mitigation Measure: Implementation of Mitigation Measure 4.6.5 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

   Mitigation Measure 4.6.5 states:

   The following mitigation measures shall be implemented to reduce projected on-site noise exposure:

   - Sound barriers shall be constructed around the perimeter of the project site and shall consist of masonry-block walls, earthen berms, pre-cast concrete, or a combination thereof. Barriers shall be constructed to minimum heights of 8 feet along Pelandale Avenue, 7 feet along Tully Road and Bangs Avenue, and 6 feet along Carver Road. Barrier heights shall be measured from either roadway or project site elevation, whichever is highest. At site entrances located along Carver Road, Bangs Road, and Tully Road, the sound barrier shall be extended along the adjoining site access roadway to a length sufficient to shield the outdoor activity areas of residential dwellings located adjacent to the perimeter roadway. Any changes in barrier height should occur in gradual increments and the incorporation of earthen berms is recommended, where practical, to reduce potential aesthetic impacts.

- To reduce exterior-to-interior noise intrusion, residential dwelling units shall be equipped with mechanical heating and air conditioning systems so that windows can remain closed.

Rationale: The EIR determined that construction of sound walls along affected roadways would reduce the effect of road noise on the project site such that impacts to sensitive receptors on the project site from traffic noise would be reduced to a less than significant level. [Draft EIR p. 4.6-17]

SECTION V

FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

Notwithstanding existing regulations, standard conditions that the City imposes on development/ construction projects within the city, the specific project design features discussed in the EIR for the project, and the mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project, the impacts discussed in this section cannot be fully mitigated to a less than significant level. For each impact that is determined to be significant and unavoidable, a Statement of Overriding Considerations has been prepared for that impact and is set forth in Section VII of this Resolution.

A. Traffic and Circulation

1. **Intersection Impacts (Impact 4.5.1):** The proposed project will exacerbate existing conditions at one intersection operating below the City's minimum LOS D with the addition of project traffic and result in levels of service dropping from LOS C to LOS E at one additional intersection.

   Finding: The City Council finds that intersection level of service associated with the project is not expected to be mitigated to a less than significant level with implementation of feasible mitigation measures. No feasible mitigation is available to reduce this impact to a less than significant level, and this impact would remain significant and unavoidable. Consequently, a Statement of Overriding Considerations would be necessary should the City Council wish to approve the project.

   Mitigation Measures: Implementation of Mitigation Measures MM 4.5.1a and 4.5.1b in the Mitigation Monitoring and Reporting Program would assist in reducing this impact.

   Mitigation Measure MM 4.5.1a states:

   Bangs Avenue/Carver Road Intersection. The project applicant shall install a roundabout at the intersection of Bangs Avenue and Carver Road. This would reduce the average delay from 49.1 seconds (LOS E) to 18.2 seconds (LOS B).

Mitigation Measure MM 4.5.1b states:

Bangs Avenue/Tully Road Intersection. The project applicant shall install traffic signals and left-turn pockets on all approaches at the intersection of Bangs Avenue and Tully Road. These installations would reduce the average delay from 113.4 seconds (LOS F) to 27.3 seconds (LOS C).

Rationale: Implementation of the above mitigation measures would reduce intersection impacts in the near term to a less than significant level. However, implementation of these mitigation measures cannot be assured. The project applicant will be required to contribute its fair share of the cost of improvements through payment into City Capital Facility fees, Stanislaus County Public Facility fees, and Woodglen Community Facilities District (CFD) fees. However, the project's fair share contribution is not adequate to fund the entire cost of the improvements necessary to these intersections and the City cannot ensure acquisition of the necessary right-of-way, the improvements cannot be assured. In addition, if the City's jurisdiction is expanded north of Bangs Avenue in the project area prior to construction of the project and contribution from other developments in terms of land dedication and/or funding makes it feasible for the roundabouts to be installed, the project shall install the roundabouts. However, there can be no assurance that the funding or jurisdictional issues will be resolved prior to project development. Therefore, Mitigation Measures 4.5.1a and b cannot assure roadway improvements prior to project development triggering traffic impacts; therefore, the project's traffic impacts would be significant. Because there are no feasible measures available to further mitigate the significant impact identified above, it is considered significant and unavoidable. [Draft EIR p. 4.5-28]

2. **Intersection LOS Impacts (Impact 4.5.2):** The proposed project would result in an incremental increase in delay that exceeds the delay thresholds at intersections where LOS D is already exceeded.

   Finding: The City Council finds that incremental increases in delay at intersections resulting from project-generated traffic are not expected to be mitigated to a less than significant level with implementation of feasible mitigation measures. No feasible mitigation is available to reduce this impact to a less than significant level, and this impact would remain significant and unavoidable. Consequently, a Statement of Overriding Considerations would be necessary should the City Council wish to approve the project.

   Mitigation Measure: Implementation of Mitigation Measures MM 4.5.2a through 4.5.2e in the Mitigation Monitoring and Reporting Program would assist in reducing this impact.

Mitigation Measure MM 4.5.2a states:

Standiford Avenue/Carver Road Intersection. The project applicant shall install an additional eastbound lane at the intersection of Standiford Avenue and Carver Road. This improvement would reduce the incremental increase in delay to less than 5 seconds.

Mitigation Measure MM 4.5.2b states:

Standiford Avenue/Tully Road Intersection. The project applicant shall install an additional eastbound lane at the intersection of Standiford Avenue and Tully Road. This improvement would reduce the incremental increase in delay to less than 5 seconds.

Mitigation Measure MM 4.5.2c states:

Bangs Avenue/Carver Road Intersection. The project applicant shall install a roundabout at the intersection of Bangs Avenue and Carver Road. These improvements would reduce the average delays from 570.7 seconds (LOS F) to 34.8 seconds (LOS C).

Mitigation Measure MM 4.5.2d states:

Snyder Avenue/Carver Road Intersection. The project applicant shall install traffic signals and left-turn pockets on all approaches at the intersection of Snyder Avenue and Carver Road. These improvements would reduce the average delays from 49.7 seconds (LOS F) to 27.9 seconds (LOS C).

Mitigation Measure MM 4.5.2e states:

Bangs Avenue/Tully Avenue Intersection. Implement mitigation measure MM 4.5.1b, and install an eastbound right-turn lane at the intersection of Bangs Avenue and Tully Road. These improvements would result in a reduction in average delay from 460.3 seconds (LOS E) to 52.9 seconds (LOS C).

Rationale: The above mitigation measures would reduce intersection impacts in the near term to a less than significant level. However, implementation of these mitigation measures cannot be assured. The project applicant will be required to contribute its fair share of the cost of improvements through payment into the City Capital Facility fees, Stanislaus County Public Facility fees, and Woodglen CFD fees. Improvements to Standiford Avenue/Carver Road and Standiford Avenue/Tully Road would require additional right-of-way. This would involve acquisition of private property and would conflict with existing development and land uses. The applicant's contribution to the impacts at these intersections is small in relation to the cost of the improvements needed. The identified improvements would be funded through the City Capital Facility fee program,

and the applicant would be required to pay its fair share toward improvements to these intersections through payment of City Capital Facility fees. Even so, there is a priority list for improvements to City roadways through the CFF program, and there can be no assurance that the necessary improvements will be completed prior to the time the project's impacts occur.

Improvements to the intersection of Snyder Avenue/Carver Road would require additional right-of-way. This would involve acquisition of private property and would conflict with existing development and land uses adjacent to the intersection. The applicant's contribution to the impact is small in relation to the cost of the improvements that would be necessary, and there is no other identified source of funding available.

The project's contribution to the impacts at the intersections of Bangs Avenue/Carver Road and Bangs Avenue/Tully Road is relatively minor in relation to the cost of the improvements that would be needed, and the improvements would require the acquisition of right-of-way outside of the city, which the City cannot ensure. The applicant will be required to pay its fair share of the cost of installation of the roundabouts through payment into the Woodglen CFD. However, since the project's fair share contribution is not adequate to fund the entire cost of the improvements necessary to these intersections and the City cannot ensure acquisition of the necessary right-of-way, the improvements cannot be assured.

If the City's jurisdiction is expanded north of Bangs Avenue in the project area prior to construction of the project and contribution from other developments in terms of land dedication and/or funding makes it feasible for the roundabouts to be installed, the project shall install the roundabouts. However, since there can be no assurance that the funding or jurisdictional issues will be resolved prior to project development, the impact remains significant and unavoidable. [Draft EIR pp. 4.5-33 through 4.3-35]

3. **Roadway Segment Levels of Service (Impact 4.5.3):** The proposed project would result in level of service dropping to an unacceptable level on one roadway segment and an increase in volume-to-capacity ratio above the incremental threshold on two roadway segments under near-term conditions.

   Finding: The City Council finds that project contributions to level of service dropping to an unacceptable level on one roadway segment and an increase in volume-to-capacity ratio above the incremental threshold on two roadway segments are not expected to be mitigated to a less than significant level with implementation of feasible mitigation measures. No feasible mitigation is available to reduce this impact to a less than significant level, and this impact would remain significant and unavoidable. Consequently, a Statement of Overriding Considerations would be necessary should the City Council wish to approve the project.

Mitigation Measure: Implementation of Mitigation Measures MM 4.5.3a and 4.5.3b in the Mitigation Monitoring and Reporting Program would assist in reducing this impact.

Mitigation Measure MM 4.5.3a states:

Tully Road. The project applicant shall widen the segment of Tully Road from Bangs Avenue to Pelandale Avenue to provide at least two southbound lanes. The additional lanes would improve the volume-to-capacity ratio from 1.12 (LOS F) to 0.56 (LOS A).

Mitigation Measure MM 4.5.3b states:

Bangs Avenue. The project applicant shall widen the segment of Bangs Avenue from Prescott Road to Tully Road to provide at least two eastbound lanes. The additional lanes would improve the volume-to-capacity ratio between Prescott and Carver roads from 1.27 (LOS F) to 0.65 (LOS B), and between Tully Road and Carver Avenue from 1.28 (LOS F) to 0.98 (LOS E).

Rationale: Implementation of the above mitigation measures would reduce intersection impacts in the near term to a less than significant level. However, implementation of these mitigation measures cannot be assured. The project's contribution to the impacts to roadway segments along Bangs Avenue is relatively minor in relation to the cost of the improvements that would be needed, and the improvements would require the acquisition of right-of-way outside of the city, which the City cannot ensure. The applicant will be required to pay its fair share of the cost of road widening through payment into the Woodglen CFD. However, since the project's fair share contribution is not adequate to fund the entire cost of the improvements necessary and the City cannot ensure acquisition of the necessary right-of-way, the improvements cannot be assured.

If the City's jurisdiction is expanded north of Bangs Avenue in the project area prior to construction of the project and contribution from other developments in terms of land dedication and/or funding makes it feasible for the widening to occur, the project shall widen the roadway segments. However, since there can be no assurance that the funding or jurisdictional issues will be resolved prior to project development, this impact remains significant and unavoidable. [Draft EIR pp. 4.5-38 through 4.3-39]

SECTION VI

FINDINGS REGARDING PROJECT ALTERNATIVES

A. Background

Section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

> (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

> (b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In Subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

> (c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.

However, when significant impacts can be mitigated by the adoption of mitigation measures, the lead agency has no obligation to consider the feasibility of alternatives with respect to that impact in its findings, even if the alternative would mitigate the impact to a greater degree than the proposed project (Public Resources Code, § 21002; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521). The City has adopted mitigation measures to avoid or substantially lessen the potentially significant environmental impacts identified in the EIR. However, the following impacts would remain significant:

- The project will exacerbate existing conditions at one intersection operating below the City's minimum LOS D with the addition of project traffic and result in levels of service dropping from LOS C to LOS E at one additional intersection.

- The project would result in an incremental increase in delay that exceeds the delay thresholds at intersections where LOS D is already exceeded.

- The project would result in level of service dropping to an unacceptable level on one roadway segment and an increase in volume-to-capacity ratio above the incremental threshold on two roadway segments under near-term conditions.

The project seeks to achieve the following key objectives [Draft EIR p. 3.0-4]:

- Create a high-quality residential development oriented to common open space;

- Establish a street system that is local-serving, safe, and attractive;

- Create a dual-purpose stormwater/open space area that is attractive and usable year-round;

- Implement the City's Small-Lot Single-Family Housing Guidelines;

- Comply with the Housing Element requirements for the development of 8 acres of affordable housing within the area;

- Provide stormwater drainage for Pelandale Avenue between Carver Road and Tully Road; and

- Limit premature and unnecessary extension of backbone infrastructure for roadways and utilities.

There are two types of alternatives evaluated in the EIR. First are the alternatives that were considered but were rejected from further consideration. Reasons for elimination included failure to meet basic project objectives, infeasibility, or inability to avoid significant environmental impacts (State CEQA Guidelines § 15126.6(c)). The following alternative was considered but rejected from further consideration:

- **Off-Site Alternative:** An off-site alternative would not accommodate the project objective of fulfilling the Housing Element requirement of developing 8 acres of affordable housing within the area, nor would it accommodate the project objective of providing for stormwater drainage for Pelandale Avenue, between Carver and Tully roads. Furthermore, there are no alternative off-site locations with the appropriate General Plan designation for the project that meet the project objective of limiting premature and unnecessary extension of backbone infrastructure for roadways and utilities. Since the project is adjacent to urban development on two sides and is surrounded by existing urban infrastructure, other sites in the city would result in similar or more severe environmental impacts, rather than substantially reduce or avoid significant environmental impacts. [Draft EIR p. 5.0-1]

Second are the alternatives that were considered in detail. Those alternatives are:

- **No Project Alternative** [Draft EIR pp. 5.0-2 through 5.0-5]
- **Development Consistent with Current Zoning Alternative** [Draft EIR pp. 5.0-5 through 5.0-8]
- **Reduced Development Alternative** [Draft EIR pp. 5.0-8 through 5.0-11]

A complete discussion for alternatives that were considered in detail is provided below.

B. Alternatives Considered but Rejected from Further Consideration

In determining an appropriate range of alternatives to be evaluated in the EIR, a number of possible alternatives were initially considered and rejected. Alternatives were rejected because either they could not accomplish most of the basic objectives of the project, would not have resulted in a reduction of potentially significant impacts, or were considered infeasible. The specific reasons for not selecting the rejected alternative are described below.

1. **Off-Site Alternative:** An off-site alternative would include development of the proposed project at another site.

Finding: Based upon the Supporting Explanation below, the City Council rejects the Off-Site Alternative because it does not meet the basic project objectives and would not avoid or substantially lessen significant and unavoidable traffic impacts identified for the project. Each of the stated grounds for rejecting the Off-Site Alternative is independently sufficient to justify rejection of this alternative.

Supporting Explanation: The Off-Site Alternative would not achieve the project objective of fulfilling the Housing Element requirement of developing 8 acres of affordable housing within the area, nor would it accommodate the project objective of providing for stormwater drainage for Pelandale Avenue, between Carver and Tully roads. Furthermore, there are no alternative off-site locations with the appropriate General Plan designation for the project that meet the project objective of limiting premature and unnecessary extension of backbone infrastructure for roadways and utilities. [Draft EIR p. 5.0-1]

C. Alternatives Considered in Detail in the EIR

The following project alternatives were considered in detail in the EIR. These alternatives are rejected for various reasons as set forth below.

1. No Project Alternative

The No Project Alternative assumes the project would not be built. The project site would remain in unincorporated Stanislaus County, and its zoning would be unchanged as General Agriculture District (A-2-10). The project site would not be developed under the No Project Alternative. No change in the existing characteristics of the site would occur. The No Project Alternative was selected to fulfill the requirements of CEQA Section 15126.6(3). [Draft EIR pp. 5.0-2 through 5.0-5]

Finding: Based upon the Supporting Explanation below, the City Council rejects the No Project Alternative because it does not comply with project objective of fulfilling the Housing Element requirement of developing 8 acres of affordable housing within the area, and it would not accommodate the project objective of providing for stormwater drainage for Pelandale Avenue between Carver and Tully roads.

Supporting Explanation: As identified on Draft EIR page 5.0-2, the No Project Alternative would not increase or affect the jobs-to-housing ratio because no homes or job-generating uses would be developed on the project site, but the No Project Alternative may have slightly worse impacts than the proposed project, as it would not improve the amount of housing stock, including affordable housing [Draft EIR p. 5.0-2]. The Draft EIR identified the No Project Alternative as the environmentally superior alternative because it would have fewer adverse environmental impacts than the proposed project. However, the No Project Alternative would not meet any of the objectives of the proposed project and would not fulfill the City of Modesto 2008 Urban Area General Plan's vision for Village Residential within the Kiernan/Carver Comprehensive Planning District. [Draft EIR p. 5.0-12]

2. Development Consistent with Existing Zoning Alternative

This alternative assumes that the project site would remain in unincorporated Stanislaus County and be developed consistent with the existing zoning of the site. The site is currently zoned General Agriculture District (A-2-10), which allows for 10-acre lots. The site is 72 acres, which would accommodate seven lots with residences. [Draft EIR pp. 5.0-5 through 5.0-8]

Finding: Based upon the Supporting Explanation below, the City Council rejects the Development Consistent with Existing Zoning Alternative because it does not meet several of the project objectives, including the development of housing in the City of Modesto, as the project site would continue to be located within unincorporated Stanislaus County and would not be annexed into the City of Modesto.

Supporting Explanation: As identified on Draft EIR page 5.0-5, the Development Consistent with Existing Zoning Alternative would result in seven housing units built in Stanislaus County, but this increase is too small to affect the county's jobs-to-housing ratio. Therefore, the Development Consistent with Current Zoning Alternative would result in worse impacts to housing stock in the City of Modesto by reducing the number of homes (including affordable units) that would be constructed under the proposed project (533 units). [Draft EIR p. 5.0-12]

3. Reduced Development Alternative

This alternative would result in reduction in the number of units on the project site by 30 percent, to 373 residential units, including a proportional reduction of both low density residential units (236) and medium-high density residential units (137). This alternative was selected to reduce the amount of traffic generated by the project and reduce impacts to levels of service on area roadways and intersections under existing, interim (year 2012), and cumulative (year 2025) conditions. [Draft EIR pp. 5.0-8 through 5.0-11]

Finding: Based upon the Supporting Explanation below, the City Council rejects the Reduced Development Alternative because it would have fewer residential units, including fewer affordable housing units.

Supporting Explanation: This alternative would add to the city's housing stock (236 low density residential and 137 medium-high density residential units), but fewer affordable housing units would be included in the Reduced Development Alternative, and fewer housing units and options would be created altogether.

SECTION VII

STATEMENT OF OVERRIDING CONSIDERATIONS

A. The City declares that, pursuant to State CEQA Guidelines Section 15093, the City has balanced the benefits of the project against any unavoidable environmental impacts in determining whether to approve the proposed update. If the benefits of the project outweigh the unavoidable adverse environmental impacts, those impacts may be considered "acceptable."

B. The City declares that the EIR prepared for the project has identified and discussed significant effects which may occur as a result of the project. With the implementation of existing regulations and the mitigation measures discussed in the EIR, the environmental effects of future development pursuant to the proposed project can be mitigated to less than significant levels, except for unavoidable significant impacts to:

- The project will exacerbate existing conditions at one intersection operating below the City's minimum LOS D with the addition of project traffic and result in levels of service dropping from LOS C to LOS E at one additional intersection.

- The project would result in an incremental increase in delay that exceeds the delay thresholds at intersections where LOS D is already exceeded.

- The project would result in level of service dropping to an unacceptable level on one roadway segment and an increase in volume-to-capacity ratio above the incremental threshold on two roadway segments under near-term conditions.

C. The City declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts listed above. To the extent any mitigation measures could not be incorporated, such mitigation measures are infeasible because of specific economic, legal, social, technological, and other considerations, and the benefits of the proposed project outweigh the unmitigated impacts.

D. The City further finds that except for the project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the project's objectives and the City's goals and/or because of specific economic, legal, social, technological, and other benefits that the City finds outweigh any environmental benefits of the alternatives.

E. The City declares that, having reduced the significant adverse environmental effects of the project to the extent feasible by adopting the mitigation measures, having considered the entire administrative record on the proposed project, and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, the City has determined that the following social, economic, and environmental benefits of the project outweigh the potential unavoidable significant adverse impacts and render those potential adverse environmental impacts acceptable, based upon the following overriding considerations in addition to the statement of overriding considerations for the General Plan:

- The project will meet the objectives of the project in a cost-effective manner

- The project will provide 533 residential units, including affordable units, which will count toward achieving the City's fair share of the region's current unmet housing needs identified in the Regional Housing Needs Assessment.

SECTION VIII

CERTIFICATION OF EIR

The City Council finds that it has reviewed and considered the Final EIR in evaluating the project, that the EIR is an accurate and objective statement that fully complies with the Public Resources Code and the State CEQA Guidelines, and that the EIR reflects the independent judgment of the City Council. The City Council consequently certifies the EIR.

The City Council declares that no new significant information as defined by State CEQA Guidelines Section 15088.5 has been received by the City after circulation of the Draft EIR nor added by the City to the EIR that would require recirculation.

The City Council certifies the EIR based on, without limitation, the following finding and conclusions:

A. **Finding:** The significant environmental impacts set forth in Section V of this Resolution have been identified in the EIR and will require mitigation, but cannot be mitigated to a less than significant level.

B. **Conclusions**

1. All significant environmental impacts from the implementation of the proposed project have been identified in the EIR and, with implementation of the identified mitigation measures, impacts will be mitigated to a less than significant level or would not result in any new or increased severity of environmental impacts identified in the General Plan Master EIR, except for the impacts listed in Section IV of this Resolution.

2. Environmental, economic, social, and other considerations and benefits derived from the proposed project override and make infeasible mitigation measures beyond those incorporated into the project.

3. Other reasonable alternatives to the proposed project that could feasibly achieve the basic goals and objectives of the project have been considered and rejected in favor of the proposed Woodglen Specific Plan Project.

Exhibit "B"

MITIGATION MONITORING AND REPORTING PROGRAM

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
Air Quality				
AQ-6: All development within the project shall include low-NOx space heaters and water heaters.	Project Developer	The project developer shall show all residential units include low-NOx space and water heaters in construction drawings and implement the measures	The Building Division shall review and approve all construction plans to ensure that low-NOx space and water heaters are included	Prior to issuance of a building permit for any building, construction plans shall show low-NOx space heaters and water heaters for all residential units.
AQ-26: Review of proposed development within the Woodglen Specific Plan area shall be coordinated with SJVAPCD staff to ensure all projects subject to the SJVAPCD Rule 9510 (Indirect Source Review) comply fully with the rule.	Project Developer	The project developer shall coordinate with SJVAPCD staff to ensure all projects subject to the SJVAPCD Rule 9510 comply fully with the rule.	The Planning Division shall refer proposed development projects to the San Joaquin Valley Air Pollution Control District to ensure all applicable policies and rules have been applied to the project.	Prior to tentative map approval or development plan review approval
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. (UAGP Policy VII-H.2[kk])	Project Developer	Construction foreman or liaison shall implement necessary dust suppression activities in conjunction with project development.	Construction foreman or liaison shall assign personnel to dust suppression activities in conjunction with project development.	Throughout the construction duration.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
AQ-43: All onsite unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. (UAGP Policy VII-H.2[ll])	Project Developer	Construction foreman or liaison shall implement necessary dust suppression activities in conjunction with project development.	Construction foreman or liaison shall assign personnel to dust suppression activities in conjunction with project development.	Throughout the construction duration.
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. (UAGP Policy VII-H.2[mm])	Project Developer	Construction foreman or liaison shall implement necessary dust suppression activities in conjunction with project development.	Construction foreman or liaison shall assign personnel to dust suppression activities in conjunction with project development.	Throughout the construction duration.
AQ-45: With the demolition of buildings, all exterior surfaces of the building shall be wetted during demolition. (UAGP Policy VII-H.2[nn])	Project Developer	Construction foreman or liaison shall implement necessary dust suppression activities in conjunction with project development.	Construction foreman or liaison shall assign personnel to dust suppression activities in conjunction with project	Throughout the construction duration.
AQ-46: When materials are transported off site during construction activities, 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. (UAGP Policy VII-H.2[oo])	Project Developer	Construction foreman or liaison shall implement necessary dust suppression activities in conjunction with project development.	Construction foreman or liaison shall assign personnel to dust suppression activities in conjunction with project.	Throughout the construction duration.
AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each construction 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.) (UAGP Policy VII-H.2[pp])	Project Developer	Construction foreman or liaison shall establish and implement a daily street sweeping schedule during construction activities that involve movement of soil.	The construction foreman or liaison shall monitor daily street sweeping and maintain a daily log. Results shall be submitted in a monthly report to the San Joaquin Valley Air Pollution Control District.	Project developer shall provide a daily street sweeping schedule prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout construction duration.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles during construction, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. (UAGP Policy VII-H.2[qq])	Project Developer	Construction foreman or liaison shall implement necessary dust suppression activities in conjunction with project development.	Construction foreman or liaison shall assign personnel to dust suppression activities in conjunction with project.	Throughout the construction duration.
AQ-49: Within urban areas, trackout from construction shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. (UAGP Policy VII-H.2[rr])	Project Developer	Construction foreman or liaison shall establish and implement a daily street sweeping schedule during construction activities that involve movement of soil.	The construction foreman or liaison shall monitor daily street sweeping and provide a daily log. Results shall be submitted in a monthly report to the San Joaquin Valley Air Pollution Control District.	Project developer shall provide a daily street sweeping schedule prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout construction duration.
AQ-50: Any construction including 150 or more vehicle trips per day shall prevent carryout and trackout. (UAGP Policy VII-H.2[ss])	Project Developer	Construction foreman or liaison shall establish and implement a daily street sweeping schedule during construction activities that involve movement of soil.	The construction foreman or liaison shall monitor daily street sweeping and provide a daily log. Results shall be submitted in a monthly report to the San Joaquin Valley Air Pollution Control District.	Implement measures throughout the construction duration.
AQ-51: Limit traffic speeds of construction site vehicles on unpaved roads to 15 mph. (UAGP Policy VII-H.2[tt])	Project Developer	The construction foreman or liaison shall post speed limit signs and ensure that construction vehicle operators travel at or less than 15 miles per hour.	The construction foreman or liaison shall monitor speed limits. Project developers shall monitor compliance throughout construction duration.	The project developers shall install speed limit signs as part of the preparation process prior to issuance of a grading permit. Implement measures through the construction duration.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from construction sites with a slope greater than one percent (1%). (UAGP Policy VII-H.2[uu])	Project Developer	All slopes shall me measured by the Project Developers and identified on the building permit plan set submitted. The construction foreman or liaison shall oversee the placement of sandbags or other runoff control measures(s) on all grades determined to have a slope greater than 1 percent.	The construction foreman or liaison shall monitor runoff control measure(s) inspections and shall submit results in a monthly report to the San Joaquin Valley Air Pollution Control District.	The building permit submittal shall identify slope measurements Implement measures throughout the construction duration.
AQ-53: Install wheel washers for all exiting construction trucks, or wash off all trucks and equipment leaving the site. (UAGP Policy VII-H.2[vv])	Project Developer	The construction foreman or liaison shall ensure that wheel washers and/or equipment washers are in place at all points of exit from the site and are correctly implemented.	The construction foreman or liaison shall record inspections in a daily construction log and submit results in a monthly report to the San Joaquin Valley Air Pollution Control District.	The washers shall be provided prior to issuance of a grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
AQ-54: Install wind breaks at windward side(s) of construction areas. (UAGP Policy VII-H.2[ww])	Project Developer	Windbreaks shall be installed by the Project Developers. The construction foreman or liaison shall ensure that windbreaks are correctly placed and implemented.	The construction foreman or liaison shall inspect installed windbreaks on a weekly basis and record inspections in the construction log. Inspection results shall be submitted in a monthly report to the San Joaquin Valley Air Pollution Control District.	Windbreaks shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout construction duration.
AQ-55: Suspend excavation and grading activity when winds exceed 20 mph (UAGP Policy VII-H.2[xx])	Project Developer	Project developers shall install wind speed measuring devices and ensure that these devices are correctly located and calibrated.	The construction foreman shall cease all excavating and grading activities when wind speed measuring devices indicated speeds over 20 mph.	Wind speed measuring devices shall be installed by project developers prior to the issuance of grading or building permits, whichever occurs first. Implement measures through the construction duration.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
			Suspension of construction activity due to wind speeds shall be recorded in the construction log. Construction reports shall be submitted to the San Joaquin Valley Air Pollution Control District on a monthly basis.	
AQ-56: Limit the area subject to excavation, grading, and other construction activity at any one time. (UAGP Policy VII-H.2[yy])	Project Developer	The project sponsor shall provide a written statement with any request for development permits or other permits involving movement of soil supporting a determination that the request minimizes the amount of exposed soil on the project site during the relevant construction period. The Community and Economic Development Director will either accept the report or require additional means to reduce the amount of exposed soil, such as hydroseeding or planting vegetation with irrigation in areas that are proposed to be exposed for more than 20 days with no construction activity. Construction shall comply with the General Construction Permit	The construction foreman or liaison shall ensure that construction activities do not exceed the allowable area of excavation and grading activity permitted on the site and shall oversee implementation of any required best management practices. The construction foreman or liaison shall record excavation and grading activities in a construction log on a daily basis and submit results in a monthly report to the San Joaquin Valley Air Pollution Control District.	Project developer shall provide a plan to reduce soil exposure prior to the issuance of grading or building permit, whichever occurs first. Implement measures through the construction duration.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
Hazards and Human Health				
HM-17: 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.	Project Developer	The project developer shall demonstrating compliance with the City's Storm Water Management Plan in conjunction with any plans for construction or grading on the site. The construction foreman or liaison shall ensure construction activities conform to the approved plans.	The Community and Economic Development Director or designee shall review the plan for compliance. The construction foreman or liaison shall monitor construction activity daily for compliance with the City's Storm Water Management Plan and supply a monthly report to the Community and Economic Development Director or designee	Project developer shall demonstrate compliance with the City's Storm Water Management Plan prior to issuance of a building permit or grading permit, whichever occurs first. Implement measures throughout the construction duration.
HM-25: The project shall be required to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.	Project Developer	The project developer shall demonstrate compliance with the City's NPDES permit in conjunction with development plans.	The Community and Economic Development Director or designee shall review the plans for compliance.	Project developer shall demonstrate compliance with the City's NPDES permit prior to issuance of a building permit.
HM-26: A Phase II site assessment shall be conducted. The findings of the site assessment shall be reported to the City and the County's Department of Environmental Resources, and the appropriate remediation shall occur.	Project Developer	The project developer shall retain a registered environmental assessor to conduct a Phase II site assessment of the project site and implement the remediation.	The City of Modesto Community and Economic Development Department shall review and approve the Phase II site assessment and remediation in collaboration with Stanislaus County's	Conduct Phase II environmental assessment prior to issuance of a grading permit or building permit, whichever occurs first. Remediation shall be implemented prior to issuance of

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
			Department of Environmental Resources	a grading permit or building permit or as determined by the Phase II assessment.
Traffic and Circulation				
MM 4.5.1a. MM 4.5.1b, MM4.52a, MM 4.5.2b, MM 4.5.2c, MM 4.5.2e, MM 4.5.3b : Potentially Infeasible Mitigations: Construct roadways segment and intersection improvements as specified in the subject sections of the EIR, where they become feasible.	Project Developer and City of Modesto	The project developer shall contribute its fair share toward the improvements that are specified in the FEIR through payment to the project CFD and City CFF, and shall install improvements specified by MM4.5.1a, MM4.5.1b, MM4.5.2c, MM 4.5.2e, MM 4.5.3b, where jurisdictional and funding issues are resolved prior to development. The City shall ensure these improvements are made when timing, jurisdictional and funding issues are resolved.	Community and Economic Development Department Director or designee	The Community and Economic Development Director shall ensure the appropriate fees are paid prior to issuance of a building permit and improvements specified by MM4.5.1a, MM4.5.1b, MM4.5.2c, MM 4.5.2e, MM 4.5.3b, are installed, where feasible, prior to final map approval. The Community and Economic Development Director shall ensure all improvements are installed when timing, jurisdictional and funding issues are resolved.
MM 4.5.3a **Tully Road.** The project applicant shall widen the segment of Tully Road from Bangs Avenue to Pelandale Avenue to provide at least two southbound lanes. The additional lanes would improve the volume-to-capacity ratio from 1.12 (LOS F) to 0.56 (LOS A).	Project Developers	The identified road improvements shall be completed by the project developer.	City Engineer shall verify completion of improvements to City Specifications.	Improvement shall be completed prior to issuance of a building permit.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
Noise				
MM 4.6.5 The following mitigation measures shall be implemented to reduce projected on-site noise exposure: • Sound barriers shall be constructed around the perimeter of the project site and shall consist of masonry-block walls, earthen berms, pre-cast concrete, or a combination thereof. Barriers shall be constructed to minimum heights of 8 feet along Pelandale Avenue, 7 feet along Tully Road and Bangs Avenue and 6 feet along Carver Road. Barrier heights shall be measured from either roadway or project site elevation, whichever is highest. At site entrances located along Carver Road, Bangs Road and Tully Road, the sound barrier shall be extended along the adjoining site access roadway to a length sufficient to shield the outdoor activity areas of dwellings located adjacent to the perimeter roadway. Any changes in barrier height should occur in gradual increments and the incorporation of earthen berms is recommended, where practical, to reduce potential aesthetic impacts. • To reduce exterior-to-interior noise intrusion, residential dwelling units shall be equipped with mechanical heating and air conditioning systems so that windows can remain closed.	Project Developer	Project Developers shall implement the noise attenuation features described in the measure.	The Building Division shall ensure the prescribed walls are installed as specified and that all residential dwelling units are equipped with mechanical heating and air conditioning systems.	All walls shall be installed prior to the first occupancy permit. Mechanical heating and air conditioning systems shall be shown on construction plans prior to issuance of a building permit for any residential dwelling unit.
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."	Project Developer	The construction foreman shall inspect construction equipment prior to its use to ensure it is equipped with properly operating mufflers, shrouds and shields and operated in accordance with manufacturer's recommendations.	Construction foreman or liaison shall keep a log of all equipment used and the results of its inspection.	Inspections shall occur prior to commencement of construction. Monthly reports shall be provided throughout the construction duration.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
			Results shall be provided in a monthly report to the City of Modesto Community and Economic Development Department	
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,	Project Developer and City of Modesto	The construction foreman shall inspect construction equipment prior to its use to ensure it is equipped with properly operating mufflers, shrouds and shields and operated in accordance with manufacturer's recommendations. The Community and Economic Development Department and Police Department will monitor noise from the project to ensure that it complies with the city's noise ordinance.	Construction foreman or liaison shall keep a log of all equipment used and the results of its inspection. Results shall be provided in a monthly report to the City of Modesto Community and Economic Development Department. The Community and Economic Development Department and Police Department will monitor noise for compliance with the city's noise ordinance.	The construction foreman or liaison shall inspect construction equipment prior to its use throughout the construction duration. The Community and Economic Development Department and Police Department will monitor noise from the project on an ongoing basis, both before and after development, to ensure that it complies with city ordinance.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
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: 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 VIIG. 3[a])	Project Developer	The construction foreman shall inspect construction equipment prior to its use to ensure it is equipped with properly operating mufflers, shrouds and shields and operated in accordance with manufacturer's recommendations.	Construction foreman or liaison shall keep a log of all equipment used and the results of its inspection. Results shall be provided in a monthly report to the City of Modesto Community and Economic Development Department.	Inspections shall occur prior to commencement of construction Monthly reports shall be provided throughout the construction duration.
N-10: The City of Modesto shall limit trucking to specific routes, times and speeds that minimize adverse effects to sensitive land uses such as schools and residential areas. (UAGP VII-G.3[h])	Project Developer	Project Developer shall create a program limiting trucking to specific routes, times and speeds for review and approval by the Community and Economic Development Department.	City of Modesto Community and Economic Development Department shall ensure program addresses the potential adverse effects on	The trucking program shall be approved by the Community and Economic Development Department prior to issuance of a building permit or grading

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
		Project Developer shall ensure all equipment operators receive a copy of the approved program and follow its provisions.	sensitive land uses such as schools and residential areas. The construction foreman or liaison shall provide a copy of the approved program to all equipment operators and monitor trucking practices for conformance.	permit, whichever occurs first. The construction foreman or liaison shall ensure all equipment operators receive a copy of the approved program prior to start of construction and monitor program compliance throughout construction duration.
Biological and Natural Resources				
SWPH-10: A biological assessment by a qualified biologist shall be conducted to determine whether any sensitive natural communities or species are present within the project area. The assessment shall include consultation with the U.S. Fish and Wildlife Service and Department of Fish and Game and shall include methodologies recommended by the USFWS and CDFG. The recommendations of the study shall be made conditions of approval for the project.	Project Developer	Project Developer shall retain a qualified biologist to conduct a biological assessment to determine whether any sensitive natural communities or species are present within the project area. The project shall implement the remediation required by the study	City of Modesto Community and Economic Development Department	The study shall be performed prior to approval of a tentative map or development plan review for the project. The project shall implement the recommended remediation prior to issuance of a building or grading permit, whichever occurs first. .
SWPH-11: Biologically sensitive areas identified through a biological assessment that can be avoided, shall be protected by fencing, signage, or establishment of buffer zones appropriate to the species and/or habitat involved.	Project Developer	Project Developer shall retain a qualified biologist to conduct a biological assessment to determine whether any sensitive natural communities or species are present within the project area. Any biologically sensitive areas that can be avoided shall be protected by fencing, signage or establishment of a buffer zone, as appropriate.	City of Modesto Community and Economic Development Department	The study shall be performed prior to approval of a tentative map or development plan review for the project. Appropriate avoidance measures shall be implemented, where feasible, prior to issuance of a building permit or grading permit, whichever occurs first.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
MEIR Table V-7-1 Policy d: Preserve existing and mature native trees to the extent feasible, except when such trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment should occur outside the drip lines of any trees to be preserved. Any tree removal shall occur during the nonbreeding season for birds (mid-September through January). If construction activities or tree removal must occur during the breeding season (February through mid-September), surveys for active nests shall be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.	Project Developer	Project developer shall preserve existing and mature native trees to the extent feasible during construction through the methods described in this measure.	City of Modesto Community and Economic Development Department	The developer shall demonstrate compliance with this measure prior to issuance of a building or grading permit, whichever occurs first. All buffer zones established to preserve mature native trees shall be maintained throughout the construction duration. All buffer zones established to protect active nests shall be preserved until after breeding season is over or a qualified biologist has determined that it is no longer needed.
Hydrology and Water Quality				
SD-7 and FWQ-12: All phases of development in Woodglen shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of stormwater as necessary.	Project Developer	1 The project developer shall demonstrate compliance with City requirements for conveyance, retention and detention, as monitored by the City.	City of Modesto Community and Economic Development Department	Prior to issuance of a building permit or each phase of development.
SD-9 and 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.	Project Developer	2 The project developer shall demonstrate compliance with the requirements described in the measure, as monitored by the City.	City of Modesto Community and Economic Development Department	Prior to improvement plan approval and throughout the construction duration.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
SD-11: All development in Woodglen shall comply with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures.*	Project Developer	3 The project developer shall demonstrate compliance with the requirements described in the measure, as monitored by the City.	City of Modesto Community and Economic Development Department	Prior to issuance of a building permit. .
SD-17 and FWQ-15: New developments shall be required to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment will control offsite discharges of urban pollutants.	Project Developer	4 The project developer shall demonstrate compliance with the requirements described in the measure, as monitored by the City.	City of Modesto Community and Economic Development Department	Prior to issuance of a building permit
Geology and Soils				
GSM-6: All development and construction activity within the Woodglen Specific Plan shall conform to current UBC regulations and the recommendations, design criteria and specification of the Geotechnical Services Report: *Proposed Subdivision, Waterman/Luchessa Property.*	Project Developer	The project developer will demonstrate conformance with the requirements described in the measure, as monitored by the City.	City of Modesto Community and Economic Development Department	Prior to issuance of a building permit and throughout project construction.
GSM-10: The project shall include an erosion control program which includes "best management practices" as illustrated in Table IX-2 in the Master Environmental Impact Report.	Project Developer	The project developer will provide the City with an erosion control program prior to project construction, and will demonstrate conformance with this program to the City throughout construction.	City of Modesto Community and Economic Development Department	Prior to issuance of a building permit and throughout project construction.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
GSM-11: Sediment control basins to capture eroded sediments and contain them on the project sites shall be provided consistent with the criteria outlined in Table V-9-3 in the Master Environmental Impact Report.	Project Developer	The project developer will construct sediment control basins and verify their completion with the City prior to project construction.	City of Modesto Community and Economic Development Department	Prior to issuance of a building permit for the first building in phase one of the project.
Cultural Resources				
AH-16: 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. 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. Native American monitors from the appropriate Native American Tribes, as determined by the Native American Heritage Commission (NAHC) shall be allowed to monitor all	Project Developer	The project developer will comply with the actions described in this measure if prehistoric archaeological remains are discovered during the project construction and demonstrate conformance with this measure to the City before re-commencement of construction.	Construction foreman or liaison.	Throughout project construction.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
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). 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.				
Aesthetics/Visual Resources				
VR-3: All lighting within the Woodglen Specific Plan shall comply with the City of Modesto's *Guidelines for Small-Lot Single-Family Residential Development.*	Project Developer	The project developer will demonstrate that lighting is in compliance with the City's *Guidelines for Small-Lot Single-Family Residential Development* to the City prior to issuance of building permits.	City of Modesto Community and Economic Development Department	Prior to issuance of building permits.
Public Services and Utilities				
WS-11: During review of all subsequent development under the Woodglen Specific Plan, the City shall require, as a condition of approval, that all developments reduce their potable water demand.	Project Developer	The project developer will demonstrate potable water demand reductions with the City prior to issuance of building permits.	City of Modesto Community and Economic Development Department.	Prior to issuance of building permits.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
WS-24: Water facilities will be constructed, operated, maintained, and replaced in a manner that will provide the best possible service to the public. The City shall ensure that infrastructure is installed before or concurrently with development in the Woodglen Specific Plan.	Project Developer and City of Modesto	The project developer will demonstrate that water facilities will be constructed and operated, in a manner that will provide the best possible service to the public by meeting or exceeding City standards. The City shall ensure that the infrastructure is maintained and replaced in accordance with policy to provide the best possible service to the public.	City of Modesto Community and Economic Development Department shall ensure construction plans demonstrate water facilities meet or exceed City standards. City of Modesto Public Works Department shall maintain and replace water facilities as needed, in accordance with City policy.	Prior to issuance of a building permit or grading permit,
POS-9: The City shall ensure that the Woodglen Specific Plan includes financing provisions and/or facilities for the provision of park facilities.	Project Developer	The project developer will be required to pay their fair share contribution toward the development of parks through payment of CFF fees.	City of Modesto Community and Economic Development Department	Prior to issuance of building permits.
Agricultural Resources				
AL-21: Subsequent development under the Woodglen Specific Plan shall include disclosure to future residents about the potential exposure to agricultural operations in the area.	Project Developer	The project developer shall record a notice of conditions setting forth the requirements for a written disclosure statement to future residents regarding the potential exposure to agricultural operations in the area.	City of Modesto Community and Economic Development Department	Prior to recordation of the final map.
Climate Change				
CL-4: The City of Modesto shall require shade trees, where feasible and appropriate, in landscape plans for all new development proposals. Mature trees have lower water needs.	Project Developer	The City shall inform the project developer where shade trees are required prior to project construction, and the	City of Modesto Community and Economic Development Department	Prior to issuance of a building permit.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
The City shall develop shade-tree specifications for different land uses (residential, commercial, parking lots, etc.) including appropriate types of trees (size, deciduous or evergreen, absence or lower branches, etc.), locations (e.g., distance from structures), density (i.e., within a subdivision or parking lot), and orientation (trees on the west side of a building generally provide the most benefit) for use in landscape plans. (UAGP Policy VII-I.1[a])		project developer shall include the location of these trees on landscape plans.		
CL-5: The City shall require the planting of large-canopy species in new development areas in such a way that they grow to full size without damaging streets and sidewalks (including, but not limited to, deep watering until roots are well established, proper fertilizers, root barriers, and structured soils). (UAGP Policy VII-I.1[b]	Project Developer	The City shall inform the project developer where large-canopy species are required prior to project construction, and the project developer will include their locations of these species on landscape plans.	City of Modesto Community and Economic Development Department	Prior to issuance of a building permit.
CL-9: The City of Modesto shall encourage the use of solar energy systems for residential, agricultural, parks, public buildings, and business purposes as provided in Government Code Section 65892.13. (General Plan Policy VII-I[g].)	City of Modesto	The City shall encourage the use of solar energy systems to the project developer prior to project construction.	City of Modesto Community and Economic Development Department	Prior to issuance of building permits.
CL-10: Lots in new subdivisions should be oriented in such a way to maximize solar energy. (UAGP Policy VII-I[h])	Project Developer	The project developer shall demonstrate to the City that lots are oriented in such a way to maximize solar energy for new subdivisions.	City of Modesto Community and Economic Development Department	Prior to approval of a tentative map
CL-20: The City of Modesto shall encourage new residential, commercial, and industrial development to reduce air quality impacts from area sources and from energy consumption. (General Plan Policy VII-I[r])	City of Modesto	The City shall encourage project development to reduce air quality impacts from area sources and from energy consumption by employing green construction practices and using energy efficient heating and cooling systems and appliances.	City of Modesto Community and Economic Development Department	Prior to issuance of building permits.

WOODGLEN SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM				
Mitigation Measure	**Mitigation Responsibility**	**Monitoring Actions**	**Monitoring/Reporting Responsibility**	**Schedule**
CL-22: The City shall work with applicants and developers to encourage green building methods and practices and achieve LEEDTM standards for all new development. The City shall develop a program to promote green building methods. (General Plan Policy VII-I[t])	Project Developer and City of Modesto	The City shall encourage green building methods and practices and achieve LEEDTM standards for all new development.	City of Modesto Community and Economic Development Department	Prior to issuance of building permits.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-261

A RESOLUTION APPROVING THE WOODGLEN SPECIFIC PLAN FOR THE DEVELOPMENT OF APPROXIMATELY 72 NET ACRES LOCATED NORTH OF PELANDALE AVENUE, EAST OF CARVER ROAD, SOUTH OF BANGS AVENUE, AND WEST OF TULLY ROAD (FITZPATRICK HOMES)

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, the Modesto Urban Area General Plan includes a policy that requires the preparation of a comprehensive plan for all Comprehensive Planning Districts, and

WHEREAS, the Modesto Urban Area General Plan allows the implementation of a comprehensive plan through specific plans, as defined by Government Code Section 65450 et. seq., and

WHEREAS, the Woodglen Specific Plan is located in the southeast portion of the Kiernan/Carver Comprehensive Planning District that consists of a total of 1,380 acres, and

WHEREAS, in November of 2005, the Woodglen Specific Plan ("Project") application was filed by Fitzpatrick Homes ("Applicant"), to allow for the development of approximately 80 gross acres located north of Pelandale Avenue, east of Carver Road, South of Bangs Avenue and west of Tully Road ("Property"), and

RESCINDED
NOV - 6 2013
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2013-398
2013-398

WHEREAS, the proposed Woodglen Specific Plan includes approximately 55 net acres of single-family residential land use with a buildout potential of 353 dwelling units, eight net acres of multi-family residential land use with a buildout potential of 180 dwelling units, nine net acres of open space, and interior roadways, and

WHEREAS, a Final Environmental Impact Report was prepared for the Woodglen Specific Plan (SCH No. 2007042087) which analyzed the potential environmental effects of the proposed Project, and

WHEREAS, on June 17, 2013, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to this proposed Woodglen Specific Plan was considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2013-09, recommending to the City Council an approval of the Woodglen Specific Plan, and

WHEREAS, the final adopted specific plan will include a note that future development will be subject to review against applicable design guidelines to ensure architecturally sensitive placement of roof-mounted solar panels and/or other photovoltaic equipment, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on July 9, 2013, 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 Woodglen Specific Plan.

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

1. The proposed Woodglen Specific Plan is consistent with the Modesto Urban Area General Plan, because:

    a. The proposed specific plan complies with the requirement to prepare a comprehensive plan for Comprehensive Planning Districts; and

    b. The proposed development of the Property is consistent with the Village Residential designation for the site; and

    c. The location of the Property immediately adjacent to the existing City limits and within the Sphere of Influence is consistent with 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."

2. The proposed Woodglen Specific Plan is consistent with the Final Environmental Impact Report for the Woodglen Specific Plan Project (SCH No. 2007042087) and has been adequately analyzed by the EIR.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Woodglen Specific Plan, on file in the office of the Community and Economic Development Department and incorporated herein by reference, is hereby adopted.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said Woodglen Specific Plan to the Board of Supervisors of the County of Stanislaus.

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 the specific plan (File

No. P-SPL-04-001). 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ACALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-262

RESOLUTION AUTHORIZING APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX APPROXIMATELY 80 GROSS ACRES OF PROPERTY LOCATED NORTH OF PELANDALE AVENUE, EAST OF CARVER ROAD, SOUTH OF BANGS AVENUE AND WEST OF TULLY ROAD, TO THE CITY OF MODESTO (OWNER INITIATED – UNINHABITED) (FITZPATRICK HOMES)

WHEREAS, Fitzpatrick Homes ("Applicant") represents the property owners of approximately 80 gross acres of real property, located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue and west of Tully Road ("Property"), and

WHEREAS, the City has received a written request from the Applicant to initiate reorganization of the Property to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Resolution Authorizing Application is proposed pursuant to California Government Code Sections 56654 and 56700, and

WHEREAS, the Property proposed for reorganization 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 reorganization 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, Resolution No. 97-11, on December 19, 1994, and

WHEREAS, the Property includes two Williamson Act contracts involving two parcels that were protested by the City in February 1975 and were upheld by LAFCO in March 1978, and

WHEREAS, the proposed reorganization area 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 reasons for this proposed reorganization to the City of Modesto are as follows:

1. Staff has received a written request from the Applicant, to annex the Property to the City of Modesto;
2. The proposed annexation is consistent with the Urban Area General Plan and can be served by City services; and,
3. The proposed annexation will result in planned, orderly and efficient development of the area, and provision of services, and

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

WHEREAS, on June 17, 2013, City of Modesto Planning Commission held a duly noticed public hearing in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which time both oral and documentary evidence were received and considered, and

WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 20013-12, recommending to the City Council that they adopt the Resolution of Application for an annexation of the Property to the City of Modesto, and

WHEREAS, said matter was set for public hearing of the City Council to be held on July 9, 2013, 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 reorganization, and

WHEREAS, a Final Environmental Impact Report was prepared for the Woodglen Specific Plan ("Project") (SCH No. 20070420875) and the proposed reorganization which analyzed the potential environmental effects of the proposed Project, and

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. That future development of this 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. That the proposed reorganization is consistent with the Modesto Urban Area General Plan, 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 designation for the site in land use and development intensity.

3. The Property proposed for reorganization is uninhabited, and a description of the boundaries of the subject Property is set forth in Exhibits "A" and "B," **attached** hereto and by this reference incorporated herein.

4. The Property is located within Stanislaus County, is contiguous to the existing sphere of influence and City limits and can be most efficiently served with City services.

5. The proposed reorganization will result in planned, orderly and efficient development of the area, and the most efficient provision of services.

6. The proposed Plan for Agricultural Preservation, per the LAFCO policy adopted September 26, 2012, demonstrates compliance with City policies regarding the preservation of agricultural resources.

7. That the City exercises its option not to succeed to Williamson Act Contract Nos. 75-2012 and 75-1981, pursuant to California Government Code Section 51243.5, and tentatively cancels said contracts.

8. An agreement for the sharing of property taxes for the Property was approved 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.

9. As determined by the Department of Utilities, Planning and Projects, there is a reasonable certainty that the City will have adequate wastewater capacity to serve the proposed annexation. This is based on the following findings:

   a. The necessary capital improvement plan is in place because the Near-Term Capacity Improvements were completed in 2008, the project is consistent with the development assumed for the site under the Wastewater Master Plan and the Specific Plan proposes to extend the North Trunk in Bangs Avenue to serve the project.

   b. The financing program for the Wastewater Master Plan was developed and the required sewer rates and capacity charges were adopted by the City Council and implemented as of August 2007. Development within the Woodglen Specific Plan will be required to contribute its fair share to ongoing improvements to the wastewater system through payment of sewer fees.

   c. The City has obtained a National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board and the necessary Near Term Capacity Improvements have been completed. Development within the project will be required to comply with the NPDES permit, as required by the Specific Plan and City standards.

   d. With completion of the Near-Term Capacity Improvements in 2008, adequate facilities currently exist to serve the project through extension of the North Trunk, which the project will construct.

10. That the proposed reorganization is consistent with the Woodglen Specific Plan Final Environmental Impact Report (SCH No. 2007042087) and has been adequately analyzed by the EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution Authorizing Application for annexation of the Property to the City of Modesto.

BE IT FURTHER RESOLVED by the Council of Modesto that, pursuant to Government Code Section 56653, the City Council submit the plan for providing services as set forth in Exhibit "C", **attached** hereto and by this reference incorporated 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 the annexation for the specific plan (File No. P-ANX-04-005). 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ACALA WOOD, City Attorney

Exhibit "A"

WRITTEN DESCRIPTION

Exhibit "B"

ANNEXATION PROPOSAL MAP

Exhibit "C"

PLAN FOR SERVICE

Exhibit "D"

PLAN FOR AGRICULTURAL PRESERVATION

Exhibit "E"

REASONABLE CERTAINTY ANALYSIS

EXHIBIT 'A'

LEGAL DESCRIPTION
FOR THE
WOODGLEN ANNEXATION

Being a portion of Section 6, Township 3 South, Range 9 East, Mount Diablo Baseline and Meridian, also being a portion of Lots 1 and 2 as shown on the Map entitled "Nash Tract" recorded in Book 4 of Maps, at Page 10, Stanislaus County Records, located in the County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at a point which is the southeast corner of the Ordinance entitled "Carver-Bangs Reorganization to the City of Modesto" filed as Modesto City Ordinance No. 97-390, Instrument No. 97-0059858-00, said corner also being located along the City Limits line of the City of Modesto;

1) THENCE along said City Limits line and the northerly prolongation, North 00° 36' 34" West, a distance of 1351.18 feet to the intersection of the westerly prolongation of the northerly right-of-way line of Bangs Avenue, as shown on the map recorded in Book 12 of Parcel Maps, at Page 89, Stanislaus County Records;
2) THENCE along said westerly prolongation and northerly right-of-way line of Bangs Avenue, South 88° 20' 09" East, a distance of 844.08 feet;
3) THENCE along the northerly line of Bangs Avenue, South 00° 38' 09" East, a distance of 10.01 feet;
4) THENCE along the northerly line of Bangs Avenue and the easterly prolongation of said north line of Bangs Avenue, South 88° 20' 09" East, a distance of 2000.68 feet to a point of intersection with the northerly prolongation of the east right-of-way line of Tully Road;
5) THENCE along the east right-of-way line of Tully Road and its southerly prolongation, South 01° 06' 48" East, a distance of 1208.77 feet to a point of intersection with the easterly prolongation of the City Limits line of the City of Modesto, said line also being the northerly line of the Ordinance entitled Pelandale-Snyder Reorganization to the City of Modesto" filed as Modesto City Ordinance No. 96-294, Instrument No. 96-0055231-00;
6) THENCE along said City Limits line and the easterly prolongation of said City Limits line, North 88° 45' 57" West, a distance of 837.78 feet;
7) THENCE continuing along said City Limits line, along a non-tangent curve concave to the south having a radius of 5000.00 feet, chord length of 819.46 feet, and to which a radial line bears South 01° 13' 33" West, westerly 820.38 feet, along said curve through a central angle of 09° 24' 03" to a point of reverse curvature;
8) THENCE continuing along said City Limits line, along a curve concave to the north having a radius of 5000.00 feet, chord length of 393.93 feet, westerly 394.03 feet, along said curve through a central angle of 04° 30' 55";
9) THENCE continuing along said City Limits line, North 88° 24' 54" West, a distance of 805.72 feet to the POINT OF BEGINNING;

Containing 83.27 acres, more or less.

Basis of Bearings for this description is between City of Modesto Monument 2722 and City of Modesto Monument 2723, recorded in Book 22 of Surveys, at Page 51. Said line is taken to bear South 87° 34' 42" East.

June 6, 2013

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT MAP FOR THE WOODGLEN ANNEXATION

BEING A PORTION OF LOT 1 AND LOT 2
OF THE NASH TRACT, BOOK 4 OF MAPS, PAGE 10
BEING WITHIN SECTION 6, TOWNSHIP 3 SOUTH, RANGE 9 EAST,
MOUNT DIABLO MERIDIAN
CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

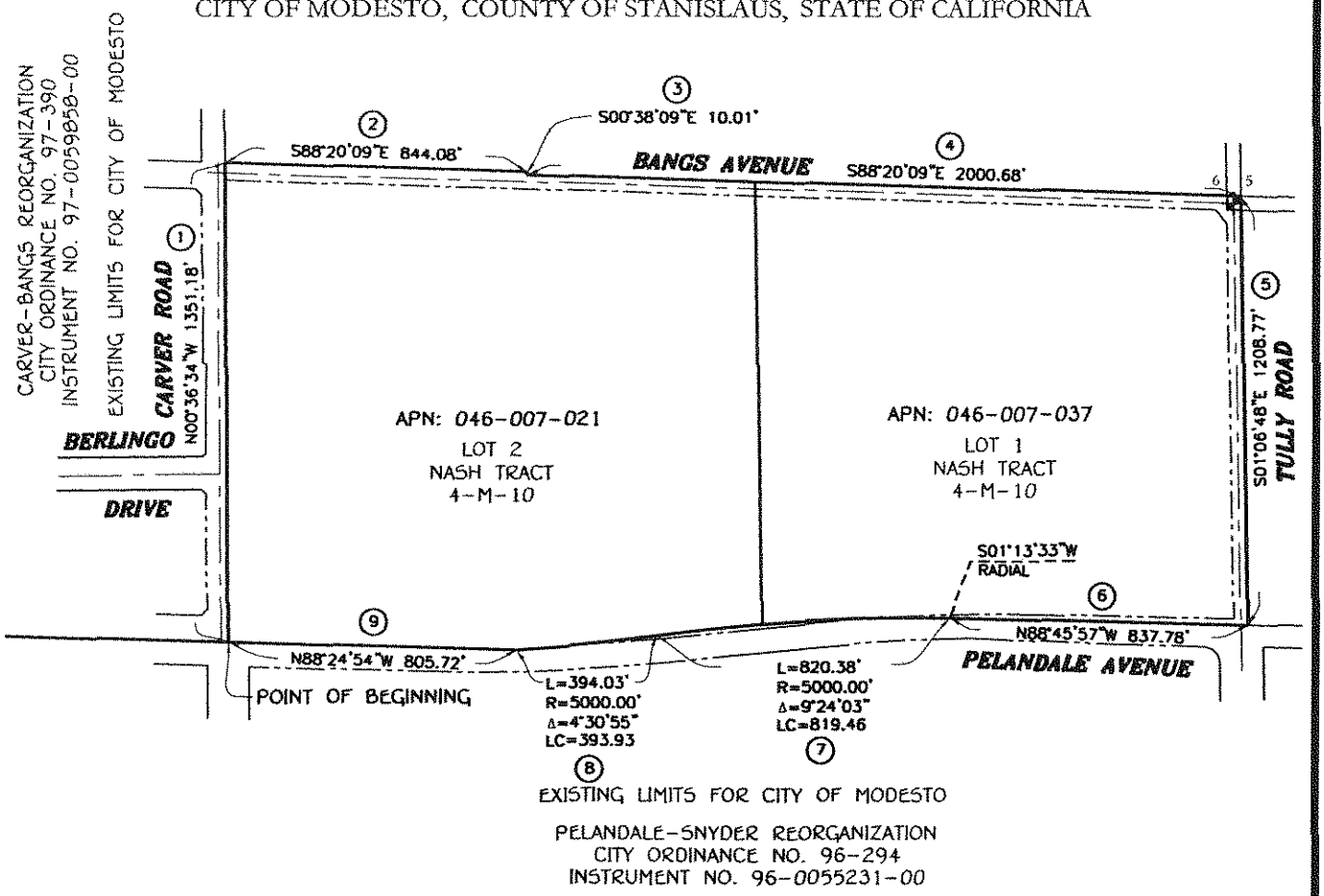


EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

SCALE: 1"=500'

0 250 500 1000

SCALE: 1"=500'

PROFESSIONAL LAND SURVEYOR
MICHAEL E. LONG
EXP:09-30-14
No. 6815
STATE OF CALIFORNIA

NOTES

1. THE TOTAL AREA IS 83.27 ACRES, MORE OR LESS.

WOOD RODGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING
3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

6/06/13 2043.002 SHEET 1 OF 1

Exhibit "C"

PLAN FOR SERVICE

WOODGLEN SPECIFIC PLAN REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Woodglen Specific Plan Reorganization.

The project site is part of the Planned Urbanizing Area, as described in the Modesto Urban Area General Plan, adopted August 15, 1995, and as subsequently amended. As part of the approval, community facilities and services were analyzed in the Environmental Impact Report (EIR) prepared for the Woodglen Specific Plan Project (SCH No. 2007042087). These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, schools, parks, fire protection, and police protection. The City of Modesto is a full service city that intends to provide the following services.

1. Traffic and Circulation: The project developers must provide dedication and construct roadway improvements to serve the project as identified in the Mitigation Measures provided by the EIR, the Woodglen Specific Plan and Facilities Master Plan. Improvements must be provided consistent with City standards.

   The EIR has identified mitigation measures ranging from the addition of new lanes on Tully Road from Pelandale Avenue to Bangs Avenue, construction of a new collector street serving the project to improvements to various intersections. The arterial and collector streets surrounding and traversing the plan area are to be fully developed as prescribed by the Specific Plan and Mitigation Monitoring and Reporting Program. The street improvements can be phased to match the actual developing area. In addition, the applicant will be required to pay City Capital Facilities Fees to help cover the cost of improvements to surrounding expressways and arterial streets.

2. Waste Water Collection: Sewer service will be provided to the project as identified in the Specific Plan and the Facilities Master Plan. Improvements must be provided consistent with City standards.

   In 2007 the City approved the Wastewater Master Plan Update, which identified necessary improvements to existing wastewater facilities and construction of new wastewater facilities, including rehabilitation and reliability improvements to the West Trunk. The project site is proposed for land uses consistent with those anticipated in the 2007 Wastewater Master Plan Update, and no additional capital improvement projects are needed beyond those already identified to serve the annexation area. The project will be served by the City's North Trunk, which will be extended under Bangs Avenue from Carver Road to Tully Road. Project area improvements will be funded and installed by the applicant. The City collects sewer fees to cover ongoing improvements to the wastewater system, which the applicant will be required to contribute to.

Water Delivery: Water service will be provided to the project as identified in the Woodglen Specific Plan and Facilities Master Plan. Improvements must be provided consistent with City standards.

A Water Supply Assessment (WSA) prepared for the Woodglen Specific Plan was adopted on September 25, 2007, by the City Council. The WSA determined that, while development of the project area would increase the demand for potable water, there would be sufficient water supply to serve the project site. Project area improvements will be funded and installed by the applicant. The City collects water fees to cover ongoing improvements to the water delivery and treatment systems, which the applicant will be required to contribute to.

Storm Water Drainage: Storm Water service will be provided to the project as identified in the Woodglen Specific Plan and Facilities Master Plan. Improvements must be provided consistent with City standards.

The project includes a centrally-located basin which will provide for collection and infiltration of storm water from the 100-year, 6-day runoff event for the project site and adjoining half street rights-of-way. The basin will also provide for drainage for all of Pelandale Avenue, abutting the project site. The project developers will be responsible to install the storm drainage system necessary to serve the project area and surrounding road

3. Solid Waste Disposal: Gilton Solid Waste is contracted with the City of Modesto to serve the project area and has indicated that it has capacity to serve the project. Weekly pick-up of solid waste will be provided to all development within the Specific Plan area.

4. Fire Protection: The Modesto Regional Fire Authority will continue to provide fire service to the subject site. Fire Station No. 11 is near the project site, just across the intersection of Pelandale Avenue and Carver Road, and would be the location of the first responder. Fire Station No. 6 is located approximately two miles to the southwest, and would function as the secondary responder. The project will be annexed without detachment from the Salida Fire Protection District and will be required to pay their fair share toward the City's CFF program. The City and Salida Fire Protection District would allocate funds to the Modesto Regional Fire Authority as prescribed by the Joint Powers Authority agreement (JPA).

5. Police Protection: The City of Modesto Police Department will serve the area. The project site is located adjacent to Patrol Area 65 in the City's northwestern area of command. The project will be required to pay their fair share to the City's CFF program to fund future improvements that may be necessary for the extension of police services.

Level and range of services

The City of Modesto is a full service provider of municipal services and intends to provide the complete service for those areas identified above.

When can services be provided?

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

Improvements required as a condition of reorganization

No improvements are required as a condition of annexation. Improvements will be required as development occurs consistent with Woodglen Specific Plan, Facilities Master Plan/Infrastructure Financing Plan and Mitigation Measures provided by the EIR.

How will services be financed?

Services will be financed through a combination of sources, including City fees, assessment districts, and developer installation.

Plan for Agricultural Preservation

for the Woodglen Specific Plan

May 2013

Plan for Agricultural Preservation

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1.1 Introduction & Purpose

Agriculture is a leading industry in Stanislaus County. Accordingly, changes to the urban development boundary that would lead to the conversion of existing agricultural lands to uses other than agricultural uses, must be evaluated such that growth and vitality of agriculture within the County is maintained and encouraged.

LAFCO's mission is to "discourage sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies." Consistent with the legislative intent, Stanislaus County LAFCO adopted the Agricultural Preservation Policy on September 26, 2012. The goals of the policy are as follows:

> Guide development away from agricultural lands where possible and encourage efficient development of existing vacant lands and infill properties within the agency's boundaries prior to conversion of additional agricultural lands.
>
> Fully consider the impacts a proposal will have on existing agricultural lands.
>
> Minimize the conversion of agricultural lands to other uses.
>
> Promote preservation of agricultural lands for continued agricultural uses while balancing the need for planned, orderly development and the efficient provision of services.

In order for LAFCO to determine how a development proposal meets the stated goals of the Agricultural Preservation Policy, a Plan for Agricultural Preservation must be provided with the LAFCO application requirements. This document contains the Plan for Agriculture Preservation associated with the annexation of the Woodglen Specific Plan area.

1.2 Project Setting & History

The Woodglen Specific Plan area is composed of two parcels bounded by Pelandale Avenue, Carver Road, Tully Road and Bangs Avenue. The property abuts the existing City limits and is adjacent to existing development to the south and west. Surrounded by improved roadways on all four sides, signalized intersections at Carver Road/Pelandale Avenue and Tully Road/Pelandale Avenue provide access to the Plan Area.

The Plan Area is within the LAFCO-approved sphere of influence of the City of Modesto, in unincorporated Stanislaus County, and has been slated for development since the adoption of the Urban Growth Policy in 1974:

> The Plan Area has been within the City's sphere of influence since 1984.

The Plan Area was designated as Urban Reserve in 1975, and has been designated as Village Residential since August of 1995 (Modesto Urban Area General Plan).

The Plan Area is a part of the Kiernan/Carver Comprehensive Planning District (CPD), adopted in April of 1997.

The Woodglen Specific Plan and Environmental Impact Report (EIR) were first submitted to the City of Modesto in 2006. The Notice of Preparation for the EIR was completed in April of 2007, and a public notice was sent in June of 2012.

The Plan Area received "Measure M" voter approval in the November 2003 election. "Measure M" is the Modesto Citizens' Advisory Growth Management Act of 1995.

1.2.1 Project Description

The Woodglen Specific Plan is a comprehensively-planned residential development of 353 single-family and 180 multi-family residential units on approximately 72-acres of land. The plan proposes a diverse mix of housing types and densities, ranging from low density residential (3 to 10 dwelling units per acre) to medium-high density residential (22 to 29 dwelling units per acre), yielding a combined overall density of 7.4 dwelling units per acre. (SP Chapter 3, Specific Plan Elements, page 3-1) The residential units are arranged around a central open space that includes the project's storm water infiltration basin and recreational areas, creating a functional neighborhood and a desirable way of life.

1.2.2 Agricultural Resources

The parcels are both currently in agricultural production. Approval and annexation of the Woodglen Specific Plan would result in permanent conversion of farmland. Development of the Plan Area would result in the permanent conversion of approximately 79.2 acres of Prime Farmland. Further discussion of soil types and important farmland mapping is found in the EIR associated with the Woodglen Specific Plan. (EIR Chapter 4.13, Agricultural Resources, page 4.13-2)

1.2.3 Williamson Act Lands

Both parcels that comprise the Plan Area are currently under Williamson Act contracts, entered on October 20, 1970. The contracts were protested by the City of Modesto in February 1978 and the protests were upheld by LAFCO in March 1978. Upon annexation into the City of Modesto, both Williamson Act contracts will terminate where the City does not succeed the contracts. Further discussion of the

Williamson Act Program, its history and purpose, is provided in the EIR associated with the Woodglen Specific Plan. (EIR Chapter 4.13, Agricultural Resources, page 4.13-3)

APN	Acres	Contract Number
046-007-021	43.55	75-2012
046-007-037	32.67	75-1981

1.3 Vacant Land Inventory & Absorption Study

The City of Modesto conducts periodic review of vacant or underutilized residential, commercial and industrial lands to assist the City Council in determining the direction and timing of growth to areas that can be served by urban infrastructure. In 2009 the Urban Growth Review (the Review) was prepared in conjunction with the City of Modesto Urban Area General Plan. The primary purpose of the Review is to "assure adequate inventory of vacant land served with urban infrastructure to accommodate anticipated economic development during the next five years as a minimum time frame."

The Review identifies 929 adjusted acres of vacant land available for residential development within the incorporated area as of 2008. The 929 acres of residential inventory was sufficient land for residential development until 2011, based on land absorption rates adjusted for poor economic conditions between 2009 and 2012. By 2012 the City of Modesto was operating at a deficit, unable to meet the "Five-Year Target Inventory" to maintain a five year supply of vacant residential land on an annual basis. The purpose of the "Five-Year Target Inventory" is to provide sufficient inventory on an annual basis to reduce over-inflated land values and to fulfill local housing needs as part of the Urban Area General Plan Housing Element.

The land absorption analysis includes some residential lands which are in unincorporated Stanislaus County, slated for development and that have completed the Measure M advisory vote. The 2009 Review assumes that the Woodglen Plan Area will contribute to the residential inventory by 2014.

The 2009 Urban Growth Review dovetails with the City's Housing Element to identify lands for residential development in order to meet State-mandated regional housing needs. Together, these two documents, stipulate how the City of Modesto will meet its share of residential units as identified by Stanislaus Council of Governments (StanCOG) in the Regional Housing Needs Plan (RHNP). The Woodglen Specific Plan area is identified in the City's Housing Element as providing an adequate multi-family housing site, and is recommended for adoption as part of the Housing Plan's Five-Year Objectives. (City of Modesto Housing Element, Chapter 4, Resource Analysis, page 4-13)

1.4 Regulatory Framework & Policy Consistency

The Plan Area must be assessed in accordance to the regulations of the jurisdiction and the region. City, county and regional planning policies apply to the Plan Area and may potentially affect the type of development allowed within the Plan Area. To follow is a list of relevant policies, regulations and programs for which the Plan Area must comply.

1.4.1 Stanislaus County Local Agency Formation Commission Policies

In consideration of changes to city and district boundaries, including spheres of influence, LAFCO must consider the possible loss of agricultural lands, and adherence with the Government Code 56377:

> LAFCO policies direct that the development or use of land for uses other than open space will be guided away from existing prime agricultural lands, unless such actions would not promote the planned, orderly, efficient development of an area.

The comprehensively-planned community stipulates orderly and efficient development of the Plan Area through the regulatory document, the Woodglen Specific Plan. Given that the Woodglen Specific Plan is within the sphere of influence and promotes planned, orderly development as a logical extension of the surrounding neighborhood, the Plan Area complies with the requirements of Government Code 56377.

1.4.2 Stanislaus County Policies

The Stanislaus County General Plan provides the following relevant policies related to agricultural land, and for which the Plan Area already complies:

> Policy 2.4: To reduce development pressures on agricultural lands, higher density development and infilling shall be encouraged. (County General Plan, Agricultural Element)
>
> Policy 2.11: The County recognizes the desire of cities and unincorporated communities to grow and prosper and shall not oppose reasonable requests consistent with city and county agreements to expand, providing the resultant growth minimizes impact to adjacent agricultural land. (County General Plan, Agricultural Element)
>
> Policy 2.13: In recognition that unincorporated land within the sphere of influence of cities or community services districts and sanitary districts serving unincorporated communities ultimately urbanize, the County shall cooperate

with cities and unincorporated communities in managing development in the sphere of influence areas. (County General Plan, Agricultural Element)

1.4.3 City of Modesto Policies

The City's Urban Area General Plan provides the following relevant policies related to agricultural land, and for which the Plan Area already complies:

Policy VII-D.4[a]: The City will not annex agricultural land unless urban development consistent with the General Plan has been approved by the City. (Modesto Urban Area General Plan)

Policy VII-D.4[b]: The City shall support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent. (Modesto Urban Area General Plan)

Policy VII-D.4[d]: Where necessary to promote planned City growth, the City shall encourage the development of those agricultural lands that are already compromised by adjacent urban development or contain property required for the extension of infrastructure or other public facilities, before considering urban development on agricultural lands that are not subject to such urban pressures. (Modesto Urban Area General Plan)

1.4.4 Regional Planning Efforts

StanCOG participated in the San Joaquin Valley Blueprint Plan along with eight other Valley Regional Planning Agencies. The Blueprint Plan establishes a vision for future growth in the San Joaquin Valley and provides a framework for implementing that growth. Early on in this multi-year planning process, 12 Smart Growth Principles were established as the core values of the Valley and the basis for future Blueprint planning and implementation:

Create a range of housing opportunities and choices

Create walkable neighborhoods

Encourage community and stakeholder collaboration

Foster distinctive, attractive communities with a strong sense of place

Make development decisions predictable, fair and cost-effective

Mix land uses

Preserve open space, farmland, natural beauty, and critical environmental areas

Provide a variety of transportation choices

Strengthen and direct development towards existing communities

Take advantage of compact building design

Enhance the economic vitality of the region

Support actions that encourage environmental resource management

The Woodglen Specific Plan is consistent with the 12 Smart Growth Principles established by the Blueprint and exemplifies the core vision for future development within the San Joaquin Valley—an efficient, sustainable and livable community.

1.5 Analysis of Mitigation Measures

As a proposed residential development on Prime Farmland, methods or strategies for minimizing the loss of agricultural lands must be proposed in the Environmental Impact Report (EIR). During the preparation of the EIR associated with the Woodglen Specific Plan, the consultant found that no agricultural off-sets should be included in the document because the issue had been addressed at the time the General Plan was adopted:

> Impacts to agricultural resources resulting from development of the General Plan were examined in the MEIR and found to be significant and unavoidable. Statements of Overriding Considerations were adopted for significant and unavoidable impacts resulting from implementation of the General Plan. Projects that are anticipated by the General Plan would not create impacts beyond what was anticipated in the MEIR and addressed by the Statements of Overriding Considerations. The project site and surrounding lands are planned for residential development consistent with the intensity proposed by the project, as part of the Kiernan/Carver Comprehensive Planning District of the General Plan. Therefore, project impacts are within the scope of what was anticipated by the MEIR and are addressed by the MEIR Statements of Overriding Considerations.

A single mitigation measure from the MEIR was applied to the Woodglen Specific Plan: subsequent development under the Woodglen Specific Plan shall include disclosure to the future residents about the potential exposure to agricultural operations in the area (AL-21).

1.6 Strategies for Minimizing the Loss of Agricultural Lands

The Modesto Urban Area General Plan sets forth Urban Area Growth Policies [b] and [d] (listed in Section 1.3.3 above), which guide development to areas contiguous to existing urban development in order to discourage premature conversion of farmland to non-agricultural uses. Thus, by developing the Plan Area, Prime Farmland both north and east of the project site would not convert to urban uses until after the proposed project is built-out, which is anticipated to take many years. As such, the Woodglen Specific Plan would not be expected to result in the premature conversion of other agricultural lands to non-agricultural uses.

The proposal will result in planned, orderly, and efficient use of land and services which off-sets the loss of agricultural land. The Woodglen Plan Area is currently planned for urban development. The comprehensively-planned community is a logical expansion of the existing neighborhood and transportation network, and extension of City services. The Plan Area proposes compact urban growth patterns and a multi-family residential component with increased density. In addition, the Woodglen Specific Plan outlines an implementation program which insures planned and orderly development of infrastructure and services necessary to serve the community.

1.7 Conclusion

The following justifications are offered in conclusion of the Plan for Agricultural Preservation for the Woodglen Specific Plan.

1. *The project is slated for development, consistent with the City's General Plan and Zoning and is within the Sphere of Influence.* The Woodglen Specific Plan is identified as a "Planned Urbanizing Area" in the City's General Plan and is within an urban transition (UT) zone of the A-2-10 County zoning designation, which specifically designates land for conversion from agriculture to urban land uses. In addition, the Plan Area is within the LAFCO-approved sphere of influence for the City of Modesto (1984). Therefore urban development is planned, consistent with the intent of LAFCO, the City of Modesto, and Stanislaus County.

2. *The project provides needed residential land.* As identified in the Urban Growth Review (2009), the City must maintain a "Five-Year Target Inventory" of lands available for residential development. This "Five-Year Target Inventory" assures available land to meet the region's housing needs and reduce over-inflation of land

values. The Woodglen Specific Plan has already been included in the land use inventory and land absorption analysis, and is slated to contribute to the "Five-Year Target Inventory" by 2014. In addition, the City's Housing Element identifies the Woodglen Specific Plan area as contributing to the residential inventory to meet the City's Regional Housing Needs Allocation.

3. *The project is consistent with the San Joaquin Valley Blueprint Plan.* The Woodglen Specific Plan implements the 12 Smart Growth Principles established by the Blueprint and exemplifies the core vision for future development within the San Joaquin Valley. The Woodglen Specific Plan proposes compact development with a range of housing types; walking paths that connect the neighborhood to the central open space amenity; and adjacent transportation corridors that provide bicyclists with Class II facilities, which connect to a planned Class I bike path on the south side of the

4. *The project is surrounded by urban corridors and urban infrastructure.* The Plan Area is surrounded by an existing transportation network which can accommodate the proposed development. Pelandale Avenue, a six-lane expressway, was expanded to accommodate developments that surround the Woodglen Specific Plan area. The Plan Area is the only property adjacent to Pelandale Avenue, between State Highway 99 and State Highway 108 (McHenry Avenue) that has not yet been developed. Additionally, the Plan Area is the only property on the south side of Bangs Avenue, between Dale Road and State Highway 108 (McHenry Avenue) that has not yet been developed.

   To the south and west of the Plan Area are other existing single-family and multi-family residential neighborhoods. In this context, the Woodglen community is merely a logical expansion of the existing surrounding neighborhoods with sufficient transportation corridors and existing City services that extend to the site.

5. *The project is self-mitigating.* The Woodglen Specific Plan incorporates policies and regulations into the proposed plan which, to the greatest extent feasible, mitigates for development of Prime Farmland. By proposing compact development with higher densities that are near to existing transportation and services, the Plan Area is guiding

development away from other existing prime farmlands that lies to the north and east in unincorporated Stanislaus County.

6. *Preservation of agricultural lands is encouraged through increased density and infill development.* The Woodglen Specific Plan proposes an 8-acre multi-family residential community, yielding 180 dwelling units at a density range of 22 to 29 dwelling units per acre.

7. *The project is a model community for compact, mixed housing-type development with increased residential density.* Within the low density residential (LDR) area, a variety of lot and home sizes and types are envision, including small lots, alley homes, conventionally front-loaded homes, and more; the LDR area yields an overall density of 6.4 dwelling units per acre. Within the medium-high density residential (MHDR) area, multi-family units share common open spaces and provide a strong connection to internal streets, including unifying elements and quality architecture; the MHDR area yields a minimum density of 22 dwelling units per acre.

In conclusion, projects that are anticipated by the General Plan would not create impacts beyond what was anticipated in the MEIR and addressed by the Statements of Overriding Considerations. The Plan Area and surrounding lands are planned for residential development consistent with the intensity proposed by the project, as part of the Kiernan/Carver Comprehensive Planning District of the General Plan. Impacts of the Woodglen Specific Plan are within the scope of what was anticipated by the MEIR and are therefore addressed by the MEIR Statements of Overriding Considerations.

CITY OF MODESTO
UTILITY PLANNING AND PROJECTS DEPARTMENT

MODESTO
CALIFORNIA

Date: June 20, 2013

TO: Josh Bridegroom, Senior Planner

FROM: Rich Ulm, Director of Utility Planning & Projects

SUBJECT: Finding of Reasonable Certainty for Wastewater Capacity to Serve the Woodglen Annexation, Modesto

As requested I have completed my review of the available wastewater capacity for the Woodglen Development under the Reasonable Certainty Policy. In reviewing the Reasonable Certainty Policy I found that the policy expired with the completion of the Near Term Capacity Improvements which were completed in 2008. However, it is prudent to document the availability of wastewater capacity in some form to confirm the reasonable certainty of available capacity using the policy as a template.

Per the adopted Reasonable Certainty Policy, a finding must be made regarding the availability of "Near Term" wastewater capacity prior to annexation of properties into the City of Modesto. The key criteria that are reviewed for the finding are as follows:

1. An adopted engineering solution (Capital Improvement Plan) must be in place that provides a schedule and anticipated dates of completion for the development and required facilities and improvements.

2. A financing program or mechanism to fund the required facilities and improvements must be identified as being developed per schedule for completion of the improvements.

3. The necessary regulatory approvals (i.e. environmental documentation, permits) to proceed with the required facilities and improvements per the schedule for completion are either obtained or in process of being obtained.

4. A review of the timing for the need of sewer service for development and the timing for the completion of the required facilities and improvements is completed to ensure that the City's facility remains within acceptable design parameters.

The Woodglen Development is a 72 acre specific plan area located north of Pelandale Avenue. It is bounded by Bangs Avenue on the north and by Tully Road and Carver Road on the east and west. It is expected to include the construction of 353 single family residences and 180 multifamily units. This would result in an estimated average dry weather daily flow of 0.135 mgd and a peak wet weather flow of 0.484 mgd.

Recent reviews of the wastewater collection system indicate that there are no short term capacity issues downstream of the development. The specific plan specifies that the North Trunk will be extended in Bangs Avenue to eastern boundary of the development as part of the infrastructure for this development.

Recent reviews of the wastewater treatment capacity for flows through the treatment plant indicate that in 2012 the treatment plant was operating at 75%, 71% and 62% of capacity for flow, BOD and TSS respectively. This indicates that there is sufficient physical capacity in the wastewater treatment plant to handle flows from this development.

An issue does exist with regards to allocated capacity for BOD in the treatment plant. Industrial users were allocated capacity in 2007 based on past discharges. The 2007 allocations to industrial users account for nearly all the existing excess BOD capacity in the treatment plant. However, current discharges from industrial users are well below the allocated capacity and the City has the ability to control the level of discharge through the permitting process. The estimated BOD discharge from the Woodglen Development represents .001% of the current BOD discharge of the system. Given the current available physical capacity, the City's ability to control industrial discharges through the permitting process, and the negligible contribution of BOD by this development it is reasonable to conclude that the City will be able to provide wastewater treatment to this development.

Based on the above, the Woodglen Development meets the Reasonable Certainty criteria for wastewater capacity.

cc: Dennis Turner, Director of Public Works
Brent Sinclair, Director of Community and Economic Development

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-263

A RESOLUTION APPROVING THE WOODGLEN SPECIFIC PLAN FACILITIES MASTER PLAN AND INFRASTRUCTURE FINANCE PLAN FOR THE INFRASTRUCTURE NECESSARY TO SUPPORT THE DEVELOPMENT OF APPROXIMATELY 80 GROSS ACRES LOCATED NORTH OF PELANDALE AVENUE, EAST OF CARVER ROAD, SOUTH OF BANGS AVENUE, AND WEST OF TULLY ROAD (FITZPATRICK HOMES)

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, the Modesto Urban Area General Plan includes a policy that requires the preparation of a comprehensive plan for all Comprehensive Planning District, and

WHEREAS, the Modesto Urban Area General Plan allows the implementation of a comprehensive plan through Specific Plans, as defined by Government Code Section 65450 et. seq., and

WHEREAS, the Woodglen project area is located in the eastern portion of the Kiernan/Carver Comprehensive Planning District that consists of a total of 1,380 acres, and

WHEREAS, in November of 2005 the Woodglen specific plan ("Project") application was filed by Fitzpatrick Land Development, LLC, to allow for the development of approximately 80 gross acres located north of Pelandale Avenue, east of Carver Road, south of Bangs Avenue, and west of Tully Road ("Property"), and

WHEREAS, the Project includes approximately 55 net acres of single-family residential development, approximately eight net acres of multi-family residential development and approximately nine net acres of open space, and

WHEREAS, a Final Environmental Impact Report (SCH No. 2007042087) was prepared for the proposed Woodglen development, which analyzed the potential environmental effects of the proposed Project, and

WHEREAS, on June 17, 2013, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing the Planning Commission adopted Resolution No. 2013-10 recommended the Woodglen Specific Plan FMP and IFP for City Council approval, and

WHEREAS, on July 9, 2013, the City Council held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to the proposed Woodglen Specific Plan FMP and IFP was considered,

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

1. The proposed Facilities Master Plan (FMP) and Infrastructure Finance Plan (IFP) for the proposed Woodglen development are consistent with the proposed specific plan for the Project;

2. The proposed FMP and IFP for Woodglen are consistent with the Final Environmental Impact Report for the Woodglen specific plan (SCH No. 2007042087), and have been adequately analyzed by the EIR; and

3. The proposed FMP and IFP supply the necessary information for the development of the infrastructure necessary to develop the needed "Project Specific" facilities for the proposed Woodglen development.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that it hereby adopts the Woodglen Facilities Master Plan (FMP) and Infrastructure Finance Plan (IFP) on file in the office of the Community & Economic Development Department 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 the Woodglen FMP and IFP. 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-264

RESOLUTION CALLING FOR A MEASURE TO BE PLACED ON THE NOVEMBER 5, 2013, ELECTION BALLOT FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF MODESTO A BALLOT MEASURE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO TRANSACTIONS AND USE (also known as a "SALES") TAX

WHEREAS, public safety and the local economy are major community concerns. Additional funds will help address public safety needs, improve city streets, expand programs to attract new businesses to Modesto, and create jobs; and

WHEREAS, additional funds are needed to maintain and improve our overall quality of life in Modesto and keep the City moving forward; and

WHEREAS, community priorities include increasing the number of police officers patrolling city streets, expanding programs to attract business to Modesto, expanding gang crime prevention services, and investigating and preventing property-related crimes like theft/burglary; and

WHEREAS, Modesto's crime rate rose by 22% in 2012. Additional funds are needed to help put more police officers on the street to improve neighborhood safety and address crime, gangs, drugs and youth violence; and

WHEREAS, there are nearly 4,000 known gang members and associates in the county, most of whom live in Modesto and there is an increased risk that the State will release more dangerous felons into our community, and the City must take steps to prepare for those releases, including identifying additional funds to improve and expand gang suppression and prevention programs; and

WHEREAS, Modesto is the auto theft capital of California, residents have a one-in-five chance of having their car stolen, and home burglaries are on the rise. Yet Modesto doesn't have the resources to send police officers out to take reports. Additional funds are needed to investigate and prevent property-related crimes; and

WHEREAS, a local funding measure would create a dedicated locally-controlled source of revenue to improve public safety services and programs that create jobs and attract business to Modesto.

WHEREAS, the City of Modesto has already enacted significant cuts, including 60 sworn police officers, to address significant economic challenges, to the point that the City currently has fewer police officers per capita than in 1980; and

WHEREAS, additional funds are needed to help restore eliminated police officer positions.

WHEREAS, a modern, well-equipped City of Modesto Police Department is necessary to combat increasingly sophisticated and equipped criminal elements, and fully staffed units for gang control, drug control and burglary are essential to maintaining Modesto's quality of life; and

WHEREAS, the City of Modesto is committed to fiscal prudence, responsibility and self-reliance; and

WHEREAS, as provided for in the proposed Ordinance, fifty percent (50%) of the proceeds from the City of Modesto's sales tax measure will sunset should Stanislaus County voters enact a County Self-Help Transportation Funding Measure of one half cent or greater; and

WHEREAS, it is the intent of the Modesto City Council that a minimum of fifty percent (one half cent) of the proceeds from its one cent General Purpose Measure be allocated for public safety services and programs, with the 2012-2013 budget to serve as the baseline for this purpose, and this portion of the proceeds should not be reduced under any circumstances even if a portion of the General Purpose measure sunsets; and

WHEREAS, pursuant to California Elections Code Section 9222, the City Council may submit to the qualified voters of the City a proposition, without a petition therefor, by ordinance or resolution, and

WHEREAS, the City intends to hold a General Election on November 5, 2013, and,

WHEREAS, the City Council desires to submit to the qualified voters of the City a Measure asking whether to amend the Modesto Municipal Code relating to Transactions and Use Tax as described above,

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

SECTION 1. Pursuant to California Elections Code Section 9222 and Section 2(b) of California Constitution Article XIIIC, the Council of the City of Modesto proposes to and does hereby, by its own motion, submit to the qualified electors of the City of Modesto, a measure to amend the Modesto Municipal Code, as set forth in **Attachment A** to this Resolution.

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

relating to the above-referenced proposal to amend the Modesto Municipal Code relating to Transactions and Use Tax:

Measure _: **City of Modesto Public Safety/Essential Services Measure.** **To address crime, gangs, drugs and youth violence, improve the local economy/jobs, and maintain/improve essential City services, including:** **• Police/fire protection;** **• Neighborhood police patrols;** **• 9-1-1 emergency response;** **• Gang crime, theft and burglary prevention;** **• Street/pothole repair;** **• Programs attracting businesses/creating jobs; and** **• Other City services,** **Shall the City of Modesto enact a 1¢ sales tax, for 6 years, with independent annual audits, citizens' oversight, and no money for Sacramento?**	Yes No

SECTION 3. Pursuant to Section 12114 of the California Elections Code the City Clerk of the City of Modesto is hereby authorized to prepare and sign a Notice of Measure to be voted on in the form required by law, relating to said measure, and said City Clerk is hereby authorized and directed to publish said Notice in a time and manner 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 4. The Council hereby orders the City Clerk to submit said measure to the voters at the General Election on November 5, 2013.

SECTION 5. The County Election Department is authorized to canvass the returns of the Regular Municipal Election.

SECTION 6. The City Clerk shall certify the passage and adoption of this resolution and enter into the original book of resolutions.

SECTION 7. This Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The transactions and use tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060 review under CEQA is not required

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
SUSANA ALCALA WOOD, City Attorney

Attachment "A"

ORDINANCE NO._____-C.S.

AN ORDINANCE ADDING ARTICLE 11 TO CHAPTER 2 OF TITLE 8 OF THE MODESTO MUNICIPAL CODE RELATING TO TRANSACTION AND USE TAX

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

SECTION 1. AMENDMENT OF CODE. Article 11 is hereby added to Chapter 2 of Title 8 of the Modesto Municipal Code to read as follows:

ARTICLE 11. TRANSACTION AND USE TAX.

8-2.1101. TITLE.

This ordinance shall be known as the Modesto Transactions and Use Tax Ordinance. The City of Modesto hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

8-2-1102. OPERATIVE DATE.

"Operative date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

8-2-1103. PURPOSE.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority 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 Part 1.6 of Division 2 of the 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) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

8-2.1104. CONTRACT WITH STATE.

Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City 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.

8-2.1105. TRANSACTIONS TAX RATE.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1.0%) 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.

8-2.1106. PLACE OF SALE.

For the purposes of this ordinance, all retail sales 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 shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

8-2.1107. USE TAX RATE.

An excise tax is hereby imposed on the storage, use or other consumption in the City 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 percent (1.0%) 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.

8-2.1108. ADOPTION OF PROVISIONS OF STATE LAW.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

8-2.1109. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(a) Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

(1) The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

(2) The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

(3) In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

(i) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

(ii) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

(4) In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

(b) The word "City" shall 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 in Section 6203.

8-2.1110. PERMIT NOT REQUIRED.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

8-2.1111. EXEMPTIONS AND EXCLUSIONS.

(a) There shall be excluded from the measure of the transactions tax and the use tax the amount of any 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.

(b) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales 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 such aircraft as common carriers of persons or property under the

authority of the laws of this State, the United States, or any foreign government.

(2) Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

(i) With respect to 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 Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

(ii) With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

(3) The sale of tangible personal property 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.

(4) A lease of tangible personal property which is a continuing sale of such property, 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.

(5) For the purposes of subsections (3) and (4) of this section, 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 such right is exercised.

(c) There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

(1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

(2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons 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 Revenue and Taxation Code of the State of California.

(3) 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.

(4) If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

(5) For the purposes of subsections (3) and (4) of this section, storage, use, or other consumption, 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 such right is exercised.

(6) Except as provided in subparagraph (7), a retailer engaged in business in the City 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 City or participates within the City 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 City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

(7) "A retailer engaged in business in the City" 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 Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

(d) Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

8-2.1112. AMENDMENTS TO STATE LAW.

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.

8-2.1113. ENJOINING COLLECTION FORBIDDEN.

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 City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

8-2.1114. REFUNDS AND CREDITS; SUITS AND LEGAL PROCEEDINGS.

(a) Refunds of and credits for any tax paid pursuant to this article may be made only as provided for in Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

(b) Suits and proceedings for the recovery of any amount alleged to have been erroneously or illegally determined or collected pursuant to this article may be maintained in any court only as provided for in Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code. A judgment shall not be rendered in favor of the plaintiff in any action brought against the State Board of Equalization to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

8-2.1115. TERMINATION DATE.

The authority to levy the tax imposed by this ordinance shall expire on the 6th anniversary of the operative date, unless extended by a majority vote of the voters of the City.

8-2.1116. AUTOMATIC REDUCTION IN AMOUNT OF TAX IMPOSED BY THIS ORDINANCE.

In the event that the County enacts a countywide tax for road purposes of one-half percent (.5%) or more, the tax imposed by this ordinance will be reduced from one percent (1%) to one-half (.5%) percent. The reduction will be operative on the first April 1 that falls at least110 days after the County's election on the tax.

8-2.1117. OVERSIGHT COMMITTEE.

(a) A Citizens' Oversight Committee will be established to oversee expenditures of the revenues received by the City from the transactions and use taxes imposed pursuant to this ordinance, and to insure that tax revenues are spent by the City in a manner consistent with the voter approved measure adopting this ordinance as well as any voter approved or council approved priorities adopted to implement the provisions of this ordinance.

(b) Appointment and tenure of committee members.

(1) The Citizens' Oversight Committee shall consist of eleven members appointed by the City Council as follows. Each councilmember shall appoint one member. The four at-large members shall be appointed by a majority vote of the City Council and shall represent any four of the following groups: (i) a non-profit association whose principal mission is business development in Modesto; (ii) a bona fide member of a recognized taxpayer's association; (iii) a non-partisan group such as the League of Women Voters; (iv) an educational organization; (v) a neighborhood watch or

association representative; (iv) a senior citizen advocate; (vii) a fire safety representative; (viii) a police representative; and (ix) the Chair of the Modesto City Council Finance Committee.

(2) Six members of the Citizens' Oversight Committee shall constitute a quorum. The City Manager shall appoint an ex-officio staff person to serve as the secretary and custodian of records who shall not have a vote. All other processes of appointment shall be determined by resolution of the City Council.

(3) Upon their appointment and during their incumbency, members of the committee shall be and remain residents of the City. Should a member cease to be a City resident, that office shall be deemed vacant and the term of such member terminated. The secretary shall notify the City Council and City Manager of such termination as soon as administratively possible.

(4) The four at-large members of the committee shall serve at the pleasure of the City Council and may be removed by a majority vote of the City Council at any time

(5) Should a member of the committee fail to attend three consecutive meetings, unless excused for cause by the chairperson, that member's office shall be deemed vacant and the member's term ended. The committee secretary shall immediately notify the City Council and City Clerk of such termination.

(c) Terms of office.

Of the members of the committee first appointed, the seven individual councilmember-appointed members shall be appointed for terms of two years each, and the four at-large members shall be appointed for terms of one year each. Any member may be re-appointed
for an additional one-year term by either that member's appointing councilmember or by a majority vote of the City Council, in the same manner as he or she was originally appointed. The secretary's term shall be designated by the City Manager except where the office has been deemed vacant by a change of residency or unexcused absences, all members shall serve until a successor is appointed and qualified.

(d) Organization.

(1) The Chair of the Modesto City Council Finance Committee shall serve as the Chair of the Citizens' Oversight Committee. Each January, the committee shall annually organize and elect a chairperson and vice-chairperson from its membership for a one-year term. In the chairperson's or vice-chairperson's absence or disability, the committee may designate a chairperson or vice-chairperson pro tempore.

(2) Regular meetings shall be held on the day and time established by resolution of the committee as amended from time to time.

(3) The committee may call special meetings and may also adopt meeting procedures and other reasonable rules and regulations for conducting business. Minutes shall be kept of all meetings and the secretary shall deliver copies of minutes to the City Manager and City Clerk for filing and distribution to City Council members.

(e) Duties.

(1) The committee is charged with the following responsibilities:

(i) at least semi-annually, reviewing all appropriations of revenues received by the City from the transactions and use taxes imposed pursuant to the provisions of this ordinance to determine whether such funds are to be used as provided for in this ordinance and in accordance with any City-declared spending priorities;

(ii) annually, reviewing the audit prepared by an the independent auditor retained by the City to perform the City's Comprehensive Annual Financial Report to determine whether such funds have been spent as provided for in this ordinance;

(iii) annually, prepare and issue the committees own annual report setting forth their findings in regard to the foregoing.

(f) The committee shall confine itself specifically to funds received by the city from the transactions and use taxes imposed pursuant to

the provisions of this ordinance. City revenues and funds generated through other sources are outside the scope of the committee.

(g) In order to preserve the integrity and independence of the oversight process, committee members will not play a formal role in contracting, project management, construction, or any other aspect of the public safety funding. In addition, the committee is not charged with decision-making on spending priorities, construction schedules, project details, funding source decisions (e.g. leveraged funds, developer fees, etc.), financing plans, tax rate assumptions, or selection of consultants, design and construction firms.

SECTION 2. USE OF TAX REVENUE. The tax authorized by this ordinance is a general tax. The City may use the revenue from the tax for any general governmental purpose, including without limitation those spending priorities adopted by Resolution of the City Counsel

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., ("CEQA,") and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). This Ordinance authorizes a general transactions and use tax, revenue from which can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the Ordinance is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

SECTION 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The voters of the City of Modesto hereby declare that they would have adopted each and every provision of this ordinance regardless of the invalidity of any other provision.

SECTION 5. EFFECTIVE DATE. If this ordinance is approved by a majority of the voters voting on the issue at the November 5, 2013 election, pursuant to Elections Code Section 9217, this ordinance shall become effective ten (10) days after the Council declares the results of the election, and the tax shall become operative on the "operative date," as defined in Section 1 of this ordinance.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the _____ day of _____, 2013, by Councilmember _____, who moved its introduction and passage to print, which motion being duly seconded by Councilmember _____, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:_____
GARRAD MARSH, Mayor

ATTEST:

By_____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-265

RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE BALLOT MEASURE ENTITLED "CITY OF MODESTO PUBLIC SAFETY/ESSENTIAL SERVICES" TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 5, 2013, a measure seeking approval of a ballot measure entitled "City of Modesto Public Safety/Essential Services".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk of the City of Modesto is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said 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 9th day of July, 2013, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

AMENDED DUE TO CLERICAL ERROR

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-266

RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE BALLOT MEASURE ENTITLED "CITY OF MODESTO PUBLIC SAFETY/ESSENTIAL SERVICES"

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 5, 2013, a ballot measure entitled "City of Modesto Public Safety/Essential Services".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Sections 9282 and 9285, the Mayor is hereby authorized to prepare and file a written argument in favor of the proposed ordinance, not to exceed 300 words, on behalf of the City Council. At the Mayor's discretion, the argument may be signed by up to five representatives of bona fide associations or individual voters who are eligible to vote. In the event that an argument is filed against the measure, the Mayor is also authorized to prepare and file a rebuttal argument on behalf of the City Council, which may be signed by up to five representatives of bona fide associations or individual voters who are eligible to vote.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-267

RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) 2013 SPECIAL TAX REFUNDING BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $34,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND AN ESCROW AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS

WHEREAS, the City Council (the "City Council") of the City of Modesto (the "City") has formed the City of Modesto Community Facilities District No. 2004-1 (Village One #2) (the "Community Facilities District") under the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act");

WHEREAS, the Community Facilities District is authorized under the Act to levy special taxes (the "Special Taxes") to pay for the costs of certain public facilities (the "Facilities") and to issue bonds payable from the Special Taxes;

WHEREAS, in order to provide funds to finance certain of the Facilities, the Community Facilities District previously issued its City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Tax Bonds, Series 2006 (the "Prior Bonds"), in the aggregate principal amount of $31,085,000;

WHEREAS, the Community Facilities District is authorized under the Act to issue bonds payable from the Special Taxes in order to refund the Prior Bonds;

WHEREAS, the Community Facilities District desires to refund the Prior Bonds;

WHEREAS, in order to provide a portion of the moneys required to refund the Prior Bonds, the Community Facilities District proposes to issue its City of Modesto

Community Facilities District No. 2004-1 (Village One #2) 2013 Special Tax Refunding Bonds (the "Series 2013 Bonds"), in the aggregate principal amount of not to exceed $34,000,000;

WHEREAS, in order to provide for the authentication and delivery of the Series 2013 Bonds, to establish and declare the terms and conditions upon which the Series 2013 Bonds are to be issued and secured and to secure the payment of the principal thereof, premium, if any, and interest thereon, the Community Facilities District proposes to enter into an Indenture with The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee") (such Indenture, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Indenture");

WHEREAS, De La Rosa & Co. (the "Underwriter"), has presented the Community Facilities District with a proposal, in the form of a Bond Purchase Agreement, to purchase the Series 2013 Bonds from the Community Facilities District (such Bond Purchase Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Purchase Agreement");

WHEREAS, Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 ("Rule 15c2-12") requires that, in order to be able to purchase or sell the Series 2013 Bonds, the underwriter thereof must have reasonably determined that the Community Facilities District has, or one or more appropriate obligated persons have, undertaken in a written agreement or contract for the benefit of the holders of the Series

2013 Bonds to provide disclosure of certain financial information and certain material events on an ongoing basis;

WHEREAS, in order to cause such requirement to be satisfied, the Community Facilities District desires to enter into a Continuing Disclosure Agreement with the Goodwin Consulting Group, Inc., as dissemination agent (such Continuing Disclosure Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Continuing Disclosure Agreement");

WHEREAS, a form of the Preliminary Official Statement to be distributed in connection with the public offering of the Series 2013 Bonds has been prepared (such Preliminary Official Statement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Preliminary Official Statement");

WHEREAS, in order to provide for the redemption of the Prior Bonds, the Community Facilities District desires to enter into an Escrow Agreement, by and between the Community Facilities District and The Bank of New York Mellon Trust Company, N.A., as Escrow Bank (the "Escrow Agreement");

WHEREAS, there have been prepared and submitted to this meeting forms of:

(a) the Indenture;

(b) the Purchase Agreement;

(c) the Continuing Disclosure Agreement;

(d) the Preliminary Official Statement; and

(e) the Escrow Agreement;

WHEREAS, the Community Facilities District desires to proceed to issue and sell the Series 2013 Bonds and to authorize the execution of such documents and the performance of such acts as may be necessary or desirable to effect the offering, sale and issuance of the Series 2013 Bonds; and

WHEREAS, the City Council is the legislative body of the Community Facilities District;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto acting as the legislative body of City of Modesto Community Facilities District No. 2004-1 (Village One #2), does hereby resolve, determine, and order as follows:

Section 1. The foregoing recitals are true and correct, and the City Council so finds and determines.

Section 2. Subject to the provisions of Section 3 hereof, the issuance of the Series 2013 Bonds, in an aggregate principal amount of not to exceed $34,000,000, on the terms and conditions set forth in, and subject to the limitations specified in, the Indenture, be and the same is hereby authorized and approved. The Series 2013 Bonds shall be dated, shall bear interest at the rates, shall mature on the dates, shall be subject to call and redemption, shall be issued in the form and shall be as otherwise provided in the Indenture, as the same shall be completed as provided in this Resolution.

Section 3. The refunding of the Prior Bonds is hereby approved. Such refunding shall be accomplished by paying the interest due and payable on the Prior Bonds to and including September 1, 2013 and redeeming the Prior Bonds on September 1, 2013 by paying the redemption price thereof. In accordance with Section 53363.8 of

the Act, the Legislative Body hereby designates the following costs and expenses as the "designated costs of issuing the Bonds:"

(i) all expenses incident to the calling, retiring, or paying of the Prior Bonds and incident to the issuance of the Series 2013 Bonds, including the charges of any agent in connection with the issuance of the Series 2013 Bonds or in connection with the redemption or retirement of the Prior Bonds;

(ii) the interest upon the Prior Bonds from the date of sale of the Series 2013 Bonds to the date upon which the Prior Bonds will be paid pursuant to call; and

(iii) any premium necessary in the calling or retiring of the Prior Bonds.

Section 4. The Indenture, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. Each of the Mayor of the City, and such other member of the City Council as the Mayor may designate, the City Manager of the City and the Director of Finance of the City, and such other officer or employee of the City as the City Manager may designate (the "Authorized Officers") is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Indenture in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Indenture by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not authorize an aggregate principal amount of Series 2013 Bonds in

excess of $34,000,0000, shall not result in a final maturity date of beyond the last maturity date of the Prior Bonds and shall not result in a true interest cost for the Series 2013 Bonds in excess of the true interest cost of the Prior Bonds.

Section 5. The Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Purchase Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Purchase Agreement by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not result in an aggregate underwriter's discount (not including any original issue discount) from the principal amount of the Series 2013 Bonds in excess of 1.0% of the aggregate principal amount of the Series 2013 Bonds. The City Council hereby finds and determines that the sale of the Series 2013 Bonds at negotiated sale as contemplated by the Purchase Agreement will result in a lower overall cost.

Section 6. The Continuing Disclosure Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Continuing Disclosure Agreement in the form presented to this meeting, with such changes, insertions and

omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Continuing Disclosure Agreement by such Authorized Officer.

Section 7. The Preliminary Official Statement, in substantially the form presented to this meeting and made a part hereof as though set forth in full herein, with such changes, insertions and omissions therein as may be approved by an Authorized Officer, be and the same is hereby approved, and the use of the Preliminary Official Statement in connection with the offering and sale of the Series 2013 Bonds is hereby authorized and approved. The Authorized Officers are each hereby authorized to certify on behalf of the Community Facilities District that the Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2-12 (except for the omission of certain final pricing, rating and related information as permitted by Rule 15c2-12).

Section 8. The preparation and delivery of a final Official Statement (the "Official Statement"), and its use in connection with the offering and sale of the Series 2013 Bonds, be and the same is hereby authorized and approved. The Official Statement shall be in substantially the form of the Preliminary Official Statement, with such changes, insertions and omissions as may be approved by an Authorized Officer, such approval to be conclusively evidenced by the execution and delivery thereof. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute the final Official Statement and any amendment or supplement thereto.

Section 9. The Escrow Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby

approved. Each of the Authorized Officers is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Community Facilities District, to execute and deliver the Escrow Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Escrow Agreement by such Authorized Officer.

Section 10. The Authorized Officers and the officers and employees of the City are, and each of them is, hereby authorized and directed, for and in the name of the Community Facilities District to do any and all things and to execute and deliver any and all documents which they or any of them deem necessary or advisable in order to consummate the transactions contemplated by this Resolution and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution.

Section 11. All actions heretofore taken by the officers and employees of the City with respect to the issuance and sale of the Series 2013 Bonds, or in connection with or related to any of the agreements or documents referred to herein, are hereby approved, confirmed and ratified.

Section 12. 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, acting as the legislative body of the City of Modesto Community Facilities District No. 2004-1 (Village One #2), held on the 9th day of July, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOTES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-268

A RESOLUTION DECLARING AS SURPLUS FROM JULY 1, 2013 THROUGH JUNE 30, 2014 THE FOLLOWING ITEMS: RECOVERED STOLEN AND/OR SEIZED PROPERTY ACCUMULATED BY THE POLICE DEPARTMENT, PROPERTY ACCUMULATED BY THE CITY AND SURPLUS CITY VEHICLES AND EQUIPMENT AND AUTHORIZING THE PURCHASING DIVISION TO SELL SAME BY SEALED BID, CONSIGNMENT, PUBLIC AUCTION, ONLINE AUCTION, ONLINE, AS SCRAP, OR DONATE TO AN ELIGIBLE NON-PROFIT (501C3) ORGANIZATION IF THE ITEMS CANNOT BE SOLD

WHEREAS, Section 801(r) of the City Charter authorizes the City Manager to sell obsolete, and unused or surplus personal property of the City with the approval of the City Council, and

WHEREAS, the City's surplus items consist of: (1) excess property and scrap accumulated by the City; and (2) surplus City vehicles and equipment, and (3) recovered stolen and/or seized property accumulated by the Police Department and,

WHEREAS, the Purchasing Division will sell surplus property through a land based auctioneer or through online through online auction companies, or directly online, or through sealed bid and

WHEREAS, all revenues received are either deposited in the originating fund or in the General Fund, and

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

SECTION 1. The City Council in accordance with Section 801(r) of the City Charter hereby declares as surplus from July 1, 2013, through June 30, 2014, the property items set forth above.

SECTION 2. The City Manager, or the Purchasing Manager, acting as the City Manager's designated representative, are hereby authorized and directed to sell same by sealed bid, consignment, public auction, online auction, online or as scrap or to donate to an eligible non-profit 501(c)(3) organization if the items cannot be sold.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2013, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-269

RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO RELATING TO CAPITAL COSTS AND DISPOSITION OF THE FINCH ROAD ANIMAL SHELTER PROPERTY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto first entered into an agreement on November 12, 2009 with the County of Stanislaus relating to shelter capital costs and the disposition of the Finch Road Animal Shelter, and

WHEREAS, on June 18, 2013, the Stanislaus County Board of Supervisors approved a lease agreement with Wags and Whiskers Rescue for the reuse of the facility for an initial term of three (3) years with a two (2) year renewal option, and

WHEREAS, the terms of the lease agreement call for the County and City of Modesto to mutually contribute to the costs of major systems maintenance in the amount of $5,000 each annually ($10,000 aggregate annually) with any costs above $10,000 per year to repair the major systems of the facility to be paid by the Lessor, and

WHEREAS, the City wishes to amend the November 12, 2009 Memorandum of Understanding with Stanislaus County to reflect the new terms.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement to Amend the Memorandum of Understanding Between the County of Stanislaus and the City of Modesto Relating to Shelter Capital Costs and the Disposition of the Finch Road Animal Shelter. A copy of the Amendment Agreement will be on file in the office of the City Clerk.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-270

RESOLUTION APPROVING A WATER WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 4207 BANGS AVENUE, APN: (135-043-008) 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, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges, and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas, and

WHEREAS, the property located at 4207 Bangs Avenue, Modesto, is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits and outside the City's Sphere of Influence, and

WHEREAS, this property is inside, contiguous to, or near the former service area and the Del Este Water company, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property, 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 are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 4207 Bangs Avenue (APN 135-043-008) 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 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-271

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND 4207 BANGS AVENUE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 4207 BANGS AVENUE, APN: (135-43-008) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 4207 Bangs Avenue is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and outside the City's Sphere of Influence, and

WHEREAS, this property is inside, contiguous to, or near the former service area of the Del Este Water company, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property, 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, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 4207 Bangs Avenue, Modesto APN (135-043-008).

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-272

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE HOPE VILLAGE SUBDIVISION, LOCATED AT THE EASTERN END OF HOUSER LANE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, HABITAT FOR HUMANITY., ("SUBDIVIDER"), is the subdivider of the HOPE VILLAGE ("SUBDIVISION"), and

WHEREAS, said PUBLIC IMPROVEMENTS, have been completed to the satisfaction of the Utility Planning and Projects Department, and

WHEREAS, the Construction Administration Office of the Public Works Department has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have paid, and

WHEREAS, the SUBDIVIDER will assume maintenance responsibilities of the PRIVATE IMPROVEMENTS as described in the CC&R's, and

WHEREAS, the Public Works Department will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS as noted in the offsite cost estimate, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $349,212.45, and a Payment Bond in the amount of $349,212.45, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $34,921.25, and

WHEREAS, the Public Works Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement, and the Agreement has been completed to the satisfaction of the Public Works Department, and

WHEREAS, the Public Works Director has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS and public improvements in the SUBDIVISION as complete, authorize the City Clerk to file a Notice of Completion, and to release the securities upon expiration of the statutory periods,

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

1. The said PUBLIC IMPROVMENTS constructed by the SUBDIVISION are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.

2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond in the amount of $349,212.45, upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the Faithful Performance Bond in the amount of $349,212.45, upon recordation of the Notice of Completion.

4. The City Clerk is hereby authorized to release the Warranty Bonds in the amount of $34,921.25 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-273

RESOLUTION AMENDING AN AGREEMENT RELATED TO RELOCATION OF ELECTRIC UTILITY POLES WITH MODESTO IRRIGATION DISTRICT IN THE AMOUNT OF $116,000.00 FOR THE RELOCATION OF MODESTO IRRIGATION DISTRICT FACILITIES LOCATED WITHIN THE LIMITS OF THE STATE ROUTE 99 / PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT AND AUTHORIZE THE CITY MANAGER, OR HIS DESGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the State Route 99/Pelandale Interchange improvement project is a Caltrans project to address the traffic congestion problem at Pelandale Avenue and Highway 99 Interchange, and

WHEREAS, an initial study with Mitigated Negative Declaration document (SCH#2009072012) was approved by California Department of Transportation on September 28, 2009, and

WHEREAS, the relocation of Modesto Irrigation District facilities is required for the construction of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, the City of Modesto requires an Agreement Related to the Relocation of Electric facilities for the relocation of Modesto Irrigation District facilities, and

WHEREAS, on March 27, 2012 City Council approved an Agreement Related to the Relocation of Electric Utility Poles with Modesto Irrigation District for the relocation of Modesto Irrigation District facilities at an estimated cost of $112,000, and

WHEREAS, scope of work to be performed by Modesto Irrigation District has been reduced due to phasing of construction improvements, and

WHEREAS, Modesto Irrigation District provided a revised C.O.M. Pelandale Bridge Customer Requirements plan with an estimated cost of $116,000.00 for labor, materials and transportation to relocate District facilities, 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 execute an amended Agreement Related to the Relocation of Electric Utility Poles increasing the Agreements' amount from $112,000 to $116,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-274

RESOLUTION APPROVING A THIRD AMENDMENT TO THE AGREEMENT WITH DOKKEN ENGINEERING, INC. FOR ADDITIONAL CONSTRUCTION SUPPORT SERVICES FOR THE CARPENTER ROAD BRIDGE SEISMIC RETROFIT PROJECT IN AN AMOUNT NOT TO EXCEED $20,678.23 FOR A MAXIMUM TOTAL AMOUNT OF $518,872.66 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE THIRD AMENDMENT TO AGREEMENT

WHEREAS, on July 7, 2009, by Resolution No. 2009-297, City Council approved an agreement for consultant services with Dokken Engineering, Inc. for design and environmental services in the amount of $275,250.56 for the Carpenter Road Bridge Seismic Retrofit Project "Project", and

WHEREAS, on November 9, 2011, by Resolution No. 2011-429, City Council approved an Amendment to Agreement for design support during construction services and permit support services in the amount of $171,283.87, and

WHEREAS, on February 14, 2012, by Resolution No. 2012-65, City Council approved a Second Amendment for removal of swallow nests, swallow and bat exclusion netting, traffic control and monitoring for swallow nest construction in the amount of $51,660, and

WHEREAS, on March 6, 2012, a construction contract was awarded to Flatiron West, Inc. "Contractor" for the Project. The Contractor requested permission to use an alternate construction method requiring multiple changes to the environmental documents and permits for the project. Dokken was asked to modify multiple environmental documents and coordinate with the various permitting agencies. These tasks were outside of the scope of Dokken's contract. This modification resulted in a cost savings to the project as well as an estimated 9 month reduction in time needed to complete

construction of the bridge. The City received a credit change order in the amount of $44,113.55 for additional staff and consultant time necessary to facilitate approval of the alternate construction method, and

WHEREAS, on September 11, 2012, Dokken submitted a cost of $20,678.23 to perform the requested additional services, and

WHEREAS, City staff recommends approving a third amendment to agreement with Dokken Engineering, Inc. for $20,678.23 bringing the revised maximum total agreement amount to $518,872.66.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a third amendment to agreement with Dokken Engineering, Inc. for additional construction support services for the Carpenter Road Bridge Seismic Retrofit Project, in an amount not to exceed $20,678.23, for a maximum total amount of $518,872.66.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-275

RESOLUTION AUTHORIZING THE AWARD OF BIDS FOR THE FURNISHING OF WELL REHABILITATION SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WATER DIVISION, TO ZIM INDUSTRIES, INC., FRESNO, CA, AS "PRIMARY" CONTRACTOR AND ROADRUNNER DRILLING & PUMP CO., INC., WOODLAND, CA, AS "SECONDARY" CONTRACTOR, 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 $103,100, AND OVER FIVE (5) YEARS OF $515,500

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of well rehabilitation services, and

WHEREAS, the Purchasing Division issued RFB No. 1213-26 Well Rehabilitation Services to twelve (12) prospective bidders, six (6) of which were local vendors and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Two (2) companies chose to respond, neither of which were local vendors, and

WHEREAS, both companies provided responsive and responsible bids, and

WHEREAS, in order to ensure continued services to the City, purchase agreements shall be awarded to more than one contractor to provide for backup in case the primary contractor is unable to meet the City's needs. A secondary position contractor may be awarded a specific job only if the primary contractor is unable to perform the service, or if the primary contractor is unable to complete the specific job within the timeframe required by the City, and finally, if the primary contractor is unable to maintain acceptable quality standards required by the City, and

WHEREAS, based on providing responsive and responsible bids, City staff recommends the award of bids for the furnishing of well rehabilitation services for the Department of Public Works, Water Division, to Zim Industries, Inc., Fresno, CA, as "primary" contractor and Roadrunner Drilling & Pump Co., Inc., Woodland, CA, as "secondary" contractor, 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 $103,100, and over five (5) years of $515,500, 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 bids for the furnishing of well rehabilitation services for the Department of Public Works, Water Division, to Zim Industries, Inc., Fresno, CA, as "primary" contractor and Roadrunner Drilling & Pump Co., Inc., Woodland, CA, as "secondary" contractor, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the furnishing of well rehabilitation services in Appropriation Unit: 4100-55090-53100.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for the furnishing of well rehabilitation services for the Department of Public Works, Water Division, to Zim Industries, Inc., Fresno, CA, as "primary" contractor and Roadrunner Drilling & Pump Co., Inc., Woodland, CA, as "secondary" contractor.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase agreements for an estimated annual cost of $103,100.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-276

RESOLUTION APPROVING AN AGREEMENT WITH INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION (ICMA-RC) FOR ADMINISTRATIVE SERVICES AND INVESTMENTS OF CITY EMPLOYEES' 401(A), 457 DEFERRED COMPENSATION PLANS, IRA PLANS, AND RHS PLANS FOR A THREE YEAR PERIOD; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the City of Modesto first entered into an agreement with The International City Management Association Retirement Corporation (ICMA-RC) on April 12, 1983, to provide administrative services and investments for the City employees' plans, and

WHEREAS, ICMA-RC offers several plan enhancements at no cost to the City as a result of a long-term relationship with the City of Modesto, and

WHEREAS, the ICMA-RC has established an excellent working relationship with the City of Modesto to deliver excellent service, and

WHEREAS, the City wishes to renew the agreement for administrative services and investments wherein ICMA-RC will pay the City an administrative allowance in the amount of $135,000 per year to assist with the administration of programs, and

WHEREAS, at its June 24th, 2013 meeting, the Finance Committee recommended approving the three-year agreement with ICMA-RC,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement for administrative services and investments with ICMA-RC for a three-year period wherein ICMA-RC will pay the City an administrative allowance in the amount of $135,000 per year. A copy of the Agreement will be on file in the office of the City Clerk.

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 August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-277

A RESOLUTION APPROVING THE THIRD AMENDMENT TO THE AGREEMENT WITH SCS ENGINEERS FOR THE SITE ASSESSMENT OF THE CLOSED CARPENTER ROAD LANDFILL AND DEVELOPMENT OF A MITIGATION AND MONITORING PLAN FOR THE CARPENTER ROAD LANDFILL IN AN AMOUNT NOT-TO-EXCEED $290,500, FOR A TOTAL NOT-TO-EXCEED PROJECT COST OF $832,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE THIRD AMENDMENT TO THE AGREEMENT

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, in between Kenneth and Robertson Roads and the Tuolumne River, and

WHEREAS, in the future, the landfill will become part of the Tuolumne River Regional Park, and

WHEREAS, in December, 2005, one of the wells on the east fill area tested high for methane gas, and

WHEREAS, during subsequent tests, the methane levels in this well continued to exceed the state's limits, and because of this, the California Integrated Waste Management Board (CIWMB) required the City to determine the cause of the high methane readings and develop a Mitigation and Monitoring Plan to ensure that the closed landfill remains in compliance with state law, and

WHEREAS, the Regional Water Quality Control Board has requested that the impacts of the landfill on groundwater be assessed, and

WHEREAS, in order to prepare the plan, a Site Assessment had to be performed by a qualified engineering firm, and

WHEREAS, due to the uncertainties of what the contractor might find in the Site Assessment and what measures might be needed based on those findings, the Agreement for Assessment and Plan development services was task-based, and

WHEREAS, once each task was completed, the City would decide on whether or not the contractor would proceed with the next step, and

WHEREAS, in June, 2007, after an RFP process, the City Council approved Resolution No. 2007-341, authorizing the City Manager to execute a task-based agreement with SCS Engineers for the Site Assessment and development of a Methane Gas Mitigation, in an amount not-to-exceed $299,500, and

WHEREAS, based on the results of the Site Assessment and the recommendations of SCS Engineers, it was determined that the focus should shift to installation of gas probes and design and installation of groundwater monitoring wells in the correct locations, on-going monitoring of methane gas and groundwater at the site, as well as site security and on going maintenance of the landfill cover, and

WHEREAS, on December 5, 2007, the Council approved Resolution No. 2007-728, authorizing the City Manager to execute a Letter Amendment to the Agreement changing the work scope to reflect the shift to installation of monitoring wells and on-going monitoring and reporting, within the not-to-exceed contract amount of $299,500, and

WHEREAS, based on the findings of routine monitoring over the course of a year, it was determined that migration of methane gas past the boundaries of the landfill were no longer a problem, but that the landfill appeared to have experienced a "release" that could potentially affect groundwater, and

WHEREAS, regulations require the City to notify the RWQCB of the release in a certified letter, and

WHEREAS, the City was required to develop a plan to monitor the release and determine the nature and extent of impacts, complete an engineering feasibility study to determine if the City should remove/treat the release, or just continue to monitor the release, and

WHEREAS, CITY and CONSULTANT therefore executed a Second Amendment to the Agreement on May 5, 2009, for additional work to meet regulatory requirements in an amount not-to-exceed $242,000, which brought the total not-to-exceed contract amount to $541,500, and

WHEREAS, The Scope of Work under the Second Amendment to the Agreement included a site evaluation, feasibility study, and the preparation and submittal of a Corrective Action Plan (CAP), and

WHEREAS, the CAP was submitted to the RWQCB on November 30, 2010, and proposed to use hydrogen releasing compound injection to remediate the groundwater impacts, and

WHEREAS, to date, the RWQCB has not provided comments on the CAP nor approved the implementation of this approach, and

WHEREAS, ongoing tests of the groundwater at the sites show that the concentrations of substances which initially appeared to be affecting the groundwater have declined, and it may be possible that the RWQCB will not require a corrective action for the site, but will instead require long term monitoring and reporting, and

WHEREAS, irrespective of whether the RWQCB requires implementation of the CAP, or allows for passive attenuation monitoring, the City must continue monitoring and other activities at the site, and

WHEREAS, in order to continue the ongoing efforts at this site, it is necessary to amend the existing Agreement to extend the term of the Agreement for 5 (five) years and to increase the amount of the Agreement to ensure funding for these ongoing activities, and

WHEREAS, as with previous Amendments to this Agreement, work to be performed under the Scope of Work for this Third Amendment will be on a "Task Basis", with Tasks 1-9 to include quarterly monitoring, laboratory analysis, submittal of compliance reports, CAP implementation and monitoring (if necessary), non-routine monitoring, maintenance, and emergency repair services, and State agency response/coordination, and

WHEREAS, in addition to the on-going work at the Landfill, Task 10 will add regulatory compliance and monitoring of groundwater at the City's Compost facility on Jennings Road to the scope of the Agreement with SCS Engineers to provide for consistency in regulatory monitoring and reporting at City solid waste facilities, and

WHEREAS, the cost of this work at the Compost Facility will be reimbursed to the Carpenter Road Landfill Fund (1360) by the Compost Fund (4890), and

WHEREAS, $335,748 has been budgeted in the Carpenter Road Landfill Fund 1360-37010-53300 for FY 2013-2014 to cover the cost of professional and special services for mitigation and monitoring at the landfill, and

WHEREAS, the estimated cost of performing this additional work will be in an amount not-to-exceed $290,500, bringing the total not-to-exceed amount of the Agreement with SCS Engineers, Inc. to $832,000, and

WHEREAS, contract services will be task based, and as each task is completed, the City will decide whether or not the contractor can proceed with the next step.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Third Amendment to the Standard Agreement with SCS Engineers, Inc. for Consulting Services for the Site Assessment of the closed Carpenter Road Landfill.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Third Amendment to 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 August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-278

RESOLUTION APPROVING THE LOAN MODIFICATION AGREEMENTS FOR TRINITY VENTURES, RE, II AND AUTHORIZING THE CITY MANAFER OR HIS DESIGNEE TO SIGN ALL RELATED DOCMENTS

WHEREAS, On May 25, 2010, by Resolution No. 2010-200, the City Council approved the Program Guidelines and Loan Terms for Neighborhood Stabilization Program II (NSP2), and

WHEREAS, the NSP2 Findings 1A and 1B from the audit performed by the Office of the Inspector General (OIG) dealt with ineligible costs applied to the developer leveraging a portion of the NSP2 projects, and

WHEREAS, to close out these projects the City must complete its "true-up" process and amend the original loan agreements to reflect the final projects costs for each property (**Attachment A**) as the current loan amounts for the NSP2 properties are based on estimated total project costs,

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) did not review this item due to the timeliness requirements of this response to the OIG.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the loan modification agreements for Trinity Ventures, RE, II.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign all related documents related to the loan agreement modifications.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Attachment A

Neighborhood Stabilization Program 2 (NSP2) Loan Modification Agreements for Trinity Ventures RE, II

Project	Original Loan	Modified Loan
551 Brighton	$ 166,265.60	$ 151,196.21
1177 Norwegian #10	$ 80,025.16	$ 63,092.00
1028 Dartmouth	$ 142,385.81	$ 124,845.67
1609 Barkwood	$ 158,951.54	$ 139,435.06
1177 Norwegian #1	$ 70,964.82	$ 63,727.23
1177 Norwegian Ave. #2	$ 71,471.47	$ 63,944.32
1177 Norwegian #11	$ 67,709.14	$ 65,019.14
1177 Norwegian #29	$ 78,381.27	$ 74,123.94

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-279

RESOLUTION APPROVING A HOME INVESTMENT PARTNERSHIPS (HOME) AGREEMENT BETWEEN THE CITY OF MODESTO AND THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) IN THE AMOUNT OF $612,960 FOR THE CONSTRUCTION OF DOWNEY TERRACE SENIOR HOUSING PROJECT LOCATED AT 412/416 DOWNEY AVENUE AND AUTHORIZING THE CITY MANAFER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS AND RELATED DOCUEMNTS

WHEREAS, on July 24, 2007, the City of Modesto allocated $250,000 in HOME funds for pre-development cost associated with a senior housing project located at 416 Downey Avenue, Modesto, and

WHEREAS, on June 20, 2008, the City of Modesto purchased 412 Downey Avenue, Modesto with Community Development Block Grant (CDBG) funds in order to combine this parcel with the adjacent parcel at 416 Downey the senior housing project, and

WHEREAS, on December 10, 2008, the Redevelopment Agency (RDA) purchased 416 Downey Avenue, Modesto from the City of Modesto.

WHEREAS, on February 9, 2010, staff released a Request for Proposal (RFP) soliciting affordable housing developers for this project with a scope of work that included a maximum dwelling unit count of eleven (11) units and provided for an allocation of $500,000 in City HOME entitlement funds to be used toward construction, and

WHEREAS, on June 22, 2010, the RDA, by Resolution No. 05-2010 and the City Council, by Resolution No. 2010-257 approved HACS as the selected developer for the 412/416 Downey Avenue properties, and

WHEREAS, in July, HACS issued an invitation for bids for the eventual construction of the Downey Terrace Senior Housing project with a bid opening date of July 30, 2013, and

WHEREAS, in order to proceed with the award of contract for the construction of the project, an Agreement between HACS and the City of Modesto for use of HOME funds in the amount of $612, 960 is necessary, and

WHEREAS, on November 7, 2012, the Citizens' Housing & Community Development Committee (CH&CDC) recommended the HOME funding plans for the Downey Terrace Senior Housing Project and authorized staff to forward to City Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the a HOME Investment Partnerships (HOME) Agreement between the City of Modesto and Housing Authority of the County of Stanislaus (HACS) in the amount of $612,960, for the construction of Downey Terrace Senior Housing project located at 412 and 416 Downey Avenue in Modesto

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized 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 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-280

RESOLUTION AMENDING THE FISCAL YEAR 2013-14 OPERATING AND MULTI-YEAR BUDGETS FOR HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) PROJECTS AS REPORTED IN THE INTEGRATED DISBURSEMENT & INFORMATION SYSTEM (IDIS), AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, as an entitlement community for U.S. Department of Housing and Urban Development (HUD), the City of Modesto receives HOME Investment Partnerships Program (HOME) funds, and

WHEREAS, the City's Fiscal Year 2013-2014 Operating and Multi-Year budgets to be amended in the City's financial reporting system – COSMO to reflect HOME project allocations reported in IDIS, and

WHEREAS, IDIS is HUD's draw down and reporting system for funding data related to program activities underway across the Nation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the fiscal year 2013-14 operating and multi-year budgets for HOME Projects as determined by the allocation of funds as set forth in the Integrated Disbursement & Information System (IDIS).

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 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-281

A RESOLUTION ACCEPTING A TARGET GRANT TOTALING $1,000 TO PROVIDE FUNDING FOR MULTIPLE SAFETY INFORMATIONAL BROCHURES FOR 2013 NATIONAL NIGHT OUT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the Modesto Police Department applied and was awarded a Target grant totaling $1,000, and

WHEREAS, the application was for multiple safety informational brochures for 2013 National Night Out, and

WHEREAS, these safety informational brochures will be distributed at various community events, and

WHEREAS, there will be no fiscal impact to the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a Target grant totaling $1,000 to provide funding for printing of multiple safety informational brochures for 2013 National Night Out.

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 August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NUMBER 2013-282

A RESOLUTION AMENDING THE FISCAL YEAR 2013/2014 AND OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF $1,000 FROM A TARGET GRANT TO PROVIDE FUNDING FOR PRINTING OF MULTIPLE SAFETY INFORMATIONAL BROCHURES FOR 2013 NATIONAL NIGHT OUT; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Modesto Police Department applied and was awarded a Target grant for funding for printing of multiple safety informational brochures for 2013 National Night Out, and

WHEREAS, these brochures will be distributed to the community at various safety events, including National Night Out, and

WHEREAS, the General Fund budget must be amended to reflect the grant revenue and costs associated with this program,

WHEREAS, there is no local match required for this program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2013/2014 Operating Budget are hereby amended as shown in **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 August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

	Expense:		
To:	0100-19320-52015	$1,000	Printing and Binding
	Revenue:		
To:	0100-19320-42503	$1,000	Misc. Grants/donations

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-283

RESOLUTION APPROVING THE 2011 GUIDANCE MANUAL FOR DEVELOPMENT STORMWATER QUALITY CONTROL MEASURES

WHEREAS, the 2011 Guidance Manual for Development Stormwater Quality Control Measures (2011 Guidance Manual) for the City of Modesto is an update to the City's 2001 Guidance Manual for New Development Stormwater Quality Control Measures (2001 Guidance Manual); and

WHEREAS, the 2011 Guidance Manual enhances the 2001 Guidance Manual and reflects new municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit (CAS083526, Order No. R5-2008-0092) requirements which emphasize low impact development (LID) implementation strategies; and

WHEREAS, on May 30, 2013 the California Regional Water Quality Control Board approved the updated manual. Council approval is the final step in implementing the manual.

WHEREAS, the 2011 Guidance Manual has been prepared to accomplish the following objectives and goals: protect receiving water, groundwater, and irrigation canals from adverse impacts of urban runoff from the City; Implement design standards consistent with the City's municipal stormwater permit and other State requirements; Provide development standards for developers, engineers, and planners; Integrate LID strategies; Outline maintenance protocols for long-term, effective pollution control; and Identify the differences between flood control and water quality standards.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2011 Guidance Manual for Development Stormwater Quality Control Measures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-284

RESOLUTION ACCEPTING THE WORK BY ROSS F CARROLL, INC. FOR THE "STREET IMPROVEMENTS NB MCHENRY AVENUE TO EB BRIGGSMORE AVENUE PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $297,475

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Street Improvements NB McHenry Avenue to EB Briggsmore Avenue Project has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated May 24, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Street Improvements NB McHenry Avenue to EB Briggsmore Avenue Project is hereby accepted as complete from said contractor, Ross F. Carroll, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $297,475 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-285

RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITY PLANNING AND PROJECTS TO ISSUE CHANGE ORDERS ON THE "2012 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT" PROJECT IN THE TOTAL AMOUNT OF $108,434 (15.7% OF THE ORIGINAL CONTRACT PRICE)

WHEREAS, the City Council, on January 8, 2013, by Resolution No. 2013-028, awarded a $691,290 contract to Rolfe Construction for the replacement of aging sanitary sewer lines in various locations in the City of Modesto, 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 cost of the extra work has been estimated to be $108,434, 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 Utility Planning and Projects currently has authority to approve change orders up to a cumulative amount of $69,129,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utility Planning and Projects to issue change orders on the 2012 Sanitary Sewer Collection System Replacement project in the total amount of $108,434 (15.7% of the original contract price).

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-286

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $39,434 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVE FUNDS IN ORDER TO FULLY FUND REQUIRED CHANGE ORDER WORK FOR THE 2012 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $39,434, in order to fully fund required change order work for the 2012 Sanitary Sewer Collection System Replacement project, and

WHEREAS, the Fiscal Year 2013-2014 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 2013-2014 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 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

Due to the increase of change order work and required costs for CIP Account #100664 "2011-2012 Sanitary Sewer Replacement", the total project costs need to be increased by $39,434. This would be done by adjusting Contingency by $39,434.

To fund the above account, $39,434 will be transferred from Wastewater Reserve funds into CIP Project 100664 for the 2012 Sanitary Sewer Collection Replacement Project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-287

RESOLUTION APPROVING THE SALE OF CITY-OWNED SURPLUS REAL PROPERTY LOCATED AT SOUTH 7TH STREET & PECOS AVENUE (APN: 038-039-029), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY SALE DOCUMENTS

WHEREAS, the City of Modesto owns the real property located at South 7th Street and Pecos Avenue (APN 038-039-029), and

WHEREAS, this property was purchased from a private owner in 1995 by the City of Modesto, as part of an agreement with the Union Pacific Railroad Company, for the 9th Street Track Realignment Project, and

WHEREAS, there are no deed restrictions in the original grant deed preventing future sale of the property, and

WHEREAS, on April 9, 2013, by Resolution No. 2013-127, City Council declared this property as surplus and authorized the City's property agent to proceed with the sale of the property, and

WHEREAS, staff recommends it be sold to the original property owner who desires to purchase the property for the current appraised value of $50,000, and

WHEREAS, the buyer will close escrow on or before December 15, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sale of City-owned surplus real property located at South 7th Street & Pecos Avenue (APN: 038-039-029).

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute all necessary sale documents.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-288

RESOLUTION ACCEPTING THE WORK BY TEICHERT CONSTRUCTION FOR THE "VIRGINIA CORRIDOR PHASE V BRIGGSMORE OVERCROSSING PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $3,655,962

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Virginia Corridor Phase V- Briggsmore Overcrossing Project has been completed by Teichert Construction, in accordance with the contract agreement dated January 11, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Virginia Corridor Phase V- Briggsmore Overcrossing Project is hereby accepted as complete from said contractor, Teichert Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $3,655,962 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-289

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $78,000 TO BE TRANSFERRED INTO THE PROJECT FROM PARKS RECREATION AND NEIGHBORHOOD AIR QUALITY CAPITAL FEE FUNDS IN ORDER TO FULLY FUND CONSTRUCTION ADMINISTRATION FOR THE VIRGINIA CORRIDOR PHASE V BRIGGSMORE OVERCROSSING PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $78,000, in order to fully fund construction administration for the Virginia Corridor Phase V- Briggsmore Overcrossing project, and

WHEREAS, the Fiscal Year 2013-2014 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 2013-2014 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 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

Due to the increase of construction administration costs for CIP Account #100307 "Virginia Corridor Phase V", the total project costs need to be increased by $77,480. This would be done by adjusting Construction Administration by $78,000.

To fund the above account, $78,000 will be transferred from Park Recreation and Neighborhood matching funds from the Air Quality Capital Fee Funds into CIP Project 100307 for the Virginia Corridor Phase V- Briggsmore Overcrossing Project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-290

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE OAKDALE ROAD REHABILITATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH DSS COMPANY DBA KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA IN THE AMOUNT OF $1,528,928.85, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Oakdale Road Rehabilitation project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Oakdale Road Rehabilitation project were opened at 11:00 a.m. on July 9, 2013, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $1,528,928.85, received from DSS Company dba Knife River Construction of Stockton, California, be accepted as the lowest responsive and responsible 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 approves the plans and specifications for the Oakdale Road Rehabilitation project, accepts the bid of DSS Company dba Knife River Construction of Stockton, California, in the amount of $1,528,928.85, and awards DSS Company dba Knife River Construction the contract for the Oakdale Road Rehabilitation 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 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-291

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $168,736 TO BE TRANSFERRED INTO THE PROJECT FROM STORM DRAIN FUND RESERVES IN ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY AND CONSTRUCTION ADMINISTRATION FOR THE OAKDALE ROAD REHABILITATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $168,736 in order to fund construction, contingency and construction administration for the Oakdale Road Rehabilitation Project, and

WHEREAS, the Fiscal Year 2013-2014 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 2013-2014 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 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

This pavement rehabilitation project also includes storm drainage improvements. Insufficient federal funds were available to construct all of the needed storm drain improvements. In order to fully fund construction, contingency, and construction administration costs for CIP Account #100016, the total project costs need to be increased by $168,736. This would be done by adjusting Contingency by <$41,971>, Construction by $187,527, and Construction Administration by $18,753.

To fund the above account, $168,736 will be transferred from StormWater Fund Reserves into CIP Project 100016 for the Oakdale Road Rehabilitation Project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-292

A RESOLUTION CONFIRMING THE FISCAL YEAR 2013-14 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 June 11, 2013, the City Council, by Resolution No. 2013-210, 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 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 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 2013-14, 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 2013-14 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 regular meeting of the City Council of the City of Modesto held on the 7th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

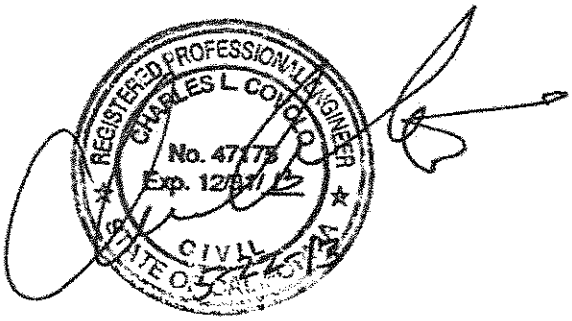
MODESTO
CALIFORNIA

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, 2013 - JUNE 30, 2014



Prepared By:
Tina Rocha, IFP Administrator

Certified By:
Charles Covolo, Senior Civil Engineer

Accepted By Motion:
Modesto City Council

TABLE OF CONTENTS

SECTION	TITLE
I.	History
II.	Annual Assessment Review & Summary
III.	Financials – Annual Assessment Revenue & Expense Projections
IV.	Maintenance & Plan Specifications
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 2013-2014 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. 2013-2014 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 2013-2014 annual assessment is the same as the annual assessment for Fiscal Year 2012-2013 of $26.00 per single-family residential parcel.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 1 Fund 6480		Estimated FY 2012-13[1]	Proposed FY 2013-14[2]
Beginning Fund Balance		$ (1,548)	$ (478)
Revenue (Cost Center 80010)			
Special Assessments		$ 19,178 [3]	$ 19,474 [4]
Interest		$ (50)	$ -
Total Revenue		$ 19,128	$ 19,474
Expenses (Cost Center 80010)	**Account**		
Operating Budget			
Postage Expenses	52025	$ -	$ (200)
Water Utility Expenses	53043	$ (4,221)	$ (6,500)
Rental of Photocopy Service Supply	53073	$ -	$ (50)
Repair and Maintenance Services	53165	$ (4,636)	$ (7,000)
Professional Services	53300	$ (3,948)	$ (2,000)
Services City Forces	54500	$ (3,749)	$ (4,178)
ISF - Mail Services - Inside	58010	$ (212)	$ -
Estimated - Water Utility Expenses	*53043*	*$ (500)*	
Estimated - Repair and Maintenance Services	*53165*	*$ -*	
Estimated - Professional Services	*53300*	*$ -*	
Estimated - Services City Forces	*54500*	*$ (750)*	
Estimated - ISF Mail Services - Inside	*58010*	*$ (42)*	
Total Expenses		$ (18,058)	$ (19,928)
Ending Fund Balance		$ (478)	$ (932)

[1] The estimated amount shows what has been expended as of 04-30-2013. There will be more expenses through the end of the fiscal year (June); these are shown as Estimated.

[2] The estimated expenditures for FY 2013-14 are based on the revenue that is currently available to be generated within LMAD No. 1. These expenditures do not represent the actual amount needed for a good service level with LMAD No. 1. Budget may be reduced based upon actual FY 2012-13 Ending Fund Balance.

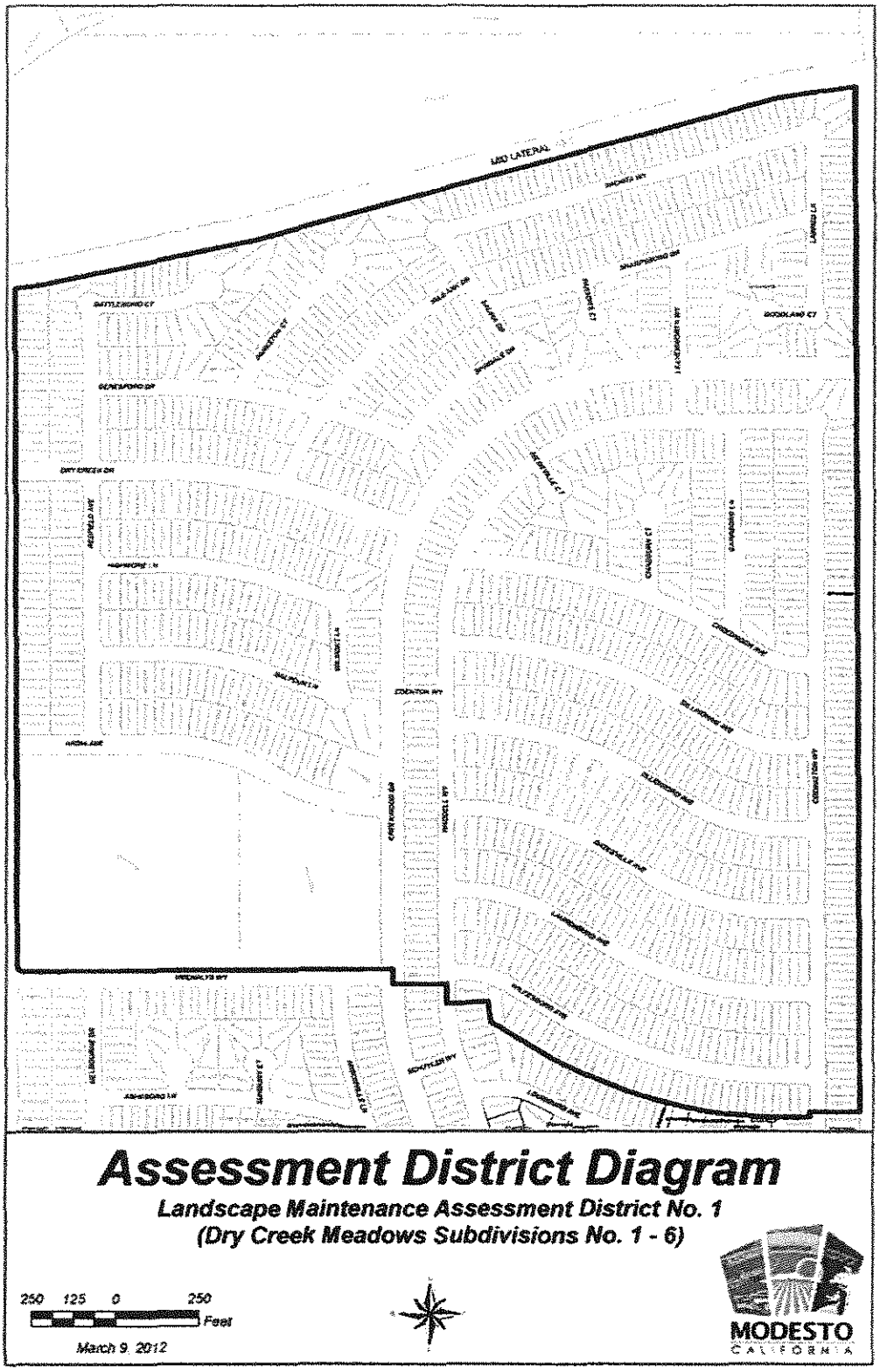
[3] Actual revenue received.

[4] Proposed levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Parks, Recreation, and Neighborhood's Department, located at 501 N. Jefferson Street, Modesto, CA 95354. For more information, contact Kelly Gallagher, Parks Operations Supervisor at (209) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-002-001-000	MERCADO LISA M & RODOLFO	736 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-002-002-000	SOUMPHONPHAKDY YOUTHANA	732 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-002-003-000	SORDO BRYON S ET AL	728 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-002-004-000	PRASAD AJAY B & CHANDRA SAILESHNI D	724 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-002-005-000	YUSON BONIFACIO C & YUSON ZENAIDA P	720 N MC CLURE RD	MODESTO CA 95354	$ 26.00
079-002-006-000	YATES MICHAEL V & YATES CHRISTINE M	716 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-002-007-000	ALBANO FLORANTE J & ALBANO JUANITA T	712 N MC CLURE RD	MODESTO CA 95354	$ 26.00
079-002-008-000	GARCIA JOSE DE JESUS	708 N MC CLURE RD	MODESTO CA 95354	$ 26.00
079-002-009-000	ESPINOZA GABRIEL	704 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-002-010-000	LEON MARTHA	700 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-002-011-000	SAMRA AMARJIT S TR	701 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-002-012-000	BARRIENTOS DAVID & BARRIENTOS MARIA E	705 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-002-013-000	YOUNGMAN AARON BRIAN & LAUREN ELIZABETH	709 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-002-014-000	BATTAGLIA COREY J	713 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-002-015-000	BADAL EDWARD E & BADAL JANET E	717 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-002-016-000	NAWROCKI MARLA	721 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-002-017-000	SMITH ROBIN K & SMITH SUSAN R	725 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-002-018-000	DEOL HARMINDER S & DEOL SUKHWINDER K	729 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-002-019-000	GILL KANWAR S & MANBIR K	733 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-002-020-000	MIGUEL JOHN C & TARA L	737 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-002-021-000	PANYANOUVONG ROCKY P ET AL	3513 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-022-000	JOHNSON VERDELL TR	3517 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-023-000	VILLEGAS JOSEPH J	3521 BATTLEBORO CT	MODESTO CA 95354	$ 26.00
079-002-024-000	REYES FRANCISCO J & REYES SILVIA	3525 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-025-000	HILL ROBERT L & KELLY TRS	3529 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-028-000	ALVAREZ VICTOR R & CRISTINA TRS	3536 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-029-000	CARBERY DONALD R & FREIDA A TRS	3532 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-030-000	TREVINO SHONDA	3528 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-031-000	VILLALPANDO HERIBERTO & ROSA	3524 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-032-000	CARR PATRICK K & CHERYL J	3520 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-033-000	PRASHAD RAJENDRA & SONI L	3516 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-034-000	VO SANG	3512 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-035-000	ARROYO STEVEN I & ARROYO SANDRA	3513 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-002-036-000	CARREON JOSE & CECILIA	3517 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-002-037-000	GOMEZ PATRICIA	3521 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-002-038-000	COENEN KELVIN L & COENEN CHRISTINA P	3525 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-002-039-000	HILL PAUL JAMES SR TRS & HILL DORTHA HELENE	3529 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-002-040-000	CARSON SAMMY D & CARSON BRENDA S	713 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-041-000	HAHTO MARK D & HAHTO KAREN A	717 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-042-000	WOLTER DENNIS & CAROL	721 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-043-000	SAMRA AMARJIT	725 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-044-000	MEFFERD JULIE A	729 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-048-000	DELTA INVEST LLC	745 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-049-000	BISHOP ROSIE	749 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-050-000	YOUKHANA SAMI	753 PARKSTON CT	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-002-051-000	SINGH BEER	752 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-052-000	CASTILLO RANDY	748 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-053-000	LANZA ROBERT JOSEPH & MARION RAFFELIA TRS	744 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-054-000	RUCKER SHARON E	740 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-055-000	LONN RALPH S & MICHELA SUZANNE	736 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-056-000	GANJA SAM	732 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-057-000	DALMAN DAVID	728 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-058-000	COLLS LUIS R TR	724 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-059-000	REYES ANTHONY P	720 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-060-000	ORTEGA EFRAIN R & GLORIA C	716 PARKSTON CT	MODESTO CA 95355	$ 26.00
079-002-061-000	CASTIGLIONE JOSEPH B & BECKY M	713 MILBANK DR	MODESTO CA 95357	$ 26.00
079-002-062-000	LUBINSKY EDWARD & LUBINSKY CAROL E	717 MILBANK DR	MODESTO CA 95354	$ 26.00
079-002-063-000	CASTILLO HECTOR	721 MILBANK DR	MODESTO CA 95357	$ 26.00
079-002-064-000	PRASAD RAMA	725 MILBANK DR	MODESTO CA 95357	$ 26.00
079-002-065-000	WINGO NAIDA J	729 MILBANK DR	MODESTO CA 95357	$ 26.00
079-002-066-000	SMITH MARQUE R	733 MILBANK DR	MODESTO CA 95357	$ 26.00
079-002-067-000	VILLANUEVA DAVID M & VILLANUEVA DIANE M	737 MILBANK DR	MODESTO CA 95357	$ 26.00
079-002-068-000	JAMES BRENDAN R ET AL	741 MILBANK DR	MODESTO CA 95357	$ 26.00
079-002-069-000	HEWITT SCOTT	745 MILBANK DR	MODESTO CA 95357	$ 26.00
079-002-070-000	WILKERSON KENNETH	817 SALINA DR	MODESTO CA 95357	$ 26.00
079-002-071-000	DIAZ ANGELINA	821 SALINA DR	MODESTO CA 95357	$ 26.00
079-002-072-000	KEMPER CHRISTOPHER S	825 SALINA DR	MODESTO CA 95357	$ 26.00
079-002-073-000	O CONNOR BONNIE ANN	3701 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-002-074-000	BELL KIMBERLY ANN	3705 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-002-076-000	BATES HAROLD & JANICE	3533 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-078-000	HESKEL MATTHEW	733 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-079-000	MARTINEZ CONCHA A	737 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-002-080-000	HASKEL ROBERT P	3537 BATTLEBORO CT	MODESTO CA 95357	$ 26.00
079-002-082-000	GOMAN TOD A & JENNIFER	741 PARKSTON CT	MODESTO CA 95357	$ 26.00
079-003-001-000	MAHARAJ SANJAI S & MAHARAJ ARUNA D	3641 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-002-000	HUFFMAN JOSEPH R II & MARLENE J	3637 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-003-000	MC ENTIRE MICHAEL A & MC ENTIRE ANNA M	3633 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-004-000	CALVO SERGIO & SILVIA	3629 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-005-000	MCE VENTURES LLC	3625 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-006-000	MAGCALAS JOEL & VIRGINIA	3621 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-007-000	CORDOVA ISIDRO C & CORDOVA MARTHA B	3613 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-008-000	CHUANGS INVESTMENT INC	3609 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-009-000	SINGH ASHOK K & SINGH JAQLIN O	3605 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-010-000	GIL MARTIN & GIL DEBORAH L	3601 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-011-000	DOUGLAS GREG & DOUGLAS TERI	3537 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-012-000	HERNANDEZ FERNANDO PARDO & HERNANDEZ GLORIA C	3533 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-013-000	CHERRY SABRINA	3529 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-014-000	LAIRD RODNEY G	3525 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-015-000	SANTOS CLAUDIO C JR & LUCY V	3521 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-016-000	DIXON THOMAS	3517 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-003-017-000	MICHAEL SCOTT A	3512 BERESFORD DR	MODESTO CA 95354	$ 26.00
079-003-018-000	ESTRADA ADRIANA G	3516 BERESFORD DR	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-003-019-000	DELANEY KIMBERLY R	3520 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-020-000	EHRLER LEE & EHRLER THERESA A	3524 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-021-000	DHALIWAL AMRITPAL	3528 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-022-000	LUTTRELL ERIC ET AL	3532 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-023-000	MENDOZA ADRIAN & ROSA	3536 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-024-000	MANHOSO FRANK & MANHOSO MARIA	3540 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-025-000	FISCHER WILLIAM & FISCHER CAROL	3600 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-026-000	MEYER FELESHIA J ET AL	3604 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-027-000	PRAKASH OM & SUSHIL	3608 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-028-000	REYES ERLINDA M TR	3616 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-029-000	CHUNG WILLIAM & YEH GEORGINA PIK-CHING TRS	3620 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-030-000	STANLEY COYE & MACHELLE	3624 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-031-000	MUNOZ ALFREDO F & CEYLON A	3628 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-032-000	DEUTSCHE BANK NATIONAL TRUST CO TRUSTEE	3632 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-033-000	ROTH WILLIAM C & ROTH DOLORES	704 SPINDALE DR	MODESTO CA 95350	$ 26.00
079-003-034-000	SOLIS MARIA	708 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-035-000	MUNCRIEF DAVID E	712 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-036-000	SHARMA RUDRA DUTT & RESHMIKA	716 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-037-000	DEL REAL INDELACIO & DEL REAL ELENA	720 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-038-000	MORALES DIANA R	724 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-039-000	JORDAN NEIL WAYNE & JORDAN MARY	728 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-041-000	PEREZ CHRISTINA M	729 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-042-000	CORONA ALVARO	725 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-043-000	HANLEY JOHN & SAMANTHA L	721 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-044-000	GEISER KATHLEEN	717 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-045-000	HOWARD THOMAS A	713 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-046-000	CLELAND DOUGLAS B & CLELAND PAMELA J	709 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-003-047-000	BIELEFELDT JAMES W & MONICA C	3617 BERESFORD DR	MODESTO CA 95357	$ 26.00
079-003-048-000	IDTS LLC	720 MILBANK DR	MODESTO CA 95357	$ 26.00
079-003-049-000	MOODY ROBERT P & MOODY DIANE K	724 MILBANK DR	MODESTO CA 95357	$ 26.00
079-003-050-000	SWITZER LYNDELL	728 MILBANK DR	MODESTO CA 95357	$ 26.00
079-003-051-000	KILGORE LINDA L & SELLERS JESSE M	732 MILBANK DR	MODESTO CA 95357	$ 26.00
079-003-052-000	MAXWELL VIRGINIA E	736 MILBANK DR	MODESTO CA 95357	$ 26.00
079-003-053-000	JUDD JIMMIE RANDALL ET AL	740 MILBANK DR	MODESTO CA 95357	$ 26.00
079-003-054-000	SPIEKER DAVE M & SPIEKER JANE R	744 MILBANK DR	MODESTO CA 95357	$ 26.00
079-003-055-000	ALVEAR FELICITAS	748 MILBANK DR	MODESTO CA 95357	$ 26.00
079-003-056-000	WILSON JANENE M ET AL	733 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-004-001-000	ESPARZA WILLIAM & ELSA	3709 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-002-000	CASSIDY ALAN K & CASSIDY SUSAN H	3713 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-003-000	HAWIL ALFRED	3717 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-004-000	PALMERIN ARTURO & PATRICIA	3721 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-005-000	FRIEDRICH MATTHEW I TR	3725 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-006-000	MANLULU NOEL M & MANLULU MARIVIC F	3729 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-007-000	TOWNE JAMES E & TOWNE AMANDA J	3733 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-008-000	BRIGHT GARY E & BETTY J TRS	3801 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-009-000	DE ALBA RIGOBERTO & DE ALBA SANDRA L	3805 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-010-000	DE ALBA RIGOBERTO SR & DEL ALBA SANDRA L	3809 WICHITA WAY	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-004-011-000	WATTLE DANNY & CAROLANNE	3813 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-012-000	HECKLER LAWRENCE S TR	3817 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-013-000	GARCIA ARMANDO & MARISOL RESENDIZ	3821 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-014-000	CURTRIGHT BARBARA TR	3825 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-015-000	KENNEDY CHAD & SHINOBU	3829 WICHITA WAY	MODESTO CA 95354	$ 26.00
079-004-016-000	GETREU DANIEL L & GETREU PATRICIA E	3901 WICHITA WAY	MODESTO CA 95354	$ 26.00
079-004-017-000	MILLER RAYMOND E & MILLER JERELYN	3905 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-018-000	CUIRIZ EDER JAVIER	3909 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-019-000	ALBERG DAVID A & PAMELA M TRS	3913 WICHITA WAY	MODESTO CA 95354	$ 26.00
079-004-020-000	ROBERTS WAVA J ET AL TRS	3917 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-021-000	COX JULIE A	3921 WICHITA WAY	MODESTO CA 95355	$ 26.00
079-004-022-000	TEJADA SERGIO L	3925 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-023-000	MEZA HECTOR MEDINA	3929 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-024-000	MARTINEZ ARTHUR J & ELISA R	3933 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-025-000	GARDNER GEORGE & GARDNER DAWN	844 LARNED LN	MODESTO CA 95357	$ 26.00
079-004-026-000	SAMUEL BENJAMIN & JANET Y	840 LARNED LN	MODESTO CA 95357	$ 26.00
079-004-027-000	COVARRUBIAS ROBERT	836 LARNED LN	MODESTO CA 95357	$ 26.00
079-004-028-000	SEN INDAR & SEN SURUJ M	832 LARNED LN	MODESTO CA 95357	$ 26.00
079-004-029-000	VIGIL CELSO ET AL	828 LARNED LN	MODESTO CA 95357	$ 26.00
079-004-030-000	MENDOZA NEREIDA	3925 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-031-000	VEGA CESAR & SABRINA	3921 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-032-000	MARTIN CHRISTOPHER & MONIQUE	3917 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-033-000	GLEN MAVIS J TR	3913 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-034-000	CHRISTIANSON ADAM E & CHRISTIANSON YVONNE M	3909 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-035-000	CHICKEN RANCH MEWUK INDIANS	3905 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-036-000	PHIPPS CORY L & PHIPPS CAROLE J	3901 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-037-000	RETFORD HANK W & RETFORD KAREN J	3821 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-038-000	SORIA JULIAN ET AL	3817 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-039-000	MCE VENTURES LLC	3813 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-040-000	AU-YEUNG CHI & AU-YEUNG TZE H	3809 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-041-000	VASQUEZ RICHARD P & VASQUEZ SHAROLYN M	3805 SHARPSBURG DR	MODESTO CA 95351	$ 26.00
079-004-042-000	SERNA JOE H & SERNA MARLA A	3801 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-043-000	SOUZA RICK L & SOUZA MARVELYN	3721 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-044-000	WOOD SHAWN & WOOD KRISTINA M	3717 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-045-000	HATTERSLEY SCOTT LEYTON & SANDRA LEE TRS	3713 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-046-000	CHIEN PETER C	3709 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-004-047-000	DIVIRD JASON R ET AL	3705 SHARPSBURG DR	MODESTO CA 95354	$ 26.00
079-004-048-000	WELLS FARGO BANK NA	3701 SHARPSBURG DR	MODESTO CA 09535	$ 26.00
079-004-049-000	EYRING MARION L TR	3712 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-050-000	BENTLEY DOUGLAS & BENTLEY LEEANNE K	3716 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-051-000	DUMAS JAMES BRIAN & PAMELA L	3720 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-052-000	EVANS-BRADLEY MITTIE V & BRADLEY MARK D	3724 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-053-000	MORENO LUIS F & MORENO ROSA M	3728 WICHITA WAY	MODESTO CA 95354	$ 26.00
079-004-054-000	GONZALEZ JUAN R	3732 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-055-000	CASTILLO RAFAEL	3800 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-056-000	SALVATION ARMY	3804 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-057-000	CLINE DAVID L & DEBRA N TRS	3808 WICHITA WAY	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-004-058-000	FUGATE KAREN M TR	3812 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-059-000	COUCHMAN PAUL E & KATHRYN A	3816 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-060-000	CABEBE MA. RIZALINA C TR	3820 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-061-000	MAYOL BIRGITT A TR ET AL	3824 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-062-000	HERNANDEZ CESAR E & MARGARITA C	3828 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-063-000	BEAUDETTE GARY & BEAUDETTE DEBORAH	3900 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-064-000	ALVAREZ LOUIS L ET AL	3904 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-065-000	MANCINI JUDITH	3908 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-066-000	ISRAEL SAMMY S & SHERLY ESGUERRA	3912 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-067-000	ROJAS ROGELIO A	3916 WICHITA WAY	MODESTO CA 95354	$ 26.00
079-004-068-000	OVIEDO RAFAEL S & OVIEDO IRMA L	3920 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-004-069-000	OCKEY LEOTA L TR	3924 WICHITA WAY	MODESTO CA 95357	$ 26.00
079-005-001-000	SIMPSON STEVEN	732 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-005-002-000	BALLIET RICHARD L & BALLIET SHERRY	736 SPINDALE DR	MODESTO CA 95357	$ 26.00
079-005-003-000	BORDNER FATIMA	800 SALINA DR	MODESTO CA 95357	$ 26.00
079-005-004-000	HELLERUD GARRY A & HELLERUD ARLENE L	804 SALINA DR	MODESTO CA 95357	$ 26.00
079-005-005-000	SOUZA DONOVAN & SOUZA NICOLE	813 PARSONS CT	MODESTO CA 95354	$ 26.00
079-005-006-000	BARRINGTON AMANDA MARIE	809 PARSONS CT	MODESTO CA 95357	$ 26.00
079-005-007-000	THOMPSON MELANIE	805 PARSONS CT	MODESTO CA 95357	$ 26.00
079-005-008-000	LAKE DAVID E & LAKE MARGARET R	800 PARSONS CT	MODESTO CA 95357	$ 26.00
079-005-009-000	LEE EDMUND W TR	804 PARSONS CT	MODESTO CA 95357	$ 26.00
079-005-010-000	GARCIA EDUARDO C & GARCIA ELIZABETH A	808 PARSONS CT	MODESTO CA 95351	$ 26.00
079-005-011-000	KHAMOO BABA & HILDA TRS	812 PARSONS CT	MODESTO CA 95357	$ 26.00
079-005-012-000	RANGEL FRANCISCO JAVIER JR	817 LEAVENWORTH WAY	MODESTO CA 95357	$ 26.00
079-005-013-000	MEDINA VICTOR & IRMA	813 LEAVENWORTH WAY	MODESTO CA 95357	$ 26.00
079-005-014-000	FAGUNDES ANTONIO & HAIR JACQUELINE K	809 LEAVENWORTH WAY	MODESTO CA 95357	$ 26.00
079-005-015-000	GARCIA MATIAS & GARCIA MERCEDES	805 LEAVENWORTH WAY	MODESTO CA 95357	$ 26.00
079-005-016-000	SANDHU MANJINDER SINGH & SUKHJIT KAUR	801 LEAVENWORTH WAY	MODESTO CA 95357	$ 26.00
079-005-017-000	OWENS LARRY G & MARY Z	800 LEAVENWORTH WAY	MODESTO CA 95351	$ 26.00
079-005-018-000	TAYLOR BRADLEY JOSEPH	804 LEAVENWORTH WAY	MODESTO CA 95357	$ 26.00
079-005-019-000	BISHOFF PHYLLIS	808 LEAVENWORTH WAY	MODESTO CA 95357	$ 26.00
079-005-020-000	GROSS THOMAS T	812 LEAVENWORTH WAY	MODESTO CA 95357	$ 26.00
079-005-021-000	EWING MARGARET K & JOHN	816 LEAVENWORTH WAY	MODESTO CA 95357	$ 26.00
079-005-022-000	AMIRAH YOUBERT B	3908 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-005-023-000	DAVISON WAYNE & JO	3912 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-005-024-000	HAWIL ALFRED	3916 SHARPSBURG DR	MODESTO CA 95357	$ 26.00
079-005-025-000	PLUMMER JOANN TR	817 LARNED LN	MODESTO CA 95357	$ 26.00
079-005-026-000	PFAFF JAMES A & LISA G	813 LARNED LN	MODESTO CA 95357	$ 26.00
079-005-027-000	CHEN GEORGE CHONG JYH & HOLLY YUN YAN	809 LARNED LN	MODESTO CA 95357	$ 26.00
079-005-028-000	VAN DIEMEN MICHAEL B & VAN DIEMEN LAURI L	805 LARNED LN	MODESTO CA 95357	$ 26.00
079-005-029-000	LIGHT MARK T	3909 GOODLAND CT	MODESTO CA 95357	$ 26.00
079-005-030-000	LUCAS THOMAS M III & LUCAS LISA M	3905 GOODLAND CT	MODESTO CA 95357	$ 26.00
079-005-031-000	BARKLEY JOSEPH E TR	3900 GOODLAND CT	MODESTO CA 95357	$ 26.00
079-005-032-000	BROOKS CHARLES A & BROOKS SUSAN D	3904 GOODLAND CT	MODESTO CA 95357	$ 26.00
079-005-033-000	GAMBOA BENITO	3908 GOODLAND CT	MODESTO CA 95357	$ 26.00
079-005-034-000	MORALES SHARON & LUIS	3912 GOODLAND CT	MODESTO CA 95357	$ 26.00
079-005-035-000	YOUNGER ROGER & LAURA	3916 GOODLAND CT	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-005-036-000	COLE TINA M	3920 GOODLAND CT	MODESTO CA 95357	$ 26.00
079-005-037-000	ALVARADO MARIA D	800 LARNED LN	MODESTO CA 95357	$ 26.00
079-005-038-000	PALMERIN JOSE DE JESUS	804 LARNED LN	MODESTO CA 95357	$ 26.00
079-005-039-000	HATTER MICHAEL A & LINDA D	808 LARNED LN	MODESTO CA 95357	$ 26.00
079-005-040-000	PARKS STEVEN M & BECKY	812 LARNED LN	MODESTO CA 95357	$ 26.00
079-005-041-000	SEIDLER MICHAEL	816 LARNED LN	MODESTO CA 95357	$ 26.00
079-005-042-000	MORAD EDMOND & MORAD CARMEN	820 LARNED LN	MODESTO CA 95357	$ 26.00
079-005-043-000	PULIDO HECTOR E ET AL	824 LARNED LN	MODESTO CA 95357	$ 26.00
079-006-001-000	WALLACE JOHN W TR	737 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-006-002-000	M & M PROPERTIES INC	741 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-006-003-000	MARTINEZ RACHEL S	745 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-006-004-000	CHHIM LIM	749 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-006-005-000	FEDERAL NATIONAL MORTGAGE ASSOCIATION	753 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-006-006-000	KIBBY ROAD LLC	757 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-006-007-000	MICHAEL RAPHAEL ET AL	761 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-006-008-000	REYES JIM R & REYES ELLEN S	765 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-006-009-000	CITY OF MODESTO	756 CODINGTON WAY	MODESTO CA 95357	$ -
079-006-010-000	JOHNSON GERALD L ET AL	752 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-011-000	VAN NGUYEN MICHAEL	748 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-012-000	CAMACHO EFREN ET AL	744 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-013-000	GARCIA FRANCISCO & YOLANDA	740 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-014-000	MC CRARY LLOYD U & MC CRARY MARY J	736 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-015-000	PARKINS HARRY ROBERT TR	732 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-016-000	TELLEZ MAURICE R & MARGARITA F	728 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-017-000	TELLEZ MAURICE R & MARGARITA F	724 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-018-000	SANTOS LUZ MARIA	720 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-019-000	SANTOS LUZ	716 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-020-000	PADILLA SALVADOR & PADILLA ANTONIA	712 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-021-000	MAUCH EVA & LOREN	708 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-022-000	BAINS GURNAM S & BALVINDER K	704 CODINGTON WAY	MODESTO CA 95355	$ 26.00
079-006-023-000	LOTKO ANN E	700 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-024-000	PEREZ JUAN MANUEL & SILVIA PULIDO	640 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-025-000	RAM RAVI PRAKASH & RAM SANJILA PRAKASH	701 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-026-000	BANUELOS MARTHA E	705 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-027-000	LEISHMAN DONALD E & LEISHMAN MARCIA L	709 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-028-000	CONDER DEBORAH	713 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-029-000	BRAUN BRANDON	717 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-030-000	GOMEZ FRANCISCO J & PATRICIA	721 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-031-000	BAINS GURNAM S & BALVINDER K	725 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-032-000	FIGUEROA LUIS E & FIGUEROA ISABEL L	729 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-033-000	CARROLL EDWIN JOSEPH & CONNIE	733 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-034-000	AMBROSICH STEPHEN F	737 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-035-000	MARKER GEORGE H TR	741 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-036-000	GALE MARK D II & DEBRA L TRS	745 CODINGTON WAY	MODESTO CA 95354	$ 26.00
079-006-037-000	SILLEMON ANTHONY	749 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-006-038-000	GUZMAN JESUS A	744 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-006-039-000	LOUCKS DAVID GEORGE & JOSEFA M TRS	740 CARRBORO LN	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-006-040-000	PATRICK ANTONIO	736 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-006-041-000	WRIGHT DARREN W & ANGELA M	732 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-006-042-000	MCE VENTURES LLC	728 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-006-043-000	DEBERRY GARY L & ALICE	724 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-006-044-000	LAMPROE LEONARD C & LAMPROE MARY A	720 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-006-045-000	GARCIA FELIPE & FLORES BLANCA	716 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-006-046-000	ODISHO DAVID & ODISHO JULIET	712 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-006-047-000	WAY DONALD E & TERESA M TRS	708 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-006-048-000	DAVID VIRGEEN	704 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-006-049-000	CONN HILARY A & GARY	700 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-007-001-000	CHOW MINH LU ET AL	729 WADDELL WAY	MODESTO CA 95354	$ 26.00
079-007-002-000	BIBENS ROBERT E TRS & BIBENS JO ANN R	725 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-003-000	SANTORA ANTHONY & LAUREN	721 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-004-000	RUNYAN JOHN MICHAEL & BRANDY LYNN TRS	717 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-005-000	L & D RENTALS LLC	713 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-006-000	SWEETEN HAROLD	709 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-007-000	SANCHEZ ENRIQUE	705 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-008-000	PENIRIAN JODI	701 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-009-000	FERNANDEZ RAMIRO & ALMA	669 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-010-000	ZAMORA GUILLERMO	665 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-011-000	STOLLBERG WILLIAM R & HOAI TRS	661 WADDELL WAY	MODESTO CA 95354	$ 26.00
079-007-012-000	L & D RENTALS LLC	657 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-013-000	MCCULLOUGH STACI ET AL	653 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-014-000	CHAUVIN GARY & DEBBIE	649 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-015-000	MARSELLA BARBARA A	645 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-016-000	ROQUE DARWIN	641 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-017-000	ORR MILDRED M ET AL	648 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-018-000	MEYER LISA M	652 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-019-000	MENDEZ HILARIO	656 WADDELL WAY	MODESTO CA 95350	$ 26.00
079-007-020-000	AMERICAN RESIDENTIAL PROPERTIES OP LP	721 RIEDSVILLE CT	MODESTO CA 95357	$ 26.00
079-007-021-000	GOOTGELD MARLA	717 RIEDSVILLE CT	MODESTO CA 95354	$ 26.00
079-007-022-000	OCHOA JOSE G ET AL	713 RIEDSVILLE CT	MODESTO CA 95357	$ 26.00
079-007-023-000	ACOSTA DAVID ET AL	716 RIEDSVILLE CT	MODESTO CA 95357	$ 26.00
079-007-024-000	SCHULTZ BRENDA J & RONALD	720 RIEDSVILLE CT	MODESTO CA 95357	$ 26.00
079-007-025-000	SCALA PAOLO & MEDINA MIRIAM	712 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-026-000	JIMENEZ GREGORIO	716 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-027-000	MOLES EDWARD A & MOLES SUSAN H	720 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-028-000	SOTO ANABEL	724 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-029-000	TRIMBLE BRENDA E	728 WADDELL WAY	MODESTO CA 95354	$ 26.00
079-007-030-000	POZZOULI JOHN L	732 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-031-000	SINGH SURUJ B & SINGH LACHMI BAI	736 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-032-000	DE LA TORRE CONRAD M & DE LA TORRE ROSEMARY H	740 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-007-033-000	MARCIANO ARMANDO D & MARCIANO REMEDIOS R	737 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-007-034-000	PLACE GREGORY & SHERI L	733 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-007-035-000	SALYER JEFF & SARAH	729 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-007-036-000	P T BRAND PROPERTIES LLC	725 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-007-037-000	AYALA ROBERTO DUARTE TRS & AYALA LUCY C	721 CARRBORO LN	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-007-038-000	NAVARRO RAFAEL	717 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-007-039-000	HARRISON KAREN S	713 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-007-040-000	VILLALOVOS YOLANDA & ART R	709 CARRBORO LN	MODESTO CA 95357	$ 26.00
079-007-041-000	GALLOWAY JACK	700 CHADBURN CT	MODESTO CA 95357	$ 26.00
079-007-042-000	JACKSON JONATHAN & ADONA	704 CHADBURN CT	MODESTO CA 95357	$ 26.00
079-007-043-000	GRIM ROBERT & AMANDA	708 CHADBURN CT	MODESTO CA 95357	$ 26.00
079-007-044-000	SAMRA GURDIP & PREET	712 CHADBURN CT	MODESTO CA 95357	$ 26.00
079-007-045-000	ROBLES RICHELLE & YULO JOHN	716 CHADBURN CT	MODESTO CA 95357	$ 26.00
079-007-046-000	SINGH JORAWAR ET AL	720 CHADBURN CT	MODESTO CA 95354	$ 26.00
079-007-047-000	TRUESDAIL SHELBY J	724 CHADBURN CT	MODESTO CA 95357	$ 26.00
079-007-048-000	BAHI EILEEN	721 CHADBURN CT	MODESTO CA 95354	$ 26.00
079-007-049-000	IBARRA JUANA	717 CHADBURN CT	MODESTO CA 95357	$ 26.00
079-007-050-000	YEFREMENKO ALEKSEY & CANDICE	713 CHADBURN CT	MODESTO CA 95357	$ 26.00
079-007-051-000	BROOKS HARVEY EARL TR	709 CHADBURN CT	MODESTO CA 95357	$ 26.00
079-007-052-000	ESTRADA-GAMBOA RAMON	705 CHADBURN CT	MODESTO CA 95355	$ 26.00
079-007-053-000	SILVEIRA FERNANDA	3725 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-007-054-000	BERTRAM ELLEN TR	3721 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-007-055-000	PEREZ JOSE P & PEREZ ROSA M	3717 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-007-056-000	SKOCHKO KATHLEEN A & SKOCHKO RICHARD A	3713 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-007-057-000	DAVIS JAMES R & DAVIS LETECIA B	3709 CREEDMOOR AVE	MODESTO CA 95354	$ 26.00
079-008-001-000	BUAYA DAVID S	620 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-008-002-000	DANIEL JAMES ET AL	616 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-008-003-000	CONCHAS SANDRA H	612 N MC CLURE RD	MODESTO CA 95356	$ 26.00
079-008-004-000	RENO FRED W	608 N MC CLURE RD	MODESTO CA 95354	$ 26.00
079-008-005-000	CHAND VIJAY & MATI SOHAN	604 N MC CLURE RD	MODESTO CA 95354	$ 26.00
079-008-006-000	CHAND VIJAY V ET AL	600 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-008-007-000	JACKSON MATTHEW & JACKSON SUZANNA	564 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-008-008-000	WARD DONALD G & CARLILE-WARD CARRIE LYNN	560 N MC CLURE RD	MODESTO CA 95354	$ 26.00
079-008-009-000	MOUNDI HARINDER K & GURDIAL SINGH W	556 N MC CLURE RD	MODESTO CA 95354	$ 26.00
079-008-010-000	BORGES FRANK J	552 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-008-011-000	MILLER THOMAS H TR	548 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-008-012-000	US BANK NATIONAL ASSOCIATION	544 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-008-013-000	MAHARAJ ARNOLD	540 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-008-014-000	TAGRE ABEL JOSE & TERRIE MARIE TRS	536 N MC CLURE RD	MODESTO CA 95357	$ 26.00
079-008-015-000	SINGH JASWINDER	501 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-016-000	SABLOK SATISH KUMAR & SABLOK RENUKA DEVI	505 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-017-000	PEEK CHARLES & PEEK ADRIENNE	509 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-018-000	BERNAL ARMANDO R & BERNAL JACKIE Z	513 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-019-000	SHARMA DEO D & UMA L	517 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-020-000	CARDOSO JOHN P	521 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-021-000	MARTINEZ VICENTE & GRACIELA	525 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-022-000	ZERMENO RAUL & MARIA LETICIA	529 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-023-000	TANAKA KIMBERLY	533 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-024-000	ISHAYA JACK D ET AL	601 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-025-000	LI YUN TO & LI STELLA	605 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-026-000	BETTENCOURT JOHN C TRS ET AL	609 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-027-000	KUMAR PRANEEL	613 REDFIELD AVE	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-008-028-000	ATHWAL NAVJOT	617 REDFIELD AVE	MODESTO CA 95357	$ 26.00
079-008-029-000	PRAK DEBBIE	3516 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-030-000	BROWN CAROL C TR	3520 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-031-000	WRIGHT JACQUELINE L TR	3524 DRY CREEK DR	MODESTO CA 95354	$ 26.00
079-008-032-000	JONES CARROLL J JR & JONES BARBARA L	3528 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-033-000	LA MAS MIKE & SHIRLEY LEE TRS	3532 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-034-000	BHATTI BALBIR S & JASVIR K	3536 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-035-000	SINGH KULDIP & KOUR JASBIR	3600 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-036-000	EDWARDS ROBERT S IV	3604 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-037-000	ORTIZ MATIAS & ORTIZ JOSEFINA	3608 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-038-000	BROWN DALE	3612 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-039-000	BOGG JANO TR	3616 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-040-000	ECKLES ROBERT S & ECKLES JULIE L	3620 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-041-000	HENSRUD VICTOR & JENNIFER	3624 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-042-000	MALLEY KATHERINE S	3628 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-043-000	KELLER ALFRED W	3632 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-044-000	DAVIS LUELLA B & DAVIS WAYNE W	3636 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-045-000	HERNANDEZ FRANK J & DIANA C	3640 DRY CREEK DR	MODESTO CA 95357	$ 26.00
079-008-046-000	STAMPS GENE A & GLORIA M	532 WILMONT LN	MODESTO CA 95357	$ 26.00
079-008-047-000	JIMENEZ GERARDO	536 WILMONT LN	MODESTO CA 95357	$ 26.00
079-008-048-000	MATULIS ERIC A	3633 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-049-000	CHIU JOSEPH C & CHIU HELEN LEE	3629 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-050-000	FARA AHMED & FARA MUFDHLA	3625 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-051-000	JAUREGUI HORACIO J & SUSANA	3621 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-052-000	CISNEROS MARTIN T & CISNEROS MELISSA	3617 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-053-000	SINGH NARAYAN & SINGH PREM	3613 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-054-000	WHITAKER SAUDIA F	3609 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-055-000	PRASAD JACK J & RESHMA D	3605 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-056-000	GUTIERREZ JESUS & MARIA DE JESUS	3601 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-057-000	WELLS JEFFREY R & CARRIE H	3533 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-058-000	POSLANIEC COBY L	3529 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-059-000	SADA FRED & JACKIE N	3525 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-060-000	WHITE JOHN L & WHITE MARILYN K	3521 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-061-000	BASSI JOE & KIRAN TRS	3517 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-008-062-000	KOKOLOGIANNAKIS MARTHA TR	3513 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-003-000	HENRY JILL ANNETTE & MULLINS MARY FRANCES TRS	3629 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-004-000	POK NAVEEN ET AL	3625 ARDIA AVE	MODESTO CA 95353	$ 26.00
079-009-005-000	WRIGHT ROBERT T SR	3621 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-006-000	DALMAN NINON M	3617 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-007-000	VARGAS ROBERT S & MARTHA V	3613 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-008-000	RUSH ROBERT P SR & PATRICIA L	3609 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-009-000	REYNOLDS EVA NELL TR	3605 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-010-000	WILLIAMS DONALD F & DEBORAH A	3601 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-011-000	NAIRN DENNIS & NAIRN REBECCA	3533 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-012-000	PERKINS ROBERT	3529 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-013-000	JOHAL SUKHWINDER KAUR & JASBIR S SINGH	3525 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-014-000	THANDI H S & S K	3521 ARDIA AVE	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-009-015-000	RATTANANAI KAYTHAWEEP	3517 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-016-000	MARTINEZ TONY R JR	3513 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-009-017-000	SCHOOLER JOSEPHINE TR	3512 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-018-000	GREWAL JASKIRAN	3516 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-019-000	OGDEN ROBERT C & DEBORAH A TRS	3520 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-020-000	FOUNTAIN TIMOTHY J & FOUNTAIN DEBORAH A	3524 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-021-000	MILLS AUDREY C	3528 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-022-000	COLLS LUIS R TR	3600 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-023-000	MANRIQUEZ UBALDO & DORA	3604 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-024-000	AMEREL CLEVE & ROSA	3608 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-025-000	MIRALLE GRACE A TR	3612 BALFOUR LN	MODESTO CA 95354	$ 26.00
079-009-026-000	LEWMAN-KUNKLER BRENDA F TR	3616 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-027-000	HANSEN ERIKA & DAHLIN KEITH R	3620 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-028-000	CHAVEZ ALFONSO & CHAVEZ-GONZALES JUDY	3624 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-029-000	SANCHEZ HUGO & ZENAIDA	3628 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-030-000	TOMLINSON MARK S & TOMLINSON JENNIFER D	3632 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-031-000	GOVEA PETER C & CAROL M TRS	512 WILMONT LN	MODESTO CA 95357	$ 26.00
079-009-032-000	SHELTON CHRISTINA D	516 WILMONT LN	MODESTO CA 95357	$ 26.00
079-009-033-000	FRANCO DANIEL R & TANIA SALIBA	520 WILMONT LN	MODESTO CA 95351	$ 26.00
079-009-034-000	BARRY MAGED	524 WILMONT LN	MODESTO CA 95355	$ 26.00
079-009-035-000	BIZZINI KELLY A & BIZZINI SHELLY	528 WILMONT LN	MODESTO CA 95357	$ 26.00
079-009-036-000	CHEN KOM & SAYKO CHAMNONG	3628 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-037-000	RAMIREZ JESUS & LORENA	3624 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-038-000	HUMAN MARIA LOUISA TR	3620 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-039-000	WILHELM DENNIS & WILHELM JANICE	3616 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-040-000	ALBARRAN CELIA P ET AL	3612 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-041-000	VIZCARRA JOSE A	3608 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-042-000	YAU KING PO ET AL	3604 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-043-000	ZAYA SAMIA	3600 HIGHMORE LN	MODESTO CA 95354	$ 26.00
079-009-044-000	CHIU CHARLES	3528 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-045-000	FORBES DEENA M ET AL	3524 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-046-000	MINOT SANDRA J & MINOT BRAD	3520 HIGHMORE LN	MODESTO CA 95355	$ 26.00
079-009-047-000	DUSCHEN ALAN F & DUSCHEN LENNA J	3516 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-048-000	SPYKSMA GLENN DAVID & CARLA TRS	3512 HIGHMORE LN	MODESTO CA 95357	$ 26.00
079-009-049-000	MAHUSAY SATURNINO & MAHUSAY PATRICIA	3513 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-050-000	REYNOSO SOCORRO GUTIERREZ	3517 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-051-000	BILLIKOPF GREGORY E & BILLIKOPF LINDA M	3521 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-052-000	PETERSON GAIL W & KAREN TRS	3525 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-053-000	PRAKASH SUSHEEL & DEVI VINITA	3529 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-054-000	OSHANA DOONA	3533 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-055-000	VERSOLA KENNETH & VERSOLA DONNA	3601 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-056-000	MARTINEZ RICHARD A & MARTINEZ MARTHA S	3605 BALFOUR LN	MODESTO CA 95354	$ 26.00
079-009-057-000	VALADEZ RUBEN	3609 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-058-000	HEDRICK KENNETH L & HEDRICK MARGIE	3613 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-059-000	WASPE LAWRENCE E MD	3617 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-060-000	RODRIGUEZ MARIO & RODRIGUEZ SONIA	3621 BALFOUR LN	MODESTO CA 95357	$ 26.00
079-009-061-000	CISNEROS STEVE P & CISNEROS ELVIRA	3625 BALFOUR LN	MODESTO CA 95357	$ 26.00

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079-009-062-000	MARXMILLER RONALD & MARXMILLER MARILEE	3633 ARDIA AVE	MODESTO CA 95357	$ 26.00
079-010-001-000	CASTELLANOS ROBERT & MARIA	609 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-010-002-000	CICERO STEPHEN J & VICTORIA TRS	613 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-010-003-000	RIVERA JESUS & HERMINA	617 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-010-004-000	LEWIS LA VONA L	621 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-010-005-000	MALDONADO LUIS & MALDONADO ERENDIRA	625 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-010-006-000	BETTENCOURT JOHN C ET AL TRS ET AL	629 WADDELL WAY	MODESTO CA 95351	$ 26.00
079-010-007-000	AISPURO ROSALVA P	633 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-010-008-000	HERNANDEZ PONCIANO & CALDERON MARIA N	637 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-010-009-000	PRASAD BINESARI & SATYA W	3700 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-010-000	LERINDEGUI JOYCE C ET AL	3704 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-011-000	TRIO DONNA M	3708 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-012-000	PRASAD RAKESH	3712 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-013-000	ANTONIO MARIA ET AL	3716 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-014-000	STOCKAND MIMI M	3720 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-015-000	WATSON THOMAS R & SHARON M	3724 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-016-000	MAO LEANG & TANG CHHIENG ENG	3728 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-017-000	NELSON RONALD J	3732 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-018-000	RAMIREZ GABRIELA	3736 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-019-000	CHESLEY JENNIFER V	3800 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-020-000	AU-YEUNG CHI & AU-YEUNG TZE HING LAM	3804 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-021-000	SALDANA BENJAMIN	3808 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-022-000	VELAZQUEZ RAUL & VELAZQUEZ MARIBEL	3812 CREEDMOOR AVE	MODESTO CA 95355	$ 26.00
079-010-023-000	HURLEY TERRENCE & PAMELA S	3816 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-024-000	STEWART ALLAN HENRY ET AL TRS	3900 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-025-000	JAMES GLORIA R ET AL	3904 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-026-000	TOOMBS ROBERT D & TOOMBS KIM	3908 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-027-000	KUMAR ABINESH	3912 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-028-000	BENNETT DANNY T	3916 CREEDMOOR AVE	MODESTO CA 95357	$ 26.00
079-010-029-000	DYRCZ JEFFREY LEE	636 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-010-030-000	GALIOTO-FISHER LISA M	632 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-010-031-000	SMITH JUSTIN KEITH	628 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-010-032-000	LAURANCE MICHAEL E & DEBRA	624 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-010-033-000	LONERO CHARLES & LONERO ANNA M	620 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-010-034-000	LOVEALL DENNIS J & TANG JANNY LUU	3925 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-035-000	HALE DENNA M	3921 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-036-000	CHARLES TIMOTHY M & CHARLES LISA A	3917 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-037-000	GALLEGOS EUDIA	3913 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-038-000	RAMIREZ JUAN J & RAQUEL COSIO	3909 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-039-000	PABLA HARJEET SINGH & PABLA JASBEER SINGH	3905 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-040-000	VHAN SUNILA TR	3901 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-041-000	PERA ADRIAN	3825 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-042-000	BRESHEARS DONALD K	3821 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-043-000	DELGADO MIGUEL	3817 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-044-000	HERNANDEZ DANNI LEE	3813 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-045-000	HO TONY K & HO CLAIRE	3809 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-046-000	CUEVAS JOSE C ET AL	3805 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-010-047-000	ALBARRAN ARUTRO S & ALBARRAN CELIA P	3801 DILLINGHAM AVE	MODESTO CA 95354	$ 26.00
079-010-048-000	GALLO MARTIN & GALLO BEATRIZ	3725 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-049-000	SANTOS LUZ MARIA	3721 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-050-000	PEREZ JOSE P & ROSA M	3717 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-051-000	KUMAR ASHOK	3713 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-052-000	MADRIGAL ROBERT	3709 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-053-000	GARDALI CHARLES J TR	3705 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-010-054-000	DENEAU JASON & KIMBERLY	3701 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-001-000	ADAMS DONALD KENT & HOLLY B	3700 DILLINGHAM AVE	MODESTO CA 95354	$ 26.00
079-011-002-000	VARGAS RACHELLE E & VARGAS EDWARD J	3704 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-003-000	LIANG JIN & CEN CHUNYAN	3708 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-004-000	KOOCHOU NINOUS & DOMARINA	3712 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-005-000	YOUNAN MARIAM	3716 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-006-000	RODRIGUEZ MARCELINO & RODRIGUEZ ELENA	3720 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-007-000	CHUANGS INVESTMENT INC	3724 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-008-000	ALVES JASON L	3800 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-009-000	WONG SHERRE L TR	3804 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-010-000	SAMO LUAY	3808 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-011-000	KINGSLEY BRANDON K & AMBER N	3812 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-012-000	STILLWELL VINCE & ESCOBAR EVELYN	3816 DILLINGHAM AVE	MODESTO CA 95351	$ 26.00
079-011-013-000	ROWE DANIEL V & ROWE MICHELLE R	3820 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-014-000	LOBAO THOMAS A & LOBAO LISA	3824 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-015-000	COUTO MANUEL	3900 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-016-000	CONTRERAS JAVIER	3904 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-017-000	BAKER HAROLD & MELVIARENNA	3908 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-018-000	VASQUEZ ROSA & PEDRO	3912 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-019-000	BAXTER RACHEL	3916 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-020-000	MENDEZ JOSE ALVAREZ & TERESA JESUS	3920 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-021-000	SAENGSOURY TONY & SAENGSOURY MARY	3924 DILLINGHAM AVE	MODESTO CA 95357	$ 26.00
079-011-022-000	MARQUEZ ELIZABETH K & MARQUEZ RICHARD R	616 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-011-023-000	HAMILTON ROBERT A & HAMILTON KATHLEEN A	612 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-011-024-000	REGALADO JUAN ET AL	608 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-011-025-000	CEJA MIGUEL Y & BEATRICE	604 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-011-026-000	MORALES STACIE A & KENNETH	600 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-011-027-000	LEBON FRANCIS LOUIS	3925 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-028-000	NAVARRETE RAY JR ET AL	3921 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-029-000	KLINGENBERG E W & KLINGENBERG TERRIE R	3917 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-030-000	MC KAY JAMES A & MC KAY MARY L	3913 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-031-000	FERNANDEZ ELMA ET AL	3909 ELLENBORO AVE	MODESTO CA 95351	$ 26.00
079-011-032-000	BAILEY ELIZABETH M & BAILEY STEVEN R	3905 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-033-000	MANI GYANESH & SHAKUNTALA	3901 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-034-000	LOVE JAMES H & LOVE BRENDA W	3825 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-035-000	LEVCHENKO LAURIE	3821 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-036-000	KIRKBRIDE CHRISTOPHER CHARLES & LUISA R	3817 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-037-000	GARRISON JAMES A TR	3813 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-038-000	GUTIERREZ JOSE E	3809 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-039-000	SLONIKER MARLENE	3805 ELLENBORO AVE	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-011-040-000	BANKS TONYA	3801 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-041-000	ALDAWOOD PETER SHLIMON & RIMA	3725 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-042-000	MORRIS SAMUEL DAVID ET AL	3721 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-043-000	LOPEZ DIANA MORENO	3717 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-044-000	KEYGHALDI KARNAVAL & ESTER	3713 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-045-000	COSTA WILMA D & DAVID JR	3709 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-046-000	WRUCK JAMES A TR	3705 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-011-047-000	CHIHIL JOSEPHINE U TR	3701 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-001-000	HONBERGER ROBERT & HONBERGER LISA	541 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-012-002-000	BETYAGHOUB VILHAM & BETYAGHOUB LINDA	545 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-012-003-000	WONG SAI YING & LIXIAN KUANG TRS	549 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-012-004-000	YU BETTY	553 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-012-005-000	CHAND ATISH & REENA	557 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-012-006-000	POULUS MARGARET S ET AL	601 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-012-007-000	MILLER JOSEPH D	3700 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-008-000	DSJM LLC	3704 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-009-000	MATOS BRUNO O & MICHELLE N	3708 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-010-000	KIDD BRIAN & KIDD KIMBERLY	3712 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-011-000	ESTRADA JOSE & ALICIA	3716 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-012-000	SERRANO GUADALUPE & MARIA ELENA	3720 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-013-000	MIRANDA CYNTHIA & MAGANA JOSE LUIS BARRAGAN	3724 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-014-000	GILL HARMAIL & DARSHAN	3800 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-015-000	KRISHNA SATYA N & BIBI R	3804 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-016-000	CORRAL SANDRA	3808 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-017-000	CHUANG TINA Y	3812 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-018-000	AGAS JANELYN R	3816 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-019-000	MADEROS KATHLEEN J	3820 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-020-000	BRITZKE GARY T & BRITZKE PATRICIA L	3824 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-021-000	PENA BERNIE & PENA TREANNA	3900 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-022-000	BETTENCOURT JOHN C TRS ET AL	3904 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-023-000	SOLOMON LLOYD R & SOLOMON JEAN M	3908 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-024-000	DILLON JOHN E & CAMMY A	3912 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-025-000	RODRIGUEZ ALFONSO	3916 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-026-000	FILLICELLI ANTHONY J & FILLICELLI ELIZABETH	3920 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-027-000	MATA JUAN W ETA L	3924 ELLENBORO AVE	MODESTO CA 95357	$ 26.00
079-012-028-000	ROACH ERIC M & ROACH NANETTE C	556 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-012-029-000	AUSTIN BEVERLY	552 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-012-030-000	MCE VENTURES LLC	548 CODINGTON WAY	MODESTO CA 95350	$ 26.00
079-012-031-000	ADNEY TAMMY M	544 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-012-032-000	29 SAC HOLDINGS I LP	540 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-012-033-000	MCBROOM RODNEY	3925 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-034-000	WILDEMAN GALEN J	3921 GATESVILLE AVE	MODESTO CA 95354	$ 26.00
079-012-035-000	RATANA KAM & RATANA TIMOTHY	3917 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-036-000	SORIA RUBEN & SORIA GLORIA L	3913 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-037-000	CHENG WILLIAM D	3909 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-038-000	TORRES VICOTR MANUEL & PANTOJA MARIA	3905 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-039-000	PARSONS NANCY M	3901 GATESVILLE AVE	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-012-040-000	VOQUY HIEP & PHAN LIEN TRS	3825 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-041-000	TUERS TERRY B & TUERS LENORE L	3821 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-042-000	KINNE DONNELLY & SUSAN N TRS	3817 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-043-000	CAMPIOTTI EDWARD L & CAMPIOTTI DIANA L	3813 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-044-000	BUSH CHARLES F & BUSH DONNA L	3809 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-045-000	NYGAARD LEROY A TRS & NYGAARD VERNA F	3805 GATESVILLE AVE	MODESTO CA 95354	$ 26.00
079-012-046-000	ODISHO CATHERINE	3801 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-047-000	SHEPHERD JUSTIN	3725 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-048-000	BARTHOLOMEW RUSSELL RAY	3721 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-049-000	RUSSELL GARRICK	3717 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-050-000	JENSEN STEVEN H & TONJA R	3713 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-051-000	PATEL JAGUBHAI & PATEL GANGABEN	3709 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-012-052-000	NELSON LESTER J & NELSON CRESENCIA	3705 GATESVILLE AVE	MODESTO CA 95326	$ 26.00
079-012-053-000	MUTOZA CRAIG J	3701 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-001-000	DAVIS KURT ROBERT	521 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-013-002-000	VARGAS EDWARD & VARGAS RACHELLE	525 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-013-003-000	ROCHA JOHN DANIEL & ROCHA DIANNE MARIE	529 WADDELL WAY	MODESTO CA 95354	$ 26.00
079-013-004-000	VANDERHEIDEN ROBIN	533 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-013-005-000	CORREA ARMANDO JR	537 WADDELL WAY	MODESTO CA 95356	$ 26.00
079-013-006-000	VALLADOLID YESENIA	3700 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-007-000	FORD MARK T & FORD DEBORAH E	3704 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-008-000	GOUVEIA JOHN E & GOUVEIA TERRE L	3708 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-009-000	DELEMOS ALBINA	3712 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-010-000	NEPTUNE DENNIS W & NEPTUNE KATHERINE	3716 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-011-000	AYALA DIEGO ADRIAN ET AL	3720 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-012-000	ASHFORD PATRICIA JOANN TR	3724 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-013-000	MARTINEZ PEDRO & IRMA	3800 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-014-000	LONN ROCHELLE	3804 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-015-000	HAYNES ERIC L	3808 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-016-000	PARKINSON MARK & DIANE	3812 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-017-000	BROWN WILLIAM K & SHAMIRAN A	3816 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-018-000	OXFORD DAVID C JR & JUDY D	3820 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-019-000	YANG VANG Y	3824 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-020-000	ASCH ALEXIS	3900 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-021-000	ROUNGREUANG BOUNLONG	3904 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-022-000	GRISHAM KEVIN ET AL	3908 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-023-000	MENDEZ HECTOR & ALBA C	3912 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-024-000	JOLLIFF GARTH & KATHERINE	3916 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-025-000	BAXTER RACHEL A	3920 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-026-000	SAMI PRANESH	3924 GATESVILLE AVE	MODESTO CA 95357	$ 26.00
079-013-027-000	RODRIGUEZ REYES & MARIA C	536 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-013-028-000	USSERY CAROL D	532 CODINGTON WAY	MODESTO CA 95350	$ 26.00
079-013-029-000	ZAVALA CLEMENTE JR & ZAVALA IRMA	528 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-013-030-000	SERRANO GUILLERMO C	524 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-013-031-000	MIRANDA SERGIO	520 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-013-032-000	ORTIZ-EDWARDS SARAH	3925 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-033-000	CAMPBELL LISA R	3921 LAURENBURG AVE	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-013-034-000	RODRIGUEZ MANUEL & MARIA E TRS	3917 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-035-000	BASYE JONATHAN M & PAMELA LYN	3913 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-036-000	SUPNET BRANDI	3909 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-037-000	SHAMESALDIN JOHNY K & SHAMESALDIN MUNA M	3905 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-038-000	JOSEPHSON JOSEPH A & JOSEPHSON STACEY	3901 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-039-000	RAMIREZ JACOB & ARACELI	3825 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-040-000	PENN KRYSTLE	3821 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-041-000	HERNANDEZ SALVADOR M & HERNANDEZ NILDA M	3817 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-042-000	WHITEAKER JEREMY STEPHEN & APRIL MARIA	3813 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-043-000	DASHER LLC	3809 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-044-000	ATHNEIL GEORGE K & ATHNEIL INAAM M	3805 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-045-000	VERA JOSE L	3801 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-046-000	DUNN JAY ALAN	3725 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-047-000	HENRY JILL	3721 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-048-000	TAYLOR CHRIS B	3717 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-049-000	SABINIANO MARLON N ET AL	3713 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-050-000	CAPUTO DONALD E & LYNDA BINGHAM TRS	3709 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-051-000	SMITH STEVEN J & SMITH AIDA L	3705 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-013-052-000	LOPEZ MARIO & LUZ ELVIRA	3701 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-001-000	GARCIA MIGUEL & GARCIA MARIA	449 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-014-002-000	PHONGPHAYCHIT BANDITH	501 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-014-003-000	OSHANA OSHANA & OSHANA MARGRIT	505 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-014-004-000	WILSON KELLIE MICHELLE & RYAN CHRISTOPHER	509 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-014-005-000	NOUN SAMNANG	513 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-014-006-000	BAILEY DOROTHY E TR	517 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-014-007-000	AUSTIN CATHERINE A	3700 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-008-000	BECERRA-BARRERA GERMAN & BECERRA LUISA G	3704 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-009-000	MILTON JEANNIE	3708 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-010-000	CASTRO GREGORY ALAN & BARBARA LYNN TRS	3712 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-011-000	DIXON GARY W	3716 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-012-000	MCE VENTURES LLC	3720 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-013-000	WARNER JO ANNE	3724 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-014-000	GARCIA THERESA L	3800 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-015-000	NUNEZ CLAUDIA	3804 LAURENBURG AVE	MODESTO CA 95354	$ 26.00
079-014-016-000	LORUSSO DION RAMON & OLIVERA TRS	3808 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-017-000	FIELD JAMES D & FIELD ALICIA L	3812 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-018-000	RIVERA DAYSI M	3816 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-019-000	HUYNH NGOC D	3820 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-020-000	CASTANEDA JOSE J & MARGARET	3824 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-021-000	GUZMAN MIRIAM & FLORES MARTIN	3900 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-022-000	GANN CHRISTOPHER	3904 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-023-000	TORRES JOSE DE JESUS & TORRES MARIA DOLORES	3908 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-024-000	HO KAI-YIN SILAS & WANG LI	3912 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-025-000	SINHA NAVIN & SINGH PRITI P	3916 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-026-000	CHRISTIAN RICHARD D & DIANE L TRS	3920 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-027-000	HARRISON LOREN JEFFERY & ALMA LUCERO	3924 LAURENBURG AVE	MODESTO CA 95357	$ 26.00
079-014-028-000	PIERCE FRANKLIN C & JODI L	516 CODINGTON WAY	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-014-029-000	PRASAD SURESH & PRASAD MUNI L	512 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-014-030-000	CASTELLANOS RIGOBERTO	508 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-014-031-000	MILLER NATHALIE	504 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-014-032-000	ROCHA SERAPIO & MARIA	500 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-014-033-000	ATWOOD BOBBY D	3925 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-034-000	BEST JERROLIN E	3921 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-035-000	ELLIS HAROLD D	3917 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-036-000	KRAUT JOSHUA J ET AL	3913 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-037-000	COX KATHERINE & ADAMS JOSH	3909 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-038-000	TRAN TRUNG V ET AL	3905 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-039-000	ZIA JOHNNY B & MARGRAIT S TRS	3901 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-040-000	YOUNG HOLLY M ET AL	3825 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-041-000	FAMA JOSELITO & FAMA DOROTEA	3821 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-042-000	CICERO THEODORE JR & CAROL	3817 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-043-000	CABRERA THOMAS & CABRERA JANET S L	3813 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-044-000	RIVERA LOUIS S & LOUELLA J TRS	3809 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-045-000	WASHBURN JUSTIN ET AL	3805 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-046-000	MCNARRY MICHAEL P & ASHLEY A	3801 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-047-000	SKARIA JOSEPH & JOSEPHINE	3725 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-048-000	BAINS SARVSATINDER & BELBINDER K	3721 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-049-000	BOUCHER GARY C & BOUCHER DENISE K	3717 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-050-000	POWLEY ANAMARIA	3713 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-051-000	PRASAD GEORGE & PRASAD LALITA	3709 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-052-000	FOSTER JAMES R	3705 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-014-053-000	BENJAMIN LINDA & EUGENE	3701 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-015-001-000	EMPIRE UNION SCHOOL DISTRICT	512 N. MC CLURE ROAD	MODESTO CA 95357	$ -
079-015-002-000	CITY OF MODESTO	MECHALYS WAY	MODESTO CA 95357	$ -
079-016-001-000	COLLINS TOMMY S	440 WADDELL WAY	MODESTO CA 95357	$ 26.00
079-016-002-000	LUND GREG	3704 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-003-000	BARNES REECE WAYNE	3708 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-004-000	BIERMAN ALLEN	3712 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-005-000	PRASAD VIJAY	3716 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-006-000	GONZALEZ JOSE	3720 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-007-000	YUMANG ELADIO M ET AL	3800 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-008-000	HOECHSTENBACH DONALD E	3804 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-009-000	CANCINO DANIEL DISU & FEDERICA BERNARTE TRS	3808 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-010-000	ROSALES JOSE L & FRANCO MARIA T	3812 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-011-000	STINHILVER WILLARD & STINHILVER MARLENE	3816 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-012-000	MAREK BETTY J ET AL	3820 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-013-000	MUNOZ MAJORIE DALMACEDA	3824 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-014-000	LUZUNARIS MIGUEL ORLANDO	3900 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-015-000	OU KANG YE & LIANG LIZHEN	3904 WILKESBORO AVE	MODESTO CA 95354	$ 26.00
079-016-016-000	REED EARNEST JR	3908 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-017-000	MANSOUR ALEN M	3912 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-018-000	EASTHAM GLENDA S	3916 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-019-000	GERSON COREY	3920 WILKESBORO AVE	MODESTO CA 95357	$ 26.00
079-016-020-000	SOLORIO SAMMY & MARIA L	3924 WILKESBORO AVE	MODESTO CA 95357	$ 26.00

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-016-021-000	SINGH AACHAL & AJESH	440 CODINGTON WAY	MODESTO CA 95357	$ 26.00
079-016-022-000	LOPEZ ADRIAN	436 CODINGTON WAY	MODESTO CA 95357	$ 26.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2013-293

A RESOLUTION CONFIRMING THE FISCAL YEAR 2013-14 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 June 11, 2013, the City Council, by Resolution No. 2012-211, 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. 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 2013-14, 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 2013-14 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 7th day of August, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

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, 2013 - JUNE 30, 2014

REGISTERED PROFESSIONAL ENGINEER
CHARLES L. COVOLO
No. 47175
Exp. 12/31/13
CIVIL
STATE OF CALIFORNIA

5-22-13

Prepared By:
Tina Rocha, IFP Administrator

Certified By:
Charles Covolo, Senior Civil Engineer

Accepted By Motion:
Modesto City Council -

TABLE OF CONTENTS

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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. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2. All costs for the 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 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 adjusted annually according to the BCI for the San Francisco Bay Area, as reported in the Engineer News Record the first week of March. 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 2013-2014 is 1.02031299506% (March 8, 2013 BCI = 5248.99 divided by March 12, 2012 BCI = 5144.49). It should be noted that due to the unavailability of the BCI for the first week of March 2012, the second week reporting (March 12, 2012) was utilized.

The total annual assessment for LMAD No. 2 for Fiscal Year 2013-2014 is $19,127.50. (Fiscal Year 2012-2013 assessment $18,746.70 x 1.02031299506%).

C. PROJECTED ANNUAL ASSESSMENT SUMMARY

1. Single-Family Residential Annual Assessment – 590 Parcels

$19,127.50	Annual Assessment for fiscal year 2013-2014
÷ 134.172	Total assessed acres
$ 142.56	Annual assessment per acre
$ 142.56	Annual assessment per Acre
x 116.087	Residential acres
$ 16,549.36	Total residential annual assessment
$16,549.36	Total residential annual assessment
÷ 590	# Parcels
$ 28.04976*	Total residential annual assessment/parcel

* *For levying purposes, the total annual assessment has been rounded to $28.05 per residential parcel for a total annual residential assessment of $16,549.50.*

2. Commercial Annual Assessment – 18 Parcels

APN	Acres	$/Acre	Fiscal Year 2013-2014 Annual Assessment*
079-025-005-000	0.49	$142.56	$ 70.52
079-025-011-000	1.36	$142.56	$ 193.88
079-025-015-000	0.01	$142.56	$ 1.53
079-025-017-000	0.67	$142.56	$ 94.97
079-025-018-000	0.49	$142.56	$ 69.99
079-025-019-000	0.66	$142.56	$ 94.19
079-025-020-000	2.61	$142.56	$ 371.81
079-026-005-000	0.59	$142.56	$ 84.81
079-026-006-000	0.21	$142.56	$ 30.60
079-026-007-000	0.20	$142.56	$ 27.81
079-026-008-000	1.54	$142.56	$ 219.16
079-026-009-000	0.16	$142.56	$ 23.31
079-026-010-000	0.28	$142.56	$ 39.27
079-026-011-000	0.30	$142.56	$ 42.54
079-026-012-000	0.29	$142.56	$ 41.23
079-026-013-000	6.37	$142.56	$ 908.63
079-026-014-000	1.36	$142.56	$ 194.52
079-027-097-000	0.49	$142.56	$ 69.40

D. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed 2013-2014 annual assessment for single-family residential parcels has increased from $27.48 to $28.05 per parcel. The proposed 2013-2014 annual assessment for commercial parcels has increased from $139.72 to $142.56 per acre.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 2 Fund 6490		Estimated FY 2012-13[1]	Proposed FY 2013-14[2]
Beginning Fund Balance		$ 2,429	$ (937)
Revenue (Cost Center 80020)			
Special Assessments		$ 18,391 [3]	$ 19,128 [4]
Interest		$ (71)	$ -
Total Revenue		$ 18,320	$ 19,128
Expenses (Cost Center 80020)	**Account**		
Operating Budget			
Postage Expenses	52025	$ -	$ (200)
Water Utility Expenses	53043	$ (2,095)	$ (3,200)
Rental of Photocopy Service Supply	53073	$ -	$ (50)
Repair and Maintenance Services - Landscape	53165	$ (10,868)	$ (11,306)
Professional Services	53300	$ (3,948)	$ (2,000)
Services City Forces - Interfund	54500	$ (3,749)	$ (3,651)
ISF - Mail Services - Inside	58010	$ (285)	$ -
Estimated - Water Utility Expenses	*53043*	*$ (300)*	
Estimated - Repair and Maintenance Services	*53165*	*$ -*	
Estimated - Professional Services	*53300*	*$ -*	
Estimated - Services City Forces	*54500*	*$ (385)*	
Estimated - ISF Mail Services - Inside	*58010*	*$ (57)*	
Total Expenses		$ (21,686)	$ (20,407)
Ending Fund Balance		$ (937)	$ (2,216)

[1] The estimated amount shows what has been expended as of 04-30-2013. There will be more expenses through the end of the fiscal year (June); these are shown as *Estimated*.

[2] The estimated expenditures for FY 2013-14 are based on the revenue that is currently able to be generated within LMAD No. 2. These expenditures do not represent the actual amount needed for a good service level with LMAD No. 2. Budget may be reduced based upon actual FY 2012-13 Ending Fund Balance.

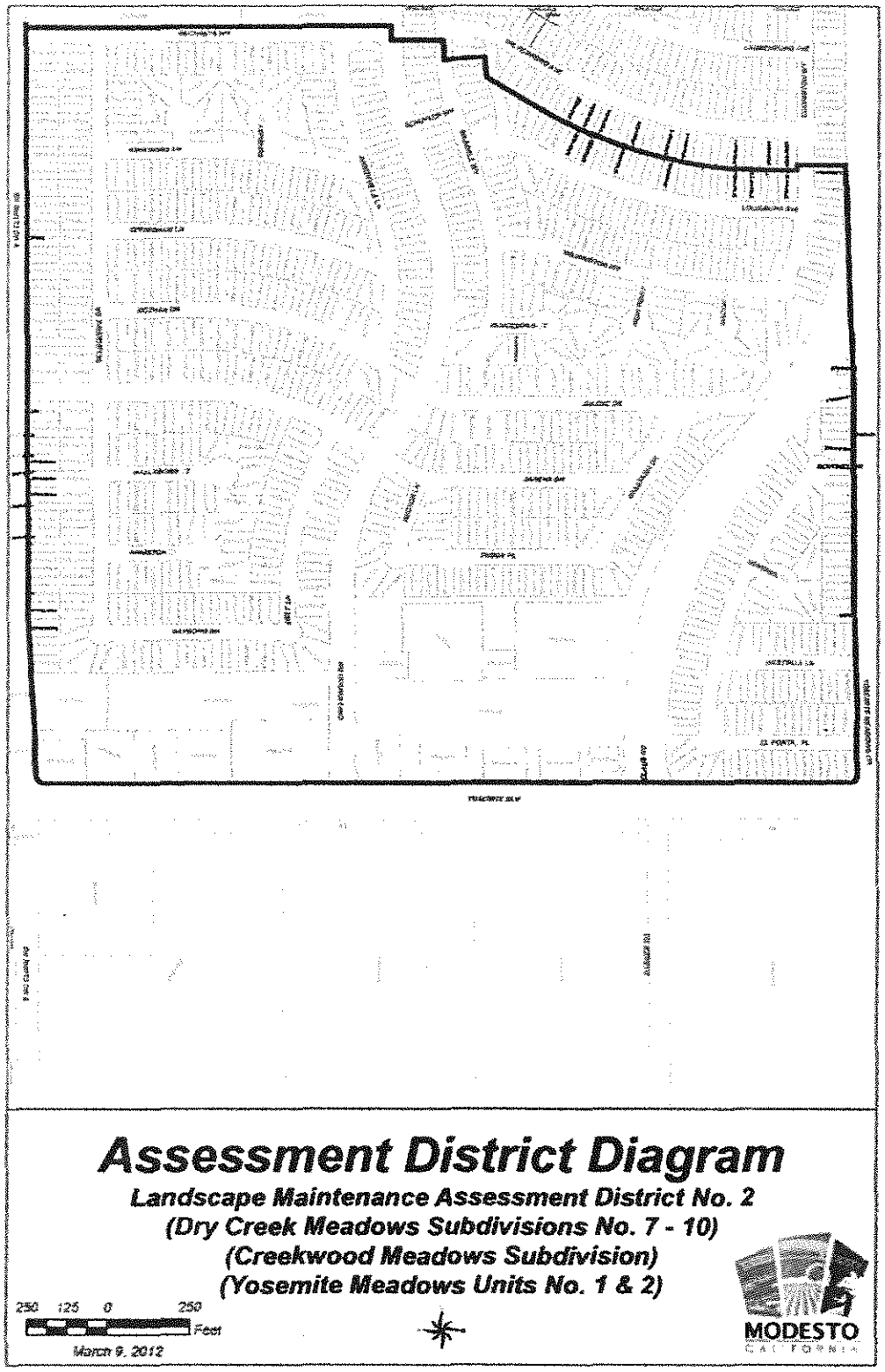
[3] Actual revenue received.

[4] Proposed levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Parks, Recreation, and Neighborhoods Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Supervisor at (209) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-016-023-000	MARTINEZ MARIA R LEON	432 CODINGTON WAY	MODESTO CA 95354	$ 28.05
079-016-024-000	ESTRADA JOSE & ALFARO ALICIA ESTRADA	428 CODINGTON WAY	MODESTO CA 95357	$ 28.05
079-016-025-000	SWARTZ SHERYL R	424 CODINGTON WAY	MODESTO CA 95354	$ 28.05
079-016-026-000	SARHAD WILSON	3921 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-027-000	TAN LIVIA O	3917 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-028-000	FREDDIE MICHAEL J & FREDDIE SCARLETT M	3913 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-029-000	AGUIRRE EDWARD JR & AGUIRRE ANGELICA	3909 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-030-000	LE BLANC HEIDI M	3905 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-031-000	JACKSON TOMMIE JR & JACKSON CHARLOTTE B	3901 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-032-000	HOUSING AUTHORITY OF THE CO OF STANISLAUS	3825 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-033-000	OBERLANDER MARK ET AL	3821 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-034-000	LOPEZ ARNULFO & ANA M	3817 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-035-000	POOLE ROLAND J & POOLE CHERYL S	3813 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-036-000	CHAND VINAL ET AL	3809 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-037-000	ARNOLD JASON DEAN	3805 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-038-000	NEFF MICHAEL K	3801 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-039-000	CAMPIOTTI EDWARD L & CAMPIOTTI DIANA L	3721 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-040-000	VAN DEELEN DARCY J	3717 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-041-000	CHEN CHAO YING	3713 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-042-000	GONCHAR RONALD S	3709 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-043-000	JOST DAVID L & LYNDA J	3705 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-016-044-000	GRAY HELEN A TR	424 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-016-045-000	SMITH OLIVER	428 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-016-046-000	JOHNSON GHARETT W ET AL	432 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-016-047-000	ANDRADE GERMAN DIAZ	436 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-016-048-000	SALEH JOSHUA	445 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-016-049-000	MARTINEZ SHIRLEY F	441 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-016-050-000	PULIDO OLGA A	437 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-016-051-000	MALDONADO LUIS M & ERENDIRA	433 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-017-001-000	MEN CHHADAVY TR	428 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-017-002-000	SANCHEZ YOVANIA M OCHOA	432 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-017-003-000	DALL-ANGELO DONALD C	436 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-017-004-000	KHOSHABA TERESA I TR	440 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-017-005-000	MONACO DONALD F & GLORIA E TRS	444 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-017-006-000	ANDRADE JOSE C & ANDRADE MARIA N	448 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-017-007-000	RODENBURG ROBERT & RODENBURG PAIGE	441 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-017-008-000	CRAWFORD EDWARD A & CRAWFORD SUSAN E	437 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-017-009-000	YOUNG MICHAEL E & YOUNG DOROTHULA M	433 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-017-010-000	DI GINO DOROTHY S	429 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-017-011-000	AAZ PROPERTIES LLC	425 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-017-012-000	HARDMAN SHAWN K	421 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-017-013-000	CAMARENA JESUS JR & CAMARENA ESTHER	420 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-017-014-000	JUAREZ GERARDO RAMIREZ ET AL	424 MELBOURNE DR	MODESTO CA 95354	$ 28.05
079-017-015-000	CHAN CORINA	428 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-017-016-000	BERLIN GARY R JR & CHRISTIE	432 MELBOURNE DR	MODESTO CA 95357	$ 28.05

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-017-017-000	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3512 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-018-000	FIVE TEN CALIFORNIA III LLC	3516 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-019-000	SOLORZA JUAN M LOPEZ & LOPEZ BRENDA C TRS	3520 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-020-000	XAVIER BURT & XAVIER CATHY	3524 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-021-000	CAMARENA CLAUDIA DIAZ ET AL	3528 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-022-000	SHERGILL SUKHVIR S & GURBAX K	3532 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-023-000	HOLDER SHERRI L & CLARK R	3600 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-024-000	KEYS SANDY M	3604 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-025-000	YOUNAN GILBERT & YOUNAN IMAN	3608 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-026-000	NAMMACHANTHY KERK ET AL	3612 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-027-000	OROZCO LEOBARDO & OROZCO YESSENIA	3616 MECHALYS WAY	MODESTO CA 95350	$ 28.05
079-017-028-000	NGUYEN THONG Q	3620 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-029-000	JACKSON DAVE P & JACKSON MARIA	3624 MECHALYS WAY	MODESTO CA 95357	$ 28.05
079-017-030-000	GRANTHAM LINDA	449 ANSONVILLE LN	MODESTO CA 95354	$ 28.05
079-017-031-000	MOJADDEDI SADIQA	445 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-017-032-000	BLAIR JOHNNY B ET AL	441 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-017-033-000	FRICK WADE L	437 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-017-034-000	ROMERO ROBERT R & MARITZA	3613 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-017-035-000	WILLIAMS JEFFREY & LAURA L	420 SUNBURY CT	MODESTO CA 95357	$ 28.05
079-017-036-000	PALLAN LUCAS	424 SUNBURY CT	MODESTO CA 95357	$ 28.05
079-017-037-000	COOK ERIC A & JULIE A	428 SUNBURY CT	MODESTO CA 95357	$ 28.05
079-017-038-000	BROWN ELIZABETH	429 SUNBURY CT	MODESTO CA 95357	$ 28.05
079-017-039-000	GIRON MICHAEL ANTHONY	425 SUNBURY CT	MODESTO CA 95357	$ 28.05
079-017-040-000	HAMILTON JASON	3541 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-017-041-000	HAMILTON STEVEN D & HAMILTON BRIGITTE	3533 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-017-042-000	TOUMA EMMANUEL & TOUMA SHOSHAN	424 BEUFORT CT	MODESTO CA 95357	$ 28.05
079-017-043-000	SEMONE JEREMY D & KIMBERLY	428 BEUFORT CT	MODESTO CA 95357	$ 28.05
079-017-044-000	ROCHA JUAN C & SAN JUANA	429 BEUFORT CT	MODESTO CA 95357	$ 28.05
079-017-045-000	SMITH JOAN MADELINE TR	425 BEUFORT CT	MODESTO CA 95357	$ 28.05
079-017-046-000	ARMSTRONG JASON R & JENNIFER L	3521 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-017-047-000	CARREIRO BRUCE R & CARREIRO EDYTHE	424 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-017-048-000	ROBLES PEDRO ET AL	428 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-017-049-000	SINGH BALIHAR	432 ANSONVILLE LN	MODESTO CA 95354	$ 28.05
079-017-050-000	NGUYEN KHANH NGOC	436 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-017-051-000	GUTIERREZ MIKE G	440 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-017-052-000	RUIZ OLIVIA ET AL	444 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-017-053-000	KLOMP ERICA E ET AL	448 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-017-054-000	PAL SALILA TR	452 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-018-001-000	PALMERIN LUCIO C & LIDIA	424 N MC CLURE RD	MODESTO CA 95354	$ 28.05
079-018-002-000	PEREZ FERNANDO H & VILLARRUEL MARIA ALEJANDRA	420 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-018-003-000	WONG FAT SHING & WONG LINDA T	416 N MC CLURE RD	MODESTO CA 95354	$ 28.05
079-018-004-000	AU-YEUNG WAI & AU-YEUNG AMELA	412 N MC CLURE RD	MODESTO CA 95354	$ 28.05
079-018-005-000	AU-YEUNG PIK KWAN	408 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-018-006-000	KOKOLOGIANNAKIS NICK	401 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-018-007-000	BARDONNER STEVEN E	405 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-018-008-000	LOPEZ IVAN A	409 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-018-009-000	JACOB DIGOL B & ALGANTINA M	413 MELBOURNE DR	MODESTO CA 95357	$ 28.05

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-018-010-000	HOLMBERG KRISTEN	417 MELBOURNE DR	MODESTO CA 95354	$ 28.05
079-018-011-000	AGHASSI SARAH J	3512 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-012-000	STEVENS JAKE L & STEVENS GAIL M	3516 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-013-000	AZIZI ROBERT	3520 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-014-000	MEY ANDREW S & KIMLORINA	3524 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-015-000	SMITH MILLER VELTRENA	3528 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-016-000	TAYLOR RICHARD N & JILL B	3532 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-017-000	CUMMINGS ANNIE	3536 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-018-000	LA CROSS NANCY R	3540 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-019-000	ATTA DAVID Z	3544 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-020-000	GOMEZ ALICIA TR	3600 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-021-000	REO CAPITAL INVESTMENTS & ASSET MANAGEMENT	3604 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-022-000	MURCH PAUL WILLIAM & JENNIFER LYNN	3608 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-023-000	WENGER DEBORAH J & WENGER DAVID C	3612 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-024-000	MADAYAG CATANA TR	3616 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-025-000	PLAUGHER PRESTON SCOTT ET AL	3620 ASHEBORO LN	MODESTO CA 95357	$ 28.05
079-018-026-000	CHILDRESS JANET	420 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-018-027-000	KEM SOKHOM & VANTHA TRS	416 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-018-028-000	ROMASANTA CHRISTINE M ET AL	412 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-018-029-000	DALBURG HOWARD ET AL	408 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-018-030-000	PIERCE CHARLES L & PIERCE VALERIE A	404 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-018-031-000	PANG SUN KIM & LIEV MENG HU TRS	400 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-018-032-000	MC MILLAN J HELIA TR	409 ANSONVILLE LN	MODESTO CA 95354	$ 28.05
079-018-033-000	GOODWIN BEVERLY	3629 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-034-000	STECKMAN CHRIS D & STECKMAN SHARON A	3625 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-035-000	NICHOLS KATHRYN M	3621 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-036-000	WALZ CHRISTOPHER P	3617 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-037-000	ROUCHECK BELINDA	3613 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-038-000	BRITT SCOTT ALAN	3609 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-039-000	MALIK MOHAMMAD ZAHOOR & NUSRAT NASIM	3605 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-040-000	DEHKORDI ROYA K & NIAKAN SIROOS	3601 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-041-000	EDENS JOHN L & CARYN E	3537 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-042-000	CAMPBELL KIMBERLY	3533 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-043-000	TORRES GINGER LEE & JAVIER V	3529 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-044-000	PEREZ ABEL CUEVAS & CANO KLEDY	3525 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-045-000	PLACINTAR MARINELA	3521 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-046-000	CASTILLO ISMAEL ET AL	3517 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-018-047-000	FAVILA HORTENCIA Y	3513 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-019-001-000	ROMERO ALEJANDRO & ROMERO ALICIA B	425 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-019-002-000	SOUZA ROBERT D & SAMANTHA D	421 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-019-003-000	REISDORFF HELEN	417 WADDELL WAY	MODESTO CA 95354	$ 28.05
079-019-004-000	PEREZ WILLIAM MEZQUITA ET AL	413 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-019-005-000	COFFEY STEVE R & COFFEY ANNE LEE	409 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-019-006-000	GALLO JOSE & GALLO ROSALIA	405 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-019-007-000	YAU KING PO ET AL	401 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-019-008-000	SINGH GURLAL	400 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-019-009-000	CARRASCO GONZALO C & CARRASCO TERESA V	404 WADDELL WAY	MODESTO CA 95357	$ 28.05

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-019-010-000	GAYLOR MATTHEW	408 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-019-011-000	LOPEZ MARGARITA	412 WADDELL WAY	MODESTO CA 95367	$ 28.05
079-019-012-000	MORALES RODOLFO ET AL	416 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-019-013-000	CASTELLO RICHARD M	3712 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-014-000	JOTIKA PRIYA ET AL	3716 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-015-000	LAMBERT STEVEN T & RENATA W	3720 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-016-000	DAVIS JAY N JR & DAVIS KIM M	3800 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-017-000	GRUENHAGEN ASHLEY N ET AL	3804 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-018-000	GALVAN SALVADOR R	3808 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-019-000	ENGLEMAN ALEXANDER C ET AL TRS	3812 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-020-000	ZARAGOSA ZACK MARTIN & ZARAGOSA ELIZABETH ANN	3816 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-021-000	KIMBROUGH JOANNE M	3820 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-022-000	MICO RICARDO G & MARIA REGINA L	3824 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-023-000	RAMIREZ STANLEY D ET AL	3900 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-024-000	LOUCKS DAVID GEORGE & JOSEFA M TRS	3904 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-025-000	SENGSOURITH PENG & INTHAVONG CHANPHENG	3908 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-026-000	DHIR SUNIL	3912 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-027-000	NAVARRO NAPOLEON & NAVARRO MARIA CHERYL	3916 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-028-000	WALKER KINDRA K & MC COY BRUCE	3920 LOUISBURG AVE	MODESTO CA 95357	$ 28.05
079-019-029-000	TRAWICK VERNON R & CLAUDETTE	420 CODINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-030-000	LA PLACA SONDRA ET AL	416 CODINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-031-000	GALVAN DIEGO	412 CODINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-032-000	TERESI G PETER	408 CODINGTON WAY	MODESTO CA 95354	$ 28.05
079-019-033-000	NAVARRO FERNANDO	3909 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-034-000	OSHANA ASNAT	3905 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-035-000	ALVIZO LETICIA	3901 WILMINGTON WAY	MODESTO CA 95355	$ 28.05
079-019-036-000	PHANOUVONG ALEXANDER	3817 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-037-000	GRIFFITH JACK E & GRIFFITH MELINDA D	3813 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-038-000	FEDERAL NATIONAL MORTGAGE ASSN	3809 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-039-000	KARRAS CHRISTINA CATHLEEN	3805 WILMINGTON WAY	MODESTO CA 95354	$ 28.05
079-019-040-000	APPLEBY DOMINIC M & CANDI C	3801 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-041-000	RODRIGUES SILVINO J ET AL	3729 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-042-000	WILLIAMS MICHAEL & SARIAH	3725 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-043-000	LEFEVRE PETER A TR	3721 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-044-000	RUTSCHOW PHILIP Z & JOAN A TRS	3717 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-045-000	URIBE IRENE	3713 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-046-000	ENRIQUEZ JOHANNA	3709 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-019-047-000	FICHTENHOLZ ZINOVY TR ET AL	3705 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-020-001-000	GONZALES GABRIEL D & GONZALES SHARON	341 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-020-002-000	PRASAD KAMLESH ET AL	337 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-020-003-000	MORONES MICHAEL O & MORONES CONSUELO M	333 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-020-004-000	OVERWEG DAVID A & OVERWEG CATHIE	329 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-020-005-000	MCE VENTURES LLC	325 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-020-006-000	RODRIGUEZ RUBEN G & RODRIGUEZ ROSEMARY	321 WADDELL WAY	MODESTO CA 95357	$ 28.05
079-020-007-000	MONSON STEPHEN	3700 VANCEBORO CT	MODESTO CA 95357	$ 28.05
079-020-008-000	JOHNSON JAYNE MARIE & LEONARD TEED	3704 VANCEBORO CT	MODESTO CA 95357	$ 28.05
079-020-009-000	BETTENCORT JOHN C TRS ET AL	3708 VANCEBORO CT	MODESTO CA 95354	$ 28.05

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-020-010-000	HULA DAVID W	3712 VANCEBORO CT	MODESTO CA 95357	$ 28.05
079-020-011-000	RUIZ NEMORIO & LIDUVINA	3716 VANCEBORO CT	MODESTO CA 95357	$ 28.05
079-020-012-000	THORNTON LAWRENCE R & JUDITH A	3717 VANCEBORO CT	MODESTO CA 95357	$ 28.05
079-020-013-000	LEFEVRE PETER A TR	3713 VANCEBORO CT	MODESTO CA 95357	$ 28.05
079-020-014-000	KIM EDDIE & KI HYUN	3709 VANCEBORO CT	MODESTO CA 95357	$ 28.05
079-020-015-000	MORI HOWARD & MORI KELLI B	3705 VANCEBORO CT	MODESTO CA 95357	$ 28.05
079-020-016-000	BRAVO GONZALO & MARIA	3700 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-020-017-000	ORTIZ LUCILA MORALES	3704 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-020-018-000	HORSTMAN DAVID	3708 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-020-019-000	EGBIKUADJE JOHN N & EGBIKUADJE LUCKY E	3712 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-020-020-000	CHAND PREM & CHAND BINDRA MATI	3716 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-020-021-000	CHAN NORMAN NOM & YEH SHERRY HSIN JU	329 HIGH POINT CT	MODESTO CA 95357	$ 28.05
079-020-022-000	GARCIA JOSE H & MARTHA J	325 HIGH POINT CT	MODESTO CA 95357	$ 28.05
079-020-023-000	VAN TREASE ROBERT & VAN TREASE PATRICIA K	321 HIGH POINT CT	MODESTO CA 95357	$ 28.05
079-020-024-000	SCOTT JOSHUA THOMAS	317 HIGH POINT CT	MODESTO CA 95357	$ 28.05
079-020-025-000	MARKS STEVEN R	316 HIGH POINT CT	MODESTO CA 95357	$ 28.05
079-020-026-000	WATSON GAYLE	320 HIGH POINT CT	MODESTO CA 95357	$ 28.05
079-020-027-000	JOHNSON ERMA	324 HIGH POINT CT	MODESTO CA 95357	$ 28.05
079-020-028-000	GANJEH JANET TR	328 HIGH POINT CT	MODESTO CA 95357	$ 28.05
079-020-029-000	TERESI GUIDO PETER	329 MACON CT	MODESTO CA 95357	$ 28.05
079-020-030-000	MATHMANY BOUNETEU	325 MACON CT	MODESTO CA 95357	$ 28.05
079-020-031-000	RAMIREZ MOISES & ROSINA	321 MACON CT	MODESTO CA 95355	$ 28.05
079-020-032-000	GIRARD THOMAS F & GIRARD CATRINA	320 MACON CT	MODESTO CA 95357	$ 28.05
079-020-033-000	ESCAMILLA AUGUSTIN JR & ESCAMILLA LISA A	324 MACON CT	MODESTO CA 95357	$ 28.05
079-020-034-000	MALLILLIN TERESITA M	328 MACON CT	MODESTO CA 95357	$ 28.05
079-020-035-000	IBARRA LOUIE JR & IBARRA KRISTY	3908 WILMINGTON WAY	MODESTO CA 95357	$ 28.05
079-020-036-000	CORTEZ JOSE DE JESUS & HIDALGO ESMERALDA	400 CODINGTON WAY	MODESTO CA 95357	$ 28.05
079-020-037-000	CASTELLANOS RIGOBERTO & MARIA	404 CODINGTON WAY	MODESTO CA 95357	$ 28.05
079-021-001-000	MELIUS AARON M	404 N MC CLURE RD	MODESTO CA 95354	$ 28.05
079-021-002-000	SINGH KRISHAN	400 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-021-003-000	LOGAN MERCY ET AL	328 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-021-004-000	GREEN JIM	324 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-021-005-000	KEM SOKHOM	320 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-021-006-000	DE HART ERIC A & CHANTENE M	317 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-021-007-000	TACKETT MICHAEL DEON & GWENDOLYN SUE TRS	321 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-021-008-000	LIANG JIN & CEN CHUNYAN	325 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-021-009-000	AMANT DARCY & KYLE C	329 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-021-010-000	YAU KING PO ET AL	333 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-021-011-000	LASITER LINDSEY & PAMELA	3512 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-012-000	GONZALES JOHN V & JEANETTE D	3516 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-013-000	ROYSDON JASON J & ANGELA D	3520 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-014-000	MCGILL RICKEY	3524 EFFINGHAM LN	MODESTO CA 95355	$ 28.05
079-021-015-000	PRASAD JAG & LITIA	3528 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-016-000	BECERRA JACINTO & BECERRA MARIA	3532 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-017-000	TOVAR JESSE A & TOVAR TERESA M	3536 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-018-000	BOUATHONG BOUNPHENG & KHAMKEO	3600 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-019-000	CASTRO JESUS R & CASTRO ESTHER M	3604 EFFINGHAM LN	MODESTO CA 95357	$ 28.05

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-021-020-000	HERNANDEZ ROBERTO & CARMEN C	3608 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-021-000	TELO SAJMIR & KRISTINA CREEL	3612 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-022-000	FOUNTAIN DEBORAH A TR	3616 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-023-000	YOUNG MALVIN JAMES JR & LINDA	3620 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-024-000	DAVIS BASIL	3624 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-025-000	LARSON SIMON A & JEANNIE L TRS	3628 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-026-000	WILLIAMS RENEE E	3632 EFFINGHAM LN	MODESTO CA 95357	$ 28.05
079-021-027-000	GOMEZ ALICIA TR	336 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-021-028-000	GARCIA LUIZ JOE SR & LUPE ANN TRS	332 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-021-029-000	HARRIS SHAUN N	328 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-021-030-000	TOWNLEY PERRY & BRENDA	324 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-021-031-000	MILLER JOSEPH R ET AL	320 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-021-032-000	ZOKARI MOHAMMED & TINA	3633 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-033-000	COX BERNICE U TR	3629 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-034-000	COULIBALY LLC	3625 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-035-000	MORRELL ERNEST DAVIS & MORRELL KATHERINE YVONNE	3621 DOTHAN DR	MODESTO CA 95358	$ 28.05
079-021-036-000	LYTEL-STARKS THOMAS	3617 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-037-000	BANK OF AMERICA NA	3613 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-038-000	BEE TAO-CHING & BEE SUE CHEN	3609 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-039-000	MANGAL SHIU PRASAD ET AL	3605 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-040-000	HARLESS KEVIN	3601 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-041-000	WILLIAMS ROGER K & LOUISE G TRS	3537 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-042-000	OLIVAREZ ARNOLD & OLIVAREZ DARLENE	3533 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-043-000	MUSE MARTIN D & OWENS OLIVIA	3529 DOTHAN DR	MODESTO CA 95350	$ 28.05
079-021-044-000	CAPPS FRANKLIN J & SUSANN J TRS	3525 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-045-000	RUIZ CARLA P	3521 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-046-000	AHLSTRAND GARY J SR & PAMELA M TRS	3517 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-021-047-000	AHLSTRAND GARY J SR & PAMELA M TRS	3513 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-001-000	KUWAMOTO RANDY Y	316 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-022-002-000	MEDEIROS DOROTHY JEANNINE TR	312 N MC CLURE RD	MODESTO CA 95355	$ 28.05
079-022-003-000	RODRIGUEZ ELENA	308 N MC CLURE RD	MODESTO CA 95354	$ 28.05
079-022-004-000	ARTEAGA RAUL A ET AL	304 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-022-005-000	MARTIN RONALD L & MARTIN FAITH A	301 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-022-006-000	ARROYO MARGARITA	305 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-022-007-000	RADLOFF HAROLD TRS & RADLOFF M KATHLEEN	309 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-022-008-000	CRANE CHARLIE	313 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-022-009-000	LOBAUGH DUANE	3512 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-010-000	TORRES ALFREDO & TORRES RAQUEL	3516 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-011-000	PAL PARBIN & ROSHNI	3520 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-012-000	JAUREGUI PEDRO A & GUADALUPE V TRS	3524 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-013-000	CASTRO DAVID & ANGELA	3528 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-014-000	ITANEN MARK E & KIMBERLY D	3532 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-015-000	LOURENCO ASHLI	3536 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-016-000	SINGH JOGINDER	3600 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-017-000	HORNE RICHARD R & KATHY J	3604 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-018-000	CHAND ROVINESH	3608 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-019-000	CARLSON JOHN HENRY & GAYLEN TRS	3612 DOTHAN DR	MODESTO CA 95357	$ 28.05

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-022-020-000	MANZO TERESA & ENRIQUE	3616 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-021-000	CANELA FRANCISCO J	3620 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-022-000	JAUREGUI GRISELDA	3624 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-023-000	TACKETT MICHAEL DEON & GWENDOLYN SUE TRS	3628 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-024-000	HERNANDEZ ARMANDO & ANALIA	3632 DOTHAN DR	MODESTO CA 95357	$ 28.05
079-022-025-000	NOLL KARL P & NOLL GYDA J	312 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-022-026-000	LOPEZ DAVID & LOPEZ IRMA	316 ANSONVILLE LN	MODESTO CA 95357	$ 28.05
079-022-029-000	CABELLO FRANCISCO A & CABELLO KAREN MICHELLE	3629 JARENA DR	MODESTO CA 95354	$ 28.05
079-022-030-000	QUACH CAM ET AL	3625 JARENA DR	MODESTO CA 95354	$ 28.05
079-022-031-000	CAMARENA JESUS D & ESTHER	3621 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-032-000	LOPEZ JOSE & CLAUDIA	3617 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-033-000	SANDOVAL IRMA	3613 JARENA DR	MODESTO CA 00953	$ 28.05
079-022-034-000	VILLARREAL JOE & VIRGIE	3609 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-035-000	KUMAR AMAR	3605 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-036-000	GONZALEZ GUADALUPE & GONZALEZ ESPERANZA	3601 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-037-000	BOUNPHENG KHAMPHANH ET AL	3537 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-038-000	YU DENISE E ET AL	3533 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-039-000	FLORES DANIEL C & DONNA N	3529 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-040-000	BERTOLOTTI GUSTAVO	3525 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-041-000	WANG CHAO SHENG & WANG CHIEN LAN	3521 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-042-000	GRAY SHERRIE W	3517 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-043-000	SANCHEZ ZENAIDA	3513 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-045-000	MARKS WESLEY	3633 JARENA DR	MODESTO CA 95357	$ 28.05
079-022-046-000	MARKS WESLEY	0 JARENA DR	MODESTO CA 95357	$ 28.05
079-023-001-000	KIRK LYNDSAY	248 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-023-002-000	KHAN SHAH N	244 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-023-003-000	SANTOS FLORENTINO C & MARIA A	240 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-023-004-000	CAMARENA JOSE R & CAMARENA ISABEL C	236 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-023-005-000	SIGHTS KURT H	232 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-023-006-000	ESPITIA ANGEL VALDEZ ET AL	228 N MC CLURE RD	MODESTO CA 95354	$ 28.05
079-023-007-000	CORTEZ LUIS A	224 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-023-008-000	YATES MICHAEL R & YATES MARGIE M	220 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-023-009-000	CUTLER DAVID J & CUTLER JUDITN A	216 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-023-010-000	CRISP JEFF C & CRISP DORTHY	221 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-023-011-000	GRANT RYAN M & ANNE P	225 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-023-012-000	SON DARA	229 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-023-013-000	ALIABADI REBKA SHARLOU	233 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-023-014-000	HERNANDEZ JORGE MURILLO & MURILLO ANA P	237 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-023-015-000	CABAGNOT DOLORES & FLYNN G	241 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-023-016-000	ALVARADO J JESUS E & GUTIERREZ MARIA ELVIA GUZMAN	245 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-023-017-000	LEW KERN YUEN	249 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-023-018-000	YU LENA XIAO ET AL	253 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-023-019-000	ESPINOZA MIGUEL	3512 JARENA DR	MODESTO CA 95357	$ 28.05
079-023-020-000	GRANT CURTIS R TRS & GRANT NANCY E	3516 JARENA DR	MODESTO CA 95357	$ 28.05
079-023-021-000	WEDEL JERRY L & LINDA L	3520 JARENA DR	MODESTO CA 95357	$ 28.05
079-023-022-000	RODRIGUEZ MAURILIO MONTANEZ	3524 JARENA DR	MODESTO CA 95357	$ 28.05
079-023-023-000	DYK JANET D	3528 JARENA DR	MODESTO CA 95357	$ 28.05

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079-023-024-000	ENOS JEREMY	3532 JARENA DR	MODESTO CA 95357	$ 28.05
079-023-025-000	VICTORIA ROBERTO	3600 JARENA DR	MODESTO CA 95357	$ 28.05
079-023-026-000	ALONSO MIGUEL	3604 JARENA DR	MODESTO CA 95357	$ 28.05
079-023-027-000	GALLO SANTOS & GALLO FELIPA	3608 JARENA DR	MODESTO CA 95357	$ 28.05
079-023-028-000	HALL SHARON	3612 JARENA DR	MODESTO CA 95357	$ 28.05
079-023-029-000	DE GUZMAN PEPITO V & RAQUEZA S TRS	245 GELF LN	MODESTO CA 95357	$ 28.05
079-023-030-000	PRASAD NILESH	241 GELF LN	MODESTO CA 95357	$ 28.05
079-023-031-000	BANUELOS MARTHA A	237 GELF LN	MODESTO CA 95357	$ 28.05
079-023-032-000	SILVA RICK A	233 GELF LN	MODESTO CA 95357	$ 28.05
079-023-033-000	NEWMAN SUSAN ET AL	229 GELF LN	MODESTO CA 95357	$ 28.05
079-023-034-000	WARDA JENNIFER & BEN	225 GELF LN	MODESTO CA 95357	$ 28.05
079-023-035-000	ACOSTA GARY SIMON TRS & ACOSTA SYLVIA ANN	221 GELF LN	MODESTO CA 95354	$ 28.05
079-023-036-000	ESTRADA RICHARD THOMAS & SBRANTI-ESTRADA JOANNE	217 GELF LN	MODESTO CA 95357	$ 28.05
079-023-039-000	AGUAYO ESMERALDA LOPEZ	3529 ANNISTON CT	MODESTO CA 95350	$ 28.05
079-023-040-000	MARTINEZ DAVID & MORENO MARISSA	3525 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-023-041-000	PONTE JOSEPH JOAQUIN JR & PONTE VIRGINIA RUTH	3521 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-023-042-000	TOWNSEND DONALD K & JOYCE A TRS	3517 ANNISTON CT	MODESTO CA 95354	$ 28.05
079-023-043-000	FAGUNDES ANTONIO L & HAIR JACQUELINE K	3513 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-023-044-000	TOWNSEND DONALD K & JOYCE A TRS	3512 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-045-000	IMMEDIATO KEITH A ET AL	3516 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-046-000	LOBATO JOSE B ET AL	3520 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-047-000	PRASAD CHANDRA SEN & DAYA WATI TRS	3524 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-048-000	PINEDA MARIBEL	3528 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-049-000	COCHRAN PAT	3532 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-055-000	BUCK NICOLE R	3529 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-056-000	BORK VIRGINIA L & BORK RICHARD D	3525 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-057-000	JOHNSON JEFFREY T & JOHNSON SUZANNE T	3521 HALLSBORO CT	MODESTO CA 95354	$ 28.05
079-023-058-000	GONZALES DANIEL J	3517 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-059-000	CAGUIAT RICALYN T	3513 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-060-000	SELLERS SHERRY L	240 GELF LN	MODESTO CA 95357	$ 28.05
079-023-061-000	FLORES CRISTIAN A	236 GELF LN	MODESTO CA 95357	$ 28.05
079-023-062-000	MORA DELMA & MIGUEL	232 GELF LN	MODESTO CA 95357	$ 28.05
079-023-063-000	VYBORNEY VERNON E & VYBORNEY VIRGINIA C	228 GELF LN	MODESTO CA 95357	$ 28.05
079-023-064-000	SAALWAECHTER JENNIFER PATRICIA ET AL	224 GELF LN	MODESTO CA 95357	$ 28.05
079-023-065-000	LAL NEALE K	220 GELF LN	MODESTO CA 95357	$ 28.05
079-023-066-000	VANDER HEIDE RALPH PETER JR & KATHRYN NABZESKA	216 GELF LN	MODESTO CA 95357	$ 28.05
079-023-067-000	RODRIGUEZ MELCHOR M ET AL	3533 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-023-068-000	KNOEPFLE RACHEL RENEE	3537 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-023-069-000	HENRY JILL	3536 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-070-000	SIMMALY NICK & KEOSOUKANANH AM	3540 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-071-000	BRYANT TODD A & KIMBERLY D	3541 HALLSBORO CT	MODESTO CA 95357	$ 28.05
079-023-073-000	BOTELLO ALMA C	3533 HALLSBORO CT	MODESTO 95357 CA	$ 28.05
079-023-075-000	DOW STEPHEN C	3537 HALLSBORO CT	MODESTO 95350 CA	$ 28.05
079-024-001-000	LYEK LYSIRI & MIN DAISY	128 N MC CLURE RD	MODESTO CA 95354	$ 28.05
079-024-002-000	PEREIRA JENNIFER A	132 N MC CLURE RD	MODESTO CA 95354	$ 28.05
079-024-003-000	GARCIA DWAYNE & KRISTI	136 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-024-004-000	FAULKNER JAMES & SHARON D	200 N MC CLURE RD	MODESTO CA 95357	$ 28.05

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079-024-005-000	ARMSTRONG CHESTER A TR	204 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-024-006-000	SIDHU BALDEV S & MANMOHAN K TRS	208 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-024-007-000	SOUKHAMTHATH ALAN	212 N MC CLURE RD	MODESTO CA 95357	$ 28.05
079-024-008-000	YOUSSEF KHOSHABA & ODISHO THURAYA	217 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-024-009-000	CUIRIZ NADIA	213 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-024-010-000	VANN SOCHENDA	209 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-024-011-000	GRANT ERIC A & GRANT KAMERA L	205 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-024-012-000	GALAS VINCE N	201 MELBOURNE DR	MODESTO CA 95357	$ 28.05
079-024-013-000	MCE VENTURES LLC	3508 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-014-000	ZAMORA VICTOR & ZAMORA VERONICA	3512 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-015-000	GONZALEZ ANDRES & ESPERANZA	3516 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-016-000	JORGENSEN FRANK E & MIRIAM M TRS	3520 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-017-000	GRANT JEFF	3524 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-018-000	ESTRADA FRANCISCO & ESTRADA JULIA	3528 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-019-000	CREE DEBORAH J	3600 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-020-000	COLWELL DONALD SR & COLWELL JO ANN	3604 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-021-000	DAOUD OLGA P	3608 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-022-000	WEISS JULIE GRANT	3612 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-023-000	MCE VENTURES LLC	3616 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-024-000	BROOKS TODD	3620 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-025-000	BORRELLI MICHAEL J	3624 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-026-000	KEENE EDWARD L & KEENE SUSAN G	200 GELF LN	MODESTO CA 95354	$ 28.05
079-024-027-000	GONSALVES MATTHEW M	204 GELF LN	MODESTO CA 95357	$ 28.05
079-024-028-000	FELT STACY L & MAILE V	208 GELF LN	MODESTO CA 95357	$ 28.05
079-024-029-000	KARELIN ZENA M	212 GELF LN	MODESTO CA 95357	$ 28.05
079-024-030-000	FLORES CESAR J & MAYRA	213 GELF LN	MODESTO CA 95357	$ 28.05
079-024-031-000	NGEN STEVEN KORB & MELONEY SALEM LEN	209 GELF LN	MODESTO CA 95357	$ 28.05
079-024-032-000	MOU CHRISTINA	3617 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-033-000	WEAVER BETTY J TRS ET AL	3613 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-034-000	CASTILLO TARA L ET AL	3609 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-035-000	WEAVER KRISTEN ELIZABETH TR	3605 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-036-000	BEE TAO CHING & SUE CHEN	3601 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-037-000	PAL REENA D	3529 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-038-000	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3525 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-039-000	MCE VENTURES LLC	3521 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-040-000	GALLARDO LYDIA	3517 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-041-000	KIST DAVID L & PADILLA YVETTE M	3513 BAYBORO DR	MODESTO CA 95357	$ 28.05
079-024-042-000	SAMUEL MICHAEL & NIRONA	3512 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-024-043-000	HAMILTON EILEEN M TR	3516 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-024-044-000	VELASCO GONZALO R	3520 ANNISTON CT	MODESTO CA 95351	$ 28.05
079-024-045-000	JK VALLEY PROPERTIES LLC	3524 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-024-046-000	SOUZA JASON S & TABITHA I	3528 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-024-049-000	VITELA RIGOBERTO MORA	3532 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-024-050-000	KNOEPFLE RONALD L & KNOEPFLE LORRAINE M	3536 ANNISTON CT	MODESTO CA 95357	$ 28.05
079-025-003-000	EMPIRE UNION SCHOOL DISTRICT	116 N. MC CLURE ROAD	MODESTO CA 95357	$ -
079-025-005-000	WHITE ALAN WAYNE SR & EVELYN KAY TRS	3501 YOSEMITE BLVD	MODESTO CA 95357	$ 70.52
079-025-011-000	YOSEMITE AND CREEKWOOD INC	3621 YOSEMITE BLVD	MODESTO CA 95357	$ 193.88

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079-025-015-000	CYPRESS EQUITIES GROUP III LP	0 CREEKWOOD DR	MODESTO CA 95354	$ 1.53
079-025-017-000	BEARDEN FAMILY LIMITED PARTNERSHIP	3513 YOSEMITE BLVD	MODESTO CA 95357	$ 94.97
079-025-018-000	BEARDEN FAMILY LIMITED PARTNERSHIP	0 YOSEMITE BLVD	MODESTO CA 95357	$ 69.99
079-025-019-000	DJU LLC	3601 YOSEMITE BLVD	MODESTO CA 95357	$ 94.19
079-025-020-000	CYPRESS EQUITIES GROUP III LP	117 CREEKWOOD DR	MODESTO CA 95354	$ 371.81
079-026-005-000	MC DONALDS CORP	3801 YOSEMITE BLVD	MODESTO CA 95357	$ 84.81
079-026-006-000	LEONG JICK C TRS & LEONG ALICE NG	YOSEMITE BLVD #A	MODESTO CA 95357	$ 30.60
079-026-007-000	LEONG JICK C TRS & LEONG ALICE NG	YOSEMITE BLVD #B	MODESTO CA 95357	$ 27.81
079-026-008-000	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	MODESTO CA 95357	$ 219.16
079-026-009-000	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	MODESTO CA 95357	$ 23.31
079-026-010-000	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	MODESTO CA 95357	$ 39.27
079-026-011-000	CREEKWOOD PLAZA LLC	3801 YOSEMITE BLVD #7	MODESTO CA 95357	$ 42.54
079-026-012-000	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	MODESTO CA 95357	$ 41.23
079-026-013-000	CREEKWOOD PLAZA LLC	3801 YOSEMITE BLVD	MODESTO CA 95357	$ 908.63
079-026-014-000	PALLIOS ENTERPRISES	3801 YOSEMITE BLVD	MODESTO CA 95357	$ 194.52
079-027-001-000	ESPINOZA EVERADO & MARIA LUZ	3701 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-002-000	BERGSTROM ROBERT E & LINDA R TRS	3705 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-003-000	GILBERT LYNETTE & LANCE	3709 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-004-000	GREWAL MANMEET & JASKIRAN	3713 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-005-000	VILLALPANDO HERIBERTO & ROSA	3717 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-006-000	GALLO JOE & ROSALIA	3721 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-007-000	VHAN SUJEEV	3725 JULENE DR	MODESTO CA 95353	$ 28.05
079-027-008-000	ORTIZ ALEJANDRA	3801 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-009-000	ADAIR KENNETH L	3805 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-010-000	MAKASYUK GUADALUPE	3809 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-011-000	HIATT RALPH W TR	3813 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-012-000	GIRTON BROOKS C	3817 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-013-000	TERRA MATTHEW ET AL	3821 JULENE DR	MODESTO CA 95358	$ 28.05
079-027-014-000	CASTILLO ANGELICA ET AL	3825 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-015-000	DARPINIAN JANE LEE	3901 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-016-000	AWARD PROPERTIES	3905 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-017-000	GUPTILL CAROLYN S	3909 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-018-000	YOUNAN ALBERT M ET AL	3913 JULENE DR	MODESTO CA 95354	$ 28.05
079-027-019-000	BURCIU VASILE & TABITA	3908 JULENE DR	MODESTO CA 95355	$ 28.05
079-027-020-000	KANNO JANET	3900 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-021-000	BELTRAN RAMON F	232 ANASTASIA DR	MODESTO CA 95357	$ 28.05
079-027-022-000	URY TRACY L	228 ANASTASIA DR	MODESTO CA 95357	$ 28.05
079-027-023-000	NIELSEN MARK C	224 ANASTASIA DR	MODESTO CA 95357	$ 28.05
079-027-024-000	TINOCO REBECCA K	220 ANASTASIA DR	MODESTO CA 95357	$ 28.05
079-027-025-000	STRAIT AARON D	216 ANASTASIA DR	MODESTO CA 95357	$ 28.05
079-027-026-000	AQUINO NESTOR JOSE P & AQUINO LUCILLE J	212 ANASTASIA DR	MODESTO CA 95357	$ 28.05
079-027-027-000	SZCZYGIEL ROGER JOSEPH & SZCZYGIEL MONICA R	208 ANASTASIA DR	MODESTO CA 95354	$ 28.05
079-027-028-000	ANDREINI CHRIS PAUL & VICKY ANN TRS	204 ANASTASIA DR	MODESTO CA 95357	$ 28.05
079-027-029-000	LINDSAY STANLEY & MICHELE	200 ANASTASIA DR	MODESTO CA 95357	$ 28.05
079-027-030-000	M & M PROPERTIES INC	3824 TROON PL	MODESTO CA 95357	$ 28.05
079-027-031-000	TOOMEY MICHAEL & WANDA	3820 TROON PL	MODESTO CA 95357	$ 28.05
079-027-032-000	NAIDU LATCHMI & NAIDU KRISHNA	3816 TROON PL	MODESTO CA 95357	$ 28.05

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-027-033-000	GIRALDES VINCENT ROBERT & ANGELA	3812 TROON PL	MODESTO CA 95357	$ 28.05
079-027-034-000	OROZCO EDUARDO & LOPEZ CELIA LIZETH HURTADO	3808 TROON PL	MODESTO CA 95357	$ 28.05
079-027-035-000	AGUINIGA LINDA L ET AL	3804 TROON PL	MODESTO CA 95357	$ 28.05
079-027-036-000	HENRY JILL A	3800 TROON PL	MODESTO CA 95357	$ 28.05
079-027-037-000	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3724 TROON PL	MODESTO CA 95357	$ 28.05
079-027-038-000	SIDHU BALDEV S & MANMOHAN K TRS	3720 TROON PL	MODESTO CA 95357	$ 28.05
079-027-039-000	VEGA JUAN MANUEL & MARIA A	3716 TROON PL	MODESTO CA 95357	$ 28.05
079-027-040-000	CAVAZOS HENRY J JR	3712 TROON PL	MODESTO CA 95357	$ 28.05
079-027-041-000	SANCHEZ NOEMI	3708 TROON PL	MODESTO CA 95357	$ 28.05
079-027-042-000	GOMEZ PATRICIA & FRANCISCO JAVIER	3704 TROON PL	MODESTO CA 95357	$ 28.05
079-027-043-000	GARRISON JAMES R & STACY L	3700 TROON PL	MODESTO CA 95357	$ 28.05
079-027-044-000	NAIR RAJESH & UMA	201 RECTOR LN	MODESTO CA 95357	$ 28.05
079-027-045-000	SCHEID MICHAEL D & SCHEID MARILYN J	205 RECTOR LN	MODESTO CA 95357	$ 28.05
079-027-046-000	JAMES CATHERINE M	209 RECTOR LN	MODESTO CA 95351	$ 28.05
079-027-047-000	HOLLAND DARRELL	213 RECTOR LN	MODESTO CA 95357	$ 28.05
079-027-048-000	MUIR LARRY R & LESLIE A	217 RECTOR LN	MODESTO CA 95357	$ 28.05
079-027-049-000	AGHASSI JOESPH TR	221 RECTOR LN	MODESTO CA 95357	$ 28.05
079-027-050-000	SABINIANO MARION N	3700 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-051-000	VIGIL CELSO & NATIVIDAD	3704 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-052-000	CHAND ATISH & REENA D	3708 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-053-000	WALDMAN MIKE & MARTHA	3712 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-054-000	MIRANDA CARMEN ET AL	3716 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-055-000	CHANHMISAY KEVIN S & TIFFANIE	3720 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-056-000	DOUGLAS MARY G	3724 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-057-000	ANAYA EFRAIN FERNANDEZ & FERNANDEZ ANJELITA	3800 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-058-000	GALLO SANTOS & GALLO FELIPA A	3804 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-059-000	O BRIEN JON L	3808 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-060-000	BLANAS FRANK G	3812 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-061-000	REINEKE SANDRA K	3816 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-062-000	ROSE EUGENE L & TAMARA L	3820 JULENE DR	MODESTO CA 95357	$ 28.05
079-027-063-000	MALDONADO JUAN G & VERONICA A	3825 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-064-000	RAYGOZA JOSE JR	3821 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-065-000	DHESI PARVINDER & KIRANJIT	3817 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-066-000	HAMMONDS THEDFORD J	3813 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-067-000	FRIEDE SUKANTLA	3809 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-068-000	GUERRERO ANTHONY & GUERRERO DEBORAH	3805 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-069-000	SHAMOON BANIPAL ET AL	3801 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-070-000	CHAND ATISH & CHAND REENA	3725 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-071-000	HAMILTON DAWN J	3721 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-072-000	CHETTY JAI N & PADMANI	3717 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-073-000	NAVA MARGARITA ET AL	3713 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-074-000	CHAND RAJ RATTAN	3709 JARENA DR	MODESTO CA 95354	$ 28.05
079-027-075-000	GALLO SANTOS & FELIPA A	3705 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-076-000	KOMMAVONG BOUNKONG & PHILAVONG ALING	3701 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-077-000	BRUHN JULEE	213 ANASTASIA DR	MODESTO CA 95354	$ 28.05
079-027-078-000	BUER TYLER A	3812 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-079-000	SIERRA JOSE M & RIOS LUSILA	3808 JARENA DR	MODESTO CA 95357	$ 28.05

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-027-080-000	PRESINAL ERIX ALBERTO & NORMA EDITH	3804 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-081-000	LOPEZ LISANDRO ET AL	3800 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-082-000	CARDOZA RICHARD ALAN	3724 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-083-000	BURKE JOHN D & BURKE AMY E	3720 JARENA DR	MODESTO CA 95354	$ 28.05
079-027-084-000	KNAUS SVETLANA	3716 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-085-000	KISARA SRINIVAS	3712 JARENA DR	MODESTO CA 95357	$ 28.05
079-027-086-000	DOYLE CATHY M	220 RECTOR LN	MODESTO CA 95357	$ 28.05
079-027-087-000	BAILEY GUY E & BAILEY DONNA M	212 RECTOR LN	MODESTO CA 95357	$ 28.05
079-027-088-000	PHITSAMAY BOBBY & AMANDA	208 RECTOR LN	MODESTO CA 95319	$ 28.05
079-027-089-000	MESSER KEVIN & KAREN	3717 TROON PL	MODESTO CA 95357	$ 28.05
079-027-090-000	DE JESUS MARIO C & DE JESUS ARLENE M	3721 TROON PL	MODESTO CA 95357	$ 28.05
079-027-091-000	AMERICAN RESIDENTIAL PROPERTIES OP L P	3725 TROON PL	MODESTO CA 95357	$ 28.05
079-027-092-000	GARCIA JUAN & CARMEN A	3801 TROON PL	MODESTO CA 95357	$ 28.05
079-027-093-000	JONES JANE K	3805 TROON PL	MODESTO CA 95354	$ 28.05
079-027-094-000	BROWN JOSHUA ET AL	3809 TROON PL	MODESTO CA 95357	$ 28.05
079-027-095-000	MEES SEAN M	3813 TROON PL	MODESTO CA 95357	$ 28.05
079-027-096-000	BAKUS LAUREN N	3817 TROON PL	MODESTO CA 95357	$ 28.05
079-027-097-000	CREEKWOOD MEADOWS INVESTORS	CREEKWOOD DR	MODESTO CA 92658	$ 69.40
079-028-001-000	PERVERE BRYAN & PERVERE GAIL M	205 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-002-000	TEIXEIRA TERRY J	201 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-003-000	BARRAGAN BENJAMIN M & BARRAGAN IMELDA R	121 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-004-000	AWARD PROPERTIES LLC	117 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-005-000	HAWKINS TROY R	113 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-006-000	FARNON AARON D & FARNON LINDA M	109 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-007-000	NAVA BALTAZAR & NAVA YOLANDA GALLO	105 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-008-000	MICHAEL LAVINIA	101 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-009-000	MORA MACLOVIA & DAVID MEDINA	3900 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-010-000	ROCHA JOSE	3904 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-011-000	PONS-LANGLOT ALFRED	3908 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-012-000	JOHNSON JOHN R & HUNTER KELLY N	3912 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-013-000	DEL VALLE MARIA R	3916 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-014-000	HUIHUI JOSEPH FREDERICK	3920 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-015-000	DURAN ROBERT JR & MELANIE JT	3924 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-016-000	BURCIU VASILE & TABITA	3928 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-017-000	WONG MAY	3932 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-018-000	SIKES JAMES R TR	3933 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-019-000	PRITCHARD INVESTMENTS LLC	3929 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-020-000	CABRAL TED M & ANA M	3925 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-021-000	MADRIGAL JOSE A	3921 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-022-000	BOULTON BILL G	3917 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-023-000	MARTIN JEFFREY	3913 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-024-000	REED NANCY R & JOHNNY E	3909 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-025-000	CICERO EDWARD FRANCIS JR TR	3900 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-026-000	TANNER TOMMIE G & TANNER GARCIE L	3904 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-027-000	CAMPOS MARTIN	3908 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-028-000	SOUPHAVONG BOUATHONG	3912 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-029-000	WU WAN BEN	3916 WESTFALL LN	MODESTO CA 95357	$ 28.05

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-028-030-000	HERNANDEZ JOSE J & CASTRO GAVY	3920 WESTFALL LN	MODESTO CA 95350	$ 28.05
079-028-031-000	CAPISTRAN JUAN & BARRAGAN ELISA	3924 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-032-000	YOUNGER ROGER	3925 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-033-000	HOUSE DENNIS L & BONITA E TRS	3921 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-034-000	PRASAD RESHMI D	3917 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-035-000	HUEY JAMES W ET AL	3913 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-036-000	BARRAGAN JESSE & BARRAGAN OLIVIA T	3909 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-037-000	OCHOA PAULO & MENDOZA MARIA DE JESUS	3901 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-040-000	LITTLE EULALIA S	3936 EL PORTAL PL	MODESTO CA 95357	$ 28.05
079-028-041-000	MOORE JOHNATHAN & DEBRA	257 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-042-000	BUSTAMANTE GONZALO & BUSTAMANTE LUZ	253 SENTINEL DR	MODESTO CA 95355	$ 28.05
079-028-043-000	VICTORINO CHRISTOPHER J & KRISTI M	249 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-044-000	TAYLOR JIMMY R & SHEILA W	245 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-045-000	SANDOVAL JUAN E & ANA LIDIA ACEVEDO DE	241 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-046-000	MCE VENTURES LLC	237 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-047-000	ALBERTO SILVIA	233 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-048-000	YOUNGER RONALD & YOUNGER LYDIA	229 SENTINEL DR	MODESTO CA 95355	$ 28.05
079-028-049-000	PORRES MARIA	225 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-050-000	ATKINS DEBRA MICHELLE	221 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-051-000	HINISH LONNIE O & PAMELA K TRS	217 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-052-000	HOOK JEFFREY ALLEN & HOOK KIMBERLY ANN	213 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-053-000	ZAMORA ANTONIO S & ZAMORA MARIA A	209 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-054-000	TANNER NICHELLE N	212 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-055-000	COSTA JOE & COSTA MARY	216 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-056-000	CORREIA ADRIANA M	228 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-057-000	JIMENEZ NARCISO & JIMENEZ ROSA	236 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-058-000	DAVIS BARBARA A	240 SENTINEL DR	MODESTO CA 95357	$ 28.05
079-028-059-000	HANNINK DOUG & KATHY TRS	244 SENTINEL DR	MODESTO CA 95350	$ 28.05
079-028-060-000	WATTLE AARON K & JULIE R	3905 SENTINEL CT	MODESTO CA 95357	$ 28.05
079-028-061-000	NORTON STANLEY W & NORTON LAURIE K	3908 SENTINEL CT	MODESTO CA 95357	$ 28.05
079-028-062-000	CIBRIAN EFRAIN ET AL	3904 SENTINEL CT	MODESTO CA 95357	$ 28.05
079-028-065-000	BROWN TANYA M	313 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-066-000	BOSMA KRISTI K & BOSMA STEVEN R	309 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-067-000	RODRIGUEZ ALFRED J & JULIA L	305 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-068-000	CISNEROS HEBER & CISNEROS ROSALINA	301 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-069-000	CITY OF MODESTO	0 YOSEMITE MEADOWS	MODESTO CA 95357	$ -
079-028-070-000	TOMA TITANIA Y	241 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-071-000	HERNANDEZ SALVADOR & BELTRAN MARIA T	237 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-072-000	LAGAN JASON	233 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-073-000	HARDIN MIKE A	229 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-074-000	SANGHA DILBAG SINGH ET AL	225 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-075-000	PADILLA RODRIGO	221 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-076-000	WIKA GARY L & WIKA PEGGY A	217 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-077-000	SOTO GILBERTO & SOTO MARIA	213 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-078-000	PEREZ VALENTINE M ET AL	209 YOSEMITE MEADOWS	MODESTO CA 95357	$ 28.05
079-028-079-000	MENDOZA LIBERATO ET AL	3929 WESTFALL LN	MODESTO CA 95357	$ 28.05
079-028-080-000	SUMTER JASON ET AL	3928 WESTFALL LN	MODESTO CA 95357	$ 28.05

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
079-028-081-000	NAVARRO JOSE R	3937 EL PORTAL PL	MODESTO CA 95357	$ 28.05

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MODESTO CITY COUNCIL
RESOLUTION NO. 2013-294

A RESOLUTION CONFIRMING THE FISCAL YEAR 2013-14 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. 2013-212, adopted on June 11, 2013, 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 2013-14, 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 2013-14 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 7th day of August, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

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, 2013 - JUNE 30, 2014

REGISTERED PROFESSIONAL ENGINEER
CHARLES L. COVOLO
No. 47175
Exp. 12/31/13
CIVIL
STATE OF CALIFORNIA

5-22-13

Prepared By:
Tina Rocha, IFP Administrator

Certified By:
Charles Covolo, Senior Civil Engineer

Accepted By Motion:
Modesto City Council -

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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 help 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 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 495 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 2013-2014 is $28,688.50. This is based on the amount needed for Fiscal Year 2013-14 based on projected expenses and fund balance.

C. PROJECTED ANNUAL ASSESSMENT SUMMARY

Residential Annual Assessment – 495 Parcels

	$28,688.50	Annual Assessment for fiscal year 2013-2014
÷	495	# of Parcels
$	57.96	Annual assessment per parcel

D. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed 2013-2014 annual assessment for residential parcels has increased from $52.28 to $57.96 per parcel.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

Shackelford LLD Fund 6470		Estimated FY 2012-13[1]	Proposed FY 2013-14
Beginning Fund Balance		$ 12,636	$ 7,093
Revenues (Cost Center 80015)	**Account**		
Special Assessments	47051	$ 22,356 [2]	$ 28,688 [3]
Interest Revenue on Bank Account	48010	$ 45	$ -
Total Revenues		$ 22,401	$ 28,688
Expenses (Cost Center 80015)	**Account**		
Operating Budget			
Postage Expenses	52025	$ -	$ (200)
Electricity Utility Expenses	53040	$ (14,946)	$ (23,000)
Services City Forces - Interfund	54500	$ (7,915)	$ (3,701)
Estimated - Postage Expenses	*52025*	*$ -*	
Estimated - Electricity Utility Expenses	*53040*	*$ (3,501)*	
Estimated - Services City Forces - Interfund	*54500*	*$ (1,583)*	
Total Expenses		$ (27,945)	$ (26,901)
Ending Fund Balance		$ 7,093	$ 8,880

[1] The estimated amount shows what has been expended as of 04-30-2013. There will be more expenses through the end of the fiscal year (June); these are shown as *Estimated*.

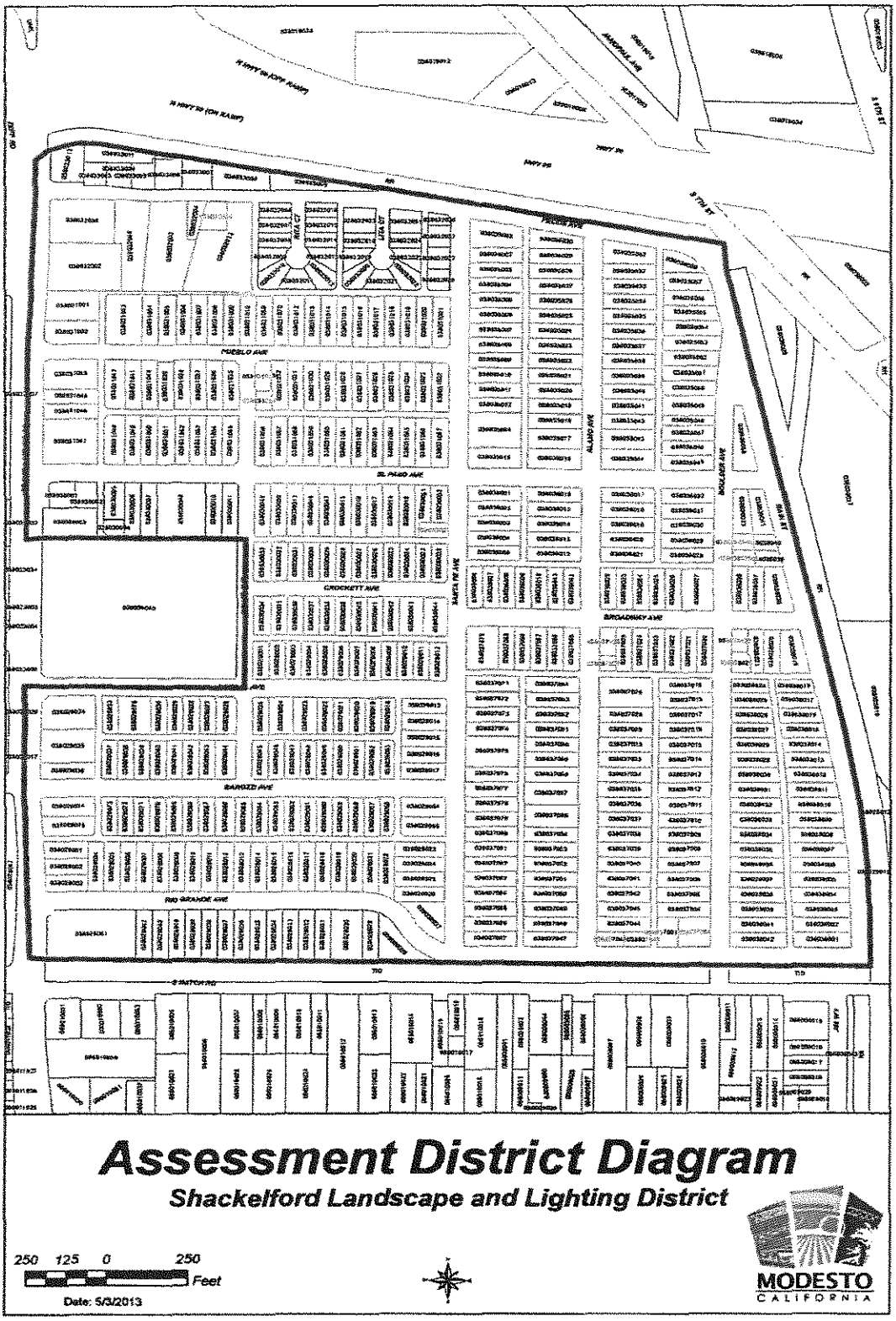
[2] Actual revenue received.

[3] Proposed levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Parks, Recreation, and Neighborhoods Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Supervisor at (209) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-028-001-000	SERRANO ANTONIO H & SERRANO MARIA G	1328 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-028-002-000	STILLE JERRY	0 CROWS LANDING RD	MODESTO CA 95358	$ 57.96
038-028-003-000	STILLE JERRY	1328 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-028-004-000	STILLE JERRY	115 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-005-000	GARCIA VALENTIN	119 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-006-000	CARDENAS JOSE J	123 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-007-000	RAMIREZ MARIA ELENA	127 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-008-000	GARIBAY AUDELIA	131 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-009-000	ANDREWS LUKE J & CAROLYN M	201 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-010-000	OLGUIN RACHEL O TR	205 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-011-000	YEPEZ EFREN & YEPEZ GUADALUPE OCHOA	209 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-012-000	MENDOZA EDGAR	213 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-013-000	ANGUIANO IGNACIO & ELVIRA	217 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-014-000	HERRERA MARIA	221 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-015-000	AMESCUA JOSE	225 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-016-000	CORRAL JOSE & ALICIA	229 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-017-000	MARTINEZ JOHN	301 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-018-000	GARZA JOSE R & GARZA ROSA E	305 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-019-000	ACOSTA ISABEL	309 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-020-000	DIAZ RODRIGO	313 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-021-000	CASTILLO RAUL D & CASTILLO ANGELA F	317 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-022-000	SAHOTA HARVINDER SINGH	321 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-023-000	SOSA EFREN M & ANDREA A	1315 SANTA FE AVE	MODESTO CA 95353	$ 57.96
038-028-024-000	HO CHINJUI & FAN MINGJEAN	1319 SANTA FE AVE	MODESTO CA 95357	$ 57.96
038-028-025-000	DIANDA REBECCA LEE	1323 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-028-026-000	FLORES RAUL CASTILLO & CASTILLO BRAULIA A	1327 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-028-027-000	NATH LEKHRAM	343 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-028-000	HERNANDEZ DE VARGAS MARIA SALUD	320 RIO GRANDE AVE	MODESTO CA 95354	$ 57.96
038-028-029-000	BEAS MARIANO & MARIA C	318 RIO GRANDE AVE	MODESTO CA 95358	$ 57.96
038-028-030-000	RON MARCELINO & EDELMIRA	316 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-031-000	ARROYO ISMAEL GARIBY ET AL	306 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-032-000	AVILA OCTAVIO S	302 RIO GRANDE AVE	MODESTO CA 09535	$ 57.96
038-028-033-000	MARES CARLOS	230 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-034-000	WALLACE EDNA	226 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-035-000	NICK BRYAN	222 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-036-000	TAYLOR JUANITA B	218 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-037-000	GARIBAY ET AL ISMAEL	214 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-038-000	TRUJILLO SALOME L & ET UX	210 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-039-000	BEIREIS ROBERT	206 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-040-000	SANDOVAL CARMEN ET AL	204 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-042-000	CARUSO SHOPPING CENTER INC	128 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-048-000	KNIGHT ELLEN FAITH TR	202 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-028-051-000	CARUSO SHOPPING CENTER INC	1418 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-029-001-000	DUARTE FELIPE B	221 SCHOOL AVE	MODESTO CA 95354	$ 57.96
038-029-002-000	CARRILLO JOSE A	225 SCHOOL AVE	MODESTO CA 95351	$ 57.96

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-029-003-000	GRAGG EUGENE LAROY	229 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-004-000	HENDRIX SHIRLEY	301 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-005-000	RODRIQUEZ MARY P	305 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-006-000	MEZA ISIDRO	309 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-007-000	BURROWS DELORES I	313 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-008-000	ALBERTO LUCAS & MODESTA	317 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-009-000	ALBERTO LUCAS & ALBERTO MODESTA	321 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-010-000	SWARTS JACK ODELL	325 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-011-000	ANGELES REMIGIO & SANCHEZ DELFINA	329 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-012-000	JIMENEZ JOSE L & JIMENEZ ESPERANZA G	333 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-013-000	LARA JOSE A & LARA BERTHA A	326 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-014-000	FIERRO ANTHONY A	1233 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-029-015-000	GAYLE NOVI L	1237 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-029-016-000	PENA ARTURO & PENA ARCELIA	1241 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-029-017-000	JIMENEZ-FUENTES ROGELIO & JIMENEZ SELENE	1245 SANTA FE AVE	MODESTO CA 95358	$ 57.96
038-029-018-000	MODESTO CITY OF	SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-019-000	VILLA ROGELIO ET AL	318 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-020-000	LLAMAS HILDA MARIA	314 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-021-000	TORRES MARIANO M & TORRES ELVERIA K	310 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-022-000	HOOVER ROBERT S JR TR ET AL	306 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-023-000	AGUAYO ISMAEL	302 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-024-000	ORTEGA RODOLFO ET AL	226 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-025-000	GUDINO FRANCISCO & GUDINO GUADALUPE	222 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-026-000	MODESTO CITY SCHOOL DIST	SCHOOL & BOWIE AVE	MODESTO CA 95351	$ 57.96
038-029-027-000	VANKIRK VENOY & ET UX	SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-028-000	VANKIRK VENOY V TRS & VANKIRK MARJORIE H	206 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-029-000	VANKIRK VENOY V TRS & VANKIRK MARJORIE H	202 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-030-000	VANKIRK BLONDELL TR	128 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-033-000	AGUILERA CONNIE HEIRS OF	116 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-029-034-000	VIRK DAVINDER S & SARBJIT TRS	1230 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-029-035-000	GARCIA JOSE & SOFIA TRS	1238 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-029-036-000	SERRANO VICTOR & GUADALUPE	1246 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-029-037-000	MARTIN WILLIAM R TRS & MARTIN JUDITH L	117 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-038-000	MARTIN WILLIAM R TRS & MARTIN JUDITH	BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-039-000	GARIBAY MARIA DE JESUS	125 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-040-000	GARCIA ROBERTO P ET AL	129 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-041-000	ARNETT SANDRA JEAN ET AL	201 BAROZZI AVE	MODESTO CA 95361	$ 57.96
038-029-042-000	TORRES SIXTO A & GALVAN OFELIA FLORES	205 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-043-000	HERNANDEZ ASCENCION & LUCIA	209 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-044-000	CASTILLO ALMA	213 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-045-000	DURAN GLORIA M	221 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-046-000	DIAZ RODRIGO	225 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-047-000	BARAJAS JOSE & BARAJAS MARIA	229 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-048-000	JIMENEZ ANTONIO F & JIMENEZ TERESA F	301 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-049-000	PULIDO JOSE G ET AL	305 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-050-000	ACEVES ANGEL & ACEVES ELVA	309 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-051-000	LOPEZ NESTOR	313 BAROZZI AVE	MODESTO CA 95351	$ 57.96

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-029-052-000	CASTILLO MARIA	317 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-053-000	GARIBAY ISMAEL	321 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-054-000	MARTINEZ ANTONIO & MARTINEZ GEORGINA M	1305 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-029-055-000	CALDERON LUIS & VIRGINIA CACHU	1309 SANTA FE AVE	MODESTO CA 95354	$ 57.96
038-029-056-000	MARTINEZ JOSE JESUS TRS & MARTINEZ MARIA ESCAMILLA	322 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-057-000	MARTINEZ SALVADOR ET AL	318 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-058-000	BRISENO JOSE & CAMACHO MIREYA SOSA	314 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-059-000	MENDOZA GILBERTO	310 BAROZZI AVE	MODESTO CA 95350	$ 57.96
038-029-060-000	CALDERON MANUEL ET AL	306 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-061-000	GOODRICH PATRICIA A	302 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-062-000	LOPEZ NICOLAS	230 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-063-000	GARCIA FELIPE O & GARCIA CHRISTINA	226 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-064-000	GARCIA MARIO A & GARCIA MARY G	222 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-065-000	JIMENEZ PETRA	218 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-066-000	SOTO RAUL	214 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-067-000	MORENO MARTIN DE SANTIAGO & MARISOL	210 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-068-000	JAUREGUI JESUS	206 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-069-000	ALVARADO SALVADOR & ALVARADO MARIA E	202 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-070-000	NELSON MARY E ET AL	128 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-071-000	MARTIN JUDITH L TR	BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-072-000	BIG PROPERTY INVESTMENTS LLC	120 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-073-000	ESPINDOLA ROSARIO T	116 BAROZZI AVE	MODESTO CA 95351	$ 57.96
038-029-074-000	FELIX RAFAELA	1304 CROWS LANDING RD	MODESTO CA 95350	$ 57.96
038-029-075-000	FELIX RAFAELA	1312 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-029-076-000	TAYLOR BENNIE W JR ET AL	120 SCHOOL AVE	MODESTO CA 95351	$ 57.96
038-030-001-000	EL DORADO MARKET INC	1104 CROWS LANDING RD	MODESTO CA 95358	$ 57.96
038-030-002-000	CH SET FREE CHRISTIAN FELLOWSH	110 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-003-000	EL DORADO MARKET INC	1108 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-030-004-000	MODESTO CITY SCHOOLS	EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-005-000	MODESTO CITY SCHOOLS	116 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-006-000	MODESTO CITY SCHOOLS	120 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-007-000	CH GOD OF	124 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-010-000	BECERRA REFUGIO & ARMAS BENIGNA	208 EL PASO AVE	MODESTO CA 95358	$ 57.96
038-030-011-000	BECERRA REFUGIO E & ARMAS BENIGMA	212 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-013-000	GALVAN ROBERTO	228 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-015-000	RIOS HENRY V & RIOS LYDIA F	304 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-016-000	CARDENAS VIDAL & CARDENAS SOCORRO	308 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-017-000	MUNOZ CRISOFORO R	312 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-018-000	GARCIA FRANCISCO J	316 EL PASO AVE	MODESTO CA 95350	$ 57.96
038-030-019-000	KETNER ET AL VERA W	320 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-021-000	CAMARGO LAURA A ET AL	1113 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-030-022-000	SALDANA JUAN D & ET UX	329 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-023-000	SHERMAN DAVID H TR	325 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-024-000	MORENO CARLOS & MORENO EVA	321 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-025-000	MURILLO ARMANDO & ARELLANO CONSUELO	317 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-026-000	LUNA JOSE GUADALUPE JR	313 CROCKETT AVE	MODESTO CA 95351	$ 57.96

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-030-027-000	PADILLA MARIA MAGUIN	309 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-028-000	GOMEZ REFUGIO	305 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-029-000	VENEGAS-ZENDEJAS EVANGELINA	301 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-030-000	MURILLO SUSANA	233 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-031-000	MECCA DIANE MARIE	229 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-032-000	CARRERA ZOILO & IRMA	225 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-033-000	RAM RAMANJIT	1120 BOWIE AVE	MODESTO CA 95351	$ 57.96
038-030-034-000	O DANIEL DANNY LLOYD JR	220 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-035-000	NAVARRO FRANCISCO & NAVARRO ROSA O	224 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-036-000	LUNA JESUS	228 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-037-000	LUNA FRANCISCO ET AL	232 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-038-000	LUNA JUAN I & ET UX	300 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-039-000	KINGSTON PATTI CAINE ET AL	304 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-040-000	MARTINEZ MOISES ET AL	308 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-041-000	LUNA CARLOS & LUNA LETICIA	312 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-042-000	GONZALEZ MANUEL	316 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-043-000	MEDINA HERIBERTO	320 CROCKETT AVE	MODESTO CA 95351	$ 57.96
038-030-044-000	MENDOZA ERIKA NUNEZ	1211 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-030-046-000	GARZA JOSE ROBERTO & GARZA ROSA E	232 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-047-000	LINARES FELIPE P & LINARES MARTHA A	300 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-048-000	CH GOD OF	200 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-049-000	ROMERO ROSALVA L	220 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-050-000	PARSONS JOSEPH J TR	224 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-051-000	REYES JOSE G	326 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-030-052-000	MELGOZA CRISTOBAL & ANITA	328 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-001-000	RAMIREZ FERNANDO	930 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-031-002-000	RAMIREZ FERNANDO	938 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-031-003-000	AGUILERA SALVADOR	117 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-004-000	MENDEZ LOURDES	125 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-005-000	SCRUGGS JOSEPH M & LINDA J TRS	129 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-006-000	FAJARDO JOSEPH JR	201 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-007-000	PADILLA FRANCISCO C & PADILLA MARIA E	205 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-008-000	RODRIGUEZ RUBEN GARZA & ROSEMARY	209 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-009-000	GARCIA IRMA	213 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-010-000	GOOLSBY STEVEN W ET AL	217 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-012-000	GOOLSBY WAYNE R	229 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-013-000	INIGUEZ JORGE S	233 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-014-000	GALVAN MARIA ANGELICA	303 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-015-000	FRANCO JOSE A & FRANCO HORTENCIA P	305 PUEBLO	MODESTO CA 95351	$ 57.96
038-031-016-000	SALGADO REFUGIO ET AL	309 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-017-000	LEW JOE	313 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-018-000	MERIWETHER SANDY Y	317 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-019-000	GUZMAN JULIAN M & MOTA-GUZMAN DELIA	321 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-020-000	ESPINOZA LAZARO	325 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-021-000	TORRES MARGARITO M	921 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-031-022-000	MADRIGAL GUILLERMO ET AL	1007 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-031-023-000	GILMORE DANIEL	324 PUEBLO AVE	MODESTO CA 95351	$ 57.96

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-031-024-000	MENDOZA ENRIQUE T & MENDOZA IRMA A	320 PUEBLO AVE	MODESTO CA 95355	$ 57.96
038-031-025-000	CARDENAS JESUS ET AL	316 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-026-000	FUNK MARIA	312 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-027-000	ROBBINS JAMES P & ROBBINS PATRICIA C	308 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-028-000	CASTRO RAYMOND & CASTRO MARTHA E	304 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-029-000	GALVIN JOSE L	300 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-030-000	SIGALA STEVE & TERESA	232 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-031-000	PENDLEY CLAY	228 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-032-000	ESCOBEDO MICHIKO	224 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-033-000	ABSHER GLOBAL INVESTMENTS INC	220 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-034-000	ABSHER GLOBAL INVESTMENTS INC	220 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-035-000	CABRERA AGUSTIN	212 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-036-000	SIGALA STEVE & TERESA	208 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-037-000	MADRIGAL RAFAELA	204 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-038-000	OCHOA JOSE LUIS	200 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-039-000	LARA CONSUELO M	128 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-040-000	PELAYO MARYLU	124 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-041-000	DEA BILLY & FRANCES Y	120 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-042-000	KEERAN DAN G	116 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-045-000	GUAJARDO HECTOR	1010 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-031-046-000	GUAJARDO HECTOR	1014 CROWS LANDING RD	MODESTO CA 95358	$ 57.96
038-031-047-000	PORRAS SIXTO	1024 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-031-048-000	LOZANO SANDRA LUZ SUAREZ	117 EL PASO AVE	MODESTO CA 95358	$ 57.96
038-031-049-000	FLORES MIGUEL ANGEL	121 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-050-000	REYNOSO JORGE	125 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-051-000	CENTENO MARIA	129 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-052-000	ORTEGA GILBERTO H & ORTEGA FRANCISCA	201 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-053-000	ORTEGA GILBERTO H & ORTEGA FRANCISCA Z	205 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-054-000	BETTENCOURT LULA JENE	209 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-055-000	MENDEZ LOURDES	213 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-056-000	YEFREMENKO ALEKSANDR	221 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-057-000	LOTT ROBERT L & ET UX	225 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-058-000	FLORES ADRIANA	229 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-059-000	FLORES ADRIANA	233 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-060-000	GARZA ESPERANZA	301 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-061-000	GARZA JOAQUIN J JR & GARZA GRACIELA	305 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-062-000	GARZA JOSE ROBERTO & GARZA ROSA E	309 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-063-000	MENDEZ LOURDES	313 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-064-000	GARZA JOSE ROBERTO & ROSA E	317 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-065-000	GARZA JOSE R & GARZA ROSA E	321 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-066-000	GOMEZ JUSTINO	325 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-031-067-000	GOMEZ JUSTINO & GOMEZ MARTINA	1019 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-031-068-000	DICKENS KATHERINE L TR	1002 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-031-069-000	JOHNSON DAVID J & JOHNSON LAVELDA C	221 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-031-070-000	CASTILLO RUBEN & CASTILLO M MAGDALENA	225 PUEBLO AVE	MODESTO CA 95351	$ 57.96
038-032-002-000	MENDOZA ROBERTO & LIVIER	924 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-032-003-000	GORDO BRUCE ANTHONY	132 PECOS AVE	MODESTO CA 95351	$ 57.96

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-032-004-000	GARCIA FERNANDO	208 PECOS AVE	MODESTO CA 95351	$ 57.96
038-032-006-000	CORTEZ EDDIE T	101 RITA CT	MODESTO CA 95351	$ 57.96
038-032-007-000	CORTEZ EDDIE T	105 RITA CT	MODESTO CA 95351	$ 57.96
038-032-008-000	ZENDEJAS ZENAIDA	109 RITA CT	MODESTO CA 95351	$ 57.96
038-032-009-000	INIGUEZ BERNABE ET AL	113 RITA CT	MODESTO CA 95351	$ 57.96
038-032-010-000	INIGUEZ ISMAEL & INIGUEZ MARIA G	117 RITA CT	MODESTO CA 95351	$ 57.96
038-032-011-000	ASCENCIO MARTIN G ET AL	122 RITA CT	MODESTO CA 95351	$ 57.96
038-032-012-000	WHITE GARY L & WHITE MARY	118 RITA CT	MODESTO CA 95351	$ 57.96
038-032-013-000	BRIONES GUADALUPE	114 RITA CT	MODESTO CA 95351	$ 57.96
038-032-014-000	YOUNG RUTH	110 RITA CT	MODESTO CA 95351	$ 57.96
038-032-015-000	CERVANTES JUANA LAURA ROSAS	106 RITA CT	MODESTO CA 95351	$ 57.96
038-032-016-000	INIGUEZ BERNABE ET AL	102 RITA CT	MODESTO CA 95351	$ 57.96
038-032-018-000	LOMBERA ONECINO V ET AL	109 LITA CT	MODESTO CA 95351	$ 57.96
038-032-019-000	TANAKA TAD TADASHI TRS & TANAKA EVA WONG	113 LITA CT	MODESTO CA 95351	$ 57.96
038-032-020-000	ALVAREZ JUAN & ALVAREZ SOCORRO	117 LITA CT	MODESTO CA 95351	$ 57.96
038-032-021-000	FLORES PEDRO & ET UX	122 LITA CT	MODESTO CA 95351	$ 57.96
038-032-022-000	MALDONADO MARIO	118 LITA CT	MODESTO CA 95351	$ 57.96
038-032-023-000	FERNANDEZ JESUS M	114 LITA CT	MODESTO CA 95351	$ 57.96
038-032-024-000	TANAKA TAD TADASHI TRS & TANAKA EVA WONG	110 LITA CT	MODESTO CA 95351	$ 57.96
038-032-027-000	SAMRAN SOHAN	913 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-032-028-000	WILLIAMS MARTHA ET AL	917 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-032-031-000	WONG ERNEST H & KLOCKO ANNE L TRS	106 LITA CT	MODESTO CA 95351	$ 57.96
038-032-032-000	SAMRA GURMIT	105 LITA CT	MODESTO CA 95351	$ 57.96
038-032-033-000	PENALOZA FRANCISCO M	220 PECOS AVE	MODESTO CA 95351	$ 57.96
038-032-034-000	SOLORIO DANIEL SR & SOLORIO SHERRY A	214 PECOS AVE	MODESTO CA 95351	$ 57.96
038-032-036-000	GARCIA MARIANO & GARCIA ELVA	328 PECOS AVE	MODESTO CA 95351	$ 57.96
038-032-037-000	VALENCIA HUMBERTA M	909 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-032-039-000	MENDOZA ROBERTO & LIVIER	900 CROWS LANDING RD	MODESTO CA 95358	$ 57.96
038-032-040-000	STANISLAUS COUNTY OF	PECOS AVE	MODESTO CA 95358	$ 57.96
038-033-003-000	MENDOZA ROBERTO & LIVIER	105 PECOS AVE	MODESTO CA 95351	$ 57.96
038-033-004-000	MENDOZA ROBERTO & LIVIER	121 PECOS AVE	MODESTO CA 95351	$ 57.96
038-033-005-000	SUMPTER HENRY C III	127 PECOS AVE	MODESTO CA 95351	$ 57.96
038-033-006-000	NAVARRO RAMON H & JUSTINE	201 PECOS AVE	MODESTO CA 95351	$ 57.96
038-033-007-000	TUCKER KRISTY	209 PECOS AVE	MODESTO CA 95351	$ 57.96
038-033-008-000	CORTEZ ED	215 PECOS AVE	MODESTO CA 95351	$ 57.96
038-033-009-000	GILMORE DANIEL A	225 PECOS AVE	MODESTO CA 95351	$ 57.96
038-033-011-000	MENDOZA ROBERTO & LIVIER	109 PECOS RD	MODESTO CA 95351	$ 57.96
038-033-012-000	MENDOZA ROBERTO & LIVIER	854 CROWS LANDING RD	MODESTO CA 95351	$ 57.96
038-035-002-000	RIVERA CONSUELO B	912 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-035-003-000	DUONG SUNSHINE & WEBB NICHOLAS E	918 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-035-004-000	LOPEZ MARTIN & PATRICIA	920 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-035-005-000	NINO ALBERT AGUIRRE	924 SANTA FE AVE	MODESTO CA 95354	$ 57.96
038-035-006-000	GILL RUPINDER K	928 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-035-007-000	REYNOSO ALBERTO ROMO	932 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-035-008-000	BRINKMAN LOUAIN TR	936 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-035-009-000	DEL VALLE ROCIO	1002 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-035-010-000	CASCADE CLEANING SERVICES	1006 SANTA FE AVE	MODESTO CA 95351	$ 57.96

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-035-011-000	SMG DEVELOPMENT LLC ET AL	1010 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-035-012-000	KEM SOKHOM & VANTHA TRS	1014 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-035-015-000	SIKKA SATISH ET AL	1028 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-035-016-000	CHEENU LLC	1029 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-017-000	PERDUE GARY LYN	1023 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-018-000	HERNANDEZ MARIA G ET AL	1019 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-019-000	MURILLO GUILLERMINA	1015 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-020-000	VIANA OSWALDO E	1011 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-021-000	TOVAR MANUEL & ROSIE	1007 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-022-000	HERNANDEZ MANUEL & HERNANDEZ MARIA	1001 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-023-000	DIAZ RODRIGO	937 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-024-000	GIL RICARDO	933 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-025-000	WELLS FARGO BANK NA	929 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-026-000	ESCALANTE OSCAR	925 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-027-000	DE LA TORRE MIGUEL ET AL	921 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-028-000	PADILLA JAIME & ROSE FONSECA DE	917 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-029-000	VELASQUEZ ERIK NEVAREZ	913 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-030-000	HERNANDEZ ANTONIO & GUADALUPE	412 PECOS AVE	MODESTO CA 95351	$ 57.96
038-035-032-000	ANGLIN JAMES JR & ET UX	916 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-033-000	ANGLIN JAMES R & ANGLIN ALETA M	920 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-034-000	ANGLIN JAMES JR & ET UX	924 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-035-000	R RENTALS LLC	928 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-036-000	GARCIA RAMON & ET UX	932 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-037-000	PIMENTAL JOSE AGUILAR & ENEDELIA A	936 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-038-000	MACEDO ENRIQUE	1002 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-039-000	OLVERA EMETERIO & ET UX	1006 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-040-000	KAUR MANJIT	1010 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-041-000	CHAVEZ MANUEL G & ET UX	1014 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-042-000	BARRAGAN JOHN J & LETICIA R	1018 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-043-000	GOMEZ LETICIA ET AL	1024 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-035-044-000	SANTANA ELSA	505 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-035-045-000	VASQUEZ ALFREDO & ET UX	1029 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-035-046-000	BARRAZA ALFONSO LEON	1025 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-035-047-000	KEM SOKHOM & VANTHA TRS	1021 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-035-048-000	CALDERON PEDRO & CALDERON MARIA DE LOURDES	1019 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-035-049-000	TORRES JOSE	1017 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-035-050-000	RAMIREZ AGUSTIN JR	1007 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-035-051-000	NAVARRETE JAVIER	1005 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-035-052-000	SALDANA HILARIO	1001 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-035-053-000	GARZA JOSE ROBERTO & ROSA ELGNA	935 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-035-054-000	GARZA JOAQUIN JR	931 MAIN ST	MODESTO CA 95351	$ 57.96
038-035-055-000	JONES RICHARD J	927 MAIN ST	MODESTO CA 95351	$ 57.96
038-035-056-000	SANCHEZ ANTONIO R & SANCHEZ MARIA	923 MAIN ST	MODESTO CA 95351	$ 57.96
038-035-057-000	PERKINS STEVEN A & ELSSY E	919 MAIN ST	MODESTO CA 95351	$ 57.96
038-035-058-000	ALEMAN MARIA HEIRS OF ET AL	1026 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-035-059-000	DAVIS MIKE & SHERYL	530 PECOS	MODESTO CA 95351	$ 57.96
038-035-062-000	GALVAN ALICIA	912 ALAMO AVE	MODESTO CA 95351	$ 57.96

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-035-063-000	BELTRAN AMPARO	908 SANTA FE	MODESTO CA 95351	$ 57.96
038-035-064-000	MONTES CARLOS A & MONTES GUADALUPE C	1018 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-036-001-000	GOMEZ JUSTINO & GOMEZ MARTINA	1104 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-036-002-000	MULLINS GUY E JR	1106 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-036-003-000	MACIEL BENJAMIN & MARISELA JIMINEZ	1110 SANTA FE AVE	MODESTO CA 95358	$ 57.96
038-036-004-000	GOMEZ JUSTINO & GOMEZ MARTINA	1114 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-036-005-000	GOMEZ JUSTINO & GOMEZ MARTINA	1118 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-036-006-000	ALEMAN ARMANDO ET AL	1124 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-036-007-000	ARREGUIN PABLO & ARREGUIN ESTHER	405 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-008-000	MOTA-NAVARRO IGNACIO & GUTIERREZ-DE MOTA TERESITA	409 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-009-000	PEREZ JOSE & PEREZ OTILIA	413 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-010-000	MEDINA MARIA CECILIA HUERTA	417 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-012-000	GARZA ESPERANZA	1117 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-036-013-000	SAMRAN SOHAN	1113 ALAMO AVE	MODESTO CA 95358	$ 57.96
038-036-014-000	GUTIERREZ ALEJANDRO LEON	1109 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-036-015-000	GOMEZ JUSTINO	1105 ALAMO AVE	MODESTO CA 95358	$ 57.96
038-036-016-000	MULLINS GUY EUGENE JR	1101 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-036-017-000	KUESTER CHRISTIAN F & DORIS J	1102 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-036-018-000	ALVARA GONZALO & MARISELA	1106 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-036-019-000	LOPEZ FRANCISCO M & LOPEZ DELIA T	1110 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-036-020-000	ARROYO RAFAEL & ALMA PATRICIA	1114 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-036-021-000	GALLEGOS SIMONE C	1118 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-036-022-000	GOMEZ ESTELA A	501 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-023-000	HIGH ROBERT A & JANET L TRS	505 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-024-000	GARCIA JUAN M & BLAKE ALMA D	507 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-025-000	PADILLA ANGEL GAIL ET AL	509 BROADWAY AVE	MODESTO CA 95358	$ 57.96
038-036-026-000	MENDOZA AGUSTIN	517 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-027-000	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	1125 BOULDER	MODESTO CA 95351	$ 57.96
038-036-028-000	WALLACE DANNY L & WALLACE ESTHER G	1119 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-036-029-000	JOHNSON BRYANT	1113 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-036-030-000	AMADOR OLIVER RAY	1109 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-036-031-000	MC HAM JOHN & MISTY	1105 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-036-032-000	CHRISTIANSEN JON FREDERICK	1101 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-036-033-000	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	602 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-036-034-000	GROKHOLSKY YURY	1114 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-036-035-000	ZABALZA RUBEN JR	1118 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-036-036-000	SOLANO MIGUEL ANGEL LOPEZ	601 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-037-000	MONTIEL GUADALUPE	605 BROADWAY AVE	MODESTO CA 95350	$ 57.96
038-036-038-000	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	613 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-039-000	AZEVEDO DANIEL ROBERT ET AL	1117 MAIN ST	MODESTO CA 95351	$ 57.96
038-036-040-000	WILSON CLIFFORD & WILSON LILA P	1113 MAIN ST	MODESTO CA 95351	$ 57.96
038-036-041-000	OLVERA DAVID R	606 EL PASO AVE	MODESTO CA 95351	$ 57.96
038-036-042-000	AGUILAR ENDELIA ET AL	425 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-036-043-000	LEDEZMA LOURDES	421 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-001-000	MENENDEZ ESTELA	521 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-037-004-000	VASQUEZ JOSE A	1329 BOULDER AVE	MODESTO CA 95351	$ 57.96

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-037-005-000	DIAZ NOE	1325 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-006-000	LOPEZ ENRIQUETA P & ANTONIO	1321 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-007-000	VASQUEZ JOSE & CASTILLO ANGELA ESTER	1317 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-008-000	AVILA MIGUEL A	1313 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-009-000	GUTIERREZ GUADALUPE	1309 BOULDER AVE	MODESTO CA 95358	$ 57.96
038-037-010-000	PEREZ VICENTE & EVANGELINA	1305 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-011-000	GONZALEZ YOLANDA V	1301 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-012-000	ROMERO ADRIAN	1245 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-013-000	GOMEZ LUIS SR & GOMEZ JUANA	1241 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-014-000	GARZA JOAQUIN JR	1237 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-015-000	ASCENCIO MIGUEL G & ASCENCIO HERMELINDA F	1233 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-016-000	KAUR MANJIT	1229 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-017-000	GARZA ESPERANZA	1225 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-018-000	DUONG SUNSHINE NHU & WEBB NICHOLAS E	1221 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-019-000	MAI MICHAEL	1217 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-037-020-000	CONTRERAS RICARDO	526 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-021-000	RODRIGUEZ AZUCENA	522 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-022-000	GARCIA MARIBEL	518 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-023-000	GALVAN ROBERTO & GALVAN EMMA	514 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-024-000	OCHOA GEORGE	510 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-025-000	KIDD JUNE C ET AL	506 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-026-000	KIDD JUNE C & KIDD RALPH	502 BROADWAY	MODESTO CA 95351	$ 57.96
038-037-027-000	KIDD JUNE	1218 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-028-000	MODESTO CITY OF	ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-029-000	GALVAN ROBERTO & EMMA	1226 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-032-000	RIVERA JESUS & RIVERA MARIA C	1234 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-033-000	PELAYO OSCAR	1238 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-034-000	PELAYO OSCAR	1242 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-035-000	LOPEZ VICTORIANO A & ET UX	1246 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-036-000	PEREZ AURELIO & PEREZ MARIA ROCIO	1302 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-037-000	PELAYO ARTURO & PELAYO EDELMIRA S	1306 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-038-000	ESTRADA MARIA ELENA	1310 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-039-000	VASQUEZ APOLINAR	1316 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-040-000	OSUNA ANTONIO V HEIRS OF	1318 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-041-000	OSUNA ISIDRA	1322 ALAMO AVE	MODESTO CA 95350	$ 57.96
038-037-042-000	RIOS HENRY V & RIOS LYDIA F	1326 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-043-000	GARZA JUAN P	1330 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-044-000	GARZA JUAN PABLO	1334 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-045-000	CHOUDERY TARIQ & FARZANA TRS	1336 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-046-000	GARZA JUAN PABLO	511 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-037-047-000	TEMPLO ROSA DE SARON	421 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-037-048-000	PACIFIC EQUITY CONSULTANTS	1333 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-049-000	GARCIA ELPIDIO	1329 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-050-000	HORN ADELLA R	1325 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-051-000	COLLAZO GILDARDO A & CHAVEZ ROCIO	1321 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-052-000	ZERMENO REFUGIO & MARIA	1317 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-053-000	ANGLIN JAMES JR & ET UX	1313 ALAMO AVE	MODESTO CA 95351	$ 57.96

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-037-054-000	MORENO MANUEL & DE LA TORRE HILDA	1309 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-057-000	VU TOM TR	1245 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-058-000	BARTLEY WILLA M EST OF	1241 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-059-000	VASQUEZ JOSE ATILIO	1237 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-060-000	LOMELI GUSTAVO A	1233 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-061-000	WINTERS HERMAN C & SHIRLEY J TRS	1229 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-062-000	ORTEGA ANGELA	1225 ALAMO AVE	MODESTO CA 95358	$ 57.96
038-037-063-000	ORTEGA GILBERTO H & ORTEGA FRANCISCA	1221 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-064-000	PEREZ LUIS A ET AL	1217 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-065-000	GONZALEZ JORGE AYALA & AYALA PETRA	1209 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-066-000	ROMERO ALEJO S & ROMERO FRANCISCA	422 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-067-000	DE LEON HECTOR S	418 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-068-000	CHAIREZ JOHNY LOPEZ ET AL	414 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-069-000	RIOS JUVENTINO	410 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-070-000	SANDHU PARAMVEER	406 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-037-071-000	GARCIA VERONICA C	1218 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-072-000	TELLECHEA FLORENTINO JR & TELLECHEA JOSEFINA B	1222 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-073-000	HENDRIX GUYLANN J	1226 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-074-000	MARTINEZ MARIA DE JESUS ET AL	1230 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-075-000	DE LA TORRE HUGO	1234 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-076-000	NINO ARTURO	1242 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-077-000	DE LA RIVA JOEL	1246 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-078-000	ROMO MARTIN & ROMO ANA LUZ	1302 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-079-000	OCCA INVESTMENT GROUP LLC	1306 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-080-000	RASBERRY MILTON ET AL	1310 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-081-000	SOTO MARY ET AL	1314 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-082-000	RAMIREZ RENE	1318 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-083-000	COX CLEDOUS E	1322 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-084-000	DEA BILLY & FRANCES	1326 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-085-000	GUILLEN LUIS MARIO	1330 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-086-000	NORTH CAL INVESTORS LLC	1334 SANTA FE AVE	MODESTO CA 95351	$ 57.96
038-037-087-000	TEMPLE BAUTISTA ROSA DE SARON INC	411 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-037-088-000	CH ASAMBLEAS DE DIOS BUEN SAMA	525 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-037-089-000	RUELAS FELIPE	1230 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-037-090-000	RANGEL JAVIER & MARIA	1301 ALAMO AVE	MODESTO CA 95351	$ 57.96
038-038-001-000	BEST REAL ESTATE INVESTMENT INC	611 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96
038-038-002-000	JIMENEZ VICTOR ET AL	1333 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-003-000	FLORES AGUSTIN & FLORES IRENE M	1329 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-004-000	TURNER REBECCA	1325 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-005-000	TURNER REBECCA	1321 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-006-000	AMEZQUITA OLIVIA & IGNACIO	1317 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-007-000	ARREQUIN PABLO	1313 MAIN ST	MODESTO CA 95350	$ 57.96
038-038-008-000	ARREQUIN PABLO	1309 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-009-000	GRADILLA ANTONIO & URSUA PIEDAD	1305 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-010-000	GRANADOS JACINTO ET AL	1301 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-011-000	GARZA JOAQUIN JR	1245 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-012-000	ROMERO BAUDELIO SR ET AL	1241 MAIN ST	MODESTO CA 95351	$ 57.96

APN	OWNER	PROPERTY ADDRESS	CITY STATE ZIP	2013-14 ASSESSMENT
038-038-013-000	GOMEZ IGNACIO & MARIA GUADALUPE	1237 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-014-000	COLON EMMANUEL BRUNO	1233 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-015-000	MONDRAGON BENJAMIN S	1229 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-016-000	LAWSON SALLY L	1225 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-017-000	SILVA RITA O	1221 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-018-000	GARCIA JUAN MANUEL	1217 MAIN ST	MODESTO CA 95351	$ 57.96
038-038-019-000	LEW JOE	614 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-038-020-000	RODRIGUEZ FEDERICO	610 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-038-021-000	CASTRO GUILLERMO	606 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-038-022-000	CH APOST ASBY FTH CHRIST JESUS	602 BROADWAY AVE	MODESTO CA 95351	$ 57.96
038-038-023-000	CORTEZ ANTONIO	1214 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-024-000	LINARES ANA	1218 BOULDER	MODESTO CA 95351	$ 57.96
038-038-025-000	BARAJAS JAVIER & IRMA N	1222 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-026-000	NAYARES CARLOS M & ET UX	1226 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-027-000	GONZALEZ JESUS & GREGORIA	1230 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-028-000	CASILLAS HERIBERTO & MARIA	1234 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-029-000	DIAZ R RAFAEL & DIAZ MA INEZ	1238 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-030-000	BARRON JOSE F & BARRON DOLORES M	1242 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-031-000	VELASQUEZ PEDRO ET AL	1246 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-032-000	RIOS AURELIO ET AL	1302 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-033-000	CEJA LUZ ELENA CHAVEZ DE	1306 BOULDER AVE	MODESTO CA 95358	$ 57.96
038-038-034-000	AL-SUMERI FAHMI	1310 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-035-000	SANDOVAL XOCHI	1314 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-036-000	LOPEZ MARTHA	1318 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-037-000	CHAVEZ JOSE & CHAVEZ ANA M	1322 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-038-000	AGUILAR FELIPE	1326 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-039-000	BANUELOS IFRAEL	1330 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-041-000	WALL CHARLES PHILLIP TR	1334 BOULDER AVE	MODESTO CA 95351	$ 57.96
038-038-042-000	WALL CHARLES PHILLIP TR	603 RIO GRANDE AVE	MODESTO CA 95351	$ 57.96

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MODESTO CITY COUNCIL
RESOLUTION NO. 2013-295

RESOLUTION APPROVING A SECOND AMENDMENT TO THE MASTER AGREEMENT FOR AUDITING SERVICES BETWEEN THE CITY OF MODESTO AND MOSS-ADAMS, LLP; AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO 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, 2013 to June 30, 2014, and

WHEREAS, the compensation amount needs to be amended to include an additional amount not to exceed $150,000,

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.

BE IT FURTHER RESOLVED that the City Manager is hereby directed to prepare all necessary budget amendments 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 August, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-296

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC SOUTHWEST CONTAINER INC., FOR AN UPGRADE TO THE WATER SERVICE FROM A 2-INCH TO A 4-INCH SERVICE FOR THE PROPERTY LOCATED AT 4530 LECKRON ROAD IN MODESTO, (APN: 009-018-046) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 4530 Leckron Road is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and Inside the City's Sphere of Influence, and

WHEREAS, this property is inside, contiguous to, or near the former service area of the Del Este Water company, and

WHEREAS, the property owner is requesting an upgrade to the water service from a 2-inch to a 4-inch service, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property, 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, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 4530 Leckron Road, in Modesto APN (009-018-046)

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-297

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 4530 LECKRON ROAD, MODESTO (APN: 009-018-046) 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, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended City of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges, and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas, and

WHEREAS, the property located at 4530 Leckron Road in Modesto, is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property, 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 are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 4530 Leckron Road (APN 009-018-046) 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 13th day of August, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-298

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF BIO-SOLIDS REMOVAL AND LAND APPLICATION SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION, TO SYNAGRO-WWT, INC., SUISUN CITY, CA, 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 $100,050

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of bio-solids removal and land application services, and

WHEREAS, the Purchasing Division issued RFB No. 1213-28 Bio-Solids Removal and Land Application Services to fourteen (14) prospective bidders, eight (8) of which were local vendors and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Two (2) companies chose to respond, neither of which were local vendors, and

WHEREAS, both companies 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 furnishing of bio-solids removal and land application services for the Department of Public Works, Wastewater Division, to Synagro-WWT, Inc., Suisun City, CA, 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 $100,050, 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 bio-solids removal and land

application services for the Department of Public Works, Wastewater Division, to Synagro-WWT, Inc., Suisun City, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the furnishing of bio-solids removal and land application services in Appropriation Unit: 4210-54312-53100.

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 bio-solids removal and land application services for the Department of Public Works, Wastewater Division, to Synagro-WWT, Inc., Suisun City, CA.

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 $100,050.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-299

A RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING $1,587,719 IN FTA CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS AND RESCINDING RESOLUTION NO. 2013-189

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 CMAQ funding, and

WHEREAS, Resolution No. 2013-189 incorrectly indicated the amount of CMAQ to be received and should therefore be rescinded, and

WHEREAS, the amount of CMAQ funds shown in the Program of Projects **attached** to this resolution is correct, and

WHEREAS, the CMAQ Projects for the City of Modesto shown in the **attached** Program of Projects are eligible to receive $1,587,719 in CMAQ 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, 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 cost.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution 2013-189 is hereby rescinded.

BE IT FURTHER RESOLVED that the submittal of an application on behalf of the City of Modesto to the Federal Transit Administration for $1,587,719 in CMAQ funds is hereby approved.

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 meeting of the Council of the City of Modesto held on the 13th day of August, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

ATTACHMENT

Federal Transit Administration

Program of Projects

Congestion Mitigation and Air Quality Projects Awarded to the City of Modesto by StanCOG

FTA Fund Availability CMAQ $ 1,587,719

FTA Project Description		Total	Local	FEDERAL
Purchase Replacement Buses		$1,268,933	$92,310	$1,176,623
Bus Station/Stop Improvements		$200,000	$22,940	$177,060
Preventive Maintenance AVL System		$260,880	$26,844	$234,036
Total		$1,729,813	$142,094	$1,587,719

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-300

A RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) REQUESTING $135,000 IN NEW ALTERNATIVE FUEL VEHICLE PURCHASE GRANT FUNDS

WHEREAS, the San Joaquin Valley Air Pollution Control District (SJVAPCD) is awarding grant funds to public agencies for the purchase of new alternative-fuel vehicles, and

WHEREAS, the City of Modesto, Fleet Services Division has budgeted funds in the Fleet Replacement Fund for fiscal year 2013-2014 for the purchase of nine (9) new Zero Emission Vehicles which are eligible to receive grant funding, and

WHEREAS, the City of Modesto has provided all documentation and assurances outlined in the application guidelines, and

WHEREAS, if awarded, grant funding will impose certain reporting 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 to the San Joaquin Valley Air Pollution Control District for $135,000 in grant funds for the purchase of nine (9) new Zero Emission Vehicles.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant-related documents with the SJVAPCD, and enter into an agreement to receive grant funds (if awarded) on behalf of the City of Modesto.

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 13th day of August, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-301

RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT WITH HARRIS & ASSOCIATES, INC. FOR CONSTRUCTION MANAGEMENT SERVICES OF THE CARPENTER ROAD BRIDGE SEISMIC RETROFIT PROJECT AT AN ADDITIONAL COST OF $ 201,811.58 TO THE ORIGINAL AGREEMENT, FOR A MAXIMUM TOTAL AGREEMENT AMOUNT OF $1,288,217.58, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT

WHEREAS, on March 6, 2012, by Resolution No. 2012-085, the City Council awarded the construction contract for the Carpenter Road Bridge Seismic Retrofit Project, and

WHEREAS, this project is currently under construction with estimated completion in November 2013, and

WHEREAS, current City staff resources lacked the expertise and staffing levels required to perform the construction management and inspection duties for a project of this size and complexity, and

WHEREAS, therefore, on March 27, 2012, by Resolution No. 2012-123, the City Council approved the consultant agreement with Harris & Associates (Harris) to provide construction management and inspection services for the project in the amount of $1,086,406, and

WHEREAS, on August 14, 2012, by Resolution No. 2012-334, the City Council approved an amendment to Harris' agreement to allow for the addition of a sub-consultant, as well as to extend Harris' time of completion from May 31, 2013, to July 31, 2013, and

WHEREAS, this amendment used realized cost savings at that time and resulted in no additional cost for the time extension, and

WHEREAS, at this time, a second amendment to Harris' agreement in the amount of $201,812 is necessary to extend the completion time of Harris' services through November 30, 2013, and

WHEREAS, Harris' current agreement budget is based on completion of construction in July of 2013; however, the current actual construction completion date is November 7, 2013, and

WHEREAS, the extended construction duration is primarily due to unforeseen, additional constraints in the project's environmental permits involving work in the Tuolumne River streambed, and

WHEREAS, the construction delays caused by these permit constraints were not apparent until after award of the construction contract, as well as the approval of Harris' original agreement, and

WHEREAS, City staff, Harris, the contractor, and the consulting design engineer have since worked to amend the environmental permits to significantly reduce the duration of construction from what it would have been under the original permit requirements, and

WHEREAS, however, since Harris's current agreement budget is based on construction completion in July of 2013, additional budget will still be necessary to continue providing services through November 2013, and

WHEREAS, the proposed amendment to Harris' agreement will allow them to continue providing construction management and inspection services through the remainder of project construction, and

WHEREAS, both the FHWA and Caltrans are in agreement with this proposed amendment, and have authorized the additional funds for these costs, and

WHEREAS, therefore, staff recommends approval of the proposed second amendment to agreement in the amount of $201,811.58 to extend Harris' time of completion date to November 30, 2013, and

WHEREAS, staff recommends a second amendment to agreement with Harris, as the City does not have the staffing level or subject matter expertise to perform professional services for the City's Carpenter Road Bridge Seismic Retrofit project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to Agreement with Harris & Associates, Inc. for Construction Management Services of the Carpenter Road Bridge Seismic Retrofit project at an additional cost of $ 201,811.58 to the original agreement, for a maximum total agreement amount of $1,288,217.58.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-302

RESOLUTION AUTHORIZING THE REMOVAL OF THE BOLLARDS ON 10TH STREET BETWEEN J AND K STREETS AND INSTALLATION OF THE TRAFFIC CONTROLS NECESSARY FOR VEHICULAR ACCESS AND DIRECTING STAFF TO REPORT BACK TO THE CITY COUNCIL ONE YEAR FROM THE DATE OF REOPENING REGARDING THE EFFECTS ON BUSINESS SALES AND BUILDING VACANCY RATES

WHEREAS, in June 2012, the City Council commissioned the Downtown Hospitality Program (DHP) to find ways of making Downtown Modesto more attractive and hospitable to visitors, businesses, residents and investors; and

WHEREAS, the program is a collaboration of the City, Downtown Improvement District, Chamber of Commerce, Convention and Visitors Bureau, Alliance and other downtown stakeholders and interested parties; and

WHEREAS, early on, the DHP established three (3) committees (Operations, Promotions and Economic Development) to conduct research and develop recommendations; and

WHEREAS, the Operations Committee's (the Committee) research showed that the section of 10th Street between J and K Streets generally sees very little activity when the City-County building is closed, many people have difficulty finding businesses in this section due to limited visibility, and that this section has an unusually high vacancy rate; and

WHEREAS, upon reviewing into the success rate of other downtown pedestrian-only streets (pedestrian malls), the Committee found that of the 200 created nationwide, approximately 90% have been reopened to vehicles, because they were found to be unsuccessful in sustaining business; and

WHEREAS, the Committee discovered that commercial real estate professionals were being told by tenants who are interested in opening a business downtown that they would be willing to go anywhere but the closed section of 10th Street; and

WHEREAS, Tenth Street is a City-owned public street and there are no records of it being officially closed; and

WHEREAS, the Committee surveyed all the restaurants and retail establishments along the subject section of 10th Street (between J and K Streets) to obtain input on allowing vehicular access and found unanimous support; and

WHEREAS, at its March 20, 2013 meeting, the Downtown Improvement District Board considered the proposal and voted unanimously to recommend the City remove the bollards and allow vehicular access on the street; and

WHEREAS, this item was considered by the City's Safety and Communities Committee on June 10, 2013, who recommended the item be considered by the City Council; and

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

A. 10th Street between J and K Streets has a 50% vacancy rate and struggles to sustain businesses;

B. Maintaining a vibrant Tenth Street Place Plaza relies on the success of businesses within the section of 10th Street, between J and K Streets;

C. Removing the bollards on 10th Street between J and K Streets and installing the traffic controls necessary to allow vehicular access would provide for greater business exposure, thereby potentially improving business activity;

D. Many other communities have seen great success with the reopening of pedestrian-only streets to vehicular travel;

E. The apparatus necessary for the reinstallation of the bollards on 10th Street between J and K Streets will remain in place, allowing the street to be reclosed for events or permanently reclosed where desired.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes removal of the bollards on 10th Street between J and K Streets and installation of the traffic controls necessary for vehicular access and directs staff to report back to the City Council one year from the date of reopening regarding the effects on business sales and building vacancy rates.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Geer, Gunderson, Lopez, Mayor Marsh
NOES:	Councilmembers:	Burnside, Cogdill
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-303

RESOLUTION APPOINTING BRENDA THAMES TO THE EQUAL OPPORTUNITY/DISABILITY 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 Economic Development Committee met on August 5, 2013, and recommended appointment of Brenda Thames to the Equal Opportunity/Disability Commission.

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

SECTION 1. BRENDA THAMES is hereby appointed to the Equal Opportunity/Disability Commission 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 newly appointed member of the Equal Opportunity/Disability Commission, and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-304

RESOLUTION AUTHORIZING THE SOLE SOURCE CONTRACT WITH SYNERGETIC CONSULTING, RENO, NEVADA, FOR THE DEVELOPMENT OF A CUSTOMIZABLE WEB APPLICATION FOR THE BUILDING SAFETY & NEIGHBORHOOD PRESERVATION DIVISION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONTRACT FOR AN ESTIMATED TOTAL COST OF $36,000

WHEREAS, the City of Modesto Community & Economic Development Department (CEDD) has utilized Accela's Tidemark system since 1998 for issuing and tracking various permits, code enforcement and plan checks; and

WHEREAS, Stanislaus County was also using Tidemark for planning services; and

WHEREAS, in 2011, the City and County worked collaboratively on an RFP for a new system, hoping to streamline services for citizens by combining efforts with shared technology, thereby improving services; and

WHEREAS, the RFP was issued and the review committee recommended Accela's flagship system; and

WHEREAS, the Accela system included up-to-date technology and improved functionality; and

WHEREAS, the most notable functional enhancements were web-based services for citizens and mobile technology for staff; and

WHEREAS, the City's share of the Accela system was cost prohibitive at approximately $1,000,000, and licensing would have been maintained by the County; and

WHEREAS, these factors necessitated the City withdrawing from the project; and

WHEREAS, CEDD still desires to improve services and has researched interim solutions until such time as a complete upgrade can be accomplished; and

WHEREAS, in cooperation with City IT, CEDD has found a system which interfaces to Tidemark and provides a web portal which will allow staff to accept, review and issue building permits and also allows permit customers to manage their inspection processing using the Web; and

WHEREAS, Synergetic Consulting is the only company that offers web-based integrated modules for Accela's Tidemark Permitting system; and

WHEREAS, City Information Technology staff has verified this fact with Accela; and

WHEREAS, the Modesto Municipal Code, MMC 8-3.203, generally requires all purchases, which may meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid; and

WHEREAS, there are exceptions to the rule set forth in the Modesto Municipal Code; and

WHEREAS, one such exception, MMC 8-3.204 (b), which states that where the Purchasing Agency's requirements can be met solely by a single article or process; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole contract with Synergetic Consulting, Reno, Nevada, for the development of a customizable web application and authorizes the City Manager, or his designee, to execute a contract for an estimated total cost of $36,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-305

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONSULTANT AND CONFIDENTIALITY AGREEMENT WITH CENTERRA CAPTIAL TO WORK ON THE BEHALF OF THE CITY OF MODESTO FOR THE ACQUISITION OF PROPERTY BETWEEN 9th AND 10TH STREETS AND G AND H STREETS FOR THE PROPOSED SUPERIOR COURT OF CALIFORNIA, STANISLAUS COUNTY PROJECT

WHEREAS, the City of Modesto is currently in negotiations with the State of California for the acquisition of properties located within the boundaries of G and H Streets and 9th and 10th Streets, and

WHEREAS, this is the site for the proposed Superior Court of California, Stanislaus County project, and

WHEREAS, Centerra Capital is assisting the City of Modesto in the negotiations for acquisition with the various property owners within the site, and

WHEREAS, Centerra Capital will be paid a three percent (3%) commission for the sale of the City-owned parcels to the State of California; funding for which will come from the sale of the parcels and be based on the sale price. and

WHEREAS, under the agreement with the State of California, all properties within the site must be acquired by the City of Modesto before being sold as a single transaction to the State of California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute a consultant and confidentiality agreement with Centerra Capital to work on the behalf of the City of Modesto for the acquisition of property between 9th and 10th Streets and G and H Streets for the proposed Superior Court of California, Stanislaus County project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Mayor Marsh
NOES:	Councilmembers:	Gunderson
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-306

RESOLUTION APPROVING A WATER WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 720 GLENN AVENUE, APN:056-045-015 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, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas.

WHEREAS, the property located at 720 Glenn Avenue, Modesto, is not connected to City's water system and

WHEREAS, this property is located outside Modesto City limits and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property 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 are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 720 Glenn Avenue 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 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-307

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND JOSE JESUS TEJEDA AND HERMINIA V. TEJEDA, HUSBAND AND WIFE AS JOINT TENANTS,FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 720 GLENN AVENUE, (APN: 056-045-015) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 720 Glenn Avenue is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and outside the City's Sphere of Influence, and

WHEREAS, this property is inside, contiguous to, or near the former service area of the Del Este Water company, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property, 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, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 720 Glenn Avenue, Modesto APN (056-045-015)

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 3rd of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-308

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND JOSE JESUS TEJEDA AND HERMINIA V. TEJEDA HUSBAND AND WIFE AS JOINT TENANTS FOR SEWER SERVICE FOR THE PROPERTY LOCATED 720 GLENN AVENUE IN THE BRETE HARTE DISTRICT, MODESTO, (APN: 056-045-015); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 720 Glenn Avenue is not connected to City's sewer system, and

WHEREAS, the property is located outside Modesto City limits, and inside the City's Sphere of Influence, and

WHEREAS, the property is inside the Modesto Municipal Sewer District No. 1, and

WHEREAS, THE City of Modesto can and is willing to provide domestic sewer to the subject area, and

WHEREAS, the Stanislaus County Redevelopment Agency installed complete sewer infrastructure in the " neighborhood" and individual laterals to each parcel to connect the property to the City of Modesto's sewer system, and

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

WHEREAS, the installation of the sewer service lines will upgrade the infrastructure in this already developed unincorporated area to facilitate a later annexation, and

WHEREAS, the sewer connection fees shall be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, that the property owner is required to enter into an outside service agreement for sewer service with the City

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Outside Service Agreement for the property located at 720 Glenn Avenue Modesto (APN 056-045-015).

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 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-309

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 AND FISCAL YEAR 2013-2014 ANNUAL OPERATING BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2012-2013 and Fiscal Year 2013-2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 and Fiscal Year 2013-2014 annual operating 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 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

FISCAL YEAR 2012-13

POLICE DEPARTMENT

A budget adjustment in the amount of $172,328, over multiple divisions, is necessary to increase the Fiscal Year 2012-13 Overtime expense budget, reduce the Direct Charge-Intrafund expense budget by $30,234, and increase the Direct Charge revenue budget in the amount of $142,094 to account for overtime costs received from Grants and outside service contracts from March 01, 2013 through June 30, 2013.

A budget adjustment is necessary to recognize $70,000 in unbudgeted Direct Charge Agreement revenue and reallocate to Salary and Benefit expense over multiple divisions within the Police Department.

A budget adjustment is necessary to recognize $149,000 in unbudgeted Outside Services Agreement revenue and reallocate to Services City Forces-Intrafund over multiple divisions within the Police Department.

PUBLIC WORKS

A budget adjustment is necessary to transfer $400,000 from Bus Fixed Route MAX Reserves to Transit Maintenance for increased diesel costs during Fiscal Year 2012-13.

A budget adjustment is necessary to establish a transfer in the amount of $1,120,000 from Fund 4211, Wastewater Development Fees Fund, to Fund 4210, Sewer Operations, to remunerate costs associated with Capital Improvement Project 100546 – Wastewater Phase 1A Tertiary.

A budget adjustment is necessary to establish a transfer in the amount of $7,671,699, $5,477,285 from Water Bond Proceeds (Fund 4130), $295,632 from Developer Fund Proceeds (Fund 4101) and Water Fund Reserves (Fund 4100) to the Water Capital Improvement Fund, Fund 4180, for Fiscal Year 2012-13 eligible expense reimbursement relating to Capital Improvement Projects.

An adjustment is necessary to transfer funds in the amount of $45,615 from Surface Transportation Fleet Replacement Fund 1709 to Fleet Replacement Fund 5410 for Purchases made in FY 12/13: (1) Concrete Grinder, (1) Concrete Push Truck, (1) Hybrid Sedan, (1) Mid-size Sedan, (1) Kaufman Trailer

An adjustment is necessary to transfer funds in the amount of $255,538 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5410 for Purchases made in FY 12/13: (1) ¾ Ton Truck w/Utility, (2) Backhoe Loader, (1) Trailer

An adjustment is necessary to transfer funds in the amount of $818,222 from Waste Water Fleet Replacement Fund 4219 to Fleet Replacement Fund 5410 for Purchases made in FY 12/13: (2) 3-Axle Vacuum Truck, (2) Mid-size Sedan

An adjustment is necessary to transfer funds in the amount of $13,700 from General Fund Fleet Replacement Fund 5410 to Fleet Replacement Fund 5410 for Purchases made in FY 12/13: (1) Chevrolet Impala 1LT

An adjustment is necessary to transfer funds in the amount of $48,238 from TRRP Fleet Replacement Fund 6799 to Fleet Replacement Fund 5410 for Purchases made in FY 12/13: (1) John Deere Tractor

FISCAL YEAR 2013-14

COMMUNITY AND ECONOMIC DEVELOPMENT

A budget adjustment is necessary to recognize $385,000 in unbudgeted Federal Cal-Trans revenue and reallocate to various expense lines associated with project #100633, Right Turn Lane – Prescott & Plaza Parkway.

A budget adjustment is necessary to recognize $490,000 in unbudgeted revenue from the State of California Department of Transportation and reallocate it to Capital Improvement Project 100762, Retime Outside Downtown, for costs associated with a future consultant contract.

PARKS, RECREATION AND NEIGHBORHOODS

A budget adjustment is necessary to reduce Property Expense in Compost Fund (4890) by $51,919 and establish a loan payment transfer from Compost (4890) to Sewer (4210) in the amount of $165,919 for the transfer of the 65 acre Jennings compost site as authorized by Council on 7-9-13, Resolution 2013-257.

A budget adjustment is necessary to establish a $100,000 transfer from Fund 4891, Solid Waste Fund, to Fund 4892, Green Waste Fund, and increase Professional Services in the Green Waste Collection Division by the same amount for energy efficiency improvements of the green waste crew area.

A budget adjustment is necessary to establish a $100,000 transfer from Fund 4891, Solid Waste Fund, to Fund 4890, Compost Fund, and increase Professional Services in the Compost Operations Division by the same amount for movement and construction of the modular office building to serve as an education center in times when school tours are conducted, and store promotional items used for Earth and, Home shows, etc.

On June 25, 2013, by Resolution 2013-232, Modesto City Council approved the budget for Capital Improvement Project #100766, Urban Greening. A budget adjustment is necessary to establish an expense and revenue budget in the amount of 75,004 as the adjustment was inadvertently omitted when this item that was approved.

PUBLIC WORKS

A budget adjustment is necessary to reallocate $574,041 from Capital Improvement Project 100687, Airport Water Main, which is now complete, to Capital Improvement Project 100357, Modesto System Improvements, to fund future projects in Fiscal Year 2013-14.

A budget adjustment is necessary to allocate $292,540 from Water Fund Reserves to Capital Improvement Project 100761, Kavanagh Water Main Replacement, for additional costs due to the expansion of the scope of work originally associated with this project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-310

RESOLUTION AUTHORIZING THE REJECTION OF THE BID FOR THE PURCHASE OF A TRUCK WITH SERVICE BODY FOR THE PUBLIC WORKS DEPARTMENT, WATER DIVISION THROUGH THE FLEET SERVICES DIVISION, AND AUTHORIZE THE PURCHASING MANAGER TO RE-ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE OF A TRUCKWITH SERVICE BODY

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for vehicles and equipment, through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The truck with service body is included in the new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the purchase of a new truck with service body will support a new meter installation crew, which Council approved in the FY2011/12 budget, and

WHEREAS, the additional metering crew is needed in order to meet State Assembly Bill 2575 which requires that urban water suppliers install water meters on all service connections by the year 2025, and

WHEREAS, the Purchasing Division issued RFB No. 1213-31 for the purchase of a truck with service body to twenty-four (24) prospective bidders and posted the RFB on the City's website. Two of the bidders are located within Stanislaus County, one of which is a local vendor. The prospective local vendor could not provide this type of vehicle competitively and elected not to submit a bid, and

WHEREAS, bids were formally opened in the City Clerk's office. One company chose to respond. The company provided a responsive and responsible bid, however, the

pricing submitted exceeded pricing for the same vehicle with service body purchased in January 2012, by $72,724, and

WHEREAS, this is a customized truck that requires a specialty body builder. The body builder of the vehicle purchased in January 2012 did not bid due to internal company issues. City staff has located other body builders that will be able to submit a bid upon re-issue of the RFB, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2012-13, in account # 5409-53246-57003, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the rejection of the bid for the purchase of a truck with service body for the Public Works Department, Water Division through the Fleet Services Division.

BE IT FURTHER RESOLVED that the Purchasing Manager re-issue formal Request for Bids (RFB) for the purchase of a truck with service body.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-311

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF CL2 GAS CHLORINE IN ONE TON CYLINDERS FOR THE PUBLIC WORKS DEPARTMENT, WASTEWATER DIVISION, TO SIERRA CHEMICAL COMPANY, SPARKS, NV, 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 $75,005, AND OVER FIVE (5) YEARS OF $375,025

WHEREAS, CL2 Gas Chlorine in one ton cylinders is used by the Public Works Department, Wastewater Division, to chlorinate and disinfect the City's final effluent into the San Joaquin River during the discharge season from October through May, as required by the City's permit, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Bids (RFB) for the furnishing of CL2 Gas Chlorine, and

WHEREAS, the Purchasing Division issued RFB No. 1213-32 CL2 Gas Chlorine in One Ton Cylinders, to ten (10) prospective bidders, none of which were local vendors, posted the bid on the City's website. No local vendors can provide this type of product, and

WHEREAS, bids were formally opened in the City Clerk's office. One company chose to respond. There are only two (2) vendors in California that can provide CL2 Gas Chlorine in one ton cylinders. The vendor in Southern California received the RFB packet and elected not to submit a bid, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid for the furnishing of CL2 Gas Chlorine in one ton cylinders to Sierra Chemical Company, Sparks, NV, 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. The award of bid for the furnishing of CL2 Gas Chlorine in one ton cylinders to Sierra Chemical Company, Sparks, NV, for the Public Works Department, Wastewater Division, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted annually in the following appropriation unit: 4210-54312-52190, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the for the furnishing of CL2 Gas Chlorine in one ton cylinders for the Public Works Department, Wastewater Division, to Sierra Chemical Company, Sparks, NV, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and

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 $75,005, and over five (5) years of $375,025.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-312

RESOLUTION AUTHORIZING A CONTRACT EXTENSION WITH GILTON RESOURCE RECOVERY/TRANSFER FACILITY, INC., MODESTO, CA, FOR THE FURNISHING OF GREEN WASTE RECEIVING AND TRANSFER SERVICES FOR THE PARKS, RECREATION, AND NEIGHBORHOODS, SOLID WASTE DIVISION FOR AN INITIAL ONE YEAR AGREEMENT WITH TWO (2) 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 $60,000, AND OVER THREE (3) YEARS OF $180,000

WHEREAS, the City uses rear loading "packer trucks" to pick up green waste and urban forestry materials (tree branches, large prunings, stump grindings, and other green waste materials) once a month from residential pruning and City tree pruning programs at various locations throughout Modesto. These materials are taken to the City's Compost facility at 7007 Jennings Road. Approximately 16,000 tons of pruned refuse and urban forestry materials are collected annually and composted, and

WHEREAS, each collection vehicle holds about seven (7) tons of green waste. The Compost facility is located approximately eleven (11) miles from the center of Modesto. The average round-trip drive time is forty-eight (48) minutes, so City crews spend a large proportion of their time transporting material to the facility, and

WHEREAS, to minimize the transport time, in 2008, the Council adopted Resolution 2008-466, which authorized using Gilton Resource Recovery/Transfer Facility, Inc., to receive, bulk, green waste and transfer the waste to the Compost facility. When City staff collects green waste in parts of the City that are close to the transfer station, the packer trucks dump their loads at the Gilton site. Three (3) packer truck loads are then loaded into a larger transfer truck for transport to the Compost facility. By using

the transfer point, the packer trucks have more time to collect materials at the curb, which reduces labor and equipment costs, and

WHEREAS, the Solid Waste Division will be assessing possible alternatives for transporting green waste to the Compost facility. In the interim, there is an ongoing need for a licensed hauler to provide this service. Gilton Resource Recovery/Transfer Facility is the only company in Modesto that can provide these services, 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 is one exception to the Code, Section 8-3.204 (c), where the Purchasing Manager, in his discretion, may determine that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, sufficient funds are budgeted annually in the following appropriation units: 4892-37035-54602 and 4892-37035-54603, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a contract extension with Gilton Resource Recovery/Transfer Facility, Inc., Modesto, CA, for the furnishing of green waste receiving and transfer services for the Parks, Recreation, and Neighborhoods, Solid Waste Division for an initial one year agreement with two (2) one-year extension options at the sole discretion of the City, and

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 $60,000, and over three (3) years of $180,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-313

RESOLUTION ACCEPTING THE WORK BY KNIFE RIVER CONSTRCUTION FOR THE "HILLTOP AREA STRENGTHEN AND REPLACE WATER SYSTEM PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $1,005,397

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Hilltop Area Strengthen and Replace Water System Project has been completed by Knife River Construction, in accordance with the contract agreement dated December 11, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Hilltop Area Strengthen and Replace Water System Project is hereby accepted as complete from said contractor, Knife River Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $1,005,397 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-314

RESOLUTION APPROVING THE PREQUALIFIED CONSULTANT LIST, CONSISTING OF DF ENGINEERING, INC., NORTHSTAR ENGINEERING GROUP, INC., AND O'DELL ENGINEERING, 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, over the next several years, based on the Utility Planning & Projects (UP&P) Department's workload and staffing experience, there are a number of CIP projects that may require outside consultant services, and

WHEREAS, retaining a prequalified as-needed list of consultants allows the department to have quicker access to specific engineering design services when needed, and

WHEREAS, this eliminates the need to send out repetitive Requests for Qualifications 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, staff solicited and formally advertised a Request for Qualifications to 20 local engineering firms for land survey, civil design, and drafting services, and

WHEREAS, staff received seven Statements of Qualifications (SOQs), and

WHEREAS, after careful review of the SOQs by Public Works and UP&P Department staff, the following were selected as the three most qualified firms: DF Engineering, NorthStar Engineering Group, and O'Dell Engineering, and

WHEREAS, when as-needed land survey, civil design or drafting services are required for Capital Improvement 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 the 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 consultant list will be active for one year from the date of Council approval, at which time the City may decide to 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 pre-qualified list are deemed to lack the 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 would be conducted if this situation were to occur,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified consultant list, consisting of DF Engineering, Inc., NorthStar Engineering Group, Inc., and O'Dell Engineering, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-315

RESOLUTION APPROVING THE PREQUALIFIED CONSULTANT LIST, CONSISTING OF BROWN & CALDWELL, CAROLLO ENGINEERING, INC., CH2M HILL, HDR ENGINEERING, HYDRO SCIENCE, NV5, STANTEC CONSULTING SERVICES, INC., AND WEST YOST ASSOCIATES, INC. FOR AS-NEEDED ENGINEERING DESIGN SERVICES FOR WATER, WASTEWATER, AND STORM DRAIN CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR A PERIOD OF THREE YEARS, WITH THE POSSIBILITY OF TWO ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DEPARTMENT DIRECTOR

WHEREAS, over the next several years, based on the Utility Planning & Projects (UP&P) Department's workload and staffing experience, there are a number of technically complex Water, Wastewater and Storm Drain CIP projects that may require outside consultant services, and

WHEREAS, retaining a prequalified as-needed list of consultants allows the department to have quicker access to specific engineering design services when needed, and

WHEREAS, this eliminates the need to send out repetitive Requests for Qualifications for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in addition, the consultants serve as an extension of staff to assist in the design of capital improvement projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised a Request for Qualifications to 150 engineering design firms for Water, Wastewater, and Storm Drain design services, and

WHEREAS the RFQ was sent to all local consulting firms on the UP&P current list as well as non-local firms, and

WHEREAS, staff received 15 Statements of Qualifications (SOQs) for Water projects and 11 SOQs for Wastewater & Storm Drain projects, and

WHEREAS, after careful review of the SOQs by Public Works and UP&P Department staff, the following were selected as the five most qualified firms for each project category (in alphabetical order): for Wastewater & Storm Drain Projects: Brown & Caldwell, Carollo Engineering, Inc., HDR Engineering, NV5, and Stantec Consulting Services, Inc.; and for Water Projects: Brown & Caldwell, CH2M Hill, Hydro Science, Stantec Consulting Services, Inc., and West Yost Associates, Inc., and

WHEREAS, generally the scope of work to be provided 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, wastewater treatment plant improvements, water well treatment, water pump stations, and

WHEREAS, all of the selected firms have proposed the use of various local firms as subconsultants, and

WHEREAS, when as-needed design services are required, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms, and

WHEREAS, following evaluation of the 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 consultant list will be active for three years from the date of Council approval, at which time the City may decide to 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 prequalified list are deemed to lack the experience or expertise for specific projects, the City retains the right to conduct a formal process to recruit consultants for individual projects and not be restricted to only using the approved list,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified consultant list, consisting of Brown & Caldwell, Carollo Engineering, Inc., CH2M Hill, HDR Engineering, Hydro Science, NV5, Stantec Consulting Services, Inc., and West Yost Associates, Inc. for as-needed Engineering Design Services for Water, Wastewater, and Storm Drain Capital Improvement Program (CIP) projects for a period of three years, with the possibility of two 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 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-316

RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF TRIMBLE SURVEY GPS EQUIPMENT BY CALIFORNIA SURVEY AND DRAFTING SUPPLY, OF SACRAMENTO, CA, FOR AN ESTIMATED TOTAL COST OF $54,198, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $54,198

WHEREAS, the City of Modesto's Construction Administration Division Survey Staff has determined that it is critical to maintain reliable GPS survey equipment, and

WHEREAS, it was determined that the current GPS survey equipment support and repair has limited availability and high cost, and

WHEREAS, City staff researched various options including rental of survey equipment and use of conventional equipment, and determined complete replacement of GPS equipment was the suitable method, and

WHEREAS, California Survey & Drafting Supply, of Sacramento, CA, provided a cost estimate proposal for the Trimble Survey GPS Equipment, dated May 8, 2013, and

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

WHEREAS, Modesto Municipal Code Section 8-3.204(b) permits an exception, "Where the Purchasing Agency's requirements can be met solely by a single article or process," and

WHEREAS, Trimble survey equipment is the only brand of survey equipment which is fully compatible with the rest of the City's current survey equipment, and

WHEREAS, California Survey & Drafting Supply is the only Northern California sales representative authorized by the manufacture, Trimble, and therefore conforms to that exception,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole source procurement of Trimble Survey GPS Equipment by California Survey & Drafting Supply, of Sacramento, CA, for an estimated total cost of $54,198.

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 $54,198.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-317

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 OPERATING BUDGET TO CREATE A NEW CAPITAL IMPROVEMENT SUPPORT – SURVEY EQUIPMENT REPLACEMENT FUND AND APPROPRIATE FUNDS FOR THE EXPENSE BUDGET WITHIN THE NEW COST CENTER (42021) IN THE AMOUNT OF $54,198, FOR THE PURCHASE OF NEW SURVEY EQUIPMENT

WHEREAS, certain budgetary transactions are necessary in the amount of $54,198, in order to fully fund the Survey equipment procurement necessary, and

WHEREAS, a new Capital Improvement Support Survey Equipment Fund needs to be created to provide a funding source for the existing and future procurement of survey equipment, and

WHEREAS, the new Capital Improvement Support Survey Equipment Fund will obtain revenues from hourly charges to individual Capital Improvement Project (CIP) accounts at an initial rate of $19.45 per hour of use of the specific type of equipment, and

WHEREAS, this rate will be reviewed and amended as necessary during the annual budget update process, and

WHEREAS, the Fiscal Year 2013-2014 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 2013-2014 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 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A – Budget Adjustment Summary

The adjustment below will amend the FY 2013-14 Operating Budget to allow for the purchase of Trimble Survey Equipment in the newly created Capital Improvement Support – Survey Equipment Replacement Fund. This adjustment also includes the creation of an interfund loan from the Water Fund to the new Survey Equipment Replacement Fund. The loan will be repaid within 5 years with an annual interest rate of 2.88%. Revenues will accrue in the Survey Equipment Replacement Fund at an initial rate of $19.45/hr. charged to various CIPs based on usage of the equipment. This rate will be reviewed and adjusted annually to account for the loan amortization as part of the annual budget update process.

Fund 1301 - Capital Improvement Support – Survey Equipment Replacement Fund

Revenue	**Description**	**Amount**
1301-91XXX-64100-000000-00000-00000	Loan Receivable Revenue (from Water Fund)	$54,198

Expense	**Description**	**Amount**
1301-42021-57004-000000-00000-00000	Tools and Equipment > $5,000	$54,198

Fund 4100 – Water Fund

Expense	**Description**	**Amount**
4100-95XXX-71301-000000-00000-00000	Loan Payable Expense (to Water Fund)	$54,198
	Interest Expense (2.88% APR, 5 Year Term)	$4,061
	Total Expense:	$58,259

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-318

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 OPERATING BUDGET TO CREATE A LOAN FROM THE WATER FUND TO THE NEW CAPITAL IMPROVEMENT SUPPORT – SURVEY EQUIPMENT REPLACEMENT FUND TO BE REPAID WITH A SUM OF $54,198, WITHIN FIVE (5) YEARS, AT AN ANNUAL INTEREST RATE OF 2.88%, FROM REVENUES RECEIVED IN THE NEW SURVEY EQUIPMENT SUB-FUND

WHEREAS, certain budgetary transactions are necessary in the amount of $54,198, in order to fully fund the procurement of necessary survey equipment, and

WHEREAS, a new sub-fund for Capital Improvement Support Survey Equipment Replacement will be created, and

WHEREAS, revenues for this new sub-fund will be obtained from hourly charges to individual Capital Improvement Project (CIP) accounts based on the use of the equipment, and

WHEREAS, a historical tabulation of hours spent by field survey staff indicates the highest average percentage of field survey time was spent to the benefit of Water Fund CIP's, and

WHEREAS, an initial appropriation in the amount of $54,198 will be made in the form of a loan from Water Fund, and

WHEREAS, this sum of $54,198 will be repaid to the Water Fund within a term of five years from revenues to the new sub-fund as shown in **Exhibit B**, and

WHEREAS, the loan from the Water Fund will be repaid with interest at an annual interest rate of 2.88%, which is based on the City's current rate of return on it's investment portfolio, and

WHEREAS, the Fiscal Year 2013-2014 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 2013-2014 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 3rd day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A – Budget Adjustment Summary

The adjustment below will amend the FY 2013-14 Operating Budget to allow for the purchase of Trimble Survey Equipment in the newly created Capital Improvement Support – Survey Equipment Replacement Fund. This adjustment also includes the creation of an interfund loan from the Water Fund to the new Survey Equipment Replacement Fund. The loan will be repaid within 5 years with an annual interest rate of 2.88%. Revenues will accrue in the Survey Equipment Replacement Fund at an initial rate of $19.45/hr. charged to various CIPs based on usage of the equipment. This rate will be reviewed and adjusted annually to account for the loan amortization as part of the annual budget update process.

Fund 1301 - Capital Improvement Support – Survey Equipment Replacement Fund

Revenue	**Description**	**Amount**
1301-91XXX-64100-000000-00000-00000	Loan Receivable Revenue (from Water Fund)	$54,198

Expense	**Description**	**Amount**
1301-42021-57004-000000-00000-00000	Tools and Equipment > $5,000	$54,198

Fund 4100 – Water Fund

Expense	**Description**	**Amount**
4100-95XXX-71301-000000-00000-00000	Loan Payable Expense (to Water Fund)	$54,198
	Interest Expense (2.88% APR, 5 Year Term)	$4,061
	Total Expense:	$58,259

Exhibit B - Estimated Loan Repayment Schedule

Year	Principal	Interest	Total Payment Schedule	Estimated Hrs Equipment Usage	Hourly Rate
2014	$ 10,846.00	$ 1,427.00	$ 12,273.00	631	$ 19.45
2015	$ 10,846.00	$ 1,128.00	$ 11,974.00	631	$ 18.98
2016	$ 10,846.00	$ 821.00	$ 11,667.00	631	$ 18.49
2017	$ 10,846.00	$ 505.00	$ 11,351.00	631	$ 17.99
2018	$ 10,814.00	$ 180.00	$ 10,994.00	631	$ 17.42
Total Loan Amount	**$ 54,198**	**$ 4,061**	**$ 58,259**		

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-319

RESOLUTION ADOPTING IMPOSED TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES IN THE MODESTO POLICE AND FIRE NON-SWORN ASSOCIATION (MPNSA). THESE TERMS AND CONDITIONS REFLECT THE TERMS OF THE TENTATIVE AGREEMENT (TA) REACHED AT THE BARGAINING TABLE BY THE PARTIES, BUT NOT RATIFIED BY MPNSA, AS WELL AS THE TERMS AND CONDITIONS OF EMPLOYMENT RECOMMENDED BY THE MAJORITY OF THE FACT-FINDING PANEL

WHEREAS, the Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police and Fire Non-Sworn Association (MPNSA) expires on September 10, 2012, and

WHEREAS, the City and MPNSA began negotiations for a successor MOU on March 6, 2012 and have met and conferred on terms for a successor MOU on thirteen occasions, and

WHEREAS, the City declared its Last, Best and Final offer on November 20, 2012, and MPNSA members informed the City that it voted against this offer on December 28, 2012.

WHEREAS, the parties held an impasse meeting on March 26, 2013 that resulted in a tentative agreement signed on March 28, 2013.

WHEREAS, on April 26, 2013, MPNSA informed the City that members had voted down the tentative agreement, and

WHEREAS, at the request of MPNSA, the parties held a fact-finding hearing pursuant to Government Code §3505.5 on June 19, 2013, and

WHEREAS, on July 5, 2013 the neutral fact finding panel-member Paul Roose submitted an advisory decision recommending the terms of the tentative agreement and the MPNSA panel-member Dave Topaz filed a dissent, and

WHEREAS, in accordance with Government Code §3505.5, the City posted the fact finding report on July 12, 2013, and

WHEREAS, following a public hearing on the fact finding report, the City implements the terms from the March 28, 2013 tentative agreement as follows:

SECTION 1. PERS RETIREMENT. Effective as soon as administratively possible, employees pickup an additional 6.6% of employee share of PERS for a total of 7%. New members, as defined by PEPRA, are subject to the new Pension rules requiring a contribution of 50% of the normal cost and a new formula.

SECTION 2. SALARY. Effective as soon administratively possible, provide a 1.5% across the board salary schedule adjustment.

SECTION 3. SICK LEAVE CONVERSION/RETIREE HEALTH. Retiree Medical Reform - effective as soon as administratively possible

i. Freeze all sick leave balances for employees in the program into conversion bank.

ii. As soon as administratively possible, any sick leave accrued has no value towards retiree health contributions.

iii. Freeze conversion rate for hours in bank at 8 hours = $621 per month for employee with no dependents and $1100 per month for employees with dependents.

iv. Discount using first in, first out (FIFO).

v. In consideration for FIFO, and in lieu of 32 hours of special leave, employees will receive a one-time lump sum payment of $700 (minus any applicable state and federal taxes) to be effective the first pay period following council approval.

vi. City contribution of $25.00 per month to an HRA for all employees hired before January 1, 2011 and participating in the S/L conversion retiree medical program effective 7/1/13. For those employees hired on or after January 1, 2011, the contribution of $100 per month to an HRA remains unchanged.

SECTION 4. Other negotiated additions, deletions or amendments to the text of Articles in the expired MOU that deal with Leave Usage and Accruals, Overtime, Call-Back, Shift Bidding & Special Assignments, License Certificates, Specialty Pay, Acting Pay, Uniform Allowance, Vacation, Health, Dental and Vision Insurance, Layoff and Demotion Procedures upon Reduction in Force, and City's EEO Plan, and

WHEREAS, the Council considered this matter at the hearing of September 3, 2013,

NOW, THEREFORE, BE IT RESOLVED, by Council of the City of Modesto that, following a public hearing on the fact finding report, it hereby approves the terms and conditions implemented on MPNSA stated herein and **attached** hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Marsh
NOES:	Councilmembers:	Lopez
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

ARTICLE 5. SALARY RATES AND STEP ADVANCEMENTS

The base salary ranges shown in **Exhibit 1** (Classifications and Salary Ranges) shall be applicable on the dates indicated for classifications in this Unit for the period commencing September 11, 2012 , as provided in **Exhibit 2** (Schedule of Salary Ranges and Rates). The salary range for each of those positions shall increase 1.5% effective pay period beginning September 10, 2013 as provided in Exhibit 3.

Classification Titles and Ranges may be amended from time to time by Resolution adopted by the City Council.

(A) For purposes of this Memorandum, base salary range shall mean the salary range assigned to a specific classification as provided in **Exhibit 1**. Base salary rate shall mean the hourly rate of pay established pursuant to the Step placement within the base salary range as provided in this Memorandum.

Paid time shall be based upon the base salary rate with the computation rounded to the nearest cent.

(B) Each salary range shall consist of five (5) Steps, A through E. Progression through the steps shall be based upon both length of service and job performance.

(1) Step A will normally be paid upon initial employment. The initial salary may be set at a higher Step only upon approval of the Department Director and City Manager. In cases of exceptional performance, employees hired at higher than Step A may be considered for their first Step increase after thirteen (13) pay periods.

(2) Step B shall be paid upon completion of thirteen (13) pay periods with an overall "meets" performance evaluation.

(3) Step C through Step E shall be paid upon completion of twenty-six (26) pay periods with an overall "meets" performance evaluation at each Step.

(4) Accelerated Step increases within the established salary range may be granted in addition to those above, upon approval of the City Manager.

(5) When a Step increase is denied, there shall be another performance evaluation of the employee in thirteen (13) pay periods from the effective date of the denied increase. There is no right of appeal to the withholding of a step increase, but the reasons for withholding shall be given in writing to the employee.

(6) Due to inferior work, lack of application, indifferent attitude or other legitimate reasons, an employee's Step may be reduced to a lower Step. There is no right of appeal due to the lowering of Steps, but the reasons for reduction shall be given in writing to the employee.

(7) All other salary administration policies shall be as contained in the Personnel Rules and Personnel Administrative Orders.

ARTICLE 10. LEAVE USAGE AND ACCRUALS

All leave accrual, including overtime, shall be recorded on a minute-for-minute basis. All leave usage, including overtime, shall be recorded in tenths of an hour (i.e. 0.10 equals 6 minutes) basis. All leave usage, including use of overtime, shall be recorded and used on a tenth (0.10) of an hour basis.

ARTICLE 12. OVERTIME

(A) Policy: It is the policy of the City of Modesto to discourage overtime except when necessitated by abnormal or unanticipated workload situations. It is the responsibility of Department Directors to arrange for the accomplishment of workload under their jurisdiction within the normal tour of duty of employees. Each department shall keep complete and accurate records of all overtime earned in every pay period. The City has the right to require each employee to work overtime as necessary. To the extent possible and at the sole discretion of the Department Director, overtime will be distributed equitably among qualified employees within the department. Supervisors will not authorize an employee for overtime during the time when he/she is on a disciplinary suspension without pay.

(B) Definition: Overtime is defined as hours actually worked in excess of forty (40) hours in a workweek. Paid leave shall be considered as time actually worked for purposes of computing overtime. Overtime shall not affect leave accruals.

(C) Overtime Compensation: Any employee authorized by the Department Director or authorized representative to work overtime shall be compensated at premium rates, i.e. one and one-half (1-1/2) times the employee's regular hourly rate of pay. Upon an employee's request, overtime may be compensated as compensatory time off (CTO). CTO shall be credited at time and one-half. Overtime and CTO shall be recorded and used on a tenth (0.10) of an hour basis.

Each employee hired before September 27, 2005 will be paid, as part of the last paycheck received in September, December, March and June for all compensatory time over one hundred and sixty (160) hours. Each employee hired on or after September 27, 2005 will be paid, as part of the last paycheck received in September, December, March and June for all compensatory time over one hundred (100) hours.

Employees may request payment of compensatory time to be included as part of a regular paycheck so long as the request is for at least twenty (20) hours. Employees shall make this request to the Payroll Division of Finance at least fourteen (14) calendar days prior to payout. Compensating time off may be taken at the request of the employee and with the approval of the Department Director or designee. Compensating time off will be taken in straight time hours.

Prior to the promotion or reclassification of an employee, all compensating time off shall be taken or paid at the employee's then current regular rate of pay. Overtime compensation for Police Clerks and Community Service Officers assigned to the 6/3 schedule and Community Service Officers and Animal Control Officers assigned to the 4/11 schedule shall be paid pursuant to 29 C.F.R. Sec. 778.114 of the Fair Labor Standards Act regulations.

(D) Wash Time: A Department Director, with the concurrence of the affected employee, may arrange for that employee to take such time off at straight time.

(E) Meal Allowance: An employee required to work unscheduled overtime for four (4) or more consecutive hours beyond the scheduled shift on emergency work, or for four (4) or more consecutive hours of work when on Standby or Call-Back, shall be compensated ten dollars ($10.00) for a meal allowance during any twenty-four (24) hour period and shall be entitled to a thirty (30) minutes unpaid meal period for every additional four (4) hours worked. Only one (1) ten-dollar ($10) payment shall be made per shift, unless the employee works four (4) or more consecutive hours, is released from duty, and must return for four (4) or more hours in the same shift.

ARTICLE 15. CALL BACK

When an employee returns to active duty at the request of the Department Director after said employee has been released from active duty, said employee shall be entitled to call-back compensation. Paid Call-Back shall begin when the employee departs for his/her duty assignment and shall end when the employee departs from the worksite.

(A) The following incidents are not considered call-back and are compensated on a time and one-half basis:

(1) Planned overtime for which the employee has received a minimum of twenty-four (24) hours advance notice;

(2) Overtime associated with assigned Standby as described in Article 13;

(3) Overtime which occurs as an extension of an employee's regular workday;

(4) When an employee begins work at the request of the Department within ninety (90) minutes prior to the scheduled start of his/her regular work shift.

(B) When on call-back, an employee receives the following compensation:

(1) Three (3) hours of straight time per call-back occurrence;

(2) In addition to the three (3) hours of straight time, overtime will be applied as paying time and one-half pay for actual time worked in excess of seventy-eight (78) minutes.

ARTICLE 19. SHIFT BIDDING & SPECIAL ASSIGNMENTS

(A) Squad and Shift Bidding for Patrol:

(1) Police Community Service Officers assigned to general police field duties within the Operations Division may bid for squad and shift assignments based on seniority. Shift assignments are four (4) consecutive calendar months. Seniority shall be by Badge number.

(2) Subject to the remaining provisions of this paragraph, CSOs assigned to the Operations Division may submit squad and shift bids during the months of November, March and July for the following four-month (4 month) period.

(3) Following six (6) consecutive assignments to the same shift, a CSO shall rotate off that shift by bidding for another shift assignment.

(4) Each employee's bid will contain the following information:

(a) Name
(b) Badge Number
(c) Notation of assignment to any specialized units
(d) First choice of shift
(e) Second choice of shift
(f) Third choice of shift
(g) First choice squad

(5) The Department must post a seniority list of employees no later than November 1st, March 1st and July 1st. Any objections to the posted seniority list shall be reported to the Operations Division Commander within ten (10) calendar days of the posting.

(6) All CSOs who have not successfully completed their initial probationary period prior to the posting of the seniority list may be exempted from the shift bidding process at the discretion of the Operations Division Commander.

(B) Squad and Shift Bidding for Records:

(1) Police Clerks assigned to Records Division may bid for squad and shift assignments based on seniority. Seniority shall be by date of hire.

(2) Subject to the remaining provisions of this paragraph, Police Clerks assigned to Records may submit squad and shift bids upon request in anticipation of reassignments. All records reassignments will be based on the shift bids during the months of December and June for the following six-month (6 month) period.

(3) Each employee's bid will contain the following information:

(a) Name
(b) Date of Hire
(c) Notation of prior assignment to any specialized units
(d) First choice of shift

(e) Second choice of shift
(f) Third choice of shift
(g) First choice of squad

(4) The Department must post a seniority list of employees each time a seniority bid occurs no later than December 1st, and June 1st. Any objections to the posted seniority list shall be reported to the Records Lieutenant within ten (10) calendar days of the posting.

(5) All Records Clerks who have not successfully completed their initial probationary period prior to the posting of the seniority list may be exempted from the shift bidding process at the discretion of the Records Lieutenant.

(C) Special Assignments:

(1) There shall be a five (5) consecutive year limit to special assignments. A special assignment is defined as any assignment that removes the employee from regular patrol duties as a Police Community Service Officer or from the seniority shift bidding process in Records as a Police Clerk. Absent exceptional circumstances, employees who have completed five (5) consecutive years in special assignments must perform at least twelve (12) months of regular patrol duty or duty in Records before being assigned to another special assignment.

(2) In the event an employee has fulfilled the maximum term limit and must vacate a special assignment and the department has not received any interest from a qualified applicant, the incumbent may, with approval of the Police Chief, extend the assignment one (1) year. However, if the department receives interest from a qualified applicant during the one (1) year extension, the incumbent must vacate the special assignment at the end of the one (1) year extension in order to fill the position with an applicant. The one (1) year extension may be repeated if the preceding conditions persist.

(3) Special assignments and terms are set forth in General Order 2.14, Specialized and Collateral Assignments.

(4) At the effective date of this provision, any employee who already occupies a special assignment shall have their total consecutive special assignment time served to date counted towards their maximum allowable limits.

(5) Not withstanding this special assignment provision, the Chief of Police ultimately has the discretion to determine the length and terms of any assignment based on the needs of the department.

(D) Management Rights:

(1) Nothing contained herein shall limit the discretion of the employer to determine the number of employees to be assigned to each area, shift, Bureau, Division, Unit or specialized position, or the discretion of the employer to assign and transfer employees to meet the operating requirements of the Department, including temporary hardship needs of an employee.

(2) The bid system shall not supersede Management Rights as stated in Article 2 of this Memorandum, nor shall it infringe upon any of the Management Rights contained therein. Specifically, Management retains the right to assign and transfer employees.

(3) The Department Director is the final authority in assigning personnel and such decisions shall not be subject to the grievance procedure, arbitration or considered as discipline.

(4) All other administrative policies and procedures shall be as contained in the Personnel Rules and Personnel Administrative Orders.

ARTICLE 20. LICENSES, CERTIFICATES

Whenever an employee is required to obtain a certificate or license in order to carry out the duties assigned, except a California Class C Driver's License, the City will pay for the certificate or license fee and the time required to attend any required class or exam to obtain or renew it shall be considered as regular duty time.

ARTICLE 21. SPECIALTY PAY

(A) Shift Pay: Employees who are regularly assigned to work swing shift which is defined as any shift beginning on or after 12 noon, shall receive a shift differential of $6 per shift for every regularly scheduled shift.

Employees who are regularly assigned to work graveyard shift which is defined as any shift beginning on or after 4:30 pm shall receive a shift differential of $8 per shift for every regularly scheduled shift.

Police Clerks regularly assigned to work a swing or graveyard shift shall receive the shift differential when working a double day.

No shift differential shall be paid to an employee working an overtime shift where the employee is receiving time and one half pay. An employee who works overtime on a short week at straight time shall receive the differential.

An employee who works all or part of a regularly scheduled swing or graveyard shift shall receive the full differential for that shift.

(B) Police Clerk Training Pay: Employees in this bargaining unit directed to train other employees in the Police Department shall receive five (5%) percent assignment pay for all hours worked as a trainer.

(C) CSO – ID Unit Pay: Community Service Officers assigned to the ID Unit shall receive an additional five (5%) percent in compensation.

(D) Bilingual Pay: Each Department Director shall, on an annual basis, determine the number of bilingual employees that are needed for oral translation purposes within their

department. For purposes of this Article, bilingual is defined as Spanish, Southeast Asian language(s) common to this area, sign language or other languages deemed desirable by the Department Director.

Prior to January 1 annually, each department will provide to their employees a list of translation opportunities within the department. Employee participation in this effort is voluntary.

A review panel made up of three (3) experts (as determined by the department) will assess the qualifications of employees wishing to volunteer. Two (2) of the three (3) panel members must agree that the person is capable of bilingual translation.

Employees who pass the review panel and are needed in this capacity by the department shall receive $50.00 (fifty dollars) per pay period. Employees must agree to use their bilingual skills at the direction of the department for a minimum of one (1) year from the time the compensation begins, unless an unusual hardship is presented by the employee.

The Department Director may choose to eliminate the compensation if it is determined that the translation services are not being effectively delivered by the employee and/or the need is no longer present in a specific division. If more employees are deemed to be capable of bilingual translation than the need for these services, the Department Director may choose to rotate this duty between eligible employees.

If the Department Director identifies more opportunities for translation than there are employees certified, the Department and the Human Resources Department may establish a second notification for volunteers and a second review panel in July of that year.

An employee certified and receiving bilingual compensation shall cease receiving the pay after they have been out of the workplace for three (3) consecutive pay periods. The pay will not be granted beginning the first day of the following pay period. The pay will be resumed the first full pay period the employee returns to work.

(E) Pay Differentials: Pay differentials provided in paragraphs (A) through (E) herein shall be included in base pay for purposes of compensation for approved vacation and holiday leave, compensating time off and sick leave.

ARTICLE 22. ACTING PAY

(A) Acting Pay: Employees directed to work continuously in a vacant higher-level regular position and perform work at the higher level for more than one hundred and sixty (160) consecutive hours shall, subject to the other provisions of this paragraph, receive a salary rate increase to the higher level retroactive to the first hour of the higher level assignment. Such increase shall be determined as if the assignment had been a promotion retroactive to the first day of such assignment. For purposes of this Article, a vacant position is defined as an authorized regular position that is unoccupied due to

resignation, retirement or termination or due to the incumbent being on an extended leave of absence. Requests for higher compensation must be approved by the Director of Human Resources. Such requests may only be approved upon certification by the Department Director that the assigned employee meets the minimum training and experience guidelines and is assigned and held responsible to perform fully the full scope of duties normally associated with the higher-level position.

(B) Out-of Class Pay: Employees may request out-of-class pay. After review with the Department Director, the Director of Human Resources may authorize additional compensation up to ten (10%) percent pay differential for an employee working above their class, provided that the employee has been directed to perform significant assignments from a higher classification, or to perform higher duties and responsibilities, on a continuous basis in excess of one hundred twenty (120) consecutive hours. The decision of the Director of Human Resources to approve or disapprove such requests is final and binding and not subject to the Grievance Procedure.

(C) Duration of Assignment: Initially, an Acting Assignment or an Out-of-Class Assignment shall be limited to a term of twelve (12) consecutive months for any one employee. Requests to extend the assignment beyond twelve (12) months will require review and approval by the Department Director and the Director of Human Resources. If approved, the extension of the assignment shall be for a maximum of six (6) additional months. One (1) additional extension of six (6) months, beyond the first six (6) month extension, may be authorized with the approval of the City Manager or Deputy City Manager.

ARTICLE 23. UNIFORM ALLOWANCES

(A) Police: All Police Department employees who are required to wear uniforms shall do so in accordance with the Police Department's uniform and equipment regulation and receive uniform allowance as follows:

(1) Police Community Service Officers, Police Animal Control Officers and Police Identification Technicians shall receive a uniform allowance of ninety-one dollars and sixty-six cents ($91.66) per month paid on the last paycheck of the month.

(2) Police Evidence and Property Technicians shall receive a uniform allowance of seventy-eight dollars ($78) per month paid on the last paycheck of the month.

(3) Police Clerks shall receive a uniform allowance of sixty-five dollars ($65) per month paid on the last paycheck of the month.

(B) Fire: All Fire Department employees who are required to wear uniforms shall do so in accordance with the Fire Department Rules and Regulations and receive a uniform allowance as follows:

Deputy Fire Marshal and Fire Prevention Technicians I and II shall receive a uniform allowance of eighty-five ($85.00) per month. Newly hired employees shall receive an allowance prorated from the date of hire.

All employees are required to obtain a department approved "Class A" uniform within thirty (30) days of completing their probationary period. Current employees who were eligible to retire (age 55) prior to January 1, 2009 are not required to purchase a "Class A" uniform.

(C) Reimbursement for Damage: The City will reimburse employees for the cost of replacing or repairing damaged uniforms in accordance with Personnel Administrative Order 19.1-81-6.

(D) An employee hired into or promoted into a position requiring a uniform or different uniform will receive a uniform allowance advance equal to three months accrual. The advancement will be provided within twenty (20) days of hire. The employee will not receive a uniform allowance for the first three months of employment. If an employee leaves the department and is subsequently rehired, such advance allowance will be available provide the employee has been separated from city service for more than twelve (12) months.

ARTICLE 24. VACATION

The following vacation accrual rates shall be established for regular employees:

Annual Vacation Accrual Rate	Years of Service
80 hours	0-5
120 hours	6
128 hours	7
136 hours	8
144 hours	9
152 hours	10
160 hours	11
164 hours	12
168 hours	13
172 hours	14
176 hours	15
180 hours	16
184 hours	17
188 hours	18
192 hours	19
196 hours	20
200 hours	21 or more

Employees may not accrue vacation time in excess of twice their annual vacation accrual rate; provided that no employee shall lose vacation time to meet the needs of the service.

The following rules and regulations are established for the administration of vacation benefits:

(A) All vacation leave must be approved by the Department Director or designated representative.

(B) Employees in regular positions shall accrue, on a pro-rated basis, vacation leave for completed pay periods. Such vacation leave shall be available for use on the first day following the pay period in which it is earned. Employees in regular positions budgeted less than eighty (80) hours per pay period or job shared positions shall receive vacation leave accumulation on a pro-rated basis.

(C) Vacation leave shall be compensated at the employee's regular hourly rate of pay.

(D) An employee about to retire, or who is to be laid off, may utilize their accrual prior to the effective date of any such retirement or layoff. In-lieu of such vacation, the employee may elect a lump sum payment for accrued vacation time. All other employees shall be paid at their regular rate of pay for all hours accrued at time of separation from the City.

(E) Employees may use up to three (3) days of their accrued vacation in any one fiscal year for emergency leave provided they notify the department authority prior to the start of the working day that the employee would be absent. An employee must provide written documentation of the emergency that is defined as an unforeseen urgent matter or situation out of the employee's control that requires immediate leave or could result in serious negative consequences if not attended to.

(F) If, due to operational needs of the City, an employee is denied the ability to take sufficient vacation to remain under his/her cap, the employee may seek City Manager approval to exceed the maximum cap for a time period to be specified by the City Manager.

(G) Negative Vacation:

Employees shall not be permitted to take vacation in advance of accrual, except in cases of extreme hardship or extenuating circumstances, as determined by the City Manager or designee. Use of vacation in advance of accrual shall not be authorized if the employee has other applicable leave time available. Any request for use of vacation in advance of accrual shall include a method and timeline for offsetting the negative vacation balance, as well as authorization from the employee for the City to recover any negative balance still owed to the City upon the employee's separation from service. Such recovery shall be first from the employee's final paycheck and then by either personal payment from employee or by a withdrawal from the employee's deferred compensation account.

(H) Same Day/Next Day Time Off Request (Non-Sick Leave):

If an employee requests time off (e.g. Vacation, CTO, etc) and the supervisor grants approval *after* determining there is minimal impact to workload, departmental coverage or the overall operation; the employee will not be charged for an unscheduled absence regardless of the timing of the request. Approval for such time will be granted based on the discretion of the supervisor and needs of the operation at the time of the request.

ARTICLE 26. SICK LEAVE

(A) Definition: Sick leave with pay is an insurance program provided by the City for employees in regular positions to be granted in circumstances of adversity to promote the health of the individual employee. Sick leave is defined to mean the authorized absence from duty of an employee because of physical or mental illness, injury, pregnancy, confirmed exposure to a serious contagious disease or for a medical, optical or dental appointment. Sick leave shall not be used for any injury arising out of, or incurred in, connection with outside employment.

In compliance with California law, a maximum of one-half (1/2) of an employee's annual calendar year sick leave accrual (forty-eight (48) hours) may be used to care for, or obtain care for, an employee's child, including stepchildren and foster children, parent, spouse, registered domestic partner or the child of a registered domestic partner who is ill.

A maximum of twenty-four (24) hours accrued sick leave may be used to care for, or obtain care for, members of the employee's immediate family who require the attention of the employee. Immediate family includes a sister, brother, mother-in-law, father-in-law, grandparent and foster parent of the employee who is ill.

(B) Accumulation: Employees shall accrue sick leave for each payroll period completed, prorated on the basis of ninety-six (96) hours per year Sick leave shall be available for use on the first day following the pay period in which it is earned, provided the employee has completed four hundred eighty hours (480) of service from the employee's hire date.

Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions shall receive sick leave accumulation on a pro-rata basis. Sick leave shall be accumulative up to a maximum of two thousand one hundred (2,100) hours. Sick leave shall not accrue when an employee is absent for more than forty (40) hours in any pay period while on any leave other than holiday, vacation, CTO, bereavement, jury duty or temporary military leave.

(C) Compensation: Sick leave shall be compensated at the employee's regular hourly rate of pay. When an employee is transferred from one department to another, the transfer shall have no effect on the employee's sick leave accruals.

(D) Administration:

(1) It shall be the responsibility and duty of each Department Director or his/her designee to validate each request for sick leave and to allow sick leave with pay where the application is determined to be proper and fitting.

(2) Notice of Sickness: In twenty-four (24) hour departments, the Department Director or designee must be notified at least two (2) hours prior to the start of the employee's scheduled tour of duty of a sickness on the first day of absence. In other departments, the Department Director or designee must be notified not later than the start of the employee's scheduled tour of duty of a sickness on the first day of absence. It is the responsibility of the employee to keep the Department Director or designee informed as to continued absence beyond the first day for reasons due to sickness or occupational disability. Failure to make such notification may result in denial of sick leave with pay.

(3) Review: The Director of Human Resources may review and determine the justification of any request for sick leave with pay and may, in the interest of the City, require a medical report by a doctor to support a claim for sick leave pay.

(4) Proof: A doctor's certificate or other adequate proof shall be provided by the employee in all cases of absence due to illness of three (3) consecutive days or more, when requested by the Department Director. The Department Director may require a doctor's certificate for absences of less than three (3) consecutive days for employees who have received a Corrective Interview Memorandum (CIM) for attendance.

(5) Improper Use: Evidence substantiating the use of sick leave for willful injury, gross negligence, intemperance, trivial indisposition, instances of misrepresentation or violation of the rules defined herein may result in denial of sick leave with pay or disciplinary action.

(E) Coordination of Benefits: Employees shall be entitled to coordinate fully their sick leave benefits with their Workers' Compensation benefits.

(F) Sick Leave Cash-out: Employees who leave City employment in good standing after five (5) years of continuous service (other than retirement), shall be paid at time of termination for twenty-five (25%) percent of the first two thousand (2,000) hours at the employee's then current regular rate of pay.

(G) Retirement: For Employees hired on or before December 31, 2010

1. Employees hired on or before December 31, 2010 and who retire from the City prior to October 8, 2013 after five (5) years of continuous service in good standing may, on a one time basis, exercise the option to have ninety (90%) percent of their unused sick leave, up to two thousand (2,000) hours, accrued up to October 7, 2013, applied by the City upon retirement to premiums for health insurance plans covered by the City. Said insurance shall be provided in an amount up to that contributed to active employees, as needed to cover the cost of retiree health premiums at the rate of one (1) month of premium contributions for each eight (8) hours of sick leave. The City's contribution to retired employees shall be defined as that amount contributed to active employees on the median priced HMO health plan.
2. Employees hired on or before December 31, 2010 and who retire from the City on or after October 8, 2013 after five (5) years of continuous service in good standing may, on a one time basis, exercise the option to have ninety

(90%) percent of their unused sick leave, up to two thousand (2,000) hours, accrued up to October 7, 2013, applied by the City upon retirement to premiums for health insurance plans covered by the City. Hours accrued by October 7, 2013 shall be held in a grandfathered sick leave conversion bank for such usage. Said insurance contribution shall be provided in an amount up to a monthly rate of $621 for retiree without dependents and up to $1,100 for retirees with dependent coverage.

3. In the event of death of the retired employee, the employee's spouse, registered domestic partner or dependents shall remain eligible to receive this benefit.
4. If after the ninety (90%) percent conversion, a retiring employee has less than four hundred sixteen (416) hours, accrued vacation leave may be applied to the sick leave account, provided that the total number of hours of sick leave and vacation (at a ninety (90%) percent conversion) does not exceed four hundred sixteen (416) hours.
5. All sick leave hours accrued on or after October 8, 2013 shall not be converted into the conversion bank described in paragraph (G) above and shall have no value towards conversion for retiree health insurance contributions. Notwithstanding paragraph (F) above, those hours shall have no cash value.
6. When taking sick leave, employees with grandfathered sick leave conversion banks shall utilize sick leave hours from the grandfathered conversion bank before utilizing hours accrued on or after October 8, 2013 (FIFO).
7. At the time a retiree initially moves or during any open enrollment period or IRS-approved life change situation, a retiree who moves out of the HMO service area, or out of state, may elect to use multiple monthly increments (up to a maximum of three (3) months) of their accumulated sick leave conversion benefits to offset higher health insurance premiums for plans sponsored by the City. During any subsequent open enrollment, the retiree may reduce the number of multiple increments. Retirees electing this option will be required to sign an acknowledgement form that indicates they understand that they will be using their benefit proportionately.

(H) Special Pay for Expedited Sick Leave Conversion Change: In consideration for First In, First Out (FIFO) for sick leave usage, employees will receive a one-time lump sum payment of $700, minus any applicable state and federal taxes, effective pay date September 27, 2013. Employee may defer some or all of the one-time lump sum payment to their deferred compensation account or health savings account. Employees contemplating such deferral must arrange with Employee Benefits no later than September 18, 2013.

ARTICLE 30. RETIREMENT

The City shall contract with the Public Employee's Retirement System to provide for the following retirement benefits:

For employees hired prior to January 17, 2012, the pension benefit shall be:

(A) The City's contract with PERS provides for two (2%) percent at age fifty-five (55) retirement benefits and 1959 Survivor Benefit Level 3.

(B) Effective September 10, 2013 employees shall increase their portion of the employee contribution from four-tenths percent (0.4%) by six and six tenths percent (6.6%) for a total of seven percent (7%) employee contribution. Such payments shall be implemented pursuant to the provisions of Internal Revenue Code 414 (h) (2) providing for pre-tax employee contributions.

(C) The period for determining average salary for retirement benefits shall be the twelve (12) highest paid consecutive months.

(D) Specific procedures and policies governing the above shall be as in the Personnel Rules and Personnel Administrative Orders.

For employees hired on or after January 17, 2012, and before January 1, 2013 the pension benefit shall be:

(A) The City's contract with PERS provides for two (2%) percent at age sixty (60) retirement benefits and 1959 Survivor Benefit Level 3.

(B) Employees shall pay seven percent (7%) employee contribution. Such payments shall be implemented pursuant to the provisions of Internal Revenue Code 414 (h) (2) providing for pre-tax employee contributions.

(C) The period for determining average salary for retirement benefits shall be the thirty six (36) highest paid consecutive months.

(D) Specific procedures and policies governing the above shall be as in the Personnel Rules and Personnel Administrative Orders.

For employees hired on or after January 1, 2013 and considered a new member of CalPERS, the pension benefit shall be:

(A) PERS provides for two (2%) percent at age sixty-two (62) retirement benefits and 1959 Survivor Benefit Level 3.

(B) Employees shall pay 50% of the total normal cost of their pension benefit. Such payments shall be implemented pursuant to the provisions of Internal Revenue Code 414 (h) (2) providing for pre-tax employee contributions.

(C) The period for determining average salary for retirement benefits shall be the thirty six (36) highest paid consecutive months.

ARTICLE 32. HEALTH, DENTAL, VISION INSURANCE

All employees in regular positions budgeted for forty (40) hours or more per pay period shall be eligible to participate in the health, dental and vision programs authorized by the City.

The City agrees to make available the health, dental and vision benefits currently provided for employees represented by MPNSA or any other program(s) mutually agreed upon by the parties.

Employees may opt out of participation in the City's medical health plans if the employee provides proof of coverage under another employer sponsored medical health insurance. This option may only be exercised during the City's open enrollment period or within thirty (30) days of a qualifying "life change" event as defined by the IRS. Employee's who opt out of participation shall continue to participate in the City dental and vision plans. The Chiropractic and Psychological Services plans are not available under the Opt-out option. No cash payments will be made in-lieu of health coverage, but deferred compensation contributions will be provided as designated below.

For new employees, eligibility for health, dental and vision insurance benefits shall start with the beginning of the payroll period following completion of four (4) full pay periods.

The City shall contribute the following amounts bi-weekly (based on twenty-four (24) pay periods) toward the combined total premium for health, dental and vision insurance plans; the employee is responsible for the balance of the premium cost, if any.

(A) The City's total contribution towards employees with dependent coverage shall be $525.00 bi-weekly ($1,050.00 monthly). This amount shall increase to $550 bi-weekly ($1,100 monthly) effective January 1, 2011.

The City's contribution for employees with dependent coverage shall not exceed the actual premium amount for the lowest cost HMO (including dental and vision) offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above. For employees enrolled in the City-sponsored High Deductible Health Plan, the City shall deposit any balance of the above contribution not needed to pay for the employee's combined premiums into 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.

(B) The City's total contribution towards employees without dependent coverage shall be $298.00 bi-weekly ($596.00 monthly). This amount shall increase to $310.50 bi-weekly ($621.00 monthly) effective January 1, 2011.

The City shall deposit to the employee's deferred compensation account any balance of the above contributions not needed to pay for the combined total premiums. For employees enrolled in the City-sponsored High Deductible Health Plan, the City shall deposit any balance of the above contribution not needed to pay for the employee's combined premiums, into 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.

(C) For employees who opt out of health coverage, the City shall pay $225.00 bi-weekly ($450.00 monthly). For employees who opt out of medical health coverage, the City shall deposit to the employee's deferred compensation account an amount equal to the remaining balance of the above contributions, if any, not needed to pay for the dental and vision premium.

Employees in regular positions budgeted less than eighty (80) hours per pay period or in job-shared positions, shall receive premium contributions on a pro-rated basis.

Except as otherwise required by law or this Memorandum, employees on leave without pay in excess of forty (40) hours in a pay period shall not receive a contribution from the City towards premium payment and coverage shall cease, unless the premium is paid by the employee. Employees on leave without pay who return to work shall have their health, dental, and vision insurance benefits reinstated on the first day of the pay period following the employee's return to work.

Employees receiving Workers' Compensation temporary disability payments through payroll shall continue to receive the City contribution towards health, dental, and vision benefits.

The City shall continue an IRS Section 125 program for pre-tax deductions for the employee share of health, dental and vision insurance premiums for un-reimbursed health, dental and vision expenses and dependent care costs.

The City agrees to provide the benefits described in this Article subject to carrier requirements. Selection of the insurance provider(s) shall be within the sole discretion of the City.

The City's health plan year is January through December with open enrollment occurring during the month of October.

ARTICLE 33. RETIREE HEALTH INSURANCE

(A) Eligible Employees hired before January 1, 2011 who retire from the City on or after October 8, 2013:

(1) Employees may elect on a one-time basis at retirement to purchase health, dental and/or vision insurance under a City-authorized plan and are responsible for all cost. Upon the death of a retired employee enrolled in one (1) of the plans, surviving dependents actively enrolled in plan retain eligibility for participation in the plans.

(2) The City's monthly contribution rate towards health, dental and vision insurance for those retirees using sick leave hours accrued on or before October 7, 2013 deposited to the grandfathered sick leave conversion bank shall be frozen and not exceed the following amounts as needed to cover the cost of the premiums:

(a) Up to $1,100 for retires with dependent coverage.

(b) Up to $621 for retirees without dependent coverage.

(4) If a retiree's health premium in any given month is less than the designated City contribution, the excess contribution shall be applied on behalf of the retiree to that month's premiums for dental and/or vision insurance, if the retiree has elected these plans.

(5) Effective October 8, 2013, 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 account. The City shall contribute for each eligible full time employee twenty five dollars ($25.00) per month. For a full time employee, this equates to a maximum of three hundred dollars ($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.

(B) Eligible Employees hired on or after January 1, 2011:

(1) Employees may elect on a one-time basis at retirement to purchase health, dental and/or vision insurance under a City-authorized plan and are responsible for all costs. Upon the death of a retired employee enrolled in one of the plans, surviving dependents actively enrolled in plan retains eligibility for participation in the plan.

(2) For employees 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, as described below:

(a) Eligibility: Regular full time employees and employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions are eligible to receive a City HRA contribution, if they have completed two (2) full years of continuous City regular service. If an employee separates employment before meeting the eligibility requirement, the employee shall receive no benefit.

(b) City Contribution:

(1) Initial Contribution: On the first pay period following completion of two (2) full years of continuous City service, regular full time employees shall receive a lump sum contribution of $2,400 deposited into an HRA account established in their 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 their hours worked.

(2) Regular City Contribution: After the initial contribution (defined above) is made, the City shall contribute for each eligible full time employee one hundred dollars ($100) per month. For a full time employee, this equates to a maximum of $1,200 per year after the

initial eligibility period is met. 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.

(C) Access to Account Balance:

(1) Participants may access the balance in their HRA account upon termination of employment and attainment of age 50 or retirement from CalPERS Retirement System, whichever is earlier.

(2) Participants may defer accessing the account balance to any time beyond the earliest date described in (a).

(3) Amounts that remain in the account balance are available to reimburse the participant for the same permitted medical expenses for the spouse and any other dependent covered under the retiree medical plan subject to the limitations and maximums as stipulated by law, however, federal regulations at this time do not permit the inclusion of expenses for domestic partners.

(D) Survivors of eligible retirees with account balances:

(1) Spouses and eligible dependent children or dependent adults that are disabled may continue to access account balances after the death of the retiree subject to the limitations and maximums as stipulated by law.

(2) Domestic partners are not permitted access to the account balances of the participant at this time by virtue of restrictions in the federal regulations that govern these types of accounts.

(E) Forfeiture of account balance:

(1) If an active employee dies prior to retirement, the amount of account balance is available to eligible spouses and dependents to reimburse them for medical expenses permitted under the applicable section of the Internal Revenue code.

(2) Account balances in part or in total for active participants or retirees without any eligible spouse or dependent or unused account balances after the death of the last eligible spouse or dependent will be forfeited and returned to all other active and retired participants in the form of a dividend allocated in direct proportion to the amount to be distributed divided by the total account balance for all participants applied to each individual account balance.

(F) This benefit will be subject to regulation under section 105(b) of the Internal Revenue Code and subject to revenue rulings for these types of plans as promulgated.

ARTICLE 38. LAYOFF AND DEMOTION PROCEDURES UPON REDUCTION IN FORCE

When it becomes necessary through lack of work, lack of funds or for other reasons to reduce the number of employees, the City shall prepare a layoff list by classification within a department. Within each job class, employees shall be laid off in the following order: temporary, provisional, probationary, regular. The order of layoff shall then be based on the City's needs, with particular regard for classification seniority and performance evaluation reports. Classification Seniority is defined as the length of continuous service in the current classification including higher classifications in the current department including periods of authorized leaves of absence, which require a retirement contribution, and including all periods as a full-time CETA and PEP employee. In the event of a break in service, classification seniority shall restart upon rehire. In the event of a tie in classification seniority, determination of seniority will be based first upon total exam score as used for placement onto the City's position eligibility list during recruitment. If a tie still exists, determination will then be based upon total City service, and finality upon a review of evaluation ratings until the tie is broken.

(A) Transfer, Demotion, Layoff

(1) Whenever there is a reduction in work force, the City shall first transfer the employee to a vacancy in the same classification in the same department. If no such vacancy exists, the employee may voluntarily transfer to a vacancy in the department in a classification the employee previously held. If no such vacancy exists, the employee may elect to demote to a vacancy, if any, in the next lower class for which the employee who is scheduled for layoff meets the minimum employment standards provided no other employee has greater rights to that vacancy by virtue of having formerly held the classification or greater overall seniority. All persons so demoted shall have their names placed on the department classification reinstatement eligible list.

(2) If there are no vacant positions in the same or a lower class available in the department, the City shall allow bumping from a higher to a lower classification within a department. An employee may bump into the next lowest class in the employees current class series if the employee has greater overall seniority as provided in paragraph (A). An employee may bump down to a classification s/he previously held within the same department.

(3) If there are no vacant positions or bumping possibilities, the City shall layoff employees within a department and classification. All persons laid off shall have their names placed on the department classification reinstatement eligible list for a period of two (2) years. Departments will be encouraged to consider employees on a reinstatement list for vacancies, City-wide, for their specific classification.

(B) An employee scheduled for demotion or layoff shall be given a minimum of fourteen (14)-calendar days notice in writing. The notice shall state the effective date and time of demotion or layoff.

(C) Names shall be placed on department classification reinstatement eligible lists in the inverse order of layoff and seniority as defined in the introductory paragraph for this

Article. Vacant positions within a classification shall first be offered to those on the reinstatement list who meet the minimum employment standards for the vacant position. The eligibility of individuals on the reinstatement list shall be for a period of two (2) years from the date of demotion or layoff. Eligible individuals not responding to written notification of an opening within fourteen (14) calendar days shall forfeit their consideration for reinstatement to that opening.

(D) A reinstated employee shall be entitled to the following benefits:

(1) Prior sick leave accrual (unless sick leave was cashed-out in accordance with the applicable rules).

(2) Seniority at time of layoff or demotion for purposes of determining merit increases, vacation accruals and future reductions in the work force.

(3) A salary as nearly as possible equivalent to the salary range and step that which the employee was receiving immediately prior to layoff or demotion. If the employee chooses to be reinstated in a class at a lower salary range than that held previously, the salary will be either equivalent to the salary immediately prior to layoff or demotion or as close to the equivalent as the new salary range allows.

(E) A person appointed from a reinstatement eligible list within six (6) months to the same classification held prior to layoff or demotion, will obtain regular status upon reinstatement, provided that they had completed probation in that class prior to layoff or demotion. All other persons appointed from a reinstatement list shall serve a new probationary period.

(F) Employees laid off shall be paid for all accrued vacation, holidays and overtime. Accrued sick leave shall either be paid as provided for by the applicable rules, or may remain on the books in event of reinstatement. If reinstatement does not occur within two (2) years, sick leave shall be paid in accordance with the applicable rules at the employee's hourly rate of pay at the time of layoff.

ARTICLE 46. CITY'S EEO PLAN

(A) The City and MPNSA agree that the provisions of this Memorandum shall be applied without favor or discrimination based on race, color, ancestry, religion or creed, sex, national origin, marital status, age (over 40), physical or mental disability or perceived disability, medical condition, pregnancy-related condition, sexual orientation, gender identity, gender expression or political affiliation or on any other basis prohibited by applicable Federal and State law. They agree to recognize, respect and support the City's commitment to nondiscrimination in employment as set forth in the City's Equal Employment Opportunity Plan. MPNSA agrees to encourage its members to assist in the implementation of that program.

(B) MPNSA agrees to and acknowledges its responsibility to fairly represent all employees in the bargaining unit without regard to race, color, ancestry, religion or creed, sex, national origin, marital status, age, physical or mental disability or perceived disability,

medical condition, pregnancy-related condition, sexual orientation, gender identity, gender expression, political affiliation, job classification or employment status.

(C) Because the Americans with Disabilities Act (ADA) requires accommodations for individuals protected under the Act, and because these accommodations must be determined on an individual, case-by-case basis, the parties agree that the provisions of this Memorandum may require modification in order for the City to avoid discrimination under the Act.

(D) MPNSA recognizes that the City has the legal obligation to meet with the individual applicant/employee to be accommodated before any adjustment is made in working conditions. MPNSA will be allowed to meet and consult with the City concerning the proposed accommodations prior to implementation by the City.

Any accommodation provided to an individual protected by the ADA shall not establish a past practice, nor shall it be cited or used as evidence of a past practice in the grievance procedure.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-320

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 AND FIRE NON-SWORN ASSOCIATION (MPNSA)

WHEREAS, by Resolution No 2012-16 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:

For all Miscellaneous employees represented by the Modesto Police and Fire Non-Sworn Association the City of Modesto elects to pay zero percent (0%) of the

normal member contribution. 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 September 10, 2013.

BE IT FURTHER RESOLVED that effective September 10, 2013, Resolution No. 2012-16 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Marsh
NOES:	Councilmembers:	Lopez
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-321

RESOLUTION GRANTING ACCESS TO CLARATINA AVENUE, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MCHENRY AVENUE AND CLARATINA AVENUE (JWG MCHENRY, LLC)

WHEREAS, JWG McHenry, LLC has proposed a commercial center that includes two automotive dealers and retail space with access from Claratina Avenue via a slip ramp, property located at the southeast corner of McHenry Avenue and Claratina Avenue, and

WHEREAS, Claratina Avenue is designated a Class B Expressway in the City's General Plan, and

WHEREAS, a Class B Expressway is a high volume roadway where access is controlled and limited to encourage traffic flow and overall operational viability of expressways in the community, and

WHEREAS, Section V(B)(5)(C) of the General Plan includes policies limiting access to expressways and requires City Council approval for non-residential uses to directly access Class B or Class C expressways, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on September 3, 2013, 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 it hereby finds and determines as follows:

1. The economic purposes are clearly restricted by denial of access to a particular parcel because absent the Claratina Expressway access, access from major streets would only be limited to one of four directions (northbound McHenry), and this would create a substantial economic detriment to the property and will continue to frustrate its development.

2. There are either no or only highly restrictive alternative access solutions available to a particular parcel under consideration because based upon the distance between Grecian Avenue and the Pelandale/Claratina Expressway on McHenry Avenue, McHenry Avenues designation as a state route and Caltran's ability to limit access, the project's access from a major street could otherwise be limited to one right-in/right-out mid-block access driveway along McHenry Avenue.

3. The economic benefit derived from development of the remnant (infill) parcel override the need to limit access to that parcel because development with an auto dealership and other commercial/retail type uses will provide economic benefits to the City, which include: employment, property tax value increase, sales tax revenue, and the improvement of street frontages, allowing better movement of goods and services.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that it hereby approves access to Claratina Avenue for property located at the southeast corner of McHenry Avenue and Claratina Avenue subject to the following conditions:

1. Prior to issuance of an encroachment or building permit for work related to the slip ramp, the developer shall receive approval of an access agreement from the City Council and approval of the slip ramp design from the City Engineer.

2. 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 and shall cooperate fully in the defense.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-322

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): CLARATINA AVENUE AUTOMOTIVE DEALERSHIPS (JWG MCHENRY, LLC)

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, JWG McHenry, LLC has proposed commercial center with two automotive dealers and retail space, property located at the southeast corner of McHenry Avenue and Claratina Avenue, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2013-15 ("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 August 14, 2013, 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 September 3, 2013, 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 Claratina Avenue Automotive Dealerships, a copy of which is **attached** hereto as **Exhibit** "A", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2013-15

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2013-015

For the proposed:

Claratina Avenue Automotive Dealerships

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

May 29, 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 Infiniti Automotive Dealership 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: Infiniti Automotive Dealership

B. Address or Location: Southeast corner of McHenry Avenue and Claratina Avenue (APN(s) 082-010-008 and 082-010-003

C. Applicant: JWG McHenry, LLC; c/o John McSherry 4460 McHenry Avenue, Modesto, CA 95356

D. City Contact Person: David Wage, Associate Planner
Project Manager: David Wage
Department: Community and Economic Development
Phone Number: (209) 577-5267
E-mail address: dwage@modestogov.com

E. Current General Plan Designation(s): Regional Commercial

F. Current Zoning Classification(s): Specific Plan

G. Surrounding Land Uses:
North: Commercial (Automotive Dealership)
South: Residential (Mobile Home Park)
East: Residential (Single Family)
West: Commercial (Donation Center)

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR:

The project includes construction of two single-story 14,500 square-foot auto dealerships and a 21,000 square-foot retail building at the southeast corner of McHenry Avenue and Claratina Avenue. A new driveway on McHenry Avenue (SR 108) is proposed. A slip ramp along the Claratina Avenue project frontage would allow eastbound cars on Claratina Avneue to enter the site; however cars would not be allowed to directly exit onto Claratina Avenue. The existing improvements at the southeast corner would be reconstructed to accommodate a right turn lane, pedestrian traffic island, relocation of the traffic signal and install curb, gutter and sidewalk.

Development of the site would also include onsite paving to accommodate driveways, drive aisles, customer parking, and sales inventory. Onsite landscaping will be provided in accordance with City Standards. Stormwater will drain to an existing storm drainage basin to the southeast of the project site in the Coffee-Claratina Specific Plan area.

I. Other Public Agencies Whose Approval is Required:

- Caltrans
- San Francisco Public Utilities Commission

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.

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.

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.

Project Manager	Associate Planner Title	8/12/13 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.	☒	☐

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.	☐	☐	☐	☒

	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) **No Impact:** The proposed project is consistent with the General Designation and the traffic volumes assumed in the MIER. The project will not result in an increase 100 additional trips than what was assumed in the MIER (Regional Commercial) or degradation below LOS D and therefore no new mitigation measures are necessary.

(2) **No Impact:** The project would not generate enough traffic to individually or cumulatively exceed as level of service standard established by the County congestion management agency for roads or highways.

(4) **No Impact:** Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.

(5) **No Impact:** The project will provide 69 parking spaces which exceeds the Municipal Code Standard of one space for every three hundred square-feet. City staff has reviewed the project and determined the project has provided sufficient parking for the proposed automotive dealership.

(6) **No Impact:** The proposed project has been reviewed by Traffic, Planning and Transit staff and would not conflict with any adopted plans for alternative transportation. A bus turnout will be accommodated along the Claratina Avenue frontage.

(7) **No Impact:** The proposed project is would not result in an increase in energy consumption 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 buildout 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])

MEIR 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.

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-51
Limit traffic speeds on unpaved roads to 15 mph; and

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 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) **Less Than Significant Impact:** A project such as this was anticipated in the General Plan Master EIR. The project site is within the City's boundary at the time the Master EIR was updated in 2008. The site is designated for Regional Commercial in the General Plan. The traffic and air quality analysis in the MIER assumed this site would be developed with Regional Commercial Uses. The project is consistent with the development assumptions in the MEIR.

In accordance with MEIR Mitigation Measure MEIR AQ-26, the project was routed to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) for comments. The District indicated the project specific emission of criteria pollutants (CO, ROG, NO_x) are not expected

to exceed District thresholds. Therefore the project would have not have a significant adverse impact on air quality.

(2) **No Impact:** Since the project exceeds more than 2,000 square feet in floor area, 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) **No Impact:** Applicable General Plan Policies will be applied to the project; therefore, project-specific effects will be less than significant for this impact (see mitigation measures above).

(4) **Less Than Significant Impact:** The automotive dealership use is not a significant contributor to air pollution levels. The nearest sensitive uses are the residences to the south and east of the site. The primary source of air pollution associated with the development would be traffic related. Since the traffic impacts are within the scope of the MEIR, so are the 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) **Less Than Significant Impact:** The proposed project will not produce objectionable odors. Construction related odors generated from equipment will be mitigated to a less than significant level with the incorporation of MEIR mitigation measures. All automotive repair activities will be conducted indoors.

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:

(1,2,3) **Less Than Significant Impact:** The project is consistent with the noise policies of the General Plan. General Plan MEIR Mitigation Measure N-7 requires non-residential development to demonstrate that the project will incorporate measures to reduce noise impacts to a less than significant level.

Some land uses are considered more sensitive to noise levels than others due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically associated with the uses. Residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, and parks and other outdoor recreation areas generally are more sensitive to noise than are commercial (other than lodging facilities) and industrial land uses.

The General plan sets a noise threshold of 65 dBA, Ldn for single-family residential uses measured at the outdoor activity areas (backyards). The nearest sensitive receptors are the residences approximately 250 feet to the southeast of the project site. The proposed commercial building is not anticipated to generate noise levels that exceed the 65dBA threshold for sensitive receptors. Business activities will be conducted indoors with the exception of loading operations and traffic coming and going from the site. There will be automotive repair activity occurring onsite however the repair bays are all indoors, which will minimize noise traveling to any sensitive receptors offsite. There is an existing eight-foot-tall wall separating the site from the residential development to the southeast, which will further assist with the attenuation of sound. The project does not create a significant noise impact.

(4) **Less Than Significant Impact:** The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise, but the noise mitigation measure N-3 which requires compliance with the noise ordinance and limits construction related noise impacts has been incorporated.

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) **No Impact:** The project is consistent with the General Plan land use policies. It is an infill project proposed within the urbanized area of the City. The site is currently vacant and no agricultural land will be converted for the development of the proposed projects.

(2) **No Impact:** 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) **No Impact:** The project site is not zoned for agriculture nor is it under Williamson Act contract.

(4) **No Impact:** The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The General Plan designates the property as Regional Commercial. The adjacent property is also designated Regional Commercial.

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) **No Impact:** The project is consistent with the water supply policies in the General Plan.

(2) **No Impact:** The project was referred to Land Development Engineering Staff who determined the water proposed development will not exceed estimates or water supplies for needed to serve other entitlements and resources.

(3) **No Impact:** 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) **No Impact:** The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.

(2) **No Impact:** The project is consistent with the Regional Commercial designation and will generate sewer flows within what was anticipated for the project site.

(3) **No Impact:** The project was referred to Land Development Engineering Staff who determined there is adequate capacity to accommodate the proposed development in addition to existing commitments.

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 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) **No Impact:** The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

(2) **No Impact:** 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) **No Impact:** The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) **No Impact:** 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 affected by the project.

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

(6) **No Impact:** 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:

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

c. Project-Specific Effects

Section V-8.B of the 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) **No Impact:** The project is consistent with the archeological and historical resource policies in the General Plan.

(2) **No Impact:** There are no existing structures on the project site.

(3) **No Impact:** There are no existing structures or other resources on the project site.

(4) **No Impact:** The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

(5) **No Impact:** 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:

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) **No Impact:** The project is consistent with the storm drain policies in the Urban Area General Plan.

(2) **No Impact:** The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system. The project will keep all water onsite and construct a storm drain system that meets City Standards.

(3) **No Impact:** The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures."

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.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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) **No Impact:** The project is consistent with the flooding and water quality policies in the General Plan.

(2) **No Impact:** The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3) **No Impact:** The project is not located within a 100-year flood plain and is limited to commercial uses.

(4) **No Impact:** The project is not located within a 100-year flood plain.

(5) **No Impact:** The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

(6) **No Impact:** The project will not violate water quality standards or waste discharge requirements

(7) **No Impact:** 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) **No Impact:** 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:

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) **No Impact:** The project is consistent with the parks and open space policies in the General Plan.

(2) **No Impact:** The project is on a vacant site designated for Regional Commercial development. The project would not eliminate an existing park or designated open space.

(3) **No Impact:** The project is designated for Regional Commercial development and would not cause an increase in the use of existing neighborhood and regional 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 polcies 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) **No Impact:** The project is consistent with the policies relating to schools in the General Plan.

(2) **No Impact:** 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:

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.

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) **No Impact:** The project is consistent with the policies relating to police services in the General Plan.

(2) **No Impact:** 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.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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) **No Impact:** The project is consistent with the fire service policies in the General Plan.

(2) **No Impact:** 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) **No Impact:** 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) **No Impact:** The project is consistent with the solid waste policies in the General Plan.

(2) **No Impact:** This project was referred to the City's Solid Waste Division for review, and there is not 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.	☐	☐	☐	☒
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) **No Impact:** The project is consistent with the hazardous materials policies in the General Plan.

(2) **No Impact:** 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) **No Impact:** 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) **No Impact:** 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	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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) **No Impact:** The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) **No Impact:** 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, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) **No Impact:** The project is consistent with the energy policies in the General Plan.

(2) **No Impact:** 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) **No Impact:** The project is consistent with the policies relating the visual resources in the General Plan.

(2) **No Impact:** The project would not impact views from riverside areas and parks.

(3) **No Impact:** 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.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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) **No Impact:** The automotive dealership is consistent with the City of Modesto Urban Area General Plan, because the project site is located within a Commercial area which accommodates the type of development proposed, and it does not represent an increase in intensity of use or development beyond that which is already allowed by the existing zoning of the site (Specific Plan (Regional Commercial).

(2) **No Impact:** The project is infill development which will not divide an established community. The site is located at the corner of an Arterial Street and Expressway and was planned for Regional Commercial uses.

(3) **No Impact:** The proposed project does not represent a conflict with any 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) **No Impact:** The proposed project is not subject to any habitat conservation plan or natural community conservation plan.

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.

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) **Less Than Significant Impact:** 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 will develop in accordance with climate change policies included in the UAGP and the MIER.

(2) **Less Than Significant Impact:** 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) **Less Than Significant Impact:** 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:

None.

Degradation of Air Quality:

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.

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-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

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.

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):

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

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%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

AQ-54: Install wind breaks at windward side(s) of construction areas.

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.

AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

Generation of Noise:

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.

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:

MEIR Table V-8-1 (b-f)

b. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

c. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor's selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

d. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

e. If any find is determined to be significant by the 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.

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.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-323

A RESOLUTION APPROVING AN ANNUAL RETAIL ADVERTISING CONTRACT WITH THE MODESTO BEE (MCCLATCHY NEWSPAPER GROUP); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the City of Modesto is currently using the Modesto Bee (McClatchy Newspaper Group) as its primary advertising source for its advertising requirements, and

WHEREAS, the advertising services are required for classified and legal advertisements as required by law, and for retail advertisements for public information purposes, and

WHEREAS, the City's Purchasing Manager annually meets with the Modesto Bee and based on advertising volume commitments over the prior year identifies retail contract options which would best meet the City's retail advertising needs, and

WHEREAS, the current retail contract has expired, and

WHEREAS, the City's Purchasing Manager once again met with the Modesto Bee to discuss what contract renewal options would be available to the City, and

WHEREAS, the Modesto Bee has agreed to renew the retail advertising contract for another year, and

WHEREAS, the "non-profit no-commitment" will be at a contract rate of $51.68 per column inch, and

WHEREAS, once signed, the advertising contract shall be implemented and tracked by the City's Purchasing Manager, and with the City's Public Information Officer assisting departments with their advertising needs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group, consisting of one contract for a retail "no-commitment" non-profit rate of $51.68 per column inch, and

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 10th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, and Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-324

A RESOLUTION ACCEPTING THE 2014 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT IN THE AMOUNT OF APPROXIMATELY $179,515 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 $179,515 from OTS, and

WHEREAS, acceptance of said $179,515 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, 2013, through September 30, 2014,

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 $179,515 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 10th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, and Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-325

A RESOLUTION AMENDING THE FISCAL YEAR 2013/2014 OPERATING AND MULTI-YEAR GRANT BUDGET TO REFLECT REVENUE AND EXPENSES IN THE AMOUNT OF APPROXIMATELY $179,515 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 $179,515 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, 2013, through September 30, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2013/2014 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 10th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, and Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

The Multi-Year 2013/2014 Operating Budget will be amended as follows:

	Revenue	Increase/(Decrease)	Description
To:	1341-19999-42199-100772	$179,515	2013/14 OTS Selective Traffic Enforcement Program (STEP)
	Expense		
To:	100772 - Appr. C	$173,473	Services City Forces (Overtime)
	100772 - Appr. C	$ 5,492	Conference/Training Expense
	100772 - Appr. C	$ 550	Printing and Binding
		$179,515	

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-326

RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF KRONOS TELESTAFF SCHEDULING SOFTWARE FOR THE MODESTO POLICE DEPARTMENT, TO KRONOS, IRVINE, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $83,510

WHEREAS, on August 8, 2012, Council approved Resolution 2012-303 authorizing the City of Modesto Police Department to use its allocation of $105,553 to purchase a personnel scheduling and tracking software program and personal video recording devices for patrol officers, and

WHEREAS, the Modesto Police Department has used a scheduling software product called Speedshift since at least 2003 and is no longer supported by the manufacturer as of June 30, 2013, and

WHEREAS, one of the key criteria for a replacement scheduling software product is to be compatible with the ERP payroll module of the Oracle Applications payroll module (COSMO) that was recently implemented by the City of Modesto, and

WHEREAS, Kronos is the only vendor that provides TeleStaff an automated employee scheduling and notification solution developed specifically for the Public Safety industry, and

WHEREAS, Kronos is both the manufacturer and sole provider of TeleStaff and all of its components, and

WHEREAS, the estimated total cost of software is $83,510.00, and

WHEREAS, server hardware and licensing is estimated at $16,000.00, and

WHEREAS, the total project cost is estimated at $99,510.00 with the remainder to be used for personal video recording devices is $6,043.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole source procurement for the purchase of Kronos Telestaff Scheduling Software for the Modesto Police Department, to Konos, Irvine CA,

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 $83,510.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-327

RESOLUTION APPROVING THE CITY OF MODESTO DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR FTA AND FAA ASSISTED PROJECTS

WHEREAS, the City of Modesto receives $250,000 or more annually from the Federal Transit Administration (FTA) and $250,000 or more annually from the Federal Aviation Administration (FAA), and

WHEREAS, the FTA and FAA require all such recipients to meet federal regulatory requirements for a Disadvantaged Business Enterprise (DBE) Program, and

WHEREAS, **attached** hereto as **Exhibit A** is the updated City of Modesto DBE Program for FTA and FAA Assisted Projects prepared by City staff in compliance with the regulations promulgated by the FTA and FAA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto DBE Program for FTA and FAA Assisted Projects **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 10th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

City of Modesto Disadvantaged Business Enterprise Program

For Federal Transit Administration and Federal Aviation Administration Assisted Projects

2013

City Of Modesto
Disadvantaged Business Enterprise Program

CITY OF MODESTO DBE PROGRAM POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The City of Modesto has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 and 49 CFR Part 23. The City has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City has signed assurances that it will comply with 49 CFR Part 26 and 49 CFR Part 23.

It is the policy of the City to ensure that DBEs, as defined in Part 26 and Part 23, and small businesses have an equal opportunity to receive and participate in DOT–assisted contracts. It is also the City's policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs and small businesses can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 and 49 CFR Part 23 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs and small businesses in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Vickey Dion, Senior Civil Engineer, 1010 Tenth Street, Suite 3100, Modesto CA 95353, phone: (209) 571-5542, fax: (209) 571-5575, email: vdion@modestogov.com has been delegated as the DBE Liaison Officer. In that capacity, Ms. Dion is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City in its financial assistance agreements with the Department of Transportation.

The City has disseminated this policy statement to the Council and all of the components of the City's organization. The City has distributed this statement to DBE and non-DBE business communities that perform work for the City on DOT-assisted contracts through direct mail, email, hard-copy handouts, and web postings as appropriate.

_____ _____

Greg Nyhoff, City Manager Date

Section 26.1, 26.23 Objectives

The objectives are found in the policy statement on page one of this program.

Section 26.3 Applicability

In compliance with Part 26 and Part 23, the City DBE Program applies to all contracting opportunities using DOT funds the City receives as a direct grantee. The City is a direct grantee of MAP-21 federal funds for Federal Aviation Administration (FAA) and Federal Transit Administration (FTA) programs.

The City is not a direct grantee of MAP-21 federal funds for Federal Highway Administration (FHWA). The City receives FHWA funds through the California State Department of Transportation (Caltrans). Caltrans subrecipients must adhere to their California State Disadvantaged Business Plan Enterprise Program Plan as it applies to local agencies and therefore FHWA funded projects are not subject to this City program.

Section 26.5 Definitions

The definitions contained in 49 CFR Part 26 § 26.5 are incorporated herein for the purposes of this program. Terms specific to airport concessions have the meaning defined in 49 CFR Part 23 § 23.3. For ease of reference only, some of the most common terms from 23.3 are defined below:

Disadvantaged Business Enterprise (DBE): A DBE is a for-profit, small business concern; 1) that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, in which 51 percent of the stock is owned by one or more socially and economically disadvantaged individuals; and 2) whose management and daily operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Race Neutral: A procedure or program that is used to assist all small businesses. For the purposes of this program, race neutral includes ethnic and gender neutrality.

Race Conscious: A measure or program that is specifically focused on assisting only DBEs, including women-owned DBEs.

Small Business Concern: With respect to firms seeking to participate as DBEs in DOT assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration (SBA) regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts specified in Section 26.65(b).

Socially and Economically Disadvantaged Individuals: Any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is: 1) Any individual who a grantee finds to be a socially and economically disadvantaged individual on a case-by-case basis, 2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

- "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

- "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
- "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka;
- Women;
- Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

Section 26.7 Non-discrimination Requirements

The City will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Parts 23 and 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the City will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

The City will report DBE awards, commitments, and payments using the "Uniform Report of DBE Awards or Commitments and Payments", found in Appendix B to Part 26, at the intervals stated on the form.

The City will report DBE participation to FTA and/or FAA as follows (Part 26 § 26.11 (b); Part 23 § 23.27):

As an FAA grantee, the City will submit annually DOT Form 4630, as modified for use by FAA recipients.

As an FTA grantee, the City will report DBE participation on a quarterly basis, using DOT Form 4630. These will reflect payments actually made to DBEs on FTA assisted contracts.

City staff shall prepare the required periodic compliance reports for the FTA and FAA on the forms provided by the respective agency. These reports shall be coordinated within each department or section, as required.

Bidders List: 26.11(c)

The City will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or propose on FTA and/or FAA-assisted contracts. The list will be used to help set overall goals by providing data as accurate as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on the City's FTA and/or FAA-assisted contracts.

The bidders list will include the name, address, DBE and non-DBE status, age of firm, and category of annual gross receipts of firms (i.e. less than $500,000; $500,000 – $1 million; $1-2 million; $2-5 million; over $5 million). The City will collect this information by having bidders/proposers complete and submit to the City a bidders/proposer information form.

Section 26.13 Federal Financial Assistance Agreement

Section 26.13 Assurances

The City has signed the following assurances, applicable to all FTA and/or FAA-assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance: 26.13(a)
The City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FTA and/or FAA assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The City shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of FTA and/or FAA assisted contracts. The City's DBE Program, as required by 49 CFR Part 26 and as approved by FTA and/or FAA, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

As it is stated in 26.13(a), this language is to be used verbatim in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b
The City will ensure that the following clause is placed in every FTA and/or FAA-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of FTA and/or FAA assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the City deems appropriate.

Section 26.21 DBE Program Updates

Since the City has received an FAA grant of $250,000 or more for airport planning or development in a federal fiscal year and has received an FTA grant of $250,000 or more in FTA planning, capital, and/or operating assistance in a federal fiscal year, the City will continue to carry out this program until all funds from FTA and/or FAA financial assistance have been expended. The City will provide to FTA and/or FAA updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this DBE Program.

Section 26.25 DBE Liaison Officer (DBELO)

The City has designated the following individual as the DBE Liaison Officer:
Vickey Dion, Senior Civil Engineer, 1010 Tenth Street, Suite 3100, Modesto CA 95353, phone: (209) 571-5542, fax: (209) 571-5575, email: vdion@modestogov.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City complies with all provision of 49 CFR Part 26 and Part 23. The DBELO has direct, independent access to the City Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A to this program.
The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials.

The duties and responsibilities of the DBELO include the following:

- Gathers and reports statistical data and other information as required by FTA and/or FAA.
- Reviews third party contracts and purchase requisitions for compliance with this program.
- Works with all departments to set overall annual goals.
- Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
- Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment) and identifies ways to improve progress.
- Analyzes the City's progress toward attainment and identifies ways to improve progress.
- Participates in pre-bid meetings.
- Advises the City Manager on DBE matters and achievement.
- Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
- Provides outreach to DBEs and community organizations to advise them of opportunities.
- Refers interested persons to the Unified Certification Program DBE directory available at http://californiaucp.org.

Roles of Other Staff in Implementing the DBE Program

Department heads are responsible for the daily management and implementation of the DBE Program within their respective departments or sections. Managers shall ensure appropriate staff members are familiar with the requirements of Part 26, Part 23, and the City's DBE Program. The DBELO shall meet periodically with the Transit Manager and the Airport Manager to: review implementation of the plan, ascertain the progress and achievements within the plan, and identify problems and/or deficiencies.

Section 26.27 DBE Financial Institutions

It is the policy of the City to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on FTA and/or FAA-assisted contract to make use of these institutions. The City has investigated to identify such institutions through the UCP database and has determined that there are none available in the local area.

Section 26.29 Prompt Payment Mechanisms

The City will include the following clause in each FAA and/or FTA-assisted prime contract:

A prime contractor shall pay any subcontractor not later than 10 days of receipt of each progress payment in accordance with the provisions in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10 days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30 days may take place only for good cause and with the City's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanction, and other remedies of that section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the prime contractor, deficient subcontract performance, or noncompliance by a subcontractor.

Section 26.31 Directory

The City routinely accesses the State of California Unified Certification Program directory (www.californiaucp.com) to search and identify certified DBE's and encourages potential bidders to do the same.

Section 26.33 Overconcentration

The City has not identified that overconcentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The City has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The City will take the following monitoring and enforcement actions to ensure compliance with 49 CFR Part 26:

- Bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
- Consider similar action under the City's own legal authorities, including responsibility determinations in future contracts.
- Provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by requiring each prime contractor to complete a DBE participation form along with each invoice submitted for payment; random direct confirmation by the City with specified DBE's that they have been paid; random on-site inspections (where appropriate) to determine utilization of DBE's, and other mechanisms as deemed appropriate by the City.
- Keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Small Business Participation

The following small business element is incorporated into this DBE Program in order to facilitate competition on FTA and/or FAA-assisted projects by small business concerns (both DBEs and non-DBE small businesses):

- The City will evaluate each contract, on a project by project basis, and decide, based on scope of work and availability of small business concerns to perform work activities, whether or not to set a goal for small business participation.
- To facilitate competition by small business concerns, the City will encourage the unbundling of projects as appropriate to help eliminate obstacles to small business participation.
- The City will evaluate projects to ensure that a reasonable number of prime contracts are to be of a size that small business concerns, including DBEs, can reasonably perform.
- The City will provide specifications and Requests for Proposals in a timely manner, in order to allow DBEs and other small business concerns adequate time to develop responsive and responsible bids, quotations, and proposals.
- The City will send bid notices, where appropriate, to small business trade associations, technical assistance agencies and DBE's with capabilities relevant to the bid notice.
- The City will help small business concerns to better understand its contracting and procurement opportunities.

For information on SBA size standards, see http://www.sba.gov/contant/determining-size-standards

Participation by DBEs and other Small Businesses in Airport Concessions

All opportunities for concessions/lease agreements with the City which are aviation related shall be administered pursuant to 49 CFR Part 23 and the City's DBE Program.

DBEs with experience in the type of concession under consideration may, upon request, be sent a copy of the Notice of Concession/Lease Opportunity. Each Notice of Concession/Lease Opportunity shall be submitted for

publication in newspapers of general circulation. Such notices shall also be sent to business technical assistance organizations.

Each Notice of Concession/Lease Agreement Opportunity, to the extent feasible, shall be submitted for publication at least 60 days prior to the award of such concession or lease agreement.

The Airport Section representative, in conjunction with the DBELO, shall actively seek out firms interested in concession/lease opportunities. If any such firms have not been officially certified as a DBE, the firm shall be referred to the UCP process.

Concession/Lease agreements shall be subject to the City's overall goals for DBE. The City will not use quotas in any way in the administration of the DBE program or to achieve DBE participation.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The City does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

In accordance with Section 26.45, the Transit Section will submit overall triennial DBE goals to FTA on the date determined by the FTA Office of Civil Rights.

In accordance with Section 26.45 and FAA guidance, the City Airport will establish an overall DBE goal covering a three-year federal fiscal year period if the Airport anticipates awarding FAA funded prime contracts exceeding $250,000 during any one or more of the reporting fiscal years within the three-year goal period. The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City does not anticipate awarding more than $250,000 in FAA-assisted prime contracts during any of the years within the three-year reporting period, the City will not develop an overall goal; however this DBE Program will remain in effect and the City will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Before establishing the overall goal for each submission, the City will consult with organizations such as Modesto Chamber of Commerce, Central Valley Hispanic Chamber of Commerce, NAACP Modesto/ Stanislaus Branch, Valley Builders Exchange, and others, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the City will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at City Hall for 30 days following the date of the notice, and informing the public that the City and DOT will accept comments on the goals for 45 days from the date of the notice.

A legal advertisement will be published in the Modesto Bee, Vida en el Valle, and other trade publication or website as appropriate. Normally, the City will issue this notice by June 1 of the years in which goals are

submitted. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

The City will begin using the overall goal on October 1 of the specified year, unless the City has received other instructions from FAA and/or FTA. If the City establishes a goal on a project basis, the City will begin using the goal by the time of the first solicitation for a FTA and/or FAA-assisted contract for the project. The goal will remain effective for the duration of the three-year period established and approved by FAA and/or FTA.

Section 26.47 Goal Setting and Accountability

If the awards and commitments shown on the City's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, staff will:

- Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
- Establish specific steps and milestones to correct the problems identified in the analysis; and
- Maintain information/records regarding the analysis and efforts made.

Section 26.49 Transit Vehicle Manufacturers Goals

The City will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, the City may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Section 26.51 Meeting Overall Goals/Contract Goals

The City will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. The City will use contract goals to meet any portion of the overall goal not projected to be met using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the City's overall goal that is not projected to be met through the use of race-neutral means. The City will establish contract goals only on those FTA and/or FAA-assisted contracts that have subcontracting possibilities. The City need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

As a grantee located within the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit, the City is subject to Western States Paving, Inc. v. Washington State Department of Transportation, 407 F.3d 983, and race-conscious measures may be used only in specific circumstances.

Section 26.53 Good Faith Efforts Procedures

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive:

Vickey Dion, DBE Liaison Officer
1010 Tenth Street, Suite 3100
Modesto CA 95353
phone: (209) 571-5542
fax: (209) 571-5575
vdion@modestogov.com

The City will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before the City commits to the performance of the contract by the bidder/offeror.

Information to be Submitted: 26.53(b)

The City treats bidder/offeror's compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

The names and addresses of DBE firms that will participate in the contract;

- A description of the work that each DBE will perform;
- The dollar amount of the participation of each DBE firm participating;
- Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
- If the contract goal is not met, evidence of good faith efforts (See Attachment D).

Administrative Reconsideration: 26.53(d)

Within 5 days of being informed by the City that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offeror should make this request in writing to the following reconsideration official:

Greg Nyhoff, City Manager
1010 Tenth Street, Suite 6100
Modesto CA 95353
phone: (209) 577-5224
fax: (209) 571-5128
gnyhoff@modestogov.com

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The City will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals: 26.53(f)

The City will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The City will require the prime contractor to notify the DBE Liaison officer and the appropriate point of contact/contract manager immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the City will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, the City's contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the City may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the City to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.
The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation bidder/offeror submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

The City will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

Section 26.61 – 26.73 Certification Process

The City is not a certifying agency. For information about the certification process or to apply for certification, firms should visit the California Unified Certification Program website: www.californiaucp.com

Section 26.81 Unified Certification Programs

The City is the member of a Unified Certification Program (UCP) administered by the Certifying Agencies of the CUCP. The UPC will meet all of the requirements of this section.

The California Unified Certification Program (CUCP) provides "one-stop shopping" certification services to small, minority- and women- owned businesses seeking to participate as a Disadvantaged Business Enterprise (DBE) on contracts funded by the United States Department of Transportation. The CUCP also provides one-stop shopping certification services for businesses seeking to participate as an Airport Concessionaire Disadvantaged Business Enterprise (ACDBE) on airport concessions and leases.

The CUCP is charged with the responsibility of certifying firms and compiling and maintaining a single statewide database of certified DBEs, pursuant to 49 CFR Part 26. The Database is intended to expand the use of DBE firms by maintaining complete and current information on those businesses and the products and services they can provide to all U.S. DOT grantees in California.

Section 26.83 Procedures for Certification Decisions

The City is not a certifying agency. For information about the certification process or to apply for certification, firms should visit the California Unified Certification Program website at www.californiaucp.com

Section 26.89 Certification Appeals

Any firm or complainant may appeal a California Unified Certification Program decision in a certification matter to DOT. Such appeals may be sent to:
U.S. Department of Transportation
Office of Civil Rights Certification Appeals Branch
1200 New Jersey Ave. SE
West Building, 7th Floor
Washington, D.C. 20590

Section 26.109 Information, Confidentiality, Cooperation

The City will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, the City well not release personal financial information submitted in response to the personal net worth requirement to a third party (other than FTA and/or FAA) without the written consent of the submitter.

Monitoring Payments to DBEs

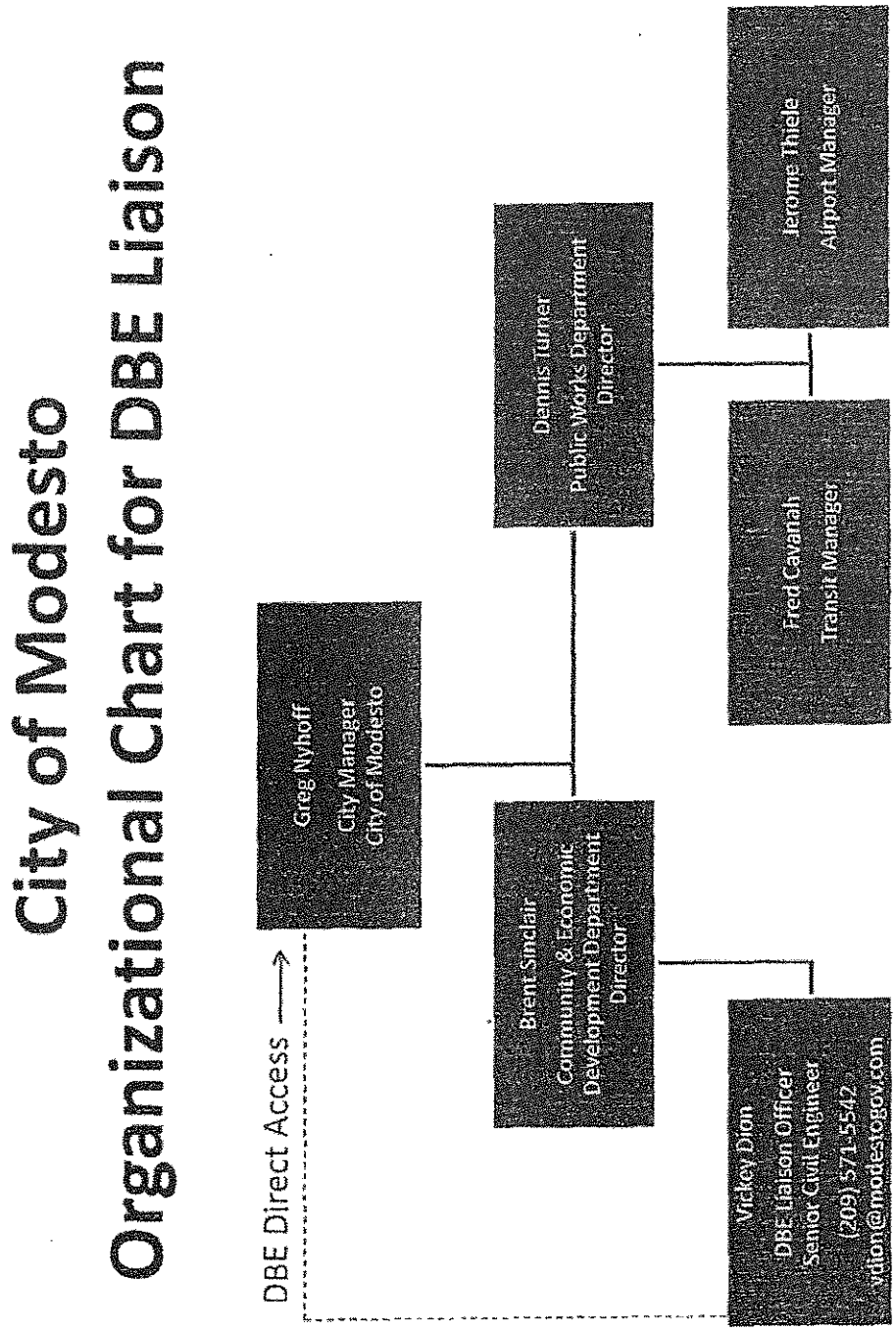
The City will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City or FTA and/or FAA. This reporting requirement also extends to any certified DBE subcontractor.

The City will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ATTACHMENTS

Attachment A: Organizational Chart
Attachment B: FTA Methodology used to Calculate Overall Goal
Attachment C: Good Faith Efforts Forms
Attachment D: DBE Regulation, 49 CFR Part 26 Table of Contents
Attachment E: Accessing the CUCP DBE Directory and DBE application

Attachment A
Organizational Chart



Attachment B

FTA Methodology used to Calculate Overall Goal

Triennial goals will be submitted to FTA independent of the DBE program submissions since DBE programs are only submitted once, and goals must be submitted every three years. Furthermore, FTA expects that each grantee's actual goal submission be far more thorough than the general process provided here. The actual goal submissions must also include narratives regarding contracting opportunities available via FTA-assistance and descriptions of the market area considered.

Step 1: 26.45(c)

Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBE's is calculated as follows:

Base figure = (Ready, willing, and able DBEs) divided by (All firms ready, willing and able)

The data source or demonstrable evidence used to derive the numerator is the UCP listing for types of work expected to be contracted within the reporting period.

The data source or demonstrable evidence used to derive the denominator is census data for businesses within the geographic area performing types of work expected to be contracted within the reporting period.

The base figure must be evaluated in step 2 before establishing the actual overall goal.

Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence must be examined to determine what adjustment is needed to the base figure in order to arrive at the overall goal.

Data must be provided to support all adjustments and reasoning must be specified.

Public Participation

The City will consult with organizations such as Modesto Chamber of Commerce, Central Valley Hispanic Chamber of Commerce, NAACP Modesto/ Stanislaus Branch, Valley Builders Exchange, and others, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City's efforts to establish a level playing field for the participation of DBEs.

The City will be publish goal information in these publications: Modesto Bee, Vida en el Valle, and Passenger Transport

Comments from individuals and/or organizations will be received and compiled.

Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation

In order to ensure that the City's DBE program will be narrowly tailored to overcome the effects of discrimination, if the City uses contract goals, it will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and the City will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Attachment C
Demonstration of Good Faith Efforts (part of solicitation documents)

SECTION 00630

SUBCONTRACTING REQUEST FORM
CITY OF MODESTO (REV. 04/2011)

CONTRACTOR NAME

BUSINESS ADDRESS

CITY/STATE ZIP CODE

SUBCONTRACTORS (NAME, BUSINESS ADDRESS, PHONE)	BID ITEM NUMBER(S)	% OF BID ITEM SUB-CONTRACTED	CHECK IF: (SEE CATEGORIES BELOW) 1	2	3	DESCRIBE WORK WHEN LESS THAN 100% OF WORK IS SUBCONTRACTED	$ AMOUNT BASED ON BID $ AMOUNT

Categories: 1) Specialty 2) Listed Under Fair Practices Act 3) Certified DBE/DVBE

I Certify That:

- The Standard Specifications for labor set forth in the contract apply to the subcontracted work.
- If applicable, (Federal and State Aid Projects only) Federal and State Requirements & Provisions of the Project Specifications have been inserted in the subcontracts and will be incorporated in any lower-tier subcontract. Written contracts have been executed for the above noted subcontracted work.

CONTRACTOR'S SIGNATURE DATE

Note: This section is to be completed by the resident engineer

1. Total of bid items $ _____
2. Specialty items previously approved (if applicable, see Note in the instruction) $ _____
3. Specialty items this request (if applicable, see Note in the instructions) $ _____
4. Total (lines 2+3) $ _____
5. Contractor must perform with own forces (lines 1 minus 4) x _____% $ _____
6. Bid items previously subcontracted $ _____
7. Bid items subcontracted (this request) $ _____
8. Total (lines 6+7) $ _____
9. Balance of work contractor to perform (lines 1 minus 8) $ _____

APPROVED

SENIOR CIVIL ENGINEER'S SIGNATURE DATE

Month Year 00630 - 1 City of Modesto
Project Title

INSTRUCTIONS FOR COMPLETING SUBCONTRACTING REQUEST FORM

1. All First-tier subcontractors must be included on a subcontracting request.
2. Submit an original Subcontracting Request Form in accordance with the Project Specifications. After approval, a copy of the original form is returned to the contractor.
3. When an entire item is subcontracted, the value to be shown is the contractor's bid price.
4. When a portion of an item is subcontracted, describe the portion, and show the percent of bid item and dollar value.
5. Zeros or applicable amounts for specialty items should be entered in lines 2 and 3 of this form.

This form is not to be used for subcontractor substitutions.

Before submittal of a Subcontracting Request Form involving a replacement subcontractor, submit a separate written request for approval to substitute a listed subcontractor.

Submit a separate written request for approval of any DBE/DVBE substitution.

Attachment D
Regulations: 49 CFR Part 26 Table of Contents–

The full text of the regulation can be located at http://www.ecfr.gov. The Contents of the Regulation are included here for ease of reference only:

Title 49: Transportation

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

Contents

Subpart A—General
§ 26.1 What are the objectives of this part?
§ 26.3 To whom does this part apply?
§ 26.5 What do the terms used in this part mean?
§ 26.7 What discriminatory actions are forbidden?
§ 26.9 How does the Department issue guidance and interpretations under this part?
§ 26.11 What records do recipients keep and report?
§ 26.13 What assurances must recipients and contractors make?
§ 26.15 How can recipients apply for exemptions or waivers?

Subpart B—Administrative Requirements for DBE Programs for Federally-Assisted Contracting
§ 26.21 Who must have a DBE program?
§ 26.23 What is the requirement for a policy statement?
§ 26.25 What is the requirement for a liaison officer?
§ 26.27 What efforts must recipients make concerning DBE financial institutions?
§ 26.29 What prompt payment mechanisms must recipients have?
§ 26.31 What information must you include in your DBE directory?
§ 26.33 What steps must a recipient take to address overconcentration of DBEs in certain types of work?
§ 26.35 What role do business development and mentor-protégé programs have in the DBE program?
§ 26.37 What are a recipient's responsibilities for monitoring the performance of other program participants?
§ 26.39 Fostering small business participation.

Subpart C—Goals, Good Faith Efforts, and Counting
§ 26.41 What is the role of the statutory 10 percent goal in this program?
§ 26.43 Can recipients use set-asides or quotas as part of this program?
§ 26.45 How do recipients set overall goals?
§ 26.47 Can recipients be penalized for failing to meet overall goals?
§ 26.49 How are overall goals established for transit vehicle manufacturers?
§ 26.51 What means do recipients use to meet overall goals?
§ 26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?
§ 26.55 How is DBE participation counted toward goals?

Subpart D—Certification Standards
§ 26.61 How are burdens of proof allocated in the certification process?
§ 26.63 What rules govern group membership determinations?
§ 26.65 What rules govern business size determinations?
§ 26.67 What rules determine social and economic disadvantage?
§ 26.69 What rules govern determinations of ownership?
§ 26.71 What rules govern determinations concerning control?
§ 26.73 What are other rules affecting certification?

Subpart E—Certification Procedures
§ 26.81 What are the requirements for Unified Certification Programs?
§ 26.83 What procedures do recipients follow in making certification decisions?
§ 26.85 Interstate certification.
§ 26.86 What rules govern recipients' denials of initial requests for certification?
§ 26.87 What procedures does a recipient use to remove a DBE's eligibility?
§ 26.89 What is the process for certification appeals to the Department of Transportation?
§ 26.91 What actions do recipients take following DOT certification appeal decisions?

Subpart F—Compliance and Enforcement
§ 26.101 What compliance procedures apply to recipients?
§ 26.103 What enforcement actions apply in FHWA and FTA programs?
§ 26.105 What enforcement actions apply in FAA programs?
§ 26.107 What enforcement actions apply to firms participating in the DBE program?
§ 26.109 What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?

Appendix A to Part 26—Guidance Concerning Good Faith Efforts
Appendix B to Part 26—Uniform Report of DBE Awards or Commitments and Payments Form
Appendix C to Part 26—DBE Business Development Program Guidelines
Appendix D to Part 26—Mentor-Protégé Program Guidelines
Appendix E to Part 26—Individual Determinations of Social and Economic Disadvantage
Appendix F to Part 26—Uniform Certification Application Form

Authority: 23 U.S.C. 304 and 324; 42 U.S.C. 2000d, et seq. ; 49 U.S.C. 47107, 47113, 47123; Sec. 1101(b), Pub. L. 105-178, 112 Stat. 107, 113.

Attachment E

Accessing the CUCP DBE Directory and DBE Application

The current DBE Directory database may be found at www.californiaucp.org

The current Application Forms and Instructions may be found at www.californiaucp.org

For individuals with Limited English Proficiency and sensory disabilities, this information is available in various languages, Braille, large print, on audio-cassette, or computer disk. To obtain a copy in one of these alternate formats, please call or write to the California Department of Transportation, Office of Business & Economic Opportunity - MS #79, 1823 14th Street, Sacramento, CA 95814, (916) 324-1700, toll free 1-866-810-6346, FAX (916) 324-1949.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-328

RESOLUTION APPROVING THE TRANSIT SYSTEM DISADVANTAGED BUSINESS ENTERPRISE GOAL OF 1% FOR THE PERIOD ENDING SEPTEMBER 30, 2014

WHEREAS, the City of Modesto is a Federal Transit Administration (FTA) fund recipient in excess of $250,000 annually, and

WHEREAS, the FTA requires all such recipients to meet federal regulatory requirements for Disadvantaged Business Enterprise (DBE) Triennial Goal, and

WHEREAS, FTA methodology for the establishment of a triennial goal resulted in a City of Modesto Transit DBE Goal of 1%,

WHEREAS, the methodology used to establish the goal must be published and available for review for 30 days and comments can be received for 45 days, and

WHEREAS, the City of Modesto Transit Section published the notice that the methodology and draft goals were available for review on July 29, 2013.

WHEREAS, **Attached** hereto as **Exhibit** A is the City of Modesto Transit DBE Federal FY 2012-14 Goals prepared by City staff in compliance with the regulations promulgated by the FTA to implement 49 CFR part 26.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Transit System Disadvantaged Business Enterprise Federal FY 2012-14 Goal of 1% **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 10th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

City of Modesto Disadvantaged Business Enterprise FTA Triennial Goals for FY 12-14

For Federal Transit Administration Assisted Projects

City of Modesto Transit
2013

City of Modesto
Disadvantaged Business Enterprise
FTA Triennial Goals for FY 12–14

Recipients of Federal funding from the Federal Transit Administration (FTA) in excess of $250,000 per year are required to establish and maintain an active Disadvantaged Business Enterprise (DBE) program. The overarching goal of the program is to seek to ensure nondiscrimination in the award and administration of FTA-assisted contracts and to create a level playing field on which DBEs can compete fairly for FTA-assisted contracts.

The City of Modesto is a recipient of FTA funding at or exceeding the financial thresholds and therefore is required to implement a DBE program and establish program goals for triennial periods as assigned by the FTA.

More detailed information about these and other DBE requirements can be found by referencing the Code of Federal Regulations (49 CFR Parts 23 and 26) and the City of Modesto DBE Program.

The purpose of this document is to focus on the required establishment of the City's three-year DBE goals and to provide additional insights into the strategies the City will employ to encourage more participation by disadvantaged businesses in contracting opportunities.

GOAL SETTING PROCESS

The establishment of the City's three-year DBE participation goals is predicated on a specific, federally prescribed process that includes the following steps:

- Consulting with groups and/or individuals with knowledge and insights into the environment with which disadvantaged businesses operate in the community,
- Assessing anticipated contracts using FTA Funds (excluding those for the purchase of vehicles) the agency anticipates awarding within the next three years,
- Assessing the number of federally registered DBE's available, ready, willing, and able to bid on the specific types of contracts the City anticipates awarding,
- Assessing the number of all businesses available, ready, willing, and able to bid on the specific types of contracts the agency anticipates awarding, and
- Mathematical calculation and adjustments of the DBE goal.

The federal regulations also require publishing and seeking public comment on the proposed goals before the DBE Program goals are adopted by the Council.

CONSULTATIVE PROCESS

In the preparation of the City's proposed three year goals for FTA-funded projects, City staff participated in regional planning outreach meetings to gather input from the business industry, the agricultural industry, service districts, neighborhood associations, and others.

Based upon the input received through the consultative process there appears to be businesses in the area that may qualify as DBE's. However, there also appears to be little interest within the local business community for participation in this program. For example, the CUCP directory shows 2,190 DBE business enterprises available for work within Stanislaus County, but a closer examination of the query result shows that only 16 of those business enterprises are actually located within the county.

The primary local resource for assisting small businesses in navigating the DBE process is the Alliance Small Business Development Center (SBDC) in Modesto. According to the SBDC Director, the primary barrier to local businesses is a lack of understanding of how to access the system and what opportunities are available to local businesses that become certified as DBEs. The SBDC staff is focusing attention upon business enterprises that may be eligible to become registered DBEs, registered Small Businesses, and Disabled Veteran Business Enterprises.

Future local goals involve public/private partnerships to sponsor workshops to promote the programs and support local small business participation.

ESTABLISHING THE BASE GOAL

Transit is a Section of the Public Works Department within the City of Modesto and consequently must receive many of its supplies through vendors selected by the Purchasing Department utilizing a competitive bid process that does not consider DBE status. Within the City, it is assumed that a centralized purchasing operation can benefit from the economy of all City departments.

The federal DBE program requirements and related goal setting only apply to contracts that are paid for using federal transportation funds. Conversely, even if the agency does use a registered DBE to provide a product or service, if no federal funds are used in a contract, the DBE participation is not counted nor reported to the government for the purpose of DBE goal attainment.

Consequently, for the purpose of goal calculation, the first step in the process is to estimate the types and financial values of the various contracts (excluding the purchase of vehicles) in which City of Modesto Transit expects to expend Federal funds in the three years of this reporting cycle: FY 11/12, FY 12/13, and FY 13/14.

As seen in the following table, FTA-assisted contracting for fiscal years 2012 through 2014 is expected to consist of four contracts, exclusive of contracts for the purchase of transit vehicles, which are not subject to this process.

Project	NAICS Code	Total Contract Amount (Actual or Expected)	Amount of FTA funds on project:	portion of Total FTA Funds used in Contracted Projects
Repower Model Year 2003 Gillig Transit Buses	811198/811118	$ 1,384,649.00	$ 1,107,719.00	0.1147
Bus Maintenance Faciltiy Video Surveillance	238210	$ 77,598.00	$ 62,078.00	0.0064
Transit Center Public Bathroom Remodel	236220/238990	$ 250,000.00	$ 50,000.00	0.0052
Modesto Area Dial A Ride Operations Contract	485113	$ 16,881,245.00	$ 8,440,622.50	0.8737
Total FTA Contract Funds			$ 9,660,419.50	1

The next step in the process involves making an assessment of the number of federally registered DBE's available, ready, willing, and able to bid on the specific types of contracts the City anticipates awarding and an assessment of the total number of all businesses available, ready, willing, and able to bid on the specific types of contracts the City anticipates awarding to calculate a comparative proportional representative percentage.

This base figure is based upon using:

1) The California Unified Certification Program (CUCP) Directory to identify the number of registered DBEs willing to perform work in the City's market area for each of the anticipated contracts based on the North American Industry Classification System (NAICS) codes most relevant to each contract. For the purposes of this analysis, the market area is defined as Stanislaus County and the surrounding areas of Alpine County, Amador County, Calaveras County, Mariposa County, Merced County, San Joaquin County, and Tuolumne County.
2) The 2011 County Business Patterns (CBP) data from the US Census Bureau to identify the total number of businesses available in the same area for work based on the same NAICS codes.

Project	NAICS Code	Numbers of DBEs available to perform this work	Number of all firms available to perform this work	Relative DBE Availability
Repower Model Year 2003 Gillig Transit Buses	811198/811118	5	82	0.0610
Bus Maintenance Faciltiy Video Surveillance	238210	78	239	0.3264
Transit Center Public Bathroom Remodel	236220/238990	222	303	0.7327
Modesto Area Dial A Ride Operations Contract*	485113	0	8	0.0000

*The CUCP report for NAICS 485113 willing to work in the area does show 2 consulting firms. These firms were removed for this report in that phone calls to the firms establish that they do not perform actual operations.

Per 49 CFR 26.45c, and guidance from the FTA, a weighted base figure is computed to take into account both the relative availability of DBEs and the relative size of the anticipated contracts. The formula used is as follows:

Weighted Base Figure= [(Project's % of total FTA contract dollars) * (Relative availability of DBEs)] + [(Project's % of total FTA contract dollars) * (Relative availability of DBEs)] ... as necessary to represent each project.

Using the weighted figures from the tables above, the Weighted Base Figure can be seen as:

Project	NAICS Code	DBE Availability	X	Project Weight	Weighted Base Figure
Repower Model Year 2003 Gillig Transit Buses	811198/811118	0.0610	x	0.1147	0.0070
Bus Maintenance Faciltiy Video Surveillance	238210	0.3264	x	0.0064	0.0021
Transit Center Public Bathroom Remodel	236220/238990	0.7327	x	0.0052	0.0038
Modesto Area Dial A Ride Operations Contract	485113	0.0000	x	0.8737	0.0000
				Total	0.0129
				Expressed as a %	1.3
				Rounded, Weighted Base Figure	**1%**

Per 49 CFR 26(d), following the calculation of a base figure, all available evidence must be examined to determine if any further adjustment is warranted. As consultation did not provide a basis for numerical adjustment and as past participation by DBEs in prior years is generally in line with the proposed base figure, no adjustments are being made to this calculation.

Based on this analysis, the City proposes an overall DBE goal of **1%** for FTA funds expended in contracts for fiscal years 2012 through 2014, exclusive of funds to be used for the purchase of transit vehicles.

CONCLUSION

The spirit of the Disadvantaged Enterprise Program is to create a level playing field wherein small, historically-excluded entrepreneurs can successfully participate in providing their goods and services to government. The City affirms that to do so is in the best interest of our community.

To increase the local participation of DBEs and small business enterprise participation in City contracts, the City plans to further develop partnerships with local programs working to educate, support, and assist local small businesses who may qualify to become certified as DBE's.

ATTACHMENTS

Attachment 1 - Proof of Advertisement

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:

Jul 29, 2013

PUBLIC NOTICE
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM GOAL
CITY OF MODESTO TRANSIT

Notice is hereby given that the City of Modesto has established a Disadvantaged Business Enterprise (DBE) participation goal of 1% for Federal Transit Administration funded projects spanning federal fiscal years 2011 - 2014. This goal is in accordance with requirements of 49 CFR Part 26.

The goal rationale and supporting information regarding City of Modesto Transit's DBE Program are available for review during normal business hours for 30 days following the publication of this notice. Comments will be accepted for 45 days following publication of this notice. Direct comments to: Transit Manager, City of Modesto, PO Box 642, Modesto, CA 95353.

Pub Dates 07/29/2013

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

July 29th, 2013

(By Electronic Facsimile Signature)

Marie Wickemann

CASE NO. 10262602 key 76791

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 entitled matter. I am a printer and principal clerk of the publisher of
THE MODESTO BEE,
which 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.** The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

Vida En El Valle Publication
JULY 24, 2013

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

JULY 24, 2013

(Signature)

AVISO PÚBLICO
OBJETIVO DEL PROGRAMA DE EMPRESAS DESAVENTAJADAS DE NEGOCIOS TRANSITO DE LA CIUDAD DE MODESTO

Por la presente se da aviso que la Ciudad de Modesto ha establecido un objetivo de participación de 1% en Empresas Desaventajadas de Negocios (DBE) para proyectos financiados por la Administración Federal de Tránsito durante los años fiscales de 2011 a 2014. Este objetivo cumple con las regulaciones de 49 CFR Parte 26. La razón del objetivo y la información adicional sobre el Programa DBE de Tránsito de la Ciudad de Modesto están disponibles durante las horas regulares de atención hasta 30 días después de la publicación de este aviso.
Se aceptar ánicomentarios durante 45 días después de la publicación de este aviso.
Dirija sus comentarios a:
Transit Manager, City of Modesto
PO Box 642, Modesto, CA 95353

Passenger Transport publication date 7/29/13

ments will be accepted for 45 days from publication date at same address, attn: Zaloya Mackey.

PUBLIC NOTICE

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM GOAL

CITY OF MODESTO TRANSIT

Notice is hereby given that the City of Modesto has established a Disadvantaged Business Enterprise (DBE) participation goal of 1% for Federal Transit Administration funded projects spanning federal fiscal years 2011 – 2014. This goal is in accordance with regulations of 49 CFR Part 26.

The goal rationale and supporting information regarding City of Modesto Transit's DBE Program are available for review during normal business hours for 30 days following the publication of this notice. Comments will be accepted for 45 days following publication of this notice. Direct comments to:

Transit Manager
City of Modesto
PO Box 642
Modesto, CA 95353

MOBILITY TRANSPORTATION SERVICES

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MODESTO CITY COUNCIL
RESOLUTION NO. 2013-329

RESOLUTION ESTABLISHING FUNDING PRIORITIES FOR A 1% TRANSACTIONS AND USE TAX PLACED BEFORE THE VOTERS OF THE CITY ON THE NOVEMBER 5, 2013 GENERAL ELECTION BALLOT

WHEREAS, public safety and the local economy are major community concerns. Additional funds will help address public safety needs, improve city streets, expand programs to attract new businesses to Modesto, and create jobs; and

WHEREAS, additional funds are needed to maintain and improve our overall quality of life in Modesto and keep the City moving forward; and

WHEREAS, community priorities include increasing the number of police officers patrolling city streets, expanding programs to attract business to Modesto, expanding gang crime prevention services and, investigating and preventing property-related crimes like theft/burglary; and

WHEREAS, Modesto's crime rate rose by 22% in 2012. Additional funds are needed to help put more police officers on the street to improve neighborhood safety and address crime, gangs, drugs and youth violence; and

WHEREAS, there are nearly four thousand known gang members and associates in the county, most of whom live in Modesto. Additional funds are needed to improve and expand gang suppression and prevention programs; and

WHEREAS, Additional funds are needed to investigate and prevent property-related crimes and crack down on drug dealing and drug-related crimes in the City; and

WHEREAS, a local funding measure would create a dedicated locally-controlled source of revenues to improve public safety services and programs that create jobs and attract business to Modesto; and

WHEREAS, the City intends to hold a General Election on November 5, 2013; and

WHEREAS, at that election, the City Council desires to submit to the qualified voters of the City a Measure asking whether to amend the Modesto Municipal Code relating to a 1% Transactions and Use Tax ("Tax"); and

WHEREAS, should the Tax be approved by the voters, the City will receive additional General Fund revenues that will be available to address some of the issues described above; and

WHEREAS, should the Tax be approved by the voters, the City Council wishes to set forth its priorities for the use of the Tax-generated revenues; and

WHEREAS, Council conducted a special workshop on July 19, 2013 to explore options for spending revenues generated by the Tax, should the Tax be approved by the voters; and

WHEREAS, on August 12, 2013 the Safety and Communities Committee considered a list of public safety and quality of life spending options to be included in a resolution of intent, should the Tax be approved by the voters; and

WHEREAS, on August 15, 2013 the Economic Development Committee, at a special meeting, considered a list of economic development, job creation and infrastructure spending options to be included in a resolution of intent, should the Tax be approved by the voters; and

WHEREAS, on August 15, 2013 the Finance Committee, at a special meeting, considered funding options to strengthen City governance through establishing increased

reserve levels for inclusion in a resolution of intent, should the Tax be approved by the voters; and

WHEREAS, on August 27, 2013 the Finance Committee considered and reviewed a consolidated list of funding options and approved forwarding these options to Council for consideration and approval; and

WHEREAS, on August 27, 2013 the Finance Committee considered a list of Public Safety and Non-Public Safety Spending Options, included as an attachment to this agenda report, and recommended this list be used as a spending guideline, should the Tax be approved by the voters; and

WHEREAS, on August 27, 2013 the Finance Committee considered a six-year reporting mechanism, also included as an attachment to this agenda report, and recommended it be used as a guideline by the Oversight Committee to monitor estimated and actual revenues and expenditures of the Tax, should the Tax be approved by the voters; and

WHEREAS, on August 27, 2013 the Finance Committee recommended that any future amendment of this funding resolution, if adopted by Council, require a two-thirds majority vote; and

WHEREAS, the Tax being a general tax, nothing in this resolution shall be interpreted to permanently legally obligate the revenues to specific purposes in the manner of a special tax;

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

1. It is the intent of the City Council that, should the General Purpose Tax measure be approved by the voters on November 5, 2013, the Tax-generated revenues be used for the following general City purposes:

a) For enhancement of public safety in the community, 50% of the annual revenues are to be put to use for programs and efforts aimed at combatting gangs, crime, theft and burglary prevention including the hiring of new public safety employees, improving the 9-1-1 emergency response times, and improving fire protection services including response times;

b) For improvement of local roads and streets, 25% of the annual revenues are to be used for repairs to local streets and roads including pothole repair, crosswalk improvements, and safe street improvements;

c) For improvement of City governance, 10% of the annual revenues are to be placed into reserves in the General Fund, Employee Benefits Fund or the Worker's Compensation Fund; and

d) For economic development activities and improvement of parks, recreation and neighborhood services, 15% of the annual revenues are to be used for events and activities designed to generate jobs; develop, enhance and retain existing businesses; and support community development, including community enhancement projects such as tree care and maintenance.

2. It is the intent of the City Council that future amendments to this resolution will require a two-thirds majority.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

:

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-330

A RESOLUTION VACATING AN ALLEY LOCATED AT THE NORTHEAST CORNER OF G STREET AND SIERRA DRIVE, 629 SECOND STREET

WHEREAS, the City of Modesto intends to dispose of vacant property located at 629 Second Street, and

WHEREAS, there is an unimproved ("paper") alley that bisects the property, and

WHEREAS, the City of Modesto submitted an application to vacate an alley located at the northeast corner of G Street and Sierra Drive, 629 Second Street, 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 City of Modesto, the proponent 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 August 5, 2013, 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 2013-13, 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, September 10, 2013, 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 alley to be vacated is not necessary to serve present or future traffic needs in the area.
2. The alleyway vacation is in conformance with the General Plan.
3. That Environmental Assessment No. EA C&ED 2013-16 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 orders and declares the vacation of an alley located at the northeast corner of G Street and Sierra Drive, 629 Second Street, subject to the following conditions:

1. Prior to recordation of the abandonment, the owner shall reserve public utility easements as required by the utility companies and the City Engineer or designee.

2. 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 or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation an alley located on the northeast corner of G Street and Sierra Drive, 629 Second Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By _____
Community & Economic Development Department
Planning Division

Exhibit "A"

Legal Description

EXHIBIT A

Being a portion of the real property as shown on Book 15 of Maps at Page "Z", being Block "Z" of the City of Modesto, according to the Official Map of the City of Modesto, and filed and of record in Stanislaus County Records, situated in the City of Modesto, Stanislaus County, State of California, more particularly described as follows:

The 20 foot alley as shown on said Map. The northwesterly terminus being the southeasterly right-of-way of G Street and the southeasterly terminus being the northerly right-of-way of Sierra Drive.

RESERVING THEREFROM a 20-foot wide sanitary sewer easement for the benefit of the public, over, under, and across the land described above.

The described area contains 1,537 square feet.

See Exhibit B attached hereto and made a part hereof.

This real property description has been prepared by me in conformance with the Professional Land Surveyor's Act.

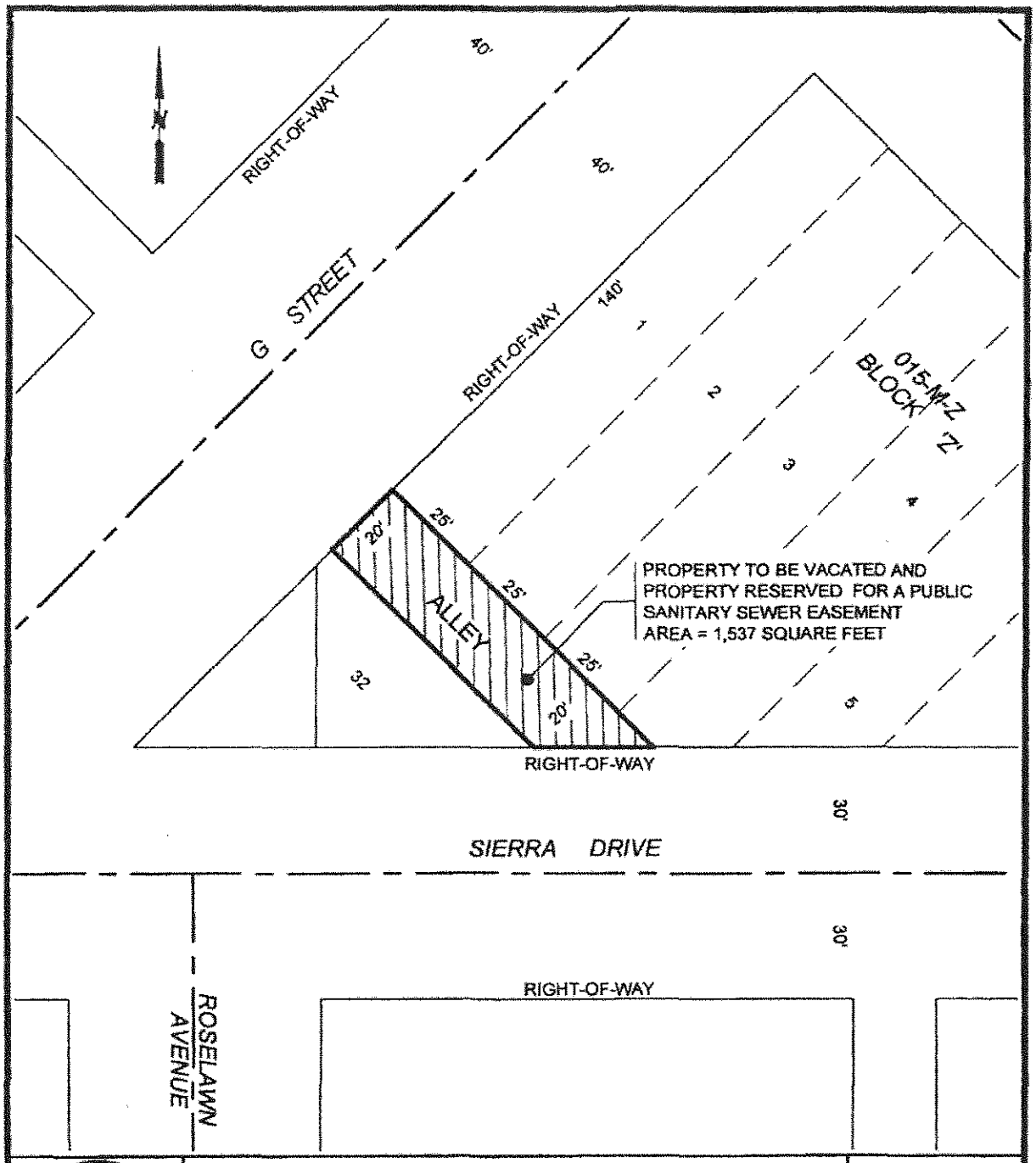
_____ Date JUNE 3, 2013

Curt Chappell

Professional Land Surveyor 7992

Exhibit "B"

Vacated Property Exhibit



LICENSED LAND SURVEYOR
CURTIS C. CHAPPELL
No. 7892
STATE OF CALIFORNIA

EXHIBIT B

STREET VACATION & PUBLIC SANITARY SEWER EASEMENT RESERVATION

CITY OF MODESTO STATE OF CALIFORNIA

BY:	C. CHAPPELL
DATE:	5-31-2013
SCALE:	1"=30'
SHEET:	1
OF:	1

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-331

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 AN ALLEY LOCATED AT THE NORTHEAST CORNER OF G STREET AND SIERRA DRIVE, 629 SECOND STREET (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 vacation of an alley located at the northeast corner of G Street and Sierra Drive, 629 Second 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 2013-16 ("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 August 21, 2013, 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 September 10, 2013, 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 of an alley located at the northeast corner of G Street and Sierra Drive, a copy of which is **attached** hereto as **Exhibit** "A", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez, and Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2013-016

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
EA No. 2013-016

For the proposed:

629 Second Street (Property)- Alley Abandonment

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

June 20, 2013

Updated: October 2008

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 629 Second Street alley 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: 629 Second Street (Property) Alley Abandonment

B. Address or Location: Property located on the north side of Sierra Dr., southwest of 2nd Street, 629 2nd Street.

C. Applicant: City of Modesto

D. City Contact Person: David Wage, Associate Planner

Project Manager: David Wage, Associate Planner
Department: Community & Economic Development Department
Phone Number: 209-577-5267
E-mail address: dwage@modestogov.com

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

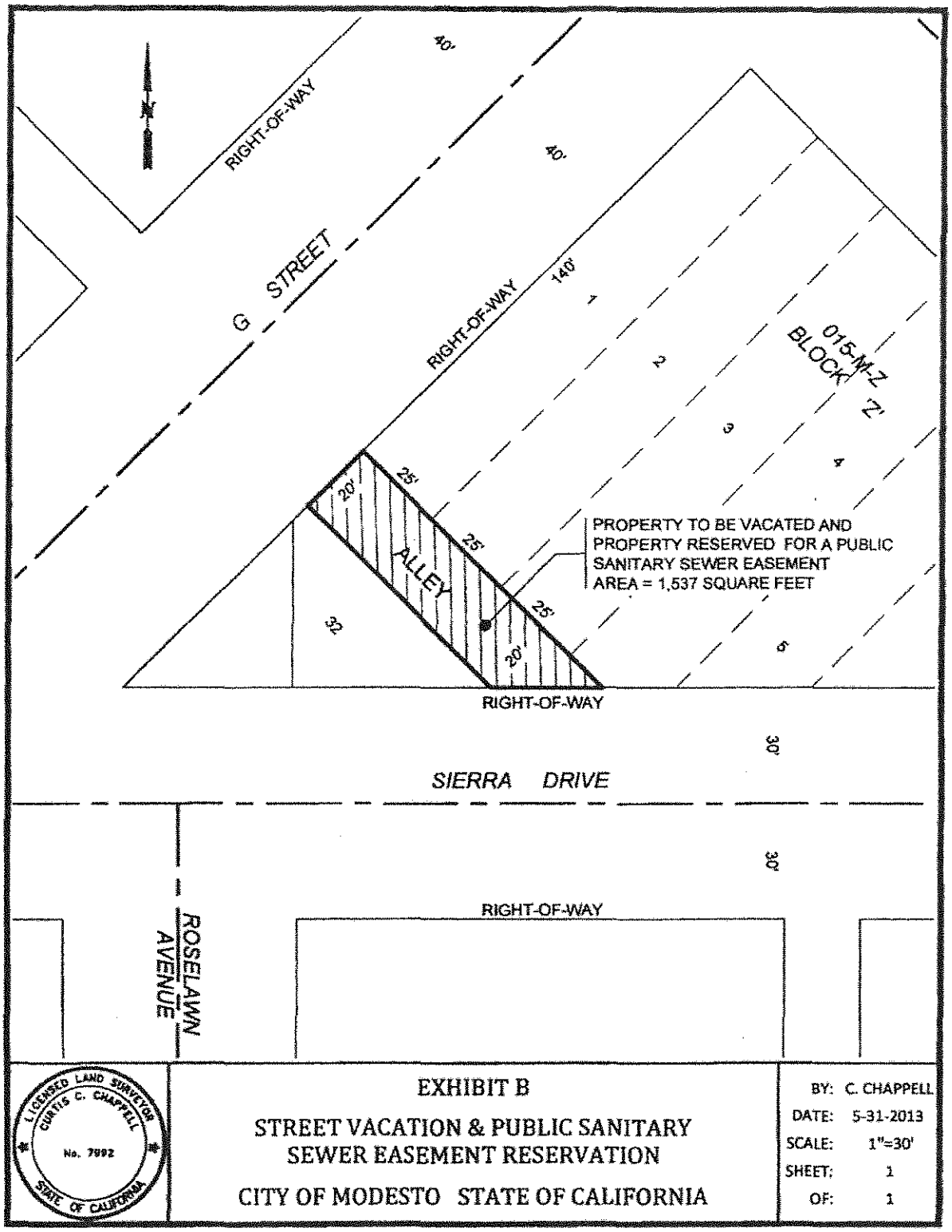
F. Current Zoning Classification(s): R-2, Medium Density Residential

G. Surrounding Land Uses:

North:	High Density Residential, R-3
South:	Medium Density Residential, R-2
East:	High Density Residential, R-3 and Medium Density Residential, R-2
West:	High Density Residential, R-3 and Medium Density Residential, R-2

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

The project is limited to the abandonment of an alley that bisects the property located at 629 Second Street. The property located at 629 Second Street was formerly occupied with a Fire Station and City pump house; however these structures have been removed and the site is currently vacant. The alley is not improved for vehicular traffic. There are overhead electrical lines running along the alley and an underground wastewater line below the alley. Easements will be recorded to protect these utilities prior to abandoning the alley. No new physical construction or changes are proposed as part of the abandonment.



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

III. FINDINGS/DETERMINATION

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 proposed project is of a type described in Chapter II of the Master EIR.

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

C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.

D. Based on the Initial Study, the City of Modesto finds and determines:
   a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
   b) No new or additional mitigation measures or alternatives are required.

E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

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 proposed project is of a type described in Chapter II of the Master EIR.

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

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 proposed project is of a type described in Chapter II of the Master EIR.

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

Project Manager	Title	Date
	Associate Planner	7/24/13

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.	☒	☐

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:

This 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
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.	[ ]	[ ]	[ ]	[X]
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
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).	[ ]	[ ]	[ ]	[X]
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

	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 energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities (on a per capita basis) in excess of that considered in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]

Discussion:

(1) The project is limited to the abandonment of a paper alley that is not improved for vehicular traffic. The project would not result in additional traffic or result in additional trips.

(2) The project will not substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses.

(3) The project includes the abandonment of a paper alley which would not generate additional traffic or result in additional trips.

(4) The project includes the abandonment of a paper alley that is not improved for vehicular traffic. The abandonment will not impact emergency response times.

(5) The project will not resulting in the need for parking.

(6) The project includes the abandonment of a paper alley, which would not impact the Regional Transportation Plan, the Sustainable Communities Strategy, and the Bicycle Action Plan.

(7) The project includes abandonment of a paper alley and would not result in increased energy consumption 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
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.	[ ]	[ ]	[ ]	[X]
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	[ ]	[ ]	[ ]	[X]
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	[ ]	[ ]	[ ]	[X]

	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.	[ ]	[ ]	[ ]	[X]
5) The proposed project would create objectionable odors affecting a substantial number of people.	[ ]	[ ]	[ ]	[X]

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**
GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	[ ]	[ ]	[ ]	[X]
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

Discussion:

(1-4) The project is limited to the abandonment of a paper alley. No construction or noise generating activities are anticipated as a result of the project.

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

Discussion:

(1) The project 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 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 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**
INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
3) The proposed project would deplete groundwater	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 is limited to the abandonment of a paper alley. No new development is proposed. Water demand for the project will not be impacted and there are sufficient water supplies to serve future development on the site.

(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**
Increased Demand for Sanitary Sewer Services				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

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 alley 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
LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

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:

The appropriate mitigation to be applied to this project includes: AH-6, AH-7 and MEIR Table V-8-1 (b-f) from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the 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
DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	[ ]	[ ]	[ ]	[X]
3) The proposed project would modify or demolish a structure more than 50 years in age.	[ ]	[ ]	[ ]	[X]
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	[ ]	[ ]	[ ]	[X]
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	[ ]	[ ]	[ ]	[X]

(1) The project is consistent with the archeological and historical resource policies in the General Plan.

(2) There are no existing structures on the project site.

(3) There are no existing structures or other resources on the project site.

(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
INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

Discussion:

(1) The project is consistent with the storm drainage policies in the Urban Area General Plan.

(2) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

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

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**
LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	[ ]	[ ]	[ ]	[X]
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	[ ]	[ ]	[ ]	[X]
6) The proposed project would violate water quality standards or waste discharge requirements.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

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 an existing residential use. No new development is proposed

(4) The project is not located within a 100-year flood plain.

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

(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
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.	[ ]	[ ]	[ ]	[X]
2) The proposed project would eliminate parks or open space.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	[ ]	[ ]	[ ]	[X]

Discussion:

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

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

(3) There is no development proposed as part of the project that would cause a significant increase the use of existing neighborhood or regional 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**
INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

Discussion:

(1) The project includes the abandonment of an alley, 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/Propisition 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
INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

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:

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
INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	[ ]	[ ]	[ ]	[X]

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 services once provided by the vacant Fire Station No. 2 at 629 Second Street (subject property) are now provided by the Station at 420 Chicago opened in 2008.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire projection 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:

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**
GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

Discussion:

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

(2) There is no new development associated 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
GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

	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.	[ ]	[ ]	[ ]	[X]
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	[ ]	[ ]	[ ]	[X]

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:

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**
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.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

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
ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

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
GENERATION OF HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]

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 alley.

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**
LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	[ ]	[ ]	[ ]	[X]

Discussion:

(1) The project is consistent with the Mixed Use land use designation in the General Plan.

(2) There is no development proposed by the project. The paper alley is not used for pedestrian or vehicular traffic and its abandonment would not affect the surrounding community.

(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
CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	[ ]	[ ]	[ ]	[X]

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 alley that is not used for transportation. The abandonment of the alley 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:

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.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-332

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTURO AGUILAR MONDRAGON AND MARIA ELENA CORTES VILLASENOR, HUSBAND AND WIFE AS JOINT TENANTS FOR SEWER SERVICE FOR THE PROPERTY LOCATED AT 1501 INYO AVENUE IN THE BRET HARTE DISTRICT, MODESTO, (APN: 056-036-044); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 1501 Inyo Avenue is not connected to City's sewer system, and

WHEREAS, the property is located outside Modesto City limits, and inside the City's Sphere of Influence, and

WHEREAS, the property is inside the Modesto Municipal Sewer District No. 1, and

WHEREAS, The City of Modesto can and is willing to provide domestic sewer to the subject area, and

WHEREAS, the Stanislaus County Redevelopment Agency installed complete sewer infrastructure in the " neighborhood" and individual laterals to each parcel to connect the property to the City of Modesto's sewer system, and

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

WHEREAS, the installation of the sewer service lines will upgrade the infrastructure in this already developed unincorporated area to facilitate a later annexation, and

WHEREAS, the sewer connection fees shall be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, that the property owner is required to enter into an outside service agreement for sewer service with the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Outside Service Agreement for the property located at 1501 Inyo Avenue Modesto (APN 056-036-044).

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 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-333

RESOLUTION AMENDING THE FY 2013-2014 GENERAL FUND OPERATING BUDGET TO IMPLEMENT THE MAYOR'S ADDITIONAL PROPOSED REDUCTIONS TO VARIOUS DEPARTMENTS WITHIN THE GENERAL FUND RESULTING IN ADDITIONAL SAVINGS OF $565,673 AS SHOWN IN EXHIBIT A

WHEREAS, the City Council passed a motion to accept additional reductions for the FY 2013-2014 General Fund Operating Budget at the June 25, 2013 Council meeting, and

WHEREAS, the additional reductions resulted in changes to the operating budgets for various departments including the City Manager's Office, Human Resources, Finance Department, Community and Economic Development Department (CEDD), Parks, Recreation and Neighborhoods Department (PRN), and the Modesto Police Department , and

WHEREAS, the additional reductions resulted in a General Fund savings of $565,673 to operating budgets as detailed in **Exhibit A**, and

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the FY 2013-2014 General Fund Operating Budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2013-2014 General Fund Operating Budget to implement the changes from the accepted additional reductions to various General Fund departments as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or his 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 September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Additional Proposed General Fund Budget Reductions
Detailed Impacts

Department	Reduction	Reduction Impact	Program Impacted	Position Impacted	Filled or Vacant? Filled	Vacant	Reduction Amount
City Manager's Office	Reduce Training Expenses	Eliminates Public Information Officer Training and All-Staff Trainings	Discretionary Expenses	-			$6,500
City Manager's Office	Reduce Membership & Dues Expenses	Eliminates Public Information Officer Association Dues	Discretionary Expenses	-			$375
City Manager's Office	Reduce Membership & Dues Expenses	Cancels Membership with National League of Cities	Discretionary Expenses	-			$12,468
City Manager's Office	Reduce Professional Services Expenses	Reduces Federal Lobbyist Contract from $120k to $90k	Discretionary Expenses	-			$30,000
City Manager's Office	Eliminate Public Information Coordinator	Marketing and media communications will be coordinated at the department level. City-wide coordination eliminated. Maintenance of social media impacted.	Salary and Benefits	Public Information Coordinator		1.0	$91,860
		City Manager's Office Totals			0.0	1.0	$141,203
Human Resources	Eliminate Books & Periodicals Expenses	Eliminates all spending on books and periodicals for Human Resources	Discretionary Expenses	-			$1,080
Human Resources	Reduce Conference Expenses	Reduces conference expenses for all Human Resources staff	Discretionary Expenses	-			$3,000
Human Resources	Eliminate Training Expenses	Eliminates all training expenses for Human Resources staff	Discretionary Expenses	-			$5,005
Human Resources	Reduce Membership & Dues Expenses	Reduces membership and dues expenses in Human Resources	Discretionary Expenses	-			$1,000
Human Resources	Eliminate Admin Office Assistant III (Conf)	Impact to all employee procesing. Longer start time for all employees, departments will not be able to fill spots in a timely manner, longer wait time for customers at counter and on phone, and only have front counter hours from 9-4.	Salary and Benefits	Admin Office Assistant III (Conf)		1.0	$63,087
		Human Resources Totals			0.0	1.0	$73,172
Finance	Reduce Discretionary Expenses	Reduces training expense budgets across the following divisions: Accounting, Administration, Purchasing, Budget, Business License, and Accounts Receivable.	Discretionary Expenses	-			$15,000
Finance	Hiring Freeze of Financial Analyst III (6 months)	Freezing this position for 6 months will impact the workload distribution between the Budget and Financial Analysis Manager as well as one existing Financial Analyst III position. This position if filled would relieve some of the workload in terms of Oracle processes and validations and department budget monitoring.	Salary and Benefits	Financial Analyst III		0.5	$45,028
		Finance Totals			0.0	0.5	$60,028
CEDD	Eliminate Admin Office Assistant II	Negative impact on customer service at reception counter for development services. Could result in 30-90 minute delays in routing customers.	Salary and Benefits	Admin Office Assistant II		1.0	$50,672
CEDD	Reduce Direct Charge Expenses to IFP	Reduce turn-around time and ability to prepare information related to CIP, CIP Task Force, eliminate development of PACE and reduce turn around time on special projects (Salida, RTIF, RTP, etc.) Substantially reduce ability to develop and maintain a comprehensive fees database; reduce ability to work with applicants on deferral of impact fees related to new development; substantially reduce ability to track and manage improvement related trust deposits.	Discretionary Expenses	-			$53,606
CEDD	Reduce Direct Charge Expenses to TED	Eliminate services provided for general fund related activities such as 10th Street Parklet project, bicycle coordinator functions, participation in non-CIP projects. Will eliminate engineering support to the Planning Division.	Discretionary Expenses	-			$46,992
		Community & Economic Development Totals			0.0	1.0	$151,270
PR&N	Salary savings Centre Plaza Manager (6 months)	This position is currently vacant. It is anticipated to take approximately 6 months to recruit and hire the new Plaza Manager.	Salary and Benefits	Centre Plaza Manger			$40,071
PR&N	Salary savings open part-time positions	Savings are for part-time positions that are currently vacant. This is a general overall department wide savings for part-time positions that will remain vacant during recruitment,	Salary and Benefits	Part-time salaries			$30,847

Additional Proposed General Fund Budget Reductions
Detailed Impacts

Department	Reduction	Reduction Impact	Program Impacted	Position Impacted	Filled or Vacant? Filled	Filled or Vacant? Vacant	Reduction Amount
PR&N	Landscape water	Reduce the non-potable water used for park irrigation by an additional 5%. Watering in parks has been reduced by 30% over the past few years. This will reduce the watering by an additional 5% for a total of 35% general watering decrease in neighborhood and community parks. Park areas will experience additional browning and shrub loss.	Discretionary Expense	-			$29,082
Parks, Recreation and Neighborhoods Totals					0.0	0.0	$100,000
Police	Reduce Equipment Expenses	Will result in equipment not required for basic policing not being replace as it wears out or breaks.	Discretionary Expenses	-			$5,000
Police	Reduce Field Supplies Expenses	Will result in equipment not required for basic policing not being replace as it wears out or breaks.	Discretionary Expenses	-			$5,000
Police	Reduce Part Time Labor	Will result in increased time to conduct background investigations for new hires and some delay in administrative work within the police department.	Discretionary Expenses	-			$10,000
Police	Reduce Training Expenses	Cutting the Training Budget by $20,000 will result in reducing the Continued Professional Training (CPT) we provide to our officers. CPT includes Development and Leadership courses, non-mandated Advanced Officer Course, Legal & Procedural Updates, and Specialized Training.	Discretionary Expenses	-			$20,000
Modesto Police Department Totals					0.0	0.0	$40,000
All Departments Totals					**0.0**	**3.5**	**$565,673**

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-334

RESOLUTION AMENDING THE FY 2013-2014 POSITION ALLOCATION TO IMPLEMENT THE MAYOR'S ADDITIONAL PROPOSED REDUCTIONS TO MODIFY THE POSITION ALLOCATION FOR THE CITY MANAGER'S OFFICE, HUMAN RESOURCES, AND COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT TO ELIMINATE A TOTAL OF 3.0 POSITIONS AS IDENTIFIED IN EXHIBIT A

WHEREAS, the City Council passed a motion to accept additional reductions for the FY 2013-2014 General Fund Operating Budget at the June 25, 2013 Council meeting, and

WHEREAS, the additional reductions included the elimination of 3.0 positions within various General Fund departments, and

WHEREAS, the positions eliminated included 1.0 Public Information Coordinator, 1.0 Administrative Analyst III (Confidential), and 1.0 Administrative Analyst II, and

WHEREAS, the positions identified above are part of the additional reductions as shown in **Exhibit A**,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2013-2014 Position Allocation to implement the elimination of the positions noted above and as part of **Exhibit A** which details these changes.

BE IT FURTHER RESOLVED that the Director of Human Resources, or his 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 September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Additional Proposed General Fund Budget Reductions
Detailed Impacts

Department	Reduction	Reduction Impact	Program Impacted	Position Impacted	Filled or Vacant? Filled	Vacant	Reduction Amount
City Manager's Office	Reduce Training Expenses	Eliminates Public Information Officer Training and All-Staff Trainings	Discretionary Expenses	-			$6,500
City Manager's Office	Reduce Membership & Dues Expenses	Eliminates Public Information Officer Association Dues	Discretionary Expenses	-			$375
City Manager's Office	Reduce Membership & Dues Expenses	Cancels Membership with National League of Cities	Discretionary Expenses	-			$12,468
City Manager's Office	Reduce Professional Services Expenses	Reduces Federal Lobbyist Contract from $120k to $90k	Discretionary Expenses	-			$30,000
City Manager's Office	Eliminate Public Information Coordinator	Marketing and media communications will be coordinated at the department level. City-wide coordination eliminated. Maintenance of social media impacted.	Salary and Benefits	Public Information Coordinator		1.0	$91,860
City Manager's Office Totals					0.0	1.0	$141,203
Human Resources	Eliminate Books & Periodicals Expenses	Eliminates all spending on books and periodicals for Human Resources	Discretionary Expenses	-			$1,080
Human Resources	Reduce Conference Expenses	Reduces conference expenses for all Human Resources staff	Discretionary Expenses	-			$3,000
Human Resources	Eliminate Training Expenses	Eliminates all training expenses for Human Resources staff	Discretionary Expenses	-			$5,005
Human Resources	Reduce Membership & Dues Expenses	Reduces membership and dues expenses in Human Resources	Discretionary Expenses	-			$1,000
Human Resources	Eliminate Admin Office Assistant III (Conf)	Impact to all employee procesing. Longer start time for all employees, departments will not be able to fill spots in a timely manner, longer wait time for customers at counter and on phone, and only have front counter hours from 9-4.	Salary and Benefits	Admin Office Assistant III (Conf)		1.0	$63,087
Human Resources Totals					0.0	1.0	$73,172
Finance	Reduce Discretionary Expenses	Reduces training expense budgets across the following divisions: Accounting, Administration, Purchasing, Budget, Business License, and Accounts Receivable.	Discretionary Expenses	-			$15,000
Finance	Hiring Freeze of Financial Analyst III (6 months)	Freezing this position for 6 months will impact the workload distribution between the Budget and Financial Analysis Manager as well as one existing Financial Analyst III position. This position if filled would relieve some of the workload in terms of Oracle processes and validations and department budget monitoring.	Salary and Benefits	Financial Analyst III		0.5	$45,028
Finance Totals					0.0	0.5	$60,028
CEDD	Eliminate Admin Office Assistant II	Negative impact on customer service at reception counter for development services. Could result in 30-90 minute delays in routing customers.	Salary and Benefits	Admin Office Assistant II		1.0	$50,672
CEDD	Reduce Direct Charge Expenses to IFP	Reduce turn-around time and ability to prepare information related to CIP, CIP Task Force, eliminate development of PACE and reduce turn around time on special projects (Salida, RTIF, RTP, etc.) Substantially reduce ability to develop and maintain a comprehensive fees database; reduce ability to work with applicants on deferral of impact fees related to new development; substantially reduce ability to track and manage improvement related trust deposits.	Discretionary Expenses	-			$53,606
CEDD	Reduce Direct Charge Expenses to TED	Eliminate services provided for general fund related activities such as 10th Street Parklet project, bicycle coordinator functions, participation in non-CIP projects. Will eliminate engineering support to the Planning Division.	Discretionary Expenses	-			$46,992
Community & Economic Development Totals					0.0	1.0	$151,270
PR&N	Salary savings Centre Plaza Manager (6 months)	This position is currently vacant. It is anticipated to take approximately 6 months to recruit and hire the new Plaza Manager.	Salary and Benefits	Centre Plaza Manger			$40,071
PR&N	Salary savings open part-time positions	Savings are for part-time positions that are currently vacant. This is a general overall department wide savings for part-time positions that will remain vacant during recruitment.	Salary and Benefits	Part-time salaries			$30,847

Additional Proposed General Fund Budget Reductions
Detailed Impacts

Department	Reduction	Reduction Impact	Program Impacted	Position Impacted	Filled or Vacant? Filled	Vacant	Reduction Amount
PR&N	Landscape water	Reduce the non-potable water used for park irrigation by an additional 5%. Watering in parks has been reduced by 30% over the past few years. This will reduce the watering by an additional 5% for a total of 35% general watering decrease in neighborhood and community parks. Park areas will experience additional browning and shrub loss.	Discretionary Expense	-			$29,082
Parks, Recreation and Neighborhoods Totals					0.0	0.0	$100,000
Police	Reduce Equipment Expenses	Will result in equipment not required for basic policing not being replace as it wears out or breaks.	Discretionary Expenses	-			$5,000
Police	Reduce Field Supplies Expenses	Will result in equipment not required for basic policing not being replace as it wears out or breaks.	Discretionary Expenses	-			$5,000
Police	Reduce Part Time Labor	Will result in increased time to conduct background investigations for new hires and some delay in administrative work within the police department.	Discretionary Expenses	-			$10,000
Police	Reduce Training Expenses	Cutting the Training Budget by $20,000 will result in reducing the Continued Professional Training (CPT) we provide to our officers. CPT includes Development and Leadership courses, non-mandated Advanced Officer Course, Legal & Procedural Updates, and Specialized Training.	Discretionary Expenses	-			$20,000
Modesto Police Department Totals					0.0	0.0	$40,000
All Departments Totals					**0.0**	**3.5**	**$565,673**

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-335

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PAINTING OF WATER WELL AND TANK SITE SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WATER DIVISION, TO D.C. VIENT, INC., MODESTO, CA, 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 $38,000, AND OVER FIVE (5) YEARS OF $190,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the painting of water well and tank site services, and

WHEREAS, the Purchasing Division issued RFB No. 1314-04 Painting of Water Well and Tank Sites to thirteen (13) prospective bidders, five (5) of which were local vendors and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Three (3) companies chose to respond, one of which was a local vendor, and

WHEREAS, all three (3) companies 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 painting of water well and tank site services for the Department of Public Works, Water Division, to D.C. Vient, Inc., Modesto, CA, 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 $38,000, and over five (5) years of $190,000, 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 painting of water well and tank site services for the Department of Public Works, Water Division, to D.C. Vient, Inc., Modesto, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the painting of water well and tank site services in Appropriation Unit: 4100-55090-53100.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the painting of water well and tank site services for the Department of Public Works, Water Division, to D.C. Vient, Inc., Modesto, CA.

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 $38,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-336

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE AGREEMENT FOR SERVER EQUIPMENT REPLACEMENTS, SOFTWARE, SERVICES, AND LICENSING THROUGH VARIOUS HARDWARE AND SOFTWARE MANUFACTURERS IN AN AMOUNT NOT TO EXCEED $410,000

WHEREAS, the City has an ongoing need to purchase server equipment replacements, software, services, and licensing managed by the Information Technology Department and

WHEREAS, the Information Technology Department has identified 47 computer servers in need of replacement for Fiscal Year 2013-2014 to support software applications and to provide technology services for all departments and

WHEREAS, the purchase of the server equipment replacements, software, services, and licensing will be purchased through the various software and hardware manufacturers, and

WHEREAS, the expenditures for the purchase server equipment replacements, software, services, and licensing have been approved by Council through the budget process, and

WHEREAS, the funds will be available for the purchase of server equipment replacements, software, services, and licensing in the amount not to exceed $410,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue purchase agreements for server equipment replacements, software, services and licensing through various hardware and software manufacturers to purchase server equipment replacements, software, services, and licensing in the amount not to exceed $410,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-337

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 INFORMATION TECHNOLOGY BUDGET TO APPROPRIATE $410,000 FROM THE INFORMATION TECHNOLOGY FUND RESERVES

WHEREAS, the City has a need to amend the Fiscal Year 2013-2014 Information Technology budget to purchase server equipment replacements, software, services, and licensing managed by the Information Technology Department, and

WHEREAS, the expenditures for the server equipment replacements, software, services, and licensing have been approved by Council through the budget process, and

WHEREAS, upon approval, the Information Technology Budget will be amended to appropriate $410,000 from Information Technology Fund Reserves, and

WHEREAS, the Fiscal Year 2013-2014 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 amending the Fiscal Year 2013-2014 Information Technology Operating Budget as shown in **Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

The City of Modesto is in need of replacing server equipment, software, and licensing in the amount not to exceed $410,000. The Fiscal Year 2013-2014 operating budgets will be amended to appropriate $410,000 from the Information Technology Fund Reserves
to 5230-07510-57005 in order to purchase server equipment, software, and licensing.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-338

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE AGREEMENTS FOR MAINTENANCE CONTRACT/SUPPORT AGREEMENTS THROUGHOUT FISCAL YEAR 2013-2014 FOR THE SOLE SOURCE PROCUREMENT OF VARIOUS HARDWARE AND SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FROM HARDWARE AND SOFTWARE MANUFACTURERS FOR THE INFORMATION TECHNOLOGY DEPARTMENT FOR AN ESTMATED ANNUAL COST NOT TO EXCEED $1,033,344

WHEREAS, the City has an ongoing need to issue purchase maintenance contracts/support agreements for hardware and software assets utilized by the City of Modesto and managed by the Information Technology Department, and

WHEREAS, the expenditures for maintenance contracts/support agreements have been approved by Council through the budget process, and

WHEREAS, staff requests the Purchasing Manager be authorized to issue purchase agreements for maintenance contract/support agreements throughout Fiscal Year 2013-2014 for the sole source procurement of various hardware and software maintenance support agreements from hardware and software manufacturers for an estimated budgeted amount not to exceed $1,033,344,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager be authorized to issue purchase agreements for maintenance contract/support agreements for the sole source procurement of various hardware and software maintenance support agreements throughout the Fiscal Year 2013-2014.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-339

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $93,788.00 FROM THE OFFICE OF TRAFFIC SAFETY SOBRIETY CHECKPOINT GRANT PROGRAM, TO CONDUCT SOBRIETY CHECKPOINTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY NECESSARY PROGRAM DOCUMENTS

WHEREAS, the Modesto Police Department received an announcement for the solicitation of applications for the "Sobriety Checkpoint Grant Program" from the Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration (NHTSA), and

WHEREAS, the grant is for personnel overtime costs to conduct sobriety checkpoint operations during the period from October 1, 2013 to September 30, 2014, and

WHEREAS, a checkpoint cannot exceed $5,000.00 for overtime to conduct the checkpoint and includes funding for police officers and support personnel (Community Services Officers), and

WHEREAS, this award includes a maximum of $3,788.00 for the purchase of OTS-approved checkpoint supplies, and

WHEREAS, on May 24, 2013, the Modesto Police Department received notification that it was awarded $93,788.00 for the operation of up to eighteen sobriety checkpoints and OTS approved supplies in Modesto, and

WHEREAS, this grant will result in increased grant revenue of $93,788.00 to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a grant in the amount of $93,788.00 from the Office of Traffic Safety Sobriety Checkpoint Grant Program to conduct sobriety checkpoints.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-340

RESOLUTION AMENDING THE MULTI-YEAR 2013/2014 OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF $93,788.00 TO CONDUCT SOBRIETY CHECKPOINTS

WHEREAS, the Modesto Police Department received an announcement for the solicitation of applications for the "Sobriety Checkpoint Grant Program" from the Office of Traffic Safety, through the National Highway Traffic Safety Administration, and

WHEREAS, the mini-grant is for personnel overtime costs to conduct sobriety checkpoint operations during the period from October 1, 2013 to September 30, 2014, and

WHEREAS, a checkpoint cannot exceed $5,000.00 for overtime to conduct the checkpoint and includes funding for police officers and support personnel (Community Services Officers), and

WHEREAS, this award includes a maximum of $3,788.00 for the purchase of OTS-approved checkpoint supplies, and

WHEREAS, on May 24, 2013, the Modesto Police Department received notification that it was awarded $93,788.00 for the operation of up to eighteen sobriety checkpoints in Modesto, and

WHEREAS, this grant will result in increased grant revenue of $93,788.00 to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Multi-Year 2013/2014 Operating Budget to appropriate revenues and expenditures of $93,788.00 for overtime to conduct sobriety checkpoints, as listed in **Exhibit A**.

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 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

The Multi-Year 2013/2014 Operating Budget will be amended as follows:

	Revenue	Increase/(Decrease)	Description
To:	1341-19998-42199-100773	$93,788	2012/13 OTS Sobriety Checkpoint Program Grant
	Expense		
To:	100773 - Appr. C	$90,000	Svcs City Forces Interfund (OT)
	100773 - Appr. C	$ 3,788	Tools & Field Supplies < $5K
		$93,788	

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-341

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 $138,905; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, on July 2, 2013, the City Council, by Resolution No. 2013-244, 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 $138,905, and

WHEREAS, the City of Modesto will use its allocation of $104,118 to purchase 800 Mhz Radios, and

WHEREAS, the County of Stanislaus will use its allocation of $34,787 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 not later than fifteen calendar days after the end of each quarter, and

WHEREAS, the project start period is October 1, 2012, 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 2, 2013,

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 $138,905.

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 special meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-342

RESOLUTION AMENDING THE MULTI-YEAR 2013/14 OPERATING BUDGET, ESTIMATING REVENUE OF $138,905 FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, AND APPROPRIATING FUNDS

WHEREAS, on July 2, 2013, the City Council, by Resolution No. 2013-244, 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 $138,905, and

WHEREAS, recommended distribution of the 2013 grant is as follows:

Stanislaus County Probation	$ 7,892
Stanislaus County Sheriff	$ 23,675
Stanislaus County (Admin Fee)	$ 3,220
Modesto Police Department	$104,118

WHEREAS, the City of Modesto will use its allocation of $104,118 to purchase 800 Mhz Radios, and

WHEREAS, the City agrees to provide the County with a quarterly financial and programmatic report not later than fifteen calendar days after the end of each quarter, and

WHEREAS, the project start date is October 1, 2012, 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 2013/2014 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 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Attachment A: Budget Adjustment for 2013 BJAG Grant

Fund 1341- Operation Grants Reimbursed:

Expense:	Increase/ (Decrease)	Description of Account
To:		
MY-100774-Appr. C	$ 104,118	Comm. Equipment < $5K
Revenue:		
To:		
MY-1341-19998-42090-100774	$ 104,118	Federal-Misc.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-343

A RESOLUTION APPROVING AN AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. TO PROVIDE DESIGN AND PLANNING SERVICES FOR THE DRAINAGE STUDY PROJECT FOR THE MODESTO CITY-COUNTY AIRPORT IN AN AMOUNT NOT TO EXCEED $65,000

WHEREAS, the City has approved numerous Airport Capital Improvement Plan (ACIP) projects planned over approximately the next five years at the Modesto City-County Airport, and

WHEREAS, skilled airport engineering, design, construction and inspection assistance will be required to move forward with those projects, and

WHEREAS, on January 12, 2010, the City solicited professional services for an airport consulting engineer to provide airport engineering, design, construction management and inspection, and

WHEREAS, Council approved Resolution No. 2010-005 selecting KHA as the best qualified applicant, and

WHEREAS, KHA has proposed an agreement to provide design and planning services for the Drainage Study at the Modesto City-County Airport, and

WHEREAS, sufficient funds are budgeted and available in the FY13-14 budget in CIP Account: 100431 PW. Airport Services "Airfield Studies",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kimley-Horn & Associates, Inc. to provide design and planning services for the Drainage Study at the Modesto City-County Airport in an amount not to exceed $65,000.

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 Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-344

A RESOLUTION APPROVING AN AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. TO PROVIDE DESIGN AND PLANNING SERVICES FOR ELECTRICAL STUDY/SIGN PLAN PROJECT FOR THE MODESTO CITY-COUNTY AIRPORT IN AN AMOUNT NOT TO EXCEED $160,000

WHEREAS, the City has approved numerous Airport Capital Improvement Plan (ACIP) projects planned over approximately the next five years at the Modesto City-County Airport, and

WHEREAS, skilled airport engineering, design, construction and inspection assistance will be required to move forward with those projects, and

WHEREAS, on January 12, 2010, the City solicited professional services for an airport consulting engineer to provide airport engineering, design, construction management and inspection, and

WHEREAS, Council approved Resolution No. 2010-005 selecting KHA as the best qualified applicant, and

WHEREAS, KHA has proposed an agreement to provide design and planning services for the Electrical Study/Sign Plan project for the Modesto City-County Airport, and

WHEREAS, sufficient funds are budgeted and available in the FY13-14 budget in CIP Account: 100431 PW. Airport Services "Airfield Studies",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kimley-Horn & Associates, Inc. to provide design and planning services for the Electrical Study/Sign Plan for the Modesto City-County Airport in an amount not to exceed $160,000.

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 Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-345

RESOLUTION ACCEPTING A FEDERAL AIRPORT IMPROVEMENT PROGRAM GRANT OFFER FOR $120,000 FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR WILDLIFE HAZARD ASSESSMENTS

WHEREAS, Modesto City-County Airport is a commercial service airport that is a 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 from the Airport Improvement Program (AIP), and

WHEREAS, the local 10% match ($13,333) required for this grant will be paid from Passenger Facility Charges (PFCs) collected by the airlines from enplaning passengers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves accepting a Federal Airport Improvement Program (AIP) Grant Offer for $120,000 from the Federal Aviation Administration for a Wildlife Hazard Assessment,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the grant offer acceptance and any documents related to projects contained in the grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-346

A RESOLUTION APPROVING A LEASE AGREEMENT AMENDMENT BETWEEN THE CITY OF MODESTO AND THE HERTZ CORPORATION

WHEREAS, The Hertz Corporation uses the Modesto City-County Airport as a rental car business location, and

WHEREAS, on August 8th, 1995 the City Council approved by Resolution No. 95- 406 a lease agreement with The Hertz Corporation, and

WHEREAS, during Fiscal Year 2012-2013 the lease was reviewed by the City's Risk Management Division. The City's Risk Management Division provided updated insurance requirements to be included in the property lease agreement between the City and The Hertz Corporation, and

WHEREAS, The Hertz Corporation has provided insurance documents that meet the City insurance requirements that have been reviewed and approved by City Risk Management, and

WHEREAS, the amendment to the lease agreement changes requirements in subparagraphs 20 and 21 of the lease agreement. Subparagraph 20 refers to Indemnification, Hold Harmless Clauses and subparagraph 21 refers to Insurance Requirements including General Liability, Workers Compensation and Property Insurance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease amendment between the City of Modesto and The Hertz Corporation.

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 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-347

RESOLUTION SUPPORTING THE WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT

WHEREAS, the need to repair, replace, and overhaul the nation's water systems is immense, and

WHEREAS, much of the nation's water infrastructure was built over 100 years ago and is rapidly deteriorating, and

WHEREAS, it must be updated to continue providing the nation with clean and safe drinking water and waterways, and

WHEREAS, current local, state, and federal programs are insufficient to meet investment needs – in particular, upfront capital needs, and

WHEREAS, the Water Infrastructure Finance and Innovation Act (WIFIA) is an innovative federal loan program that will help meet the nation's water infrastructure needs with a minimum budgetary impact, and

WHEREAS, the Senate approved WIFIA as part of S. 601, the Water Resources Development Act (WRDA), and

WHEREAS, the bill would seek to further leverage government funds for water infrastructure projects through an innovative financing pilot project program – referred to as WIFIA, and

WHEREAS, WIFIA will provide long-term, low-interest loans for large water infrastructure projects (over $20 million) that cannot access funding through the State Revolving Fund (SRF) loan programs, which are primarily focused on smaller projects, and

WHEREAS, WIFIA loans will be repaid entirely from local rates and charges, maintain full local responsibility for water infrastructure development, but creating a mechanism to provide lower capital cost, and

WHEREAS, being able to access funds at near Treasury rates, communities receiving WIFIA loans can save up to 20 percent compared with current borrowing rates, which will allow local resources to go farther, accelerating critically needed water infrastructure investment and lowering costs for American families, and

WHEREAS, because a federal appropriation is needed only to cover the risk of default, according to the Congressional Budget Office, an appropriation of $100 million (which would be fully offset) could support anywhere between $990 million and $3.3 billion in WIFIA loans; therefore, a very small federal investment will have an exponential impact in addressing the nation's water infrastructure needs, and

WHEREAS, by providing a source of low cost capital, WIFIA will help meet the nation's water infrastructure needs while maintaining full local responsibility, minimizing the federal budgetary impact, and creating tens of thousands of jobs, and

WHEREAS, the American Water Works Association is recommending that water utility members contact their members of the U.S. House of Representatives to ask the House to include a Water Infrastructure Finance and Innovation Authority in the Water Resources Development Act, and

WHEREAS, the Western Recycled Water Coalitions, which the City of Modesto recently joined, is also recommending support of this Act,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the Water Infrastructure Finance and Innovation Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-348

A RESOLUTION TO CLOSE OXFORD WAY AT ITS INTERSECTION WITH SUNRISE AVENUE TO PEDESTRIAN TRAFFIC

WHEREAS, on June 2, 1975 by Resolution No. 1308-S.P. the Modesto City Council approved the closure of Oxford Way at its intersection of Sunrise Avenue to vehicular traffic, declaring that the intersection of Oxford Way with Sunrise Avenue is unnecessary for present or prospective public street purposes for vehicular traffic and that the closure thereof to vehicular traffic is in the public interest, and

WHEREAS, a six foot high concrete masonry wall has closed Oxford Way to vehicular traffic at the west line of the Sunrise Avenue right-of-way in the City of Modesto, and

WHEREAS, a letter requesting the complete closure of Oxford Way to pedestrian traffic, for the purpose of curbing property crime and vandalism in the immediate vicinity of the existing wall and Ashby Park, said letter being signed by the coordinator of the Ashby Park Neighborhood Watch Committee and accompanied by a petition signed by area residents, was submitted to the Secretary of the Planning Commission, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and

WHEREAS, closure of Oxford Way would require the subsequent removal of an existing crosswalk across Sunrise Avenue from East Fairmont Avenue to Oxford Way, and

WHEREAS, California Vehicle Code Section 21950.5 prescribes the 30-day notification to remove a marked crosswalk, and

WHEREAS, notice of the proposed closure of Oxford Way and subsequent crosswalk removal was posted to the site of the crosswalk, and

WHEREAS, the proposed closure of Oxford Way has been referred to affected City departments, and no objection to the proposed closure has been received, and

WHEREAS, a hearing was held by the Planning Commission on August 5, 2013, 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 the proposed closure of Oxford Way, and

WHEREAS, by Planning Commission Resolution No 2013-14, the Planning Commission recommended to Council that Oxford Way be closed to pedestrian traffic in addition to vehicular traffic, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, September 24, 2013, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, notices were posted along the line of the proposed closure of Oxford Way and crosswalk across Sunrise Avenue from East Fairmont Avenue to Oxford Way thirty days prior to the hearing, and notice was published in the Modesto Bee for thirty days prior to the hearing, per California Vehicle Code 21950.5, and,

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

1. The street to be closed is not necessary to serve present or future pedestrian needs in the area.
2. The closure would not restrict vehicular or pedestrian access to the Ashby Park neighborhood, with access available via Helen Avenue, which intersects with Sunrise Avenue to the south; Muir Road and High Street.

3. The closure is exempt from CEQA, pursuant to Section 15301(c) of the CEQA Guidelines, which exempts the minor alteration of existing public or private structures, including existing highways and streets, sidewalks, gutters and pedestrian trails and similar facilities.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the closure of Oxford Way to pedestrian traffic in addition to vehicle traffic at its intersection of Sunrise Avenue, subject to the following conditions:

1. Prior to the issuance of a building permit for any expansion, alteration or replacement of the existing wall, an encroachment permit shall be obtained from the City of Modesto Community and Economic Development Department, Land Development Engineering.

2. Prior to issuance of a building permit, all submitted plans shall be prepared, stamped and signed by a licensed engineer. Plans shall demonstrate the following:

   a. Colors, materials, height of the existing wall and new wall extensions, including engineered footings for expansion of the existing wall in accordance to City Standards.

   b. Existing wall and/or new wall extensions shall be no more than eight feet in height from grade.

   c. Design and footings for any alteration made to the existing wall.

3. Wall materials shall be limited to either decorative concrete masonry wall with cap treatment or wrought-iron fencing only.

4. At the time of issuance of a building permit, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to building permit and plan check fees.

5. The permanent easement for public utilities as established by Section 2 of Modesto City Council Resolution No. 1308-S.P. shall be maintained.

6. The applicant of record 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 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 approval on any grounds whatsoever. The City of Modesto shall promptly notify the applicant of record of any such claim, action, or proceeding and shall cooperate fully in the defense.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit "A"

PETITION

We, the undersigned, do hereby agree to and support the completion of the existing wall at the intersection of Oxford Way, E. Fairmont and Sunrise Avenues. We feel that this will hinder our neighborhood's accessibility to acts of crime and petty theft.

Signature	Name (print)	Home address
	TODD WOOLEY	821 MUIR RD
Dee DiDomenico	Dee DiDomenico	624 Helen Ave
Julie DiFrancia	Julie DiFrancia	900 Muir Rd
Charmaine Breedlove	Charmaine Breedlove	910 Muir Rd
~~AL H~~ Al Hernandez	AL HERNANDES	806 MUIR RD
Carole Maylen	CAROLE MAYLEN	907 OXFORD WAY
James Holden	James Holden	935 Oxford Way
Jan Holden	JAN Holden	935 Oxford way
James B. Mitchell	James B. Mitchell	923 Oxford Way
Arleene Campbell	Arleene Campbell	940 Oxford Way
Patrice Montgomery	Patrice Montgomery	915 Oxford Way
Robin Montgomery	Robin Montgomery	915 Oxford Way
Olivia Malekos	Olivia Malekos	931 Oxford Way
~~David Waldbauer~~	DAVID WALDBAUER	829 MUIR RD
Kim Waldbauer	KIM WALDBAUER	829 MUIR RD
Brian Murray	BRIAN MURRAY	914 MUIR RD.
Rudy & Maria Garcia	Rudy & Maria Garcia	826 Muir Rd.
~~Katherine~~ Katherine Conretto	Katherine Conretto	~~987 Oxford Way~~

(16) Regina King
Beverly Vender Platts
(17) D. Koski
Ashley Rosemaire

Eric Arguello (20) + Barry Jackson
Pa (21)

PETITION

We, the undersigned, do hereby agree to and support the completion of the existing wall at the intersection of Oxford Way, E. Fairmont and Sunrise Avenues. The purpose of this closure is to address the increase of criminal activity in the neighborhood. We feel that this will lessen our neighborhood's accessibility to acts of crime and petty theft, as well as increase the safety and security of our neighbors.

SIGNATURE	NAME (PRINT)	STREET ADDRESS
Regina King	REGINA KING	604 Helen Ave
Beverly Vander Pleats	Beverly Vander Pleats	813 MUIR Rd
Maria L. Garcia	Duplicate ~~Maria L. Garcia~~	~~826 Muir Rd.~~
[illegible]	DAVID KOSKI	618 ASHBY LN.
Brian Murray	Duplicate ~~BRIAN MURRAY~~	~~914 MUIR~~
~~Todd Wooley~~	~~TODD WOOLEY~~	~~821 MUIR RD~~
Michael A. DiFrancia	Michael A. DiFRANCIA	900 MUIR Rd.
[illegible]	Ashley Rosenaire	510 Ashby Ave.
[illegible]	Eric Arguello	809 Muir Rd.
Patti Montgomery	Patti Montgomery	915 Oxford
Unable to contact Barry Jackson		602 Ashby Ave.
Katherine Convotto	Katherine Convotto	937 Oxford Way

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-349

RESOLUTION APPROVING THE SUBMISSION OF THE CITY OF MODESTO CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR FISCAL YEAR 2012-2013 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the City of Modesto, as an entitlement grantee of U.S. Department of Housing and Urban Development HUD funds, is required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD no later than 90 days after the completion of the fiscal year, and

WHEREAS, this report details the activities undertaken during the year by the grantee supporting the goals identified in the Five-Year Consolidated Plan and the Fiscal Year 2012-2013 Annual Action Plan for the use of CDBG, HOME and ESG funds, and

WHEREAS, as required by the City's Citizen Participation Plan, a public notice informing the public of the availability of the report and the start of the public comment period was published in the Modesto Bee on August 20, 2013, and

WHEREAS, the public comment period closed on September 24, 2013 with a public hearing at the City Council meeting, and

WHEREAS, on September 18, 2013, the Citizens' Housing and Community Development Committee reviewed the Draft CAPER at a public meeting and recommended forwarding to City Council for approval, and

WHEREAS, all public comments, and staff responses to these comments, were presented to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of the City of Modesto Consolidated Annual

Performance Evaluation Report for Fiscal Year 2012-2013, a copy of said report is on file in the office of the City Clerk.

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

BE IT FURTHER RESOLVED that staff is hereby authorized to submit the report 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 24th day of September, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer, Lopez

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-350

RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF MODESTO AND SUPERKART! USA TO HOST THE 2014 PRO TOUR SUMMERNATIONALS ON AUGUST 1-3 OF 2014

WHEREAS, on September 4, 2013 the Economic and Development Committee approved hosting a 2014 Pro Tour SuperKart! USA event, and

WHEREAS, the City and SuperKart! USA have vast experience in hosting special events, and

WHEREAS, the approved contract between City and SuperKart! USA defines both Party's roles in hosting such event, and

WHEREAS, the City agrees to use SuperKart! USA preferred vendors for event marketing, sound and audio to ensure integrity of SuperKart! USA brand and image, and

WHEREAS, the City will execute contracts with each preferred vendor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the contract between City of Modesto and SuperKart! USA to host the 2014 Pro Tour SummerNationals on August 1-3 of 2014.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the any and all required documents for the above event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Geer

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-351

RESOLUTION APPROVING AN AGREEMENT WITH SILVER & WRIGHT, LLP; AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto desires to enter into an Agreement for outside Legal Services with the Law Firm of Silver & Wright, LLP on October 1, 2013 for specialized legal and consultant services in the area of receivership, and

WHEREAS, the CITY desires to obtain Silver & Wright, LLP's services with respect to providing legal advice, representation, and assistance to CITY in relation to receivership actions as assigned by the City Attorney , and

WHEREAS, Silver & Wright, LLP, is specially trained, experienced and competent to perform such services, and

WHEREAS, there are currently several properties within the City of Modesto that are in violation of the City's Building and Property Maintenance Codes and City staff has determined that these are the worst properties that are in a condition of disrepair, blight, and owner neglect, and

WHEREAS, such properties have a negative impact on the surrounding neighborhoods and the entire City, as well as substantially endangering the health and safety of their residents and the public, and

WHEREAS, Code Enforcement staff have vigorously pursued these properties to the fullest extent under the Modesto Municipal Code including four properties that the City Attorney has determined to be in such an unsafe and depleted condition that the remedy of a court appointed Receiver under Health & Safety Code section 17980.7 is recommended, and

WHEREAS, the public interest, economy, and general welfare will be served by this Agreement, and

WHEREAS, funding for this action is available through the City Attorney's Office's Legal Services Account,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement for Legal Services with the Law Firm of Silver & Wright, LLP.

BE IT FURTHER RESOLVED that the City Manager and the City Attorney are 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 October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-352

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 649 PARADISE ROAD, APN: 030-023-012 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, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas.

WHEREAS, the property located at 649 Paradise Road, is not connected to City's water system and

WHEREAS, this property is located outside Modesto City limits and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property 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 are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 649 Paradise Road (APN 030-023-012) 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 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-353

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 649 PARADISE ROAD IN MODESTO, APN: 030-023-012 TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER

WHEREAS, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas.

WHEREAS, the property located AT 649 Paradise Road is not connected to City's sewer system and

WHEREAS, this property is located outside Modesto City limits, and inside the City's Sphere of Influence and

WHEREAS, this property is inside the Modesto Municipal Sewer District No.1 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 are paid and associated permits be obtained prior to connecting to the City sewer system and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 649 Paradise Road (APN 030-023-012) 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 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-354

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND HONG PHE, SANGLEY PRAK, MENG PRAK, HAV NEANG, AND BUNLEANG VIN FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 649 PARADISE ROAD, (APN: 030-023-012); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the property located at 649 Paradise Road is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and outside the City's Sphere of Influence, and

WHEREAS, this property is inside, contiguous to, or near the former service area of the Del Este Water company, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property, 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, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 649 Paradise Road, Modesto APN (030-023-012)

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-355

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND HONG PHE, SANGLEY PRAK, MENG PRAK, HAV NEANG, AND BUNLEANG VIN FOR SEWER SERVICE FOR THE PROPERTY LOCATED AT 649 PARADISE ROAD, MODESTO, (APN: 030-023-012); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the property located at 649 Paradise Road is not connected to City's sewer system, and

WHEREAS, the property is located outside Modesto City limits, and inside the City's Sphere of Influence, and

WHEREAS, the property is inside the Modesto Municipal Sewer District No. 1, and

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

WHEREAS, the sewer connection fees shall be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, that the property owner is required to enter into an outside service agreement for sewer service with the City

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Outside Service Agreement for the property located at 649 Paradise Road, Modesto (APN 030-023-012).

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 October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson, Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-356

RESOLUTION AUTHORIZING THE AWARD OF BIDS FOR THE FURNISHING OF ASPHALT AND EMULSIFIED ASPHALT MATERIAL FOR THE DEPARTMENT OF PUBLIC WORKS, STREETS DIVISION, TO GEORGE REED, INC., MODESTO, CA, AS "PRIMARY" CONTRACTOR AND CALAVERAS MATERIALS INC., HUGHSON, CA, AS "SECONDARY" CONTRACTOR, FOR A ONE YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED HISTORICAL ANNUAL COST OF $500,000, AND OVER FIVE (5) YEARS OF $2,500,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of asphalt and emulsified asphalt material, and

WHEREAS, the Purchasing Division issued RFB No. 1314-01 Asphalt and Emulsified Asphalt Material to twenty-two (22) prospective bidders, one of which is a local vendor and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Two (2) companies chose to respond, one of which is a local vendor, and

WHEREAS, both companies provided responsive and responsible bids, and

WHEREAS, in order to ensure availability of products to the City, purchase agreements shall be awarded to more than one contractor to provide for backup in case the primary contractor is unable to meet the City's needs. A secondary position contractor may be awarded a specific job only if the primary contractor is unable to perform the service, or if the primary contractor is unable to complete the specific job within the timeframe required by the City, and finally, if the primary contractor is unable to maintain acceptable quality standards required by the City, and

WHEREAS, based on providing responsive and responsible bids, City staff recommends the award of bids for the furnishing of asphalt and emulsified asphalt

materials for the Department of Public Works, Streets Division, to George Reed, Inc., Modesto, CA, as "primary" contractor and Calaveras Material, Inc., Hughson, CA, as "secondary" contractor, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of $500,000, and over five (5) years of $2,500,000, 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 bids for the furnishing asphalt and emulsified asphalt materials for the Department of Public Works, Streets Division, to George Reed, Inc., Modesto, CA, as "primary" contractor and Calaveras Material, Inc., Hughson, CA, as "secondary" contractor, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 and available in various funds within the Public Works Department for the furnishing of asphalt and emulsified asphalt material.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for the furnishing of asphalt and emulsified asphalt material for the Department of Public Works, Streets Division, to George Reed, Inc., Modesto, CA, as "primary" contractor and Calaveras Inc., Hughson, CA, as "secondary" contractor.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase agreements for an estimated historical annual cost of $500,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-357

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OFFICER DANIEL PHILLIPS FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, CHUCK; 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 Phillips, wishes to purchase and assume possession of his assigned canine, Chuck, 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 Phillips for the purchase of retired police canine, Chuck.

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 October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-358

RESOLUTION APPROVING AN AGREEMENT WITH COMMERCIAL ARCHITECTURE, INC. (COMMERCIAL ARCHITECTURE) FOR ON-CALL ARCHITECTURAL 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, over the next several years, based on the Utility Planning & Projects (UP&P) Department's workload and staffing experience, there are a number of Capital Improvement Program (CIP) projects that may require architectural services, and

WHEREAS, retaining an on-call professional services consultant allows the department to have quick access to specific architectural services, when needed, and

WHEREAS, in addition, an on-call professional services consultant can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to continue efficient operations of the City's CIP projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) for On-call Architectural Services for the Utility Planning and Projects Department – Capital Improvement Services Division to all local consultants, and

WHEREAS, four (4) Statements of Qualifications were received for architectural services, and

WHEREAS, after careful review of the Statement of Qualifications/Proposals by Community Economic and Development and UP&P Department staff, Commercial Architecture, Inc. (Commercial Architecture) was selected as the most qualified firm for on-call architectural services, and

WHEREAS, the local firm of Commercial Architecture is deemed the most qualified to provide the requested on-call professional services and has demonstrated satisfactory services to the City on past projects, such as it assisted with architectural design services for the Transit Building Restroom Remodel and Transit 4th Floor Remodel, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Commercial Architecture will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Commercial Architecture will not perform any service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Commercial Architecture prior to commencement of services, and

WHEREAS, City staff recommends an Agreement with Commercial Architecture for On-Call Architectural Services be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Commercial Architecture, Inc. for On-Call Architectural Services for Capital Improvement 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. 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 with Commercial Architecture, Inc., and 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 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-359

RESOLUTION APPROVING AN AGREEMENT WITH MILLER-PEZZONI & ASSOCIATES, INC. (MILLER-PEZZONI) FOR ON-CALL ELECTRICAL 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, over the next several years, based on the Utility Planning & Projects (UP&P) Department's workload and staffing experience, there are a number of Capital Improvement Program (CIP) projects that may require electrical engineering services, and

WHEREAS, retaining an on-call professional services consultant allows the department to have quick access to specific electrical engineering services, when needed, and

WHEREAS, in addition, an on-call professional services consultant can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to continue efficient operations of the City's CIP projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) for On-call Electrical Engineering Services for the Utility Planning and Projects Department – Capital Improvement Services Division to all local consultants, and

WHEREAS, two (2) Statement of Qualifications were received for electrical engineering services, and

WHEREAS, after careful review of the Statement of Qualifications/Proposals by Community Economic and Development and UP&P Department staff, Miller-Pezzoni & Associates, Inc. (Miller-Pezzoni) was selected as the most qualified firm for 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 has demonstrated satisfactory services to the City on past projects, such as it assisted with the implementation of electrical engineering services for the Water Well 63 at Mildred Perkins Park, Modesto Centre Plaza Lighting, and Mildred Perkins Park Lighting, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Miller-Pezzoni will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Miller-Pezzoni will not perform any service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Miller-Pezzoni prior to commencement of services, and

WHEREAS, City staff recommends an Agreement with Miller-Pezzoni for On-Call Electrical Engineering Services 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. for On-Call

Electrical Engineering Services for Capital Improvement 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. 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 with Miller-Pezzoni & Associates, Inc., and 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 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-360

RESOLUTION APPROVING AN AGREEMENT WITH NEXUS ENGINEERING (NEXUS) FOR ON-CALL MECHANICAL 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, over the next several years, based on the Utility Planning & Projects (UP&P) Department's workload and staffing experience, there are a number of Capital Improvement Program (CIP) projects that may require mechanical engineering services, and

WHEREAS, retaining an on-call professional services consultant allows the department to have quick access to specific mechanical engineering services, when needed, and

WHEREAS, in addition, an on-call professional services consultant can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to continue efficient operations of the City's CIP projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) for On-call Mechanical Engineering Services for the Utility Planning and Projects Department – Capital Improvement Services Division to all local consultants, and

WHEREAS, one (1) Statement of Qualifications was received for mechanical engineering services, and

WHEREAS, after careful review of the Statement of Qualifications/Proposal by Community Economic and Development and UP&P Department staff, Nexus Engineering (Nexus) was selected as the most qualified firm for 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 has demonstrated satisfactory services to the City on past projects, such as it assisted with the design of the Tertiary Treatment Plant Operations Building and Multiple HVAC Unit Replacement, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Nexus will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Nexus will not perform any service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Nexus prior to commencement of services, and

WHEREAS, City staff recommends an Agreement with Nexus for On-Call Mechanical Engineering Services be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Nexus Engineering for On-Call Mechanical Engineering Services for Capital Improvement 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. 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 with Nexus Engineering, and 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 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-361

RESOLUTION APPROVING AN AGREEMENT WITH LIONAKIS FOR ON-CALL STRUCTURAL 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, over the next several years, based on the Utility Planning & Projects (UP&P) Department's workload and staffing experience, there are a number of Capital Improvement Program (CIP) projects that may require structural engineering services, and

WHEREAS, retaining an on-call professional services consultant allows the department to have quick access to specific structural engineering services, when needed, and

WHEREAS, in addition, an on-call professional services consultant can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to continue efficient operations of the City's CIP projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) for On-call Structural Engineering Services for the Utility Planning and Projects Department – Capital Improvement Services Division to all local consultants, and

WHEREAS, three (3) Statement of Qualifications was received for structural engineering services, and

WHEREAS, after careful review of the Statement of Qualifications/Proposals by Community Economic and Development and UP&P Department staff, Lionakis was selected as the most qualified firm for on-call structural engineering services, and

WHEREAS, the local firm of Lionakis is deemed the most qualified to provide the requested on-call professional services, and although Lionakis has not previously provided engineering services for City projects, it has provided structural engineering services for the following local projects: Modesto Junior College Science Community Center, Founders Hall, High Tech Center and Outdoor Education Center; Modesto school projects including Modesto High School Science and Math Building, La Loma Junior High School Cafeteria, and Roosevelt Junior High School Cafeteria; Memorial Medical Center Cardiac Intervention Suite; and Linac Equipment Replacement and Emergency Department Expansion – Remodel, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Lionakis will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Lionakis will not perform any service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Lionakis prior to commencement of services, and

WHEREAS, City staff recommends an Agreement with Lionakis for On-Call Structural Engineering Services be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Lionakis for On-Call Structural Engineering Services for Capital Improvement 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. 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 with Lionakis, and 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 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-362

RESOLUTION APPROVING AN AGREEMENT WITH KLEINFELDER WEST, INC. (KLEINFELDER) FOR ON-CALL GEOTECHNICAL 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, over the next several years, based on the Utility Planning & Projects (UP&P) Department's workload and staffing experience, there are a number of Capital Improvement Program (CIP) projects that may require geotechnical engineering services, and

WHEREAS, retaining an on-call professional services consultant allows the department to have quick access to specific geotechnical engineering services, when needed, and

WHEREAS, in addition, an on-call professional services consultant can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to continue efficient operations of the City's CIP projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) for On-call Geotechnical Engineering Services for the Utility Planning and Projects Department – Capital Improvement Services Division to all local consultants, and

WHEREAS, three (3) Statement of Qualifications was received for geotechnical engineering services, and

WHEREAS, after careful review of the Statement of Qualifications/Proposals by Community Economic and Development and UP&P Department staff, Kleinfelder West, Inc. (Kleinfelder) was selected as the most qualified firm for 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 has demonstrated satisfactory services to the City on past projects, such as it assisted with the design of the Downstream Improvements North Tank water storage reservoir, Kansas Needham Soil Remediation, and Orangeburg Avenue Water Main Bore and Jack, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Kleinfelder will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Kleinfelder will not perform any service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Kleinfelder prior to commencement of services, and

WHEREAS, City staff recommends an Agreement with Kleinfelder for On-Call Geotechnical Engineering Services be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kleinfelder West, Inc. for On-Call Geotechnical Engineering Services for Capital Improvement 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. 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 with Kleinfelder West, Inc., and 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 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-363

RESOLUTION ACCEPTING THE WORK BY ALLEN A. WAGGONER CONSTRUCTION, INC., FOR THE "EMERALD & MAZE STORM DRAIN PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $188,925

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Emerald & Maze Storm Drain Project has been completed by Allen A. Waggoner Construction, Inc., in accordance with the contract agreement dated September 11, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Emerald & Maze Storm Drain Project is hereby accepted as complete from said contractor, Allen A. Waggoner Construction, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $188,925 is authorized as provided in 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 October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-364

RESOLUTION ACCEPTING THE WORK BY NETBUILDS, FOR THE "CUSTOMER SERVICES COUNTER IMPROVEMENTS PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $173,360

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Customer Services Counter Improvements Project has been completed by Netbuilds, in accordance with the contract agreement dated March 26, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Customer Services Counter Improvements Project is hereby accepted as complete from said contractor, Netbuilds, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $173,360 is authorized as provided in 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 October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-365

RESOLUTION ACCEPTING THE 2012-13 ANNUAL REPORT OF SECURITIES 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, impact fees 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 to include connection to the City sewer system and the installation of curb, gutter and sidewalk improvements, and

WHEREAS, 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 to include the expansion of Beta Street to the north of the property, and

WHEREAS, 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 to include 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 October 1, 2013, 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 finds and determines that the impact fees collected for future improvements are necessary to fund future infrastructure needed for new development.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the revenue anticipated for the full development of infrastructure improvements required for these projects have 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that 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 estimated to be completed in 2013, and therefore fees should still be retained for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ACALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-366

A RESOLUTION APPROVING THE CREATION OF A NEW MULTI-YEAR FUND 3510 TO BE USED SOLELY FOR PROJECTS TO BE FUNDED BY SECURITIES HELD FOR FUTURE IMPROVEMENTS

WHEREAS, the City has collected securities from developers for future improvements as a condition of approval ("Securities Held for Future Improvements"), and

WHEREAS, historically these securities, if paid in cash, have been deposited into the City's Trust Account, and

WHEREAS, upon a thorough review of Government Code §66006(a) it was determined that the creation of a separate fund to isolate these monies and their associated interest accruals would be a more prudent way to do business.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the creation of a new Multi-Year Fund 3510 to be used solely for projects to be funded by Securities Held for Future Improvements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-367

A RESOLUTION AMENDING THE FISCAL YEAR 2013-14 MULTI-YEAR BUDGET, CREATING THREE (3) MULTI-YEAR PROJECTS WITHIN FUND 3510 AND APPROPRIATING CASH DEPOSITS CURRENTLY HELD FOR THE THREE (3) PROJECTS

WHEREAS, the City has collected securities for future improvements as a condition of approval, and

WHEREAS, historically these monies have been deposited into the City's Trust Account, and

WHEREAS, upon a thorough review of Government Code §66006(a) it was determined that the creation of a separate fund to isolate these monies and their associated interest accruals would be a more efficient way to oversee and track the deposits, and

WHEREAS, staff has determined that deposits made for future improvements should be housed in separate Multi-Year Projects within Fund 3510.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2013-14 Multi-Year Budget, creating three (3) Multi-Year Projects within Fund 3510 and appropriating cash deposits currently held for the three (3) projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-368

RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A CONTRACT WITH KEMPERSPORTS, NORTHBROOK, IL FOR GOLF MANAGEMENT SERVICES AT CREEKSIDE GOLF COURSE AND DRYDEN GOLF COURSE FOR A TWO YEAR PERIOD

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) entered agreement with FM Golf to provide golf management services to Creekside Golf Course and Dryden Golf Course on June 12, 2012, and

WHEREAS, as part of that agreement, FM Golf agreed to limit the City's contribution to the Golf Fund to $250,000, and

WHEREAS, FM Golf was unable to fulfill that obligation of the agreement, and

WHEREAS, the PRND notified FM Golf of their intention to terminate the agreement on April 11, 2013, and

WHEREAS, the current agreement will expire as of October 11, 2013, and

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) issued Request For Quotes (RFQ) Golf Course Management to prospective proposers, posted the RFQ on the City's website and formally advertised as required by law, and

WHEREAS, proposals were received and opened on September 16, 2013. Six (6) Golf Course Managers chose to respond, with five (5) submitting responsible proposals, and meeting RFQ criteria, and

WHEREAS, based on ranking of Golf Course Management performance in relation to base specifications, by PRND staff and subject matter experts, PRND staff requests permission to negotiate a contract for the Golf Course Management to KemperSports, Inc., for a period of two years , and

WHEREAS, KemperSports includes a unique and separate partnership with ValleyCrest, Inc where ValleyCrest, Inc has agreed to pay KemperSports' management fee for the two year contract, and

WHEREAS, the above agreement gives the City of Modesto a 'no-fee' management of the golf courses for the two year term of the contract, and

WHEREAS, the existing manger is immediately departing, staff is asking for authority to negotiate a contract with KemperSports;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to negotiate a contract with KemperSports, Inc., to manage the operations of Creekside and Dryden Golf Courses for a period of two years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-369

RESOLUTION EXTENDING THE CURRENT AGREEMENT WITH VALLEYCREST, INC., UNTIL OCTOBER 2015

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) entered agreement with ValleyCrest, Inc. a California Corporation to provide golf course on April 28, 2009, and

WHEREAS, ValleyCrest currently charges $1,600,642 to maintain Creekside, Dryden and Municipal Golf Courses, and

WHEREAS, ValleyCrest has agreed to reduce its annual maintenance payment to $1,550,642 through October 2015, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to extend the contract with ValleyCrest, Inc. through October 2, 2015.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-370

RESOLUTION FUNDING A .75 ADMINISTRATIVE ANALYST II POSITION IN THE GOLF FUND TO OVERSEE THE NEW GOLF MANAGEMENT CONTRACT, AS WELL AS EXISTING GOLF AGREEMENTS

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) Golf Fund currently supports a .25 Administrative Analyst II, and

WHEREAS, the Analyst prepares all monthly financial and course play information for the golf courses, monitors green fee revenues collected by the current golf course provider, monitors the current ValleyCrest agreement and reports monthly on the City's Youth on Course contract, and

WHEREAS, the new golf contract will require more City oversight including a Golf Course Budget including golf course revenues and expenditures, and

WHEREAS, the City will now be receiving all course revenues including golf cart, food concessions, pro-shop merchandise, driving range and lessons, staffing, inventory, advertising, promotions and repairs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the .25 Administrative Analyst II position allocation in the Golf Fund to be increased to .75 Administrative Analyst II.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gunderson

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-371

RESOLUTION AUTHORIZING THE AWARD OF BIDS FOR THE PURCHASE OF JANITORIAL PAPER PRODUCTS FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT, BUILDING SERVICES DIVISION, TO CENTRAL SANITARY SUPPLY, MODESTO, CA, AND RANDIK PAPER, MODESTO, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE PURCHASE AGREEMENTS FOR AN ESTIMATED ANNUAL COST OF $39,300

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of janitorial paper products, and

WHEREAS, the Purchasing Division issued RFB No. 1314-08 Janitorial Paper Products to eight (8) prospective bidders, five (5) of which were local vendors, and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Seven (7) companies chose to respond, three (3) of which were local vendors, and

WHEREAS, all seven (7) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bids, City staff recommends the award of bids for the purchase of janitorial paper products for the Parks, Recreation and Neighborhoods Department, Building Services Division, to Central Sanitary Supply, Modesto, CA, and Randik Paper, Modesto, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of $39,300, 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 bids for the purchase of janitorial paper products for the Parks, Recreation and Neighborhoods Department, Building Services Division, to Central Sanitary Supply, Modesto, CA, and Randik Paper, Modesto, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the purchase of janitorial paper products in Appropriation Unit: 5800-35130-52150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for the purchase of janitorial paper products for the Parks, Recreation and Neighborhoods Department, Building Services Division, to Central Sanitary Supply, Modesto, CA, and Randik Paper, Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase agreements for an estimated annual cost of $39,300.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-372

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT BY ACCESSING THE TERMS OF A COMPETITIVELY BID AGREEMENT THROUGH US COMMUNITIES, TO GAMETIME, NOVATO, CA, FOR A TOTAL COST OF $52,288.92

WHEREAS, the City of Modesto originally developed and installed playground equipment at Sipherd Neighborhood Park in 1987, and

WHEREAS, at the time of installation, ADA Guidelines were not as inclusive as they now are, and

WHEREAS, replacing the existing playground equipment with new playground equipment will improve the ADA accessibility of the playground and will meet current ADA Guidelines, and

WHEREAS, since the installation of the playground equipment in Sipherd Neighborhood Park it has been repeatedly vandalized to the point that replacement parts are no longer available, and

WHEREAS, due to the age of the existing playground equipment it is scheduled to be removed shortly and soon it is anticipated to not meet current playground safety standards, and

WHEREAS, US Communities went through a sound competitive process for the purchase of playground equipment, awarding a multi-year contract to GameTime, and

WHEREAS, there are no local vendors capable of providing the type of playground equipment required for this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing the award of bid for the purchase of playground

equipment for the Parks, Recreation and Neighborhoods Department by accessing the terms of a competitively bid agreement through US Communities, to GameTime, Novato, CA and authorizing the Purchasing Manager, or his designee, to issue a purchase order in the amount of $52,288.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-373

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO A MANAGEMENT AGREEMENT WITH KEMPERSPORTS, INC. FOR THE GOLF OPERATIONS AT DRYDEN AND CREEKSIDE GOLF COURSES IN THE AMOUNT OF $0.00 (ZERO DOLLARS) FOR A PERIOD FROM OCTOBER 14, 2013 THROUGH OCTOBER 31, 2015

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) entered agreement with FM Golf to provide golf management services to Creekside Golf Course and Dryden Golf Course on June 12, 2012, and

WHEREAS, as part of that agreement, FM Golf agreed to limit the City's contribution to the Golf Fund to $250,000, and

WHEREAS, FM Golf was unable to fulfill that obligation of the agreement, and

WHEREAS, the PRND notified FM Golf of their intention to terminate the agreement on April 11, 2013, and

WHEREAS, the current agreement will expire effective October 11, 2013, and

WHEREAS, on October 1, 2013, the City Council directed staff to enter into negotiations with KemperSports, Inc. to develop a management agreement in the amount of $0.00 (zero dollars) for the period starting October 14, 2013 and ending October 31, 2015, and

WHEREAS, the Management Agreement is anticipated to be through final legal review by Thursday, October 10, 2013 and

WHEREAS, KemperSports is expected to begin operations on October 14, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute all documents related to a

Management Resolution with KemperSports, Inc., for the operations of Creekside and Dryden Golf Courses for a period 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 October, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-374

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 OPERATING BUDGET TO APPROPRIATE $115,000 IN GENERAL FUND RESERVES TO FUND A STARTUP BUDGET WITH KEMPERSPORTS, INC., FOR A MANAGEMENT AGREEMENT TO MANAGE DRYDEN AND CREEKSIDE GOLF COURSES FOR THE PERIOD BETWEEN OCTOBER 14, 2013 AND DECEMBER 31, 2013

WHEREAS, KemperSports, Inc. has been selected to manage Dryden and Creekside Golf Courses, and

WHEREAS, the previous management agreement was a concession agreement, and

WHEREAS, the new agreement is a management agreement, and

WHEREAS, the City of Modesto will now have sole responsibility for all operating expenses and will receive all course revenues at Dryden and Creekside Golf Courses, and

WHEREAS, the proposed scope and budget will be the basis of the management agreement between the City and KemperSports, Inc., and

WHEREAS, the startup budget for this agreement for the period of October 14, 2013 through December 31, 2013 is not to exceed $115,000,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2013-2014 Operating Budget as necessary and to appropriate the startup budget for management of Creekside and Dryden Golf Courses in an amount not to exceed $115,000.

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of October, 2013 by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-375

A RESOLUTION APPROVING THE 2014 CITY COUNCIL MEETING CALENDAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2014 City Council Meeting Calendar, **attached** hereto as **Exhibit "A"**, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

City Council Calendar
2014

January 2014

7th	Council Meeting (regular)
14th	Council Meeting (regular)
21st	NO MEETING
28th	Council Meeting (regular)

February 2014

4th	Council Meeting (regular)
11th	Council Meeting (regular)
18th	NO MEETING
25th	Council Meeting (regular)

March 2014

4th	Council Meeting (regular)
11th	Council Meeting (regular)
18th	NO MEETING
25th	Council Meeting (regular)

April 2014

1st	Council Meeting (regular)
8th	Council Meeting (regular)
15th	NO MEETING
22nd	CANCELLED*
29th	NO MEETING- 5th Tuesday

May 2014

6th	Council Meeting (regular)
13th	Council Meeting (regular)
20th	NO MEETING
27th	Council Meeting (regular)

June 2014

3rd	Council Meeting (regular)
10th	Council Meeting (regular)
17th	NO MEETING
24th	Council Meeting (regular)

July 2014

1st	Council Meeting (regular)
8th	Council Meeting (regular)
15th	NO MEETING
22nd	NO MEETING
29th	NO MEETING – 5th Tuesday

August 2014

6th	Council Meeting (special)**
12th	Council Meeting (regular)
19th	NO MEETING
26th	NO MEETING

September 2014

2nd	Council Meeting (regular)
9th	Council Meeting (regular)
16th	NO MEETING
23rd	Council Meeting (regular)
30th	NO MEETING – 5th Tuesday

October 2014

7th	Council Meeting (regular)
14th	Council Meeting (regular)
21st	NO MEETING
28th	Council Meeting (regular)

November 2014

4th	Council Meeting (regular)
11th	CANCELLED***
18th	NO MEETING
25th	Council Meeting (regular)

December 2014

2nd	Council Meeting (regular)
9th	Council Meeting (regular)
16th	CANCELLED per MMC 2-1.01
23rd	CANCELLED per MMC 2-1.01
30th	CANCELLED per MMC 2-1.01

*April 22nd due to Spring Break
**August 6th Wednesday Meeting due to National Night Out on August 5th
***November 11th due to Veteran's Day

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-376

RESOLUTION APPROVING THE PROTECTED-PERMISSIVE TRAFFIC SIGNALS REPORT FOR 2012

WHEREAS, Traffic Engineering staff does not recommend any changes this year to the Protected-Permissive Traffic Signals, and

WHEREAS, the City now has protected-permissive signal phasing at 51 intersections, and

WHEREAS, 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 51 protected-permissive signalized intersections have acceptable safety records this reporting cycle, and

WHEREAS, the Economic Development Committee approved this report at their September 4, 2013, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Protected-Permissive Traffic Signals Report for 2012.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-377

RESOLUTION APPROVING A REIMBURSEMENT TO QUIK STOP INC. IN THE AMOUNT OF $81,223.63 FOR THE RELOCATION ASSISTANCE AND PURCHASE OF: INVENTORY, REMOVAL OF FUEL TANKS, DEMOLITION, TESTING AND CLEANUP EXPENSES WITHIN THE LIMITS OF THE STATE ROUTE 99 / PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT

WHEREAS, the State Route 99 and Pelandale Interchange improvement project is a State Project to address the traffic congestion problem at Pelandale Avenue and Highway 99 Interchange, and

WHEREAS, improvement of said interchange will require acquisition of right-of-way for State Highway and related local road purposes, and

WHEREAS, On May 22, 2012 the City Council adopted a resolution #2012-188 amending the Fiscal Year 2011/2012 Capital Improvement budget to appropriate $3,096,345 from the Street Capital Facility Fees Fund to the State Route 99/Pelandale Interchange Reconstruction Project for the purpose of total acquisition, and

WHEREAS, On January 31, 2013, the City has obtained legal possession by way of Order for Prejudgment Possession for parcel APN: 135-029-039, and

WHEREAS, as a part of the property acquisition process the City is required to reimburse on-site businesses for incurred expenses as a part of the relocation process, and

WHEREAS, Quik Stop Inc. submitted a work plan and estimated cost for fuel equipment removal, environmental testing, signage removal and equipment relocation and on April 5, 2013 was authorized by City staff to begin work. Subsequently, the work was completed, and on June 6, 2013 Quik Stop Inc. submitted invoices for expenses incurred, and

WHEREAS, City's consultant Musccolino/PICS performed a wall-to-wall account of the Quick Stop Inc. inventory and,

WHEREAS, City's Consultants and Staff has worked diligently with Quik Stop Inc., and has determined the appropriate refundable inventory to be $25,356.63.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves reimbursement to Quik Stop Inc. in the amount of $81,223.63 for the relocation assistance and purchase of inventory, removal of fuel tanks, demolition, testing and cleanup expenses within the limits of the State Route 99 / Pelandale Avenue Interchange Reconstruction project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-378

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR SB-90 STATE MANDATES-REIMBURSEMENT CLAIMS PROCESSING SERVICES FOR THE FINANCE DEPARTMENT TO MGT OF AMERICA, INC., SACRAMENTO, CA, FOR A TWO (2) YEAR INITIAL TERM WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY FOR AN ESTIMATED ANNUAL COST OF $12,500 AND A FIVE (5) YEAR ESTIMATED COST OF $62,500

WHEREAS, Article XIII B, section 6 of the California Constitution provides for reimbursement of costs incurred by local agencies for various State-mandated services. The City of Modesto is eligible to be reimbursed for costs incurred implementing state mandated programs such as administrative license suspension, domestic violence victim assistance and identity theft. Over the last three (3) fiscal years, the City of Modesto has filed SB 90 claims to the State of California in excess of $1,000,000, and

WHEREAS, approval of a Professional Services contract will allow the City to utilize outside subject matter experts (SME) to assist the City in the claims reimbursement program and to ensure that the City's claims are processed within the required time frame, as prescribed by the State of California, and

WHEREAS, the scope of services includes the preparation and filing of eligible claims for annual and first-time mandates, the preparation of indirect cost proposals, providing information regarding new claiming opportunities and providing liaison services with the State Controller on all contested claims., and

WHEREAS, The City Manager authorized the Purchasing Manager to issue Request for Proposals (RFB) for SB-90 State Mandates- Reimbursement Claims Processing services with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, the Purchasing Division issued RFP No. 1314-15 for SB-90 State Mandates- Reimbursement Claims Processing services to four (4) prospective proposers and posted the RFP on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's office. Two (2) companies chose to respond, and

WHEREAS, an evaluation committee comprised of Finance Department staff evaluated the proposals based on the selection criteria listed in the RFP, and

WHEREAS, based on being ranked highest in total evaluation criteria, the committee recommended the award of contract for SB-90 State Mandates- Reimbursement Claims Processing services to MGT of America, Inc., Sacramento, CA, for an estimated total cost of $62,500, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in account # 0100-90001-53300, 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 contract for SB-90 State Mandates- Reimbursement Claims Processing services to MGT of America, Inc., Sacramento, 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 award of contract for SB-90 State Mandates- Reimbursement Claims Processing services to MGT of America, Inc., Sacramento, 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 $62,500.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-379

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MEYERS, NAVE, RIBACK, SILVER & WILSON ("MEYERS NAVE"), A PROFESSIONAL LAW FIRM, TO PROVIDE INTERIM CITY ATTORNEY SERVICES FOR THE CITY, AND APPOINT ADAM LINDGREN AS INTERIM CITY ATTORNEY

WHEREAS, the City Attorney provided her resignation on September 15, 2013 and her last day of service will be November 15, 2013 with her last day in office as November 8, 2013, and

WHEREAS, the City Council needs to appoint an Acting City Attorney to fill the role of City Attorney within City service, and

WHEREAS, the City Manager and Human Resources Director contacted various law firms to determine their availability to provide said services, and

WHEREAS, the City Council met in closed session to discuss the terms of the contract and directed the City Manager and Human Resources Director to negotiate and execute an agreement with Meyers Nave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City Manager to negotiate and enter into an agreement with Meyers Nave, a professional law firm, to provide interim City Attorney services with the City, and appoint Adam Lindgren as Interim City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-380

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; 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) 2013/2014, of at least $100,000, to be made in four installments of $25,000 each,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Chief of Police's Expenditure Plan for the FY 2013/2014 State Supplemental Law Enforcement Services Fund, allocation of at least $100,000 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 regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-381

RESOLUTION AMENDING THE FISCAL YEAR 2013/2014 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; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

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) 2013/2014 of at least $100,000, to be made in four installments of $25,000 each, and

WHEREAS, the adopted FY 2013/2014 Police SLESF allocation in the amount of at least $100,000 will be applied to account number 1340-19999-100724-42140,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2013/2014 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 for police overtime, training, technology, and equipment as shown in **Exhibit A 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 October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

Exhibit A

The SLESF allocation for Fiscal Year 2013/2014 will be applied to:

Revenue	Increase/(Decrease)	Description
To:		
1340-19998-100776-42140	$100,000	Intergov. – State – SLESF Revenue
Expense		
To:		
1340-19998-100776-Appr C	$ 5,000	Svc City Inter-fund (for overtime)
1340-19998-100776-Appr C	$ 5,000	Tools & Field Supplies < $5K
1340-19998-100776-Appr C	$ 60,000	Computer Equip. < $5K
1340-19998-100776-Appr C	$ 9,000	Training Expenses
1340-19998-100776-Appr C	$ 5,000	Office Equipment <$5K
1340-19998-100776-Appr C	$ 16,000	Communications Equip. <$5K
	$100,000	

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-382

RESOLUTION APPROVING THE SALE OF WASTEWATER CAPACITY FROM THE CAPACITY BANK TO FLOWERS BAKING CO., AS SPECIFIED IN MODESTO MUNICIPAL CODE 5-6.909(A) AT THE 1999 ALLOCATION RATE FOR THE CAPACITY BANKING CHARGES

WHEREAS, on January 27, 2009, Council adopted a motion introducing Ordinance No. 3503-C.S. adding Article 9 titled "Wastewater Permitted Capacity Banking and Transfer" to Chapter 6 of Title 5 of the Modesto Municipal Code, and

WHEREAS, under Section 5-6.906(j) "Permitted Capacity which is banked by the City may be assigned, permitted, loaned, or otherwise transferred to the City's Users, transferred as specified in Section 5-6.904, or placed in reserve as prescribed by the City," and

WHEREAS, although the Capacity Banking Ordinance provides for the transfer of permitted capacity, we will be transferring capacity that was allocated in 2007 to all permitted Industrial Users rather than permitted capacity, and

WHEREAS, Flowers Baking Co. of Modesto, LLC ("Flowers") has acquired the leasehold and related business from ARYZTA LLC ("ARYZTA"), successor in interest to Premier Bakery Inc., located at 736 Mariposa Road, Modesto, CA and will discharge wastewater from the facility to sanitary sewer under the terms and conditions of their wastewater discharge permit that was issued August 16, 2013 , and

WHEREAS, at full production, Flowers Baking Co. will manufacture 280,000 pounds of baked goods per production day, and

WHEREAS, to meet these production requirements, Flowers Baking Co. will hire about 100 full time employees with salaries above minimum wage and health insurance, and

WHEREAS, after securing current wastewater capacity from Premier Bakers Inc., Flowers Baking Co., is requesting the following additional wastewater capacity: Flow (gallons) 983,087, BOD (pounds) 44,113 and TSS (pounds) 19,345, and

WHEREAS, as of August 2013, there are current Capacity Bank assets to accommodate this request, and

WHEREAS, Flowers Baking Co. will secure the capacity from the Capacity Bank by payment of $160,254.62 at the1999 allocation rates as described by MMC 5-6.909 as listed: $10.58/gallon Flow, $976.42/pound BOD, and $259.45/pound TSS, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of wastewater capacity from the Economic Incentive Wastewater Treatment Capacity Bank to Flowers Baking Co. of Modesto, LLC as specified in Modesto Municipal Code 5-6.909(a) at the 1999 allocation rate for capacity banking charges.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any 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 October, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-383

RESOLUTION ACCEPTING THE WORK BY HPS MECHANICAL, INC., FOR THE "PRIMARY OUTFALL REHABILITATION PROJECT -PHASE III" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $2,330,664

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Primary Outfall Rehabilitation Project – Phase III has been completed by HPS Mechanical, Inc., in accordance with the contract agreement dated January 8, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Primary Outfall Rehabilitation Project – Phase III is hereby accepted as complete from said contractor HPS Mechanical, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $2,330,664 is authorized as 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 October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-384

RESOLUTION ACCEPTING THE WORK BY DOUG ROSS, INC., DBA CENTRAL VALLEY ASPHALT, FOR THE "RENOVATION OF TENNIS COURTS AT MODESTO HIGH SCHOOL PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $162,183

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Renovation of Tennis Courts at Modesto High School Project has been completed by Doug Ross, Inc., dba Central Valley Asphalt, in accordance with the contract agreement dated June 26, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Renovation of Tennis Courts at Modesto High School Project is hereby accepted as complete from said contractor, Doug Ross, Inc., dba Central Valley Asphalt, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $162,183 is authorized as 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 October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-385

RESOLUTION APPROVING THE LONG RANGE PROPERTY MANAGEMENT PLAN OF THE MODESTO REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34191.5(b)

WHEREAS, California Health and Safety Code Section 34175(b) and the California Supreme Court decision in California Redevelopment Association, et al. versus Ana Matosantos, et al, eliminated Redevelopment Agencies in the State of California effective February 1, 2012 and established Redevelopment Successor Agencies to complete wind down activities; and

WHEREAS, California Health and Safety Code Section 34191.5(b) requires Successor Agencies to prepare and submit a Long Range Property Management Plan (LRPMP) within six months of the issuance of the Finding of Completion from the California Department of Finance(DOF); and

WHEREAS, the purpose of the LRPMP is to identify properties titled in the former Redevelopment Agency's name and address the use or disposition of each property; and

WHEREAS, the former Modesto Redevelopment Agency owned eleven (11) properties:

1. 11th Street Parking Garage
2. 1010 10th Street, 1st Floor Retail Space
3. 9th Street Parking Lot
4. 1125 9th Street – Parking Garage
5. 9th Street – Pedestrian Bridge
6. 1150 9th Street – Modesto Centre Plaza
7. 4 Parcels – Parking Lot at the corner of 10th and H Streets

WHEREAS, the Modesto Redevelopment Successor Agency (Successor Agency) retain Kosmont Companies to prepare the LRPMP; and

WHEREAS, on October 17, 2013, the Successor Agency approved the Long Range Property Management Plan which is hereby **attached**; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Modesto Redevelopment Successor Agency's Long Range Property Management Plan is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22th day of October, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Muratore

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

DRAFT LONG-RANGE PROPERTY MANAGEMENT PLAN

CITY OF MODESTO REDEVELOPMENT SUCCESSOR AGENCY

MODESTO
CALIFORNIA

OCTOBER 2013

Prepared By:

kosmont
companies

KOSMONT COMPANIES
865 S. Figueroa Street, #3500
Los Angeles, CA 90017
Telephone: (213) 417-3300
www.kosmont.com

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Property #5: 9th Street - Pedestrian Bridge 16

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Property #7: 777 10th Street - Parking Lot *(Proposed Courthouse Site)* 20

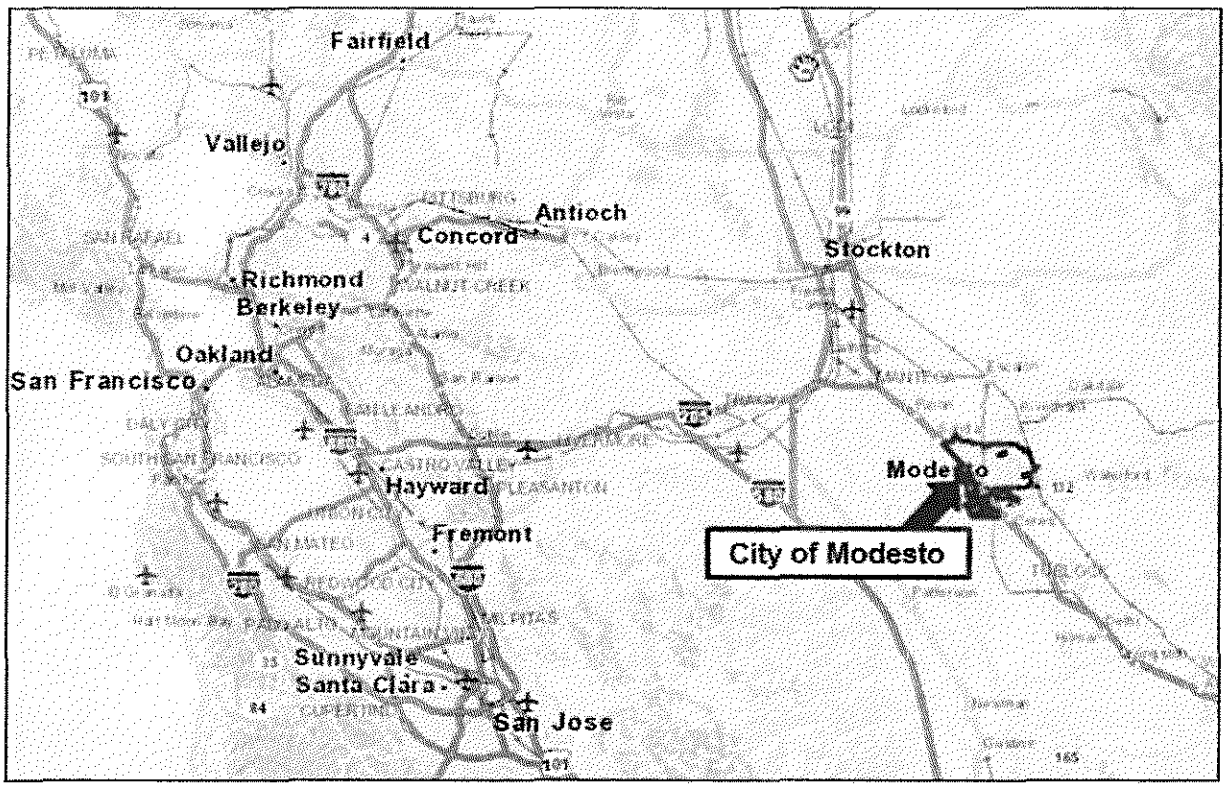
3.0 Attachments .....

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.



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.

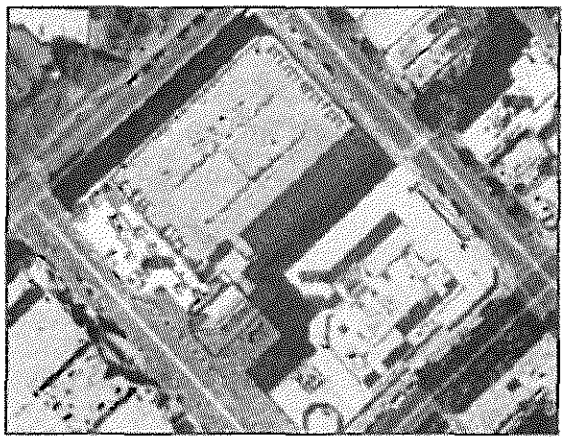
1.2 Successor Agency Property Summary

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.

#	Address/Description	APN	Purpose			
			Public	Econ. Dev.	Liquid.	Enf. Oblig.
1	11th Street Parking Garage	105-037-032	X			X
2	1010 10th Street - 1st Floor Retail	105-037-033; 105-037-034	X			X
3	9th Street Parking Lot	105-041-021	X	X		
4	1125 9th Street - Parking Garage	105-048-006	X			X
5	9th Street Pedestrian Bridge	105-048-008	X			X
6	1150 9th Street - Centre Plaza	105-048-011	X			X
7	777 10th Street - Parking Lot	106-042-01; 106-042,02; 106-042-03; 106-042-04	X	X		

2.0 *Long-Range Property Management Plan (PMP)*

Property #1: 11th Street Parking Garage



Parcel Data – Property #1	
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)*

Acquisition & Valuation Information – Property #1	
Purchase Date	6/29/2001 *(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.
Purpose	To construct a multi-level parking facility for the City-County Administration building and adjacent retail businesses.
Estimate of Current Value	$7,035,624
Method of Valuation	Straight line depreciation on fixed assets.

Revenues Generated by Property & Contractual Requirements – Property #1	
City / Successor Agency Lease Agreement	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) Contractual requirements have been recorded in the form of parking agreements (Attachment A) with regard to parking lot space allocations: of the 727 parking spaces in the parking garage, 377 are dedicated to government employee parking. The parking agreement with Centerra Capital entitles use and occupancy of a maximum of 55 parking spaces. The parking agreement with Civic Partners entitles use and occupancy of available parking spaces on a first come, first served basis utilizing a validation system which neither guarantees nor reserves parking spaces within the Parking Garage. The parking agreement with AIM Property Management entitles use and occupancy of available parking spaces on a first come, first served basis utilizing a validation system which neither guarantees nor reserves parking spaces within the Parking Garage.

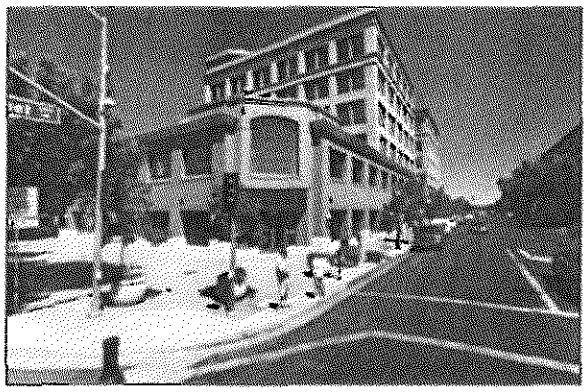
History of Environmental Contamination or Remediation Efforts – Property #1	
None	The Final Environmental Impact Report for The Amended Preliminary Plan for The Modesto Redevelopment Agency, which was prepared for the Redevelopment Agency of the City of Modesto in March 1991, discusses the significant and potentially significant impacts of the redevelopment proposal and proposed mitigation measures. In all cases, the mitigation measures proposed should have reduced impacts to insignificant levels; thus, no significant unavoidable impacts were expected as a result of the redevelopment project (Attachment B).

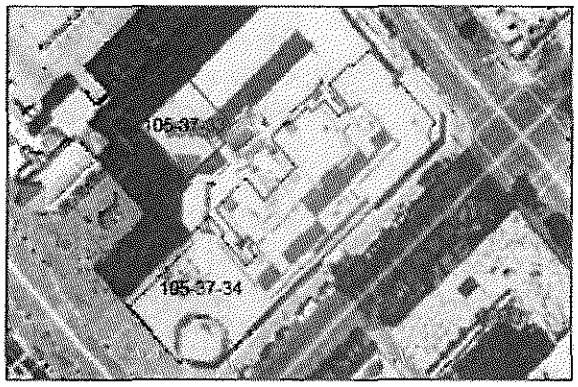
Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #1	
Potential for TOD	Not applicable, fully developed as parking structure.
Agency Planning Objectives	Maintaining the property as parking to support the adjacent City-County government building and retail businesses, is a planning objective identified in former planning Redevelopment Agency planning documents (Attachment C).

Brief History of Previous Development Proposals and Activities – Property #1	
History	Unknown.

Recommendation for Disposition – Property #1	
Retain as Government Use	To transfer the property to the City of Modesto as it serves a government use. Additionally, a portion of the land acquired for the construction of the parking garage was originally owned by the City of Modesto and was transferred to the Modesto Redevelopment Agency without consideration for the purpose of furthering the Tenth Street Plaza project.

Property #2: 1010 10th Street 1st Floor Retail





Parcel Data – Property #2	
Address	1010 10th Street 1st Floor Retail Space
APN	105-37-33,105-37-34
Lot Size	26,984 square feet
Use	Ground Floor Retail in joint City-County Administration Building
Zoning	DC (Downtown Core)
Current Title	Modesto Redevelopment Agency
Improvements	1st floor retail space of the City/County Administration Building

Acquisition & Valuation Information – Property #2	
Purchase Date	8/24/2001 *(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.
Purpose	First floor retail/office leasable space in the multi-story joint administration building from which both the City of Modesto and County of Stanislaus operate. The goal is to provide coordinated and efficient service to the community.
Estimate of Current Value	$956,912
Method of Valuation	Straight line depreciation on fixed assets.

Revenues Generated by Property & Contractual Requirements – Property #2	
City / Successor Agency Lease Agreement	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)* "Pursuant to the DDA and the Master Agreement, Landlord has purchased from the JPA the Retail Airspace Parcel consisting of approximately 27,689 gross square feet, more or less, (the "Premises") located on the ground floor of the JPA Building. The Premises are specifically delineated as Parcels A-1 and A-2 on that certain Record of Survey recorded as Book 26 of Surveys, Page 29, Stanislaus County Records..." "Landlord hereby grants to Tenant the option to purchase the Premises at any time during the term of this Lease (including any Option Term), on the terms and conditions contained in Exhibit C..." (Attachment D)

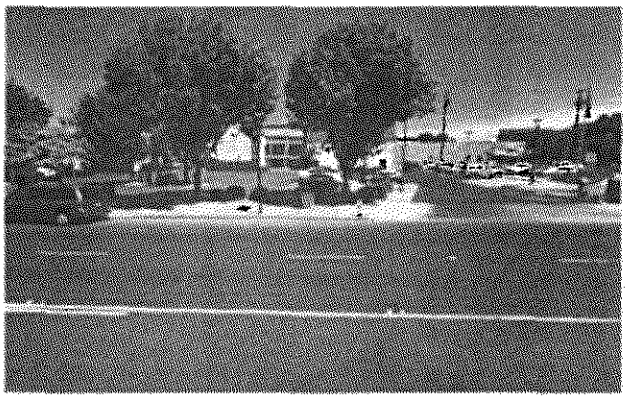
History of Environmental Contamination or Remediation Efforts – Property #2	
None	The Final Environmental Impact Report for The Amended Preliminary Plan for The Modesto Redevelopment Agency, which was prepared for the Redevelopment Agency of the City of Modesto in March 1991, discusses the significant and potentially significant impacts of the redevelopment proposal and proposed mitigation measures. In all cases, the mitigation measures proposed should have reduced impacts to insignificant levels; thus, no significant unavoidable impacts were expected as a result of the redevelopment project (Attachment B).

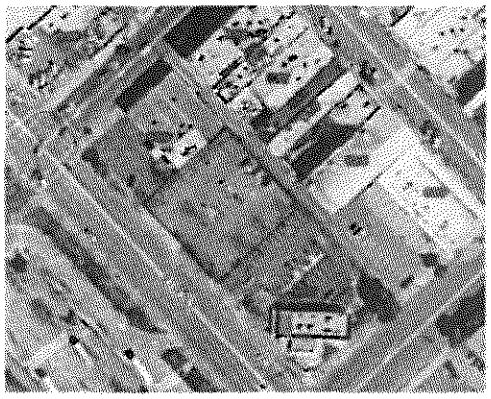
Transit-Oriented Development & Advancement of Agency Planning Objectives – Property # 2	
Potential for TOD	Not applicable, fully developed as a public use facility.
Agency Planning Objectives	To fully complete the sales transaction/purchase option outlined in the Lease Agreement with Option to Purchase By and Between Redevelopment Agency of the City of Modesto and Civic Partners Modesto, Inc.

Brief History of Previous Development Proposals and Activities – Property # 2	
History	Unknown.

Recommendation for Disposition – Property # 2	
Retain as Government Use	To transfer the property to the City of Modesto as it serves a government use and is bound by an enforceable obligation/debt service as well as a lease with option to purchase agreement with Civic Partners. The City of Modesto desires to take ownership of these properties and the accompanying lease agreement "as is" and will be responsible for the management of the lease agreement and the property in accordance with the Joint Powers Authority that governs the City-County Administration Building as well as the terms in the lease agreement.

Property #3: 9th Street Parking Lot





Parcel Data – Property #3	
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

Acquisition & Valuation Information – Property #3	
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.
Purpose	A portion of the parking lot was for the DDA with McDonald's Corporation for the development of a restaurant, associated parking and landscaping, trash enclosures, and restorative work on adjacent parking lot. The asset continues to serve a public purpose as a flat parking lot. The title remains in the RDA's name.
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

Revenues Generated by Property & Contractual Requirements – Property #3	
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.

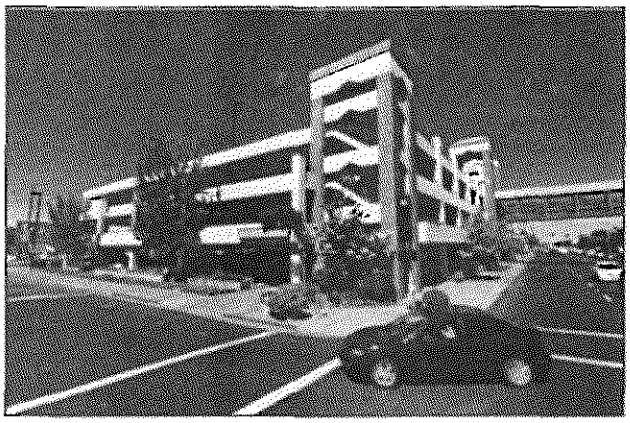
History of Environmental Contamination or Remediation Efforts – Property #3	
None	Unknown.

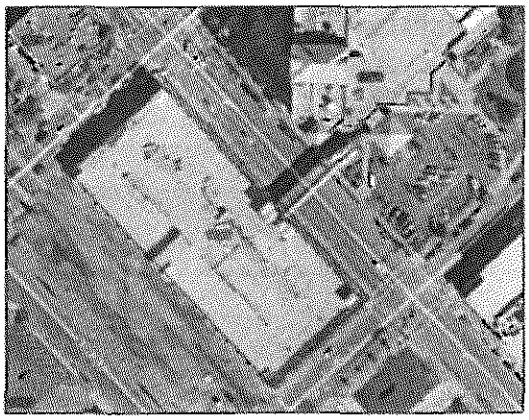
Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #3	
Potential for TOD	The property supports the Modesto Downtown Transportation Center which resides across 9th Street and runs Amtrak, ACE, a connection to BART, Greyhound buses, and all Modesto Area Express lines.
Agency Planning Objectives	The City of Modesto will take responsibility for this property and maintain it in its current flat parking lot state until such a time as a Downtown Core development proposal comes forward for this prime downtown Modesto location.

Brief History of Previous Development Proposals and Activities – Property #3	
History	The DDA with McDonald's Corporation for the development of a restaurant, associated parking and landscaping, trash enclosures and restorative work on adjacent parking lot. Any other development proposals/activities for this parcel are unknown.

Recommendation for Disposition – Property #3	
Retain as Government 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 purposes of disposition to a developer pursuant to a DDA. 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





Parcel Data – Property #4	
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

Acquisition & Valuation Information – Property #4	
Purchase Date	6/30/1988 *(date placed in service as a fixed asset)*
Purchase Price	New Construction
Funding Source	Land was purchased using City general fund monies; construction loan/financing obtained by pledging tax increment.
Purpose	To construct a multi-level parking garage in support of the Community Center construction project.
Estimate of Current Value	$1,714,740
Method of Valuation	Straight line depreciation on fixed assets.

Revenues Generated by Property & Contractual Requirements – Property #4	
City / Successor Agency Lease Agreement	Annual revenue generated equals $175,051. 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. This agreement reduces every time the monthly parking pass is increased and also allocates parking spaces between the agencies (Attachment F): of the 787 parking spaces in the parking garage, 160 are dedicated to government employee parking. This property costs $300,637 to maintain each year. In addition, this property is included in the debt service payments with the Modesto Centre Plaza and the 9th Street Pedestrian Bridge – this annual payment is $1,961,450.

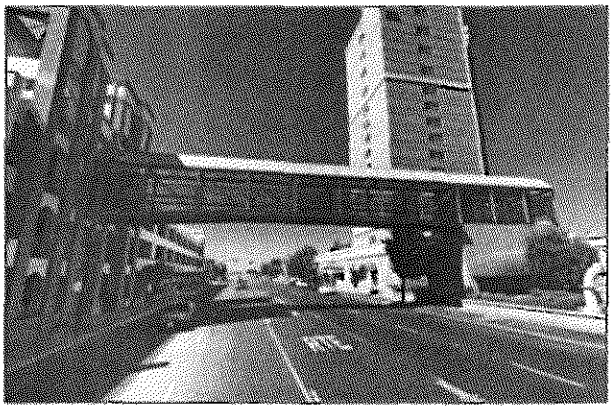
History of Environmental Contamination or Remediation Efforts – Property #4	
None	This location is part of six properties subject to the Oversight Agreement within a project area as defined in Health and Safety Code Section 33320.1. Passive soil gas surveys conducted by the Regional Water Quality Control 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.*

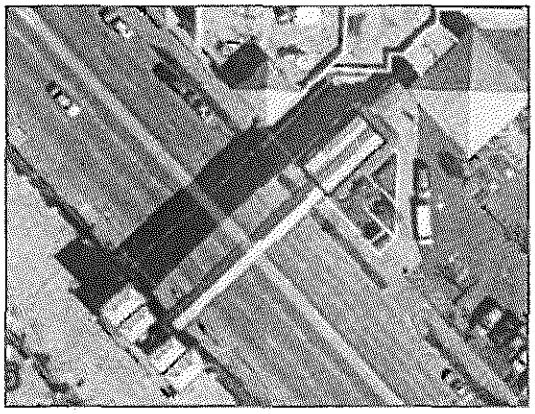
Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #4	
Potential for TOD	Not applicable, fully developed as parking structure.
Agency Planning Objectives	Maintaining the property as parking to support the Modesto Centre Plaza/Community Center is a planning objective identified in former planning Redevelopment Agency planning documents (See Attachment G).

Brief History of Previous Development Proposals and Activities – Property #4	
History	To construct the existing multi-level parking garage in support of the Community Center.

Recommendation for Disposition – Property #4	
Retain as Government Use	To transfer the property to the City of Modesto as it serves a government use. The City of Modesto desires to take ownership of this property and the accompanying parking agreement "as is" as it is already responsible for the management of the agreement and the annual maintenance of this facility.

Property #5: 9th Street Pedestrian Bridge





Parcel Data – Property #5	
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 hotel/community center.

Acquisition & Valuation Information – Property #5	
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.
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

Revenues Generated by Property & Contractual Requirements – Property #5	
City / Successor Agency Lease Agreement	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.

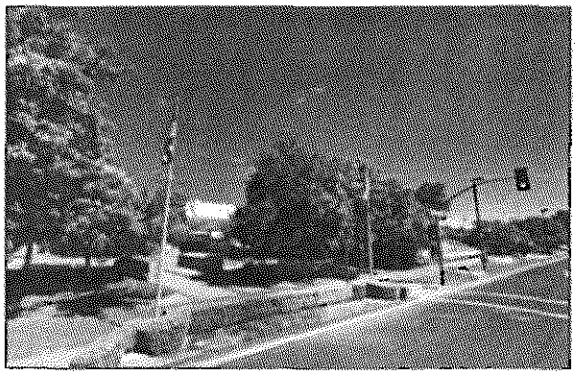
History of Environmental Contamination or Remediation Efforts – Property #5	
None	Unknown.

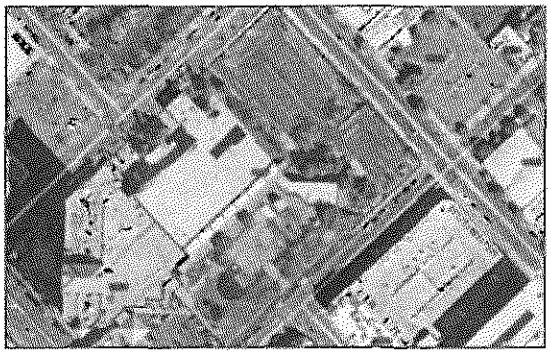
Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #5	
Potential for TOD	Not Applicable.
Agency Planning Objectives	Maintaining the property pedestrian bridge to provide access from parking garage to Modesto Centre Plaza/Community Center is a planning objective identified in the 1983 RDA Master Plan (Attachment G).

Brief History of Previous Development Proposals and Activities – Property # 5	
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).

Recommendation for Disposition – Property # 5	
Retain as Government 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





Parcel Data – Property #6	
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

Acquisition & Valuation Information – Property #6	
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; construction loan/financing obtained by pledging tax increment.
Purpose	Centre Plaza
Estimate of Current Value	$4,001,166
Method of Valuation	Straight line depreciation on fixed assets.

Revenues Generated by Property & Contractual Requirements – Property #6	
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 The Modesto Centre Plaza is under a catering contract with the DoubleTree Hotel (Attachment H). Revenue from this catering contract is included in the line item for "Commissions." 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.

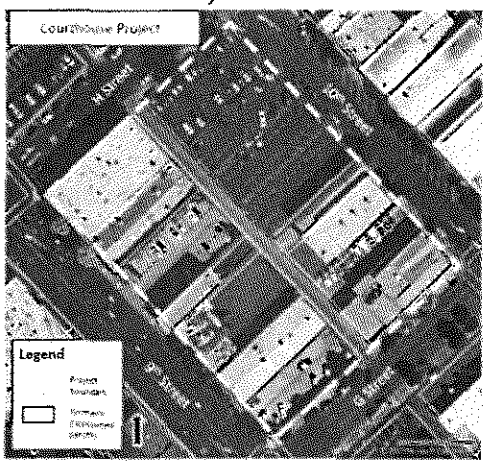
History of Environmental Contamination or Remediation Efforts – Property #6	
None	Prior to purchase by the City of Modesto, the Modesto Centre Plaza site was occupied by Bradbury's Cleaners. During construction and demolition work at the site, four leaking underground storage tanks used to store Stoddard 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.*

Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #6	
Potential for TOD	Not applicable, fully developed as a 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).

Brief History of Previous Development Proposals and Activities – Property #6	
History	Unknown.

Recommendation for Disposition – Property #6	
Retain as Government Use	Transfer of property to the City of Modesto for government use. The City of Modesto desires to take ownership of this property and the accompanying catering agreement "as is" as it is already responsible for the management of the agreement and the operations (including maintenance) of this facility.

Property #7: 777 10th Street – Parking Lot *(Proposed Courthouse Site)*



Parcel Data – Property #7	
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	Flat Parking Lot

Acquisition & Valuation Information – Property #7	
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 DDA.
Purpose	Use from pre-1987 to present is a flat 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 for public disclosure.

Revenues Generated by Property & Contractual Requirements – Property #7	
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.

History of Environmental Contamination or Remediation Efforts – Property #7	
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.

Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #7	
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).

Brief History of Previous Development Proposals and Activities – Property #7	
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.

Recommendation for Disposition – Property #7	
Retain as Government 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.

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

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.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-386

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, AUTHORIZING A SHORT-TERM EXTENSION OF THE IRREVOCABLE DIRECT PAY LETTER OF CREDIT SUPPORTING THE MODESTO PUBLIC FINANCING AUTHORITY LEASE REVENUE REFUNDING BONDS, SERIES 2008

WHEREAS, the Modesto Public Financing Authority (the "Authority"), at the direction of the City of Modesto (the "City"), has issued its Lease Revenue Refunding Bonds, Series 2008 (the "Bonds"); and

WHEREAS, the Bonds were issued to refund the Authority's Lease Revenue Bonds, Series 1998 (Capital Improvement and Refinancing Project) and the Authority's Lease Revenue Refunding and Capital Improvement Bonds, Series 2007 (collectively, the "Prior Bonds"); and

WHEREAS, the Prior Bonds were issued in order to assist in the financing or refinancing of certain public capital improvements in the City, which included the following: (i) rehabilitating and constructing the John Thurman Field baseball stadium; (ii) leasing and constructing improvements to the 10th Street Place Project; (iii) acquiring, constructing and improving the police headquarters building and the Communication Dispatch Center and (iv) leasing and constructing improvements made with respect to five public parks in the City; and

WHEREAS, the City has obtained an irrevocable direct-pay letter-of-credit (the "Bank of America LOC") from Bank of America, N.A. (the "Bank") to provide liquidity support for the Bonds, and, in connection with the Bank of America LOC, the City has entered into an Amended and Restated Reimbursement Agreement, dated August 16, 2011, as amended by Amendment No. 1 to the Amended and Restated Reimbursement

Agreement, dated August 29, 2012 (collectively, the "Amended and Restated Reimbursement Agreement"), each by and among the City, the Authority and the Bank; and

WHEREAS, the Bank of America LOC expires on November 30, 2013; and

WHEREAS, the Bonds require the City maintain liquidity support for the Bonds; and

WHEREAS, the City desires to extend the Bank of America LOC prior to October 31, 2013 in order to allow enough time to execute documents associated with a replacement letter-of-credit.

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

Section 1. Findings. The Council of the City of Modesto finds and determines that the statements, findings and determinations set forth above, and in the preambles of the documents approved herein, are true and correct.

Section 2. Approval of Short-Term Extension of Bank of America LOC. The City Council authorizes the Mayor, the City Manager, the Director of Finance, the City Clerk or the designee of any of the foregoing (each, an "Authorized Officer") to obtain, in accordance with terms of the Amended and Restated Reimbursement Agreement, a short-term extension of the Bank of America LOC to a date not later than February 28, 2014.

Section 3. Authorization to Enter Negotiations with Banking Institutions for Replacement Credit Facility. The City Council authorizes each Authorized Officer to enter into negotations with one or more banking institutions to provide a long-term

replacement of the Bank of America LOC (the "Replacement Credit Facility") and to submit to the City Council at the conclusion of such negotiations, the Replacement Credit Facility for approval by the City Council.

Section 4. Other Actions. Each Authorized Officer is authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which each may deem necessary or desirable in order to consummate the transactions authorized hereby and otherwise to carry out, give effect to, and comply with, the terms and intent of this resolution, and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. 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 22nd day of October, 2013, by Councilmember Lopez, who moved for its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-387

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS BY LONGS DRUG STORES CALIFORNIA L.L.C. FOR THE CVS PHARMACY AT MCHENRY VILLAGE LOCATED AT 1700 MCHENRY, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, LONGS DRUG STORES CALIFORNIA, L.L.C., ("DEVELOPER"), is the developer of the CVS PHARMACY ("DEVELOPMENT"), and

WHEREAS, the Construction Administration Office of the Utility Planning and Projects Department has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have paid, and

WHEREAS, the Public Works Department will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS as noted in the offsite cost estimate, and

WHEREAS, as required by the City of Modesto, DEVELOPER has filed a Faithful Performance Bond in the amount of $274,670.00, and a Payment Bond in the amount of $274,670.00, and

WHEREAS, as required by the City of Modesto, DEVELOPER has filed a Warranty Bond in the amount of $27,467.00, and

WHEREAS, the Construction Administration Office of the Utility Planning and Projects Department has signed off the Encroachment permit, indicates that all work required by the City of Modesto, and the improvements have been completed to the satisfaction of the Public Works Department, and

WHEREAS, the Public Works Director has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS and public improvements in the DEVELOPMENT as complete, authorize the City Clerk to file a Notice of Completion, and to release the securities upon expiration of the statutory periods,

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

1. The said PUBLIC IMPROVMENTS constructed by the DEVELOPMENT are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.

2. The City Clerk is hereby authorized to release the DEVELOPMENT Faithful Performance Bond in the amount of $274,670.00, upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the Faithful Performance Bond in the amount of $274,670.00, upon recordation of the Notice of Completion.

4. The City Clerk is hereby authorized to release the Warranty Bonds in the amount of $27,467.00 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-388

A RESOLUTION APPROVING A PREQUALIFIED ON-CALL CONSULTANT LIST FOR GEOTECHNICAL ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS

WHEREAS, the Community and Economic Development Department anticipates developing several Capital Improvement Projects that require geotechnical engineering services that are beyond the City's current staffing levels and workload to accomplish in a timely manner, and

WHEREAS, Community and Economic Development Department has found it necessary to utilize an on-call consultant list for geotechnical engineering services, and

WHEREAS, retaining prequalified consultants allows the division to have quick access to specific geotechnical services when needed, and

WHEREAS, using experienced consultants provides a quick turnaround, which is essential for an efficient response to the large undertaking of projects, and

WHEREAS, the goal in having an on-call consultant list is to promote project cost savings, which is a positive budget impact to the Capital Improvement Program, and

WHEREAS, all three consultant firms have established experience and were the most qualified consultants from those who submitted Statement of Qualifications, and

WHEREAS, City staff recommends approving the prequalified on-call consultant list as follows:

- Blackburn Consulting, Modesto, CA
- Kleinfelder West Inc., Modesto, CA
- Cardno ATC, Modesto, CA

WHEREAS, the selected consultant will be determined on a project basis once a scope of work and contract have been negotiated with the most qualified firm(s) from the on-call consultant list.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified on-call consultant list for geotechnical engineering services for three years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-389

RESOLUTION APPROVING AN AGREEMENT WITH DOKKEN ENGINEERING FOR DESIGN SUPPORT DURING CONSTRUCTION OF THE STATE ROUTE (SR) 99 / PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT IN THE AMOUNT OF $200,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project is a project to address the traffic congestion at the State Route 99/Pelandale Avenue Interchange, and

WHEREAS, in an effort to accelerate planning and construction of the interchange improvements, the City Council approved $1.3M in the FY2005-06 Capital Improvement Program and subsequently approved staff's request to explore the City of Modesto taking the lead on the State Route 99/Pelandale Avenue Interchange Improvements – Project Approval and Environmental Document (PA&ED), and

WHEREAS, following Council approval, City staff worked with the California Department of Transportation (Caltrans) and StanCOG to obtain lead agency status for this project, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on February 3, 2009, the City Council, by Resolution No. 2009-058, approved a Cooperative Agreement between the City of Modesto and Caltrans for the preparation of Plans Specifications and Estimates (PS&E) for the State Route

99/Peleandale Avenue Interchange Reconstruction Project. This Cooperative Agreement formalized the City's lead agency status for preparation of PS&E, and

WHEREAS, Plans, Specifications and Estimates (PS&E) have been completed by the Dokken Engineering and Encroachment Permit No. 1012-NMC-0741 has been issued by Caltrans, and

WHEREAS, On November 14, 2006, the City and Dokken Engineering entered into an agreement, City Council Resolution No. 2006-720, to prepare Project Approval and Environmental Document (PA&ED). Dokken Engineering completed PA&ED and was approved by California Department of Transportation (Caltrans) on December 21, 2009, and

WHEREAS, On March 9, 2010, the City and Dokken Engineering entered into an agreement, City Council Resolution No. 2010-90, to prepare Plans, Specifications and Estimates (PS&E) for State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, On February 14, 2012, the City and Dokken Engineering entered into a third amendment to the agreement, City Council Resolution No. 2012-63, to include Right of Way Engineering, Appraisals and Acquisition Services, and

WHEREAS, on October 8, 2013, the California Transportation Commission, by Resolution No. R99-A-1314-01, approved the financial allocation of $43,800,000 of Proposition 1B Bond Savings for the locally administered Pelandale Interchange Reconstruction (PPO 9460) SR99 project, in Stanislaus County, on State Highway System, and

WHEREAS, the City must secure engineering design support during time of construction, and

WHEREAS, City staff has determined it is in the best interest of the public and the City of Modesto to hire Dokken Engineering for design support during as the most qualified and efficient firm to provide design support services for the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Dokken Engineering for design support during construction of State Route (SR) 99/Pelandale Avenue Interchange Reconstruction in an amount not to exceed $200,000.

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 Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-390

RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF CHESTERTON SEALS AND RELATED PARTS FOR THE PUBLIC WORKS DEPARTMENT, WASTEWATER DIVISION, TO PAN PACIFIC SUPPLY COMPANY, CONCORD, CA, 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 $75,000

WHEREAS, Chesterton Seals and parts are used for several different pumps at the Sutter and Jennings Treatment Plants, Lift Stations and Wells throughout the City, and

WHEREAS, Chesterton seals have been specified by engineering and installed on most pumps with mechanical seals, and

WHEREAS, the majority of the Chesterton seals have a 442 split seal, which allows the metal cartridge housing to be re-used; this type of seal saves more than half the cost of replacing a complete seal, and

WHEREAS, if a different brand seal were to be purchased a complete modification to the pump would be required to use a different brand seal, and

WHEREAS, Pan Pacific Supply Company is the exclusive authorized distributor for AW Chesterton products for Northern California, and

WHEREAS, The Modesto Municipal Code, MMC 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 8-3.204 (b), which states that where the Purchasing Agency's requirements can be met solely by a single article or process. The

sole source procurement for the purchase of Chesterton Seals and related parts for the Public Works Department, Wastewater Division, to Pan Pacific Supply Company, Concord, CA, conforms to the Modesto Municipal Code, 8-3-204 (b).

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the purchase of Chesterton seals and related parts in the following appropriation units:

Wastewater accounts: 4210-54313-53150, 4210-54314-53150, and 4210-54315-53150 and

Water account: 4100-55090-53150

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 Chesterton seals and related parts for the Public Works Department, Wastewater Division, to Pan Pacific Supply Company, Concord, CA.

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 $75,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-391

RESOLUTION APPROVING THE TRANSFER OF TITLE FOR ONE PIERCE VELOCITY FIRE ENGINE TO THE CITY OF MODESTO FROM THE MODESTO REGIONAL FIRE AUTHORITY

WHEREAS, the City of Modesto is a member of the Modesto Regional Fire Authority Joint Powers Agreement, and

WHEREAS, the a transition plan for the transfer of apparatus, vehicles and facilities from the partner agencies to the Modesto Regional Fire Authority, as specified in the Joint Powers Agreement, has not yet been implemented, and

WHEREAS, the City of Modesto contributed funds to the Modesto Regional Fire Authority for the purchase a new fire engine in the Fiscal Year 2013 budget , and

WHEREAS, the Modesto Regional Fire Authority pays into the City's property insurance program for existing vehicles and apparatus and does not have its own property insurance, and

WHEREAS, the Board of Directors of the Modesto Regional Fire Authority voted at their October 3, 2013 meeting to request the partner agencies take title to the engines they funded through their contributions

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the transfer of title of one Pierce Velocity fire engine from the Modesto Regional Fire Authority to the City of Modesto

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 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

Exhibit A

Due to the need to purchase new GPS equipment a new sub-fund needs to be created for this purchase and future replacement of survey equipment related to Capital Improvement Support. The total anticipated costs for the new equipment are $54,198. This will be accomplished by an initial appropriation in the form of a loan from the Water Fund in the amount of $54,198, which will be transferred into this new sub-fund to purchase the new equipment. The new equipment will be used to perform survey tasks to the benefit of a variety of CIP's across multiple funding sources. However, a historical tabulation of hours spent by field survey staff indicates the majority of field survey time, on average, was spent to the benefit of water fund CIP's.

Revenues deposited into the new sub-fund will then be used to repay the Water Fund on a monthly basis until a sum of $51,785 is repaid over a five year term. This repayment amount is different from the initial transfer because Water Fund Reserves were previously used to purchase a new GPS data collector in the amount of $8,389. However, Water Fund will share a proportionate cost of the new equipment in the amount of $10,802 as a portion of the new equipment will be used solely to the benefit of the water fund.

Revenues into the new sub-fund will accrue at a rate of $17 per hour spent using the equipment for survey work performed on CIP's. This rate is based on a projected estimate of hours of use of the equipment, and repayment of the full $51,785 back to the Water Fund within a period of five years. Staff will review and recommend adjustment of this hourly rate, as necessary, during the normal annual budget update process. After repaying the initial loan to the Water Fund, the new sub-fund will continue to accrue revenue which will be used for the future purchases of replacement survey equipment.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-392

RESOLUTION ACCEPTING THE AB 109 FUNDS FROM THE STATE OF CALIFORNIA, BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC), FOR A MINIMUM OF $541,473 FOR POLICE OVERTIME, SPECIALIZED TRAINING, EQUIPMENT, AND TECHNOLOGY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, California Assembly Bill AB 109, commonly called "Public Safety Realignment," was enacted in 2011, and

WHEREAS, individuals are eligible for local supervision if their most recent conviction was a non-violent, non-serious, and non-sexual offense and will be supervised under local probation departments as "Post-Release Community Supervision" (PRCS) offenders, and

WHEREAS, AB 109 has changed the responsibility of the PRCS offenders to local probation departments rather than state parole jurisdiction, and

WHEREAS, offenders are serving their sentences in local jails, rather than state prison, and

WHEREAS, on March 28, 2013, the Chief of Modesto, Oakdale, Turlock and Ceres to determine the allocation and use of the funds provided through the BSCC for front line law enforcement, and

WHEREAS, it was determined that the funding would be allocated via population using the formula similar to SDEA funding, and

WHEREAS, Modesto will receive a minimum of $541,473, and

WHEREAS, the Modesto Police Department will use the Public Safety Realignment Funds for police overtime, specialized training, equipment, and technology, and

WHEREAS, police overtime costs will be used for special interagency operations and target enforcements, and

WHEREAS, the Department will purchase crime analysis and position allocation software,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the AB 109 funds from the State of Califronia, Board of State and Community Corrections (BSCC), for a mininum of $541,473 for police overtime, specialized training, equipment, and technology,

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 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-393

RESOLUTION AMENDING THE MULTI-YEAR 2013/2014 OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF AT LEAST $541,473 FOR THE CITY OF MODESTO'S AB 109 ALLOCATION FROM THE STATE OF CALIFORNIA, BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC); AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, California Assembly Bill AB 109, commonly called "Public Safety Realignment," was enacted in 2011, and

WHEREAS, individuals are eligible for local supervision if their most recent conviction was a non-violent, non-serious, and non-sexual offense and will be supervised under local probation departments as "Post-Release Community Supervision" (PRCS) offenders, and

WHEREAS, AB 109 has changed the responsibility of the PRCS offenders to local probation departments rather than state parole jurisdiction, and

WHEREAS, offenders are serving their sentences in local jails, rather than state prison, and

WHEREAS, on March 28, 2013, the Chief of Modesto, Oakdale, Turlock and Ceres to determine the allocation and use of the funds provided through the BSCC for front line law enforcement, and

WHEREAS, it was determined that the funding would be allocated via population using the formula similar to SDEA funding, and

WHEREAS, Modesto will receive a minimum of $541,473, and

WHEREAS, the Modesto Police Department will use the Public Safety Realignment Funds for police overtime, specialized training, equipment, and technology, and

WHEREAS, police overtime costs will be used for special interagency operations and target enforcements, and

WHEREAS, the Department will purchase crime analysis and position allocation software, and

WHEREAS, these funds result in increased revenue and offsetting expenses to the City for a minimum of $541,473 and these funds will reside in Multi-Year Operating Account 1342-19999-42131-100761,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Multi-Year 2013/2014 Operating Budget to appropriate revenues and expenditures of at least $541,473 for City of Modesto's AB 109 allocation from the State of California, Board of State and Community Corrections (BSCC),

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 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-394

RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF CRIME ANALYSIS AND SOFTWARE FOR THE MODESTO POLICE DEPARTMENT, TO OMEGA GROUP, SAN DIEGO, CALIFORNIA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY APPLICABLE CONTRACT/AGREEMENT FOR AN ESTIMATED TOTAL COST OF $76,853

WHEREAS, the Modesto Police Department is in need to purchase crime analysis and software to reduce the time consumed providing analysis services to officers and investigators, and

WHEREAS, currently, The Omega Group, San Diego, California, is the sole manufacturer and distributor of the equipment to law enforcement agencies, and

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

WHEREAS, however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, MMC Section 8-3.204(b), states whereas the Purchasing Agency's requirements can be met solely by a single article or process; the sole source procurement for the purchase of crime analysis and software to reduce the time consumed providing analysis services to officers and investigators for the Modesto Police Department, to The Omega Group, San Diego, California, 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 a sole source procurement for the purchase of crime

analysis and software to reduce the time consumed providing analysis services to officers and investigators for the Modesto Police Department, to The Omega Group, San Diego, California.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any applicable contract/agreement for an estimated total cost of $76,853.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-395

RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF RESOURCE ALLOCATION SOFTWARE FOR THE MODESTO POLICE DEPARTMENT, TO CORONA SOLUTIONS, DENVER, COLORADO, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY APPLICABLE CONTRACT/AGREEMENT FOR AN ESTIMATED TOTAL COST OF $22,300

WHEREAS, the Modesto Police Department would like to purchase Corona Solution for Ops Force Deploy, and

WHEREAS, Corona Solutions is the sole source for computer software that uses a complex mathematical queuing model, as well as various other complex computations and algorithms, specifically optimized for resource deployment, staffing, scheduling and roster building, and

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

WHEREAS, however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, MMC Section 8-3.204(b), states whereas the Purchasing Agency's requirements can be met solely by a single article or process; the sole source procurement for the purchase of resource allocation software for the Modesto Police Department, to Corona Solutions, Denver, Colorado, 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 a sole source procurement for the purchase of

resource allocation software for the Modesto Police Department, to Corona Solutions, Denver, Colorado.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any applicable contract/agreement for an estimated total cost of $22,300.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-396

A RESOLUTION APPROVING AN AMENDMENT TO THE CURRENT LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND AVIS RENT A CAR SYSTEM, LLC

WHEREAS, Avis Rent A Car System, LLC uses the Modesto City-County Airport as a rental car business location, and

WHEREAS, on August 8th, 1995 the City Council approved by Resolution No. 95- 405 a lease agreement with Avis Rent A Car System, LLC, and

WHEREAS, during Fiscal Year 2012-2013 the lease was reviewed by the City's Risk Management Division. The City's Risk Management Division provided updated insurance requirements to be included in the property lease agreement between the City and Avis Rent A Car System, LLC, and

WHEREAS, Avis Rent A Car System, LLC has provided insurance documents that meet the City insurance requirements that have been reviewed and approved by City Risk Management

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease amendment between the City of Modesto and Avis Rent A Car System, LLC.

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 November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-397

RESOLUTION APPROVING AN AIRPORT LEASE AGREEMENT WITH BUDGET RENT A CAR SYSTEMS, INC. AS A CAR RENTAL CONCESSION AT THE MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Budget Rent A Car Systems, Inc. seeks to be a concessioner at the Modesto City-County Airport, and

WHEREAS, Budget Rent A Car Systems, Inc. concession lease agreement indicates they will share counter space with Avis Rent A Car System, LLC, and

WHEREAS, Budget Rent A Car Systems, Inc. agrees to pay a monthly commission of 7.8% of monthly gross auto sales or $12,000 per year, whichever is greater, and

WHEREAS, the first year annual revenue from Budget Rent A Car Systems, Inc. concession is estimated between $15,000-$20,000 in new revenue, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Concession Lease Agreement between the City of Modesto and Budget Rent A Car Systems, Inc.

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 November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-398

A RESOLUTION RESCINDING RESOLUTION 2013-261 AND RE-APPROVING THE WOODGLEN SPECIFIC PLAN FOR THE DEVELOPMENT OF APPROXIMATELY 72 NET ACRES LOCATED NORTH OF PELANDALE AVENUE, EAST OF CARVER ROAD, SOUTH OF BANGS AVENUE AND WEST OF TULLY ROAD, WITH THE ADDED REQUIREMENT TO COMPLY WITH LAFCO'S AGRICULTURAL PRESERVATION POLICY (FITZPATRICK HOMES)

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, the Modesto Urban Area General Plan includes a policy that requires the preparation of a comprehensive plan for all Comprehensive Planning Districts, and

WHEREAS, the Modesto Urban Area General Plan allows the implementation of a comprehensive plan through specific plans, as defined by Government Code Section 65450 et. seq., and

WHEREAS, the Woodglen Specific Plan is located in the southeast portion of the Kiernan/Carver Comprehensive Planning District that consists of a total of 1,380 acres, and

WHEREAS, in November of 2005, the Woodglen Specific Plan ("Project") application was filed by Fitzpatrick Homes ("Applicant"), to allow for the development of approximately 80 gross acres located north of Pelandale Avenue, east of Carver Road, South of Bangs Avenue and west of Tully Road ("Property"), and

WHEREAS, the proposed Woodglen Specific Plan includes approximately 55 net acres of single-family residential land use with a buildout potential of 353 dwelling units, eight (8) net acres of multi-family residential land use with a buildout potential of 180 dwelling units, nine (9) net acres of open space, and interior roadways, and

WHEREAS, a Final Environmental Impact Report was prepared for the Woodglen Specific Plan (SCH No. 2007042087) which analyzed the potential environmental effects of the proposed Project, and

WHEREAS, on June 17, 2013, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to this proposed Woodglen Specific Plan was considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2013-09, recommending to the City Council an approval of the Woodglen Specific Plan, and

WHEREAS, the final adopted specific plan will include a note that future development will be subject to review against applicable design guidelines to ensure architecturally sensitive placement of roof-mounted solar panels and/or other photovoltaic equipment, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on July 9, 2013, 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 Woodglen Specific Plan, and

WHEREAS, on July 9, 2013, the City Council adopted Resolution No. 2013-261 approving the Woodglen Specific Plan, and

WHEREAS, on September 25, 2013, the Stanislaus Local Agency Formation Commission (LAFCo) considered the project applicant's request for annexation to the City of Modesto and continued the matter to December 4, 2013, for the purpose of providing time for the City of Modesto to require the project to comply with the LAFCo Agricultural Preservation Policy, and

WHEREAS, in a letter dated October 4, 2013, the project applicant's representative requests that the City of Modesto impose a requirement that the project comply with the LAFCo Policy.

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

1. The proposed Woodglen Specific Plan is consistent with the Modesto Urban Area General Plan, because:

    a. The proposed specific plan complies with the requirement to prepare a comprehensive plan for Comprehensive Planning Districts; and

    b. The proposed development of the Property is consistent with the Village Residential designation for the site; and

    c. The location of the Property immediately adjacent to the existing City limits and within the Sphere of Influence is consistent with 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."

2. The proposed Woodglen Specific Plan is consistent with the Final Environmental Impact Report for the Woodglen Specific Plan Project (SCH No. 2007042087) and has been adequately analyzed by the EIR.

BE IT FURTHER RESOLVED that Modesto City Council Resolution No. 2013-261 is hereby rescinded.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Woodglen Specific Plan, on file in the office of the Community and Economic Development Department and incorporated herein by reference, is hereby adopted.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said Woodglen Specific Plan to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that prior to issuance of any grading permit, issuance of any building permit or recording of any final map for the Woodglen project, whichever occurs first, the applicant shall provide proof of recordation a minimum of 73.68 acres of permanent agricultural easement on lands of equal or better soil quality to the Woodglen project site, with a dependable and sustainable supply of irrigation water and located within Stanislaus County, and not already effectively encumbered by a conservation easement of any nature – or payment of an equivalent in-lieu fee to the City or an established, qualified public or non-profit agency that has the legal and technical ability to hold and administer agricultural preservation easements.

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 the specific plan (File

No. P-SPL-04-001). 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-399

RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO WASTEWATER MASTER PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH#2006052076) AND GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH# 2007072023): AREA 2 STORM DRAIN CROSS CONNECTION REMOVAL PROJECT – PHASE 1 GARRISON PARK

WHEREAS, the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park is the first of four phases of cross connection removal projects in the City of Modesto as provided for by the City of Modesto Wastewater Master Plan, and

WHEREAS, Phase 1 Garrison Park proposes to remove three storm drain to sewer cross-connections and twenty failed rock wells within a 24-acre tributary area, and

WHEREAS, in their place, approximately 3,600 feet of 24-inch and 30-inch storm drain piping will be installed to convey storm runoff to an underground storm drainage retention/infiltration system at Garrison Park, and

WHEREAS, on March 13, 2007, the City Council, by Resolution No. 2007-178 certified the Final Wastewater Master Plan Master (WWMP) Environmental Impact Report (SCH No. 2006052076, EA/PW2008-03) for the WWMP, and on October 14, 2008, by Resolution No. 2008-582, the City Council certified the Final Modesto Urban Area General Plan Plan Master Environmental Impact Report (SCH No. 2007072023), and

WHEREAS, the Utility Planning and Projects Department has prepared an Initial Study, Environmental Assessment No. EA/UP&P 2013-04 for the proposed Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park, which concluded that the project is within the scope of the Final Wastewater Master Plan Master Environmental Impact Report for the City of Modesto Wastewater Master Plan Update

(SCH No. 2006052076, EA/PW2008-03), and the General Plan Master Environmental Impact Report (SCH No. 2007072023) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required, and

WHEREAS, pursuant to Public Resources Code Section 21081 and 21158(d), the City of Modesto finds that no new effects could occur or no new mitigation measures would be required, therefore the activity is within the scope of the project covered by the Master EIR and no new environmental review is required, and

WHEREAS, in accordance with CEQA guidelines on July 26, 2013, 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 Master EIR, and

WHEREAS, said matter was considered by the City Council at a special meeting on November 6, 2013, 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 type of project is described in Chapter II of the Wastewater Master Plan Master EIR.

2. All applicable policies, regulations, and mitigation measures identified in the Wastewater Master Plan Master EIR and Modesto General Plan Master EIR have been applied to the project.

3. An Initial Study, EA/UP&P 2013-04, 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 Wastewater Master Plan Master EIR and the General Plan Master EIR and whether the subsequent project was described in the Master EIRs and is within the scope of the Master EIRs.

4. Based on the Initial Study, the City of Modesto finds and determines:

    a. The proposed 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 and mitigated through the Master EIRs.

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Utility Planning and Projects 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 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

Exhibit "A"

INITIAL STUDY
EA/UP&P 2013-04

City of Modesto

Finding of Conformance to Wastewater Master Plan Master EIR:

Initial Study Environmental Checklist EA/UP&P No. 2013-04

For the proposed:

Area 2 Storm Drain Cross Connection Removal Project - Phase I Garrison Park

Prepared by:
City of Modesto
Utility Planning and Projects Department

July 2013

Updated: July 2013

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City of Modesto
Wastewater Master Plan Master EIR
Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Wastewater Master Plan Master Environmental Impact Report (SCH# 2006052076) ("Master EIR" or "MEIR") and General Plan Master EIR (SCH# 2007072023). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park is "within the scope" of the project analyzed in the Wastewater Master Plan Master EIR and General Plan Master EIR (Public Resources Code section 21157.1). If the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of a 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)]

This analysis is tiered from the 2007 Wastewater Master Plan Master EIR (SCH #2006052076) and from the Urban Area General Plan Master EIR (SCH #2007072023).

II. PROJECT DESCRIPTION

A. Title: Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park

B. Address or Location: Modesto, Stanislaus County. The Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park is within the area generally bounded by Pearl Street to the north, Martin Avenue/Grape Avenue to the west, 9th Street/Princeton Avenue to the South and Del Vale Avenue to the east. Within Stanislaus County. Latitude: 37.666 N, Longitude: 121.022 W. A location map is attached as Figure 1.

Applicant: City of Modesto
Utility Planning and Projects Department
1010 Tenth Street, Suite 4600
P. O. Box 642
Modesto, CA 95353

D. City Contact Person:

Project Manager: Jesse Franco, Acting Senior Civil Engineer
Department: Utility Planning and Projects Department
Phone Number: (209) 571-5175
E-mail address: jfranco@modestogov.com

E. Current General Plan Designation(s): N/A

F. Current Zoning Classification(s): N/A

G. Surrounding Land Uses: Construction activities will take place in surrounding existing residential neighborhoods, parks and schools. The residential land uses are predominantly single family residential uses with some duplex and medium density residential uses near some of the existing cross connection removal areas.

H. Project Description:

The Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park is the first of four phases of cross connection removal projects in the City of Modesto. Phase I Garrison Park proposes to remove three storm drains to sewer cross-connections and twenty failed rock wells within a 24-acre tributary area. In their place, approximately 3,600 feet of 24-inch and 30-inch storm drain piping will be installed to convey storm runoff to an underground storm drainage retention/infiltration system at Garrison Park.

Currently, the cross-connections provide storm water drainage for residents and businesses within the defined 24-acre area. These cross connections capture excess storm water which then flows to the City's primary wastewater treatment facility. These storm drain/sanitary sewer connections reduce localized neighborhood flooding and increase the volume of wet weather flows in the sanitary sewers and treatment plants. During storm events, these connections affect capacity in the sanitary sewer collection system and wastewater treatment plants. The removal of these three cross connections will alleviate some of the wet weather flows, (approximately 0.81 MGD) experienced by the sanitary sewer system, thereby carrying out the proposed action to improve the City's sewer capacity through the removal of storm drainage cross connections identified and established by the City's 2007 Wastewater Master Plan.

The re-routed storm water runoff will be conveyed through storm drain pipes to Garrison Park where it will be stored in an underground storage system. The storage system will provide retention of storm water for a 100-year, 6-day storm event. Storm water will be pre-treated to remove trash, sediment, oil, grease, and other substances prior to infiltration and eventual recharge of groundwater.

Approximately 1 acre of the Garrison park land will be affected by construction of this proposed project. The area affected will involve the temporary removal of turf areas and irrigation systems. The placement of underground storage facilities may also require the removal of some play structures and trees. Upon completion of the underground retention storage facilities, the park will be restored with new turf and irrigation systems, new baseball field, multipurpose field, basketball court, and site furnishings. Proposed concrete paving to be used for maintenance vehicle access to the pre-treatment device will be constructed with permeable concrete. Any trees removed will be replaced on-site with a 1:1 mitigation ratio or another standard established by the city such as the heritage tree ordinance, whichever is greater. Replacement trees shall be consistent with the City's adopted Tree Master Planting List.

The 100-year storm drainage retention volume for the Garrison Park facility will be 5.0 acre feet. This capacity is based on a rainfall of 5.6 inches, the 100-year/6 day storm. The design percolation rate for the Garrison Park facility is 4.5 inches per hour. A horizontal control plan showing the location of facilities to be installed in Garrison Park is attached as Figure 2 as well as a cross section view of the underground storage facility as Figure 3.

Described in Master EIR: Improvements to the City's wastewater collection system, including the removal of storm drainage cross-connections and installation of alternative facilities for the collection and disposal of storm water, was contemplated in the City's Wastewater Master Plan Master EIR. Chapter I identifies upgrades to the collection system, including removal of storm water cross-connections, which are considered subsequent projects. Chapter II's overview of the project elaborates on the need for collection system improvements, which are included in the Wastewater Master Plan Update. Chapter II's project description identifies the location of needed facilities, including cross-connections to be removed. Subsequent engineering has modified this design to more specifically identify cross-connections and the needed facilities for the handling of storm water. The nature of the work remains the same.

To the extent that the proposed removal of cross connections has the potential to cause impacts related to greenhouse gases or to cultural resources, such potential impacts were evaluated in the General Plan Master EIR and mitigation measures in the General Plan Master EIR would be applied to the cross connection removal project to mitigate potential impacts to a less-than-significant level.

I. Other Public Agencies Whose Approval is Required:

None

FIGURE 1 – LOCATION MAP

FIGURE 2 – HORIZONTAL CONTORL PLAN

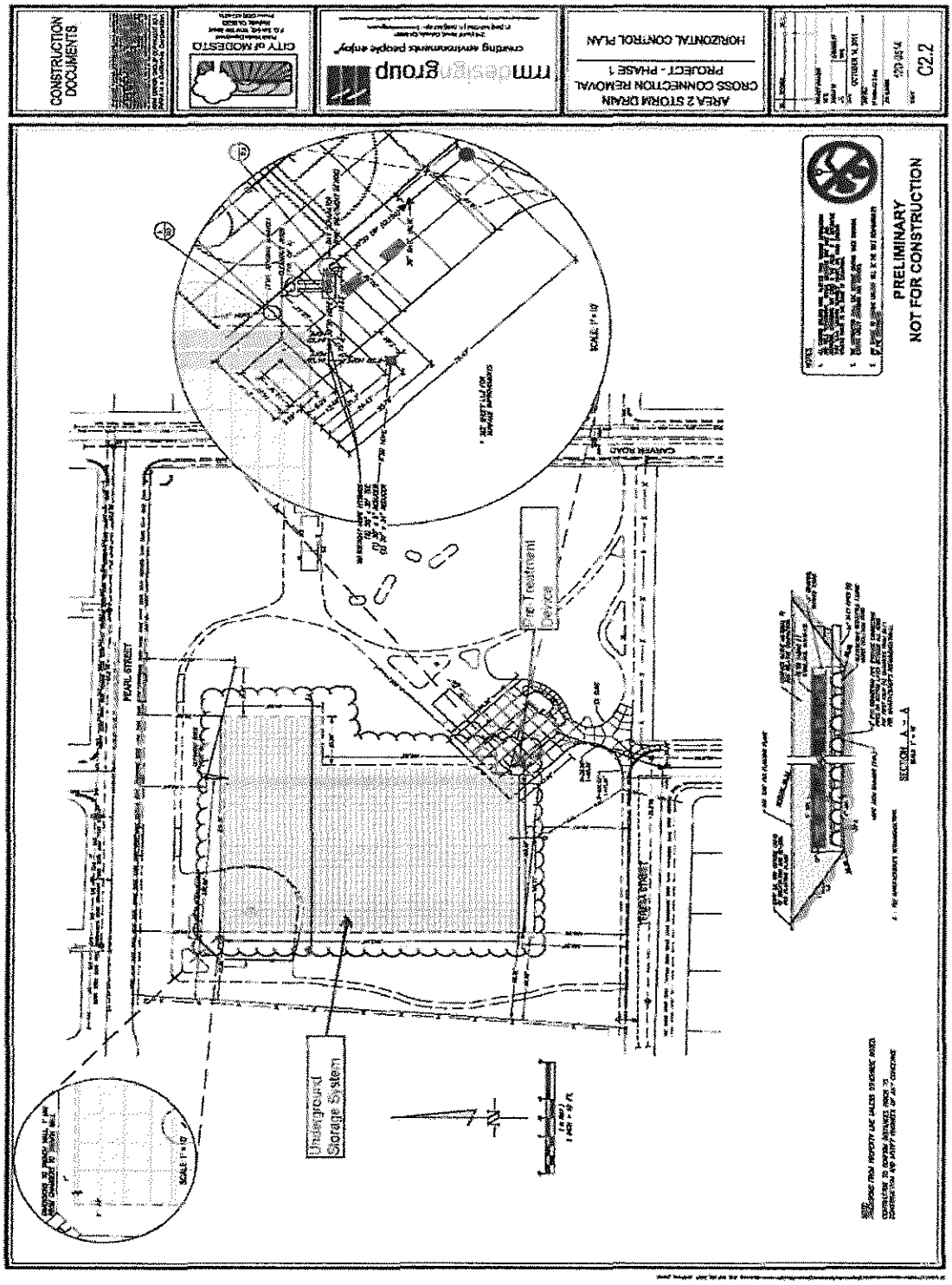
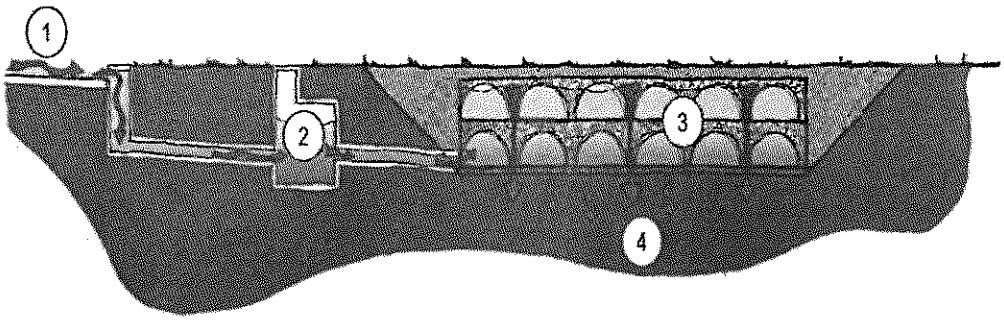


FIGURE 3 – UNDERGROUND STORAGE SYSTEM CROSS SECTION



1. WATER ENTERS STORM DRAINAGE CATCH BASINS ALONG ROAD CURB LINE.
2. WATER ENTERS THE SITE THROUGH A WATER TREATMENT DEVICE TO REMOVE SEDIMENT, OILS, AND DEBRIS.
3. WATER IS STORED IN UNDERGROUND CHAMBERS.
4. WATER PERCOLATES INTO THE GROUND.

STORMWATER MANAGEMENT SYSTEM DIAGRAM

SECTION VIEW NTS

CITY OF MODESTO | MODESTO AREA II STORM DRAIN TO SEWER CROSS CONNECTION REMOVAL PROJECT PHASE I | rrmdesigngroup

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 Wastewater Master Plan Master EIR and General Plan 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 and mitigated through the Master EIRs.

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 EIRs.

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

2. ____ Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the Wastewater Master Plan Master EIR and General Plan 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.

3. ____ Focused EIR Required- On the basis of the above determinations, the project is not within the scope of the Wastewater Master Plan Master EIR and General Plan 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.

Jesse Franco	Acting Senior Civil Engineer Title	7/25/13 Date

4. Within the Scope Analysis of this Document:

The Wastewater Master Plan Master EIR and General Plan Master EIR allow projects to be found within the scope of the MEIRs if certain criteria are met. If the following statements are found to be true for all impact categories included in this Initial Study, then the proposed project is addressed by the analyses contained in the Master EIRs and is within the scope of the Master EIRs. 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 Wastewater Master Plan MEIR and the General Plan MEIR.	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 Wastewater Master Plan MEIR and General Plan 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 Wastewater Master Plan Master EIR and General Plan 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 Wastewater Master Plan Master EIR and General Plan Master EIR.	X	☐

Discussion:

(1) The City of Modesto was the lead agency for the Wastewater Master Plan, the 2007 Wastewater Master Plan Master EIR, the General Plan, the 2008 General Plan Master EIR, and is the lead agency for construction and operation of all wastewater system improvements. Each contract is approved at the sole discretion of the City Council of the City of Modesto.

(2, 6) All relevant and appropriate policies and mitigation measures identified in the Wastewater Master Plan Master EIR and the General Plan Master EIR have been applied to the construction, operation, and maintenance of the Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park.

(3) Relevant Federal, State, regional, and County regulations have not become less restrictive since the Wastewater Master Plan Master EIR and General Plan Master EIR were certified.

(4) City staff is not aware of new information concerning the presence of significant resources in the project area. The General Plan Master EIR discloses information about such resources, as it is known at this time.

(5) The Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park lies within the sewer service area of the City of Modesto.

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 the Wastewater Master Plan MEIR and the General Plan MEIR in light of the criteria listed below to determine whether the Master EIRs are current. The analysis contained within the Master EIRs is current as long as the following circumstances have not changed. Any "no" response must be explained.

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

Discussion:

(1) The City of Modesto has reviewed the Wastewater Master Plan Master EIR that was certified in February 2007 and the 2008 General Plan Master EIR that was certified in October 2008 and has determined, as required by Public Resources Code Section 21157.6(b) that (a) no substantial changes have occurred with respect to the circumstances under which either of these Master EIRs were certified, and (b) no new information, which was not known and could not have been known at the time that these Master EIRs were certified as complete, has become available.

(2) The removal of storm drain cross-connections and construction of facilities to handle drainage is specifically described in the Wastewater Master Plan Master EIR. The project addresses the removal of cross-connections specifically as assumed in the analysis and project description of the Wastewater Master Plan and is consistent with the envisioned development described in the General Plan Master EIR.

(a) No substantial changes have occurred with respect to the circumstances under which these Master EIRs were certified. The City of Modesto has seen almost no increase in development since the Master EIRs were certified.

(b) The City of Modesto is not aware of new information relating to potential environmental impacts that was not known at the time the Master EIRs were certified.

(c) All relevant mitigation measures identified in the Wastewater Master Plan Master EIR and the greenhouse gas and archaeological/historical portions of the General Plan Master EIR will be applied to the proposed project, as described below.

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 conditions resulting from the Wastewater Master Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Wastewater Master Plan is organized in eleven subject areas. The following analysis is based on the impact analyses contained in Chapter IV of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter IV.

1. LAND USE, PLANS, AND POLICIES

a. Significant Effects Identified in the Master EIR

The Master EIR identifies the potential impacts on land use and their associated mitigation measures. Refer to pages IV.A.1 to IV.A.15 in the Wastewater master Plan MEIR for details.

Direct Impacts

Impact A.1: Proposed improvements to the wastewater collection system in the vicinity of established or planned land uses could create land use compatibility conflicts. (Less than significant)

No mitigation measures identified.

Impact A.2: The proposed project includes the construction and/or rehabilitation of portions of sewer lines under the watercourses or near the banks of the Tuolumne River or Dry Creek that could conflict with land use plans and policies. (Less than significant)

No mitigation measures identified.

Impact A.3: Proposed improvements to the Primary Plant in the vicinity of established or planned land uses could create land use compatibility conflicts. (Less than significant)

No mitigation measures identified.

Impact A.4: Proposed improvements to the Secondary Plant and Ranch could result in land use compatibility conflicts. (Less than significant)

No mitigation measures identified.

Impact A.5: Proposed improvements to the wastewater collection and treatment system could conflict with applicable land use plans and policies. (Less than significant)

No mitigation measures identified.

Cumulative Impacts

No cumulative impacts were disclosed in the Wastewater Master Plan Master EIR.

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

No mitigation measures related to land use, plans, and policies are proposed in the Wastewater Master Plan Master EIR.

Discussion:

There are no mitigation measures proposed in the Wastewater Master Plan Master EIR because no significant impacts on land use were identified. 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 IV.A of the Wastewater Master Plan Master EIR identifies the potential impacts of implementing the Wastewater Master Plan on land use, plans, and policies. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
1. LAND USE, PLANS, AND POLICIES			
1) Proposed improvements to the wastewater collection system in the vicinity of established or planned land uses could create land use compatibility conflicts.	☐	☐	☒
2) The proposed project includes the construction and/or rehabilitation of portions of sewer lines under the watercourses or near the banks of the Tuolumne River or Dry Creek that could conflict with land use plans and policies.	☐	☐	☒
3) Proposed improvements to the Primary Plant in the vicinity of established or planned land uses could create land use compatibility conflicts.	☐	☐	☒
4) Proposed improvements to the Secondary Plant and Ranch could result in land use compatibility conflicts.	☐	☐	☒
5) Proposed improvements to the wastewater collection and treatment system could conflict with applicable land use plans and policies.	☐	☐	☒

Discussion:

(1) All proposed facilities are underground, to include an underground storm drainage retention/disposal facility in Garrison Park and piping to convey the storm water to the facility. No impact is expected and no mitigation is proposed.

(2) The proposed project does not include construction in or near either the Tuolumne River or Dry Creek. No impact on these waterways will result from the projects and no mitigation is necessary.

(3-4) The proposed project does not involve any changes to either the Primary or Secondary Plants. Therefore, no land use compatibility impacts in the vicinity of the Primary or Secondary Plant will occur and no mitigation is necessary.

(5) Sewer and storm drainage infrastructure are a normal and necessary part of municipal services. The project as proposed would have no additional impact on surrounding land uses than that disclosed in the Wastewater Master Plan MEIR.

2. AGRICULTURAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan Master EIR identifies the potential impacts on agricultural resources and their associated mitigation measures. Refer to pages IV.B.1 to IV.B.11 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact B.1: Construction of Collection System Improvements would not result in the permanent loss of Prime Farmland. (Less than significant)

No mitigation measures identified.

Impact B.2: Construction of the Phase IA tertiary treatment facilities at the Secondary Plant would directly result in the permanent loss of Prime Farmland. (Significant and unavoidable)

Mitigation Measure B.2: Compensation for loss of farmland.

Cumulative Impacts

Impact B.3: Construction of the proposed project components within the Planned Urbanizing Area would result in the cumulative loss of prime farmland. (Significant and unavoidable)

Mitigation Measure B.3: Compensation for loss of farmland through contribution to the Farmland Conservancy Fun or an equivalent farmland preservation program.

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

Mitigation measures related to agricultural resources are on pages IV.B.8 to IV.B.11 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.B of the Wastewater Master Plan Master EIR discloses impacts of implementing the Wastewater Master Plan on agricultural resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
2. AGRICULTURAL RESOURCES			
1) Construction of Collection System Improvements would not result in the permanent loss of Prime Farmland.	☐	☐	☒
2) Construction of the Phase IA tertiary treatment facilities at the Secondary Plant would directly result in the permanent loss of Prime Farmland.	☐	☐	☒
Cumulative Impacts: 3) Construction of the proposed project components within the Planned Urbanizing Area would result in the cumulative loss of prime farmland.	☐	☐	☒

Discussion:

(1) All construction would occur within existing rights-of-way and City park and would not affect farmland. The project would not provide new capacity beyond that identified in the Wastewater Master Plan Master EIR.

(2) The proposed project is unrelated to the Phase IA tertiary treatment facilities. No impact related to that facility would occur as a result of these projects.

Cumulative impacts:

(3) All construction would occur within existing rights-of-way and City park and would not affect farmland. The project would not provide new capacity beyond that identified in the Wastewater Master Plan Master EIR. No cumulative impact on farmland is expected to occur as a result of this project.

3. PARKS AND RECREATION

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan Master EIR identifies the potential impacts on land use and their associated mitigation measures. Refer to pages IV.C.1 to IV.C.8 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact C.1: The Beard Brook Reliability Project could result in an increase in localized noise and dust and restrict access and enjoyment of Beard Brook Park. (Less than significant)

No mitigation measures identified.

Impact C.2: Construction of a pipeline near the Dryden Municipal Golf Course could result in an increase in localized noise and dust, and restrict access and enjoyment of this recreational facility. (Less than significant)

No mitigation measures identified.

Impact C.3: The rehabilitation of the Primary Effluent Outfall could result in a temporary increase in localized noise and dust, and could temporarily impair access and enjoyment of a park facility at the southwest corner of West Hatch Road and Rancho Encantado Lane. (Less than significant)

No mitigation measures identified.

Cumulative Impacts

No cumulative impacts were disclosed in the Master EIR.

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

No mitigation measures related to parks and recreation use are proposed in the Master EIR.

Discussion:

No mitigation measures proposed in the Wastewater Master Plan MEIR because no significant impacts on parks and recreation were identified. 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 IV.C of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on parks and recreation. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
3. PARKS AND RECREATION			
1) The Beard Brook Reliability Project could result in an increase in localized noise and dust and restrict access and enjoyment of Beard Brook Park.	☐	☐	X
2) Construction of a pipeline near the Dryden Municipal Golf Course could result in an increase in	☐	☐	X

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
localized noise and dust, and restrict access and enjoyment of this recreational facility.			
3) The rehabilitation of the Primary Effluent Outfall could result in a temporary increase in localized noise and dust, and could temporarily impair access and enjoyment of a park facility at the southwest corner of West Hatch Road and Rancho Encantado Lane.	☐	☐	X

Discussion:

(1-3) The project is not a part of the Beard Brook Reliability project, does not involve work in or near Dryden golf course, and is not a part of the Primary Effluent Outfall. The project includes a component occurring within Garrison Park and will have a temporary effect during the course of construction. The design of the project provides for an underground storage facility affecting approximately 1 acre of the park area. The area affected includes the removal of turf areas and irrigation systems. The placement of underground storage facilities may also require the temporary removal of some play structures and trees. Upon completion of the underground retention storage facilities, the park will be rehabilitated with new turf and irrigation systems, new baseball field, multipurpose field, basketball court, and site furnishings. Proposed concrete paving to be used for maintenance vehicle access to the pre-treatment device will be constructed with permeable concrete. Any trees removed will be replaced on-site at a 1:1 ratio or other standard established by the City such as the heritage tree ordinance, whichever is greater. Replacement trees will be consistent with the City's adopted Tree Master Planting List. Thus the project design incorporates measures to ensure that the effect on parks and recreation is temporary and is less than significant. No additional mitigation is required.

4. WATER QUALITY AND HYDROLOGY

a. Significant Effects Identified in the Master EIR

The Master EIR identifies the potential impacts on water quality and hydrology and the associated mitigation measures. Refer to pages IV.D.1 to IV.D.41 in the MEIR for details.

Direct Impacts

Impact D.1: Excavation and construction activities could cause erosion and/or result in chemical releases causing degradation of water quality in nearby surface water and/or groundwater bodies. (Less than significant with mitigation)

Mitigation Measure D.1: The City shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than one

acre). The SWPPP shall emphasize measures designed to minimize erosion and off-site sedimentation during improvements to the collection system and installation of the new outfall.

Impact D.2: Elimination of the cross-connections between the stormwater drainage system and the wastewater collections system could result in localized flooding. (Less than significant with mitigation)

Mitigation Measure D.2: Each proposed cross-connection elimination project shall be carefully designed to ensure that existing flooding problems are not exacerbated. If the proposed solution (either temporary or permanent) is not fully compliant with the City standards for stormwater conveyance, then it shall be demonstrated through detailed hydraulic analysis that the proposed solution does not make existing flooding problems worse.

Impact D.3: Implementation of the proposed project that does not match the rate of growth may result in an incremental increase in operation-period surface water quality degradation due to the deficient effluent disposal system. (Significant and unavoidable)

Mitigation Measure D.3: Deficient effluent disposal system.
The City should continue to investigate the feasibility of near-term solutions: 1) additional land application of effluent, 2) expansion of storage capacity, and 3) conservation measures.

Impact D.4: Implementation of the proposed project may result in operation-period surface water quality degradation due to pollutant loading associated with treated wastewater discharges. (Significant and unavoidable)

Mitigation Measure D.4: To mitigate the potential impacts to San Joaquin River water quality associated with the expansion of treated wastewater capacity, the City shall conduct an antidegradation study as set forth above. The study shall be conducted in accordance with all applicable State and Federal anti-degradation policy standards.
NOTE: Modesto is in compliance with this mitigation measure, having prepared an antidegradation study (Stormwater Management Program Antidegradation Analysis, Larry Walker Associates, October 2008) as part of the renewal of the City's 2008 NPDES permit (CAS083526).

Impact D.5: Implementation of the proposed project may result in operation-period surface water quality degradation during daily operations and/or during flooding of the Primary Plant and sludge drying area. (Significant)

Mitigation Measure D.5/D.5 (a): To mitigate the potential impacts to local flooding conditions associated with placement of fill and construction of the flood walls proposed by the project, the City shall retain a qualified registered civil engineer or licensed architect to conduct the appropriate floodplain studies in compliance with Modesto Municipal Code Section 9-4.406 to determine whether the proposed floodplain encroachments could be constructed without increasing base flood elevations upstream or downstream of the Primary Plant. If the studies indicate that base flood elevations would increase, then other appropriate channel modifications shall be considered. If there are no feasible options to offset increases in base flood elevations, then the proposed fill placement and flood walls will not be constructed and the impact to water quality (Impact D.5) would be significant and unavoidable.

Impact D.6: The proposed increase in application of wastewater and biosolids to land would not significantly affect regional groundwater quality. (Less than significant)

No mitigation is necessary.

Impact D.7: Implementation of the project would not result in depletion of groundwater resources. (Less than significant)

No mitigation is necessary.

Impact D.8: The project would include construction activities within the San Joaquin River channel and on nearby levees and would include placement of a permanent structure in the San Joaquin River channel. These activities could affect river flow patterns and degrade water quality. (Less than significant with mitigation)

Mitigation Measure D.8: To the extent feasible, all instream excavation and construction activities shall be conducted during low flow conditions in the river and work within the wetted channel will be avoided. The design of the new outfall and diffuser shall avoid, to the extent feasible, permanent features that extend above the active streambed that could cause flow disruption and scour. (See also impacts on biological resources and mitigation measures.)

Cumulative Impacts

No cumulative impacts were disclosed in the Master EIR.

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

Mitigation measures related to water quality and hydrology are on pages IV.D.26 to IV.D.41 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.D of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on land use, plans, and policies. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
4. WATER QUALITY AND HYDROLOGY			
1) Excavation and construction activities could	☐	X	☐

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
cause erosion and/or result in chemical releases causing degradation of water quality in nearby surface water and/or groundwater bodies.			
2) Elimination of the cross-connections between the stormwater drainage system and the wastewater collections system could result in localized flooding.	☐	X	☐
3) Implementation of the proposed project that does not match the rate of growth may result in an incremental increase in operation-period surface water quality degradation due to the deficient effluent disposal system.	☐	☐	☒
4) Implementation of the proposed project may result in operation-period surface water quality degradation due to pollutant loading associated with treated wastewater discharges.	☐	☐	☒
5) Implementation of the proposed project may result in operation-period surface water quality degradation during daily operations and/or during flooding of the Primary Plant and sludge drying area.	☐	☐	☒
6) The proposed increase in application of wastewater and biosolids to land would not significantly affect regional groundwater quality.	☐	☐	☒
7) Implementation of the project would not result in depletion of groundwater resources.	☐	☐	☒
8) The project would include construction activities within the San Joaquin River channel and on nearby levees and would include placement of a permanent structure in the San Joaquin River channel. These activities could affect river flow patterns and degrade water quality.	☐	☐	☒

Discussion:

(1) Each of the project types evaluated in the Wastewater Master Plan Master EIR has the potential to degrade surface or groundwater quality. Mitigation Measure D.1 will be implemented for the project as part of the construction plans and contract. This project and its construction documents will be reviewed to ensure compliance with Modesto's approved Stormwater Pollution Prevention Plan.

(2) This project will eliminate cross-connections with the storm water drainage system. The project design provides for an alternate system of storm water disposal of equal or better effectiveness, consistent with and implementing WWMP MEIR Mitigation Measure D.2, therefore there will be no significant impact with the project as designed.

(3-4) The project will reduce the impact of storm water on the collection system and does not increase the amount of sewer effluent that will be generated in the area served by the project.

Project design provides that storm water will be handled within the area generated and with no discharge to surface waters. Therefore, there will be no significant impact with the project as designed.

(5-6) This impact relates to operation of the treatment plants. The project will not result in a change in the operation of the treatment plants, nor will it increase the amount of sewage being collected and treated, and will, in fact, reduce the volume of effluent during storm events. No impact is anticipated and no mitigation is necessary.

(7) The project would have no effect on groundwater resources, consistent with the Wastewater Master Plan Master EIR. No mitigation is necessary.

(8) This impact is related to construction activities at the treatment plant. Since the project will have no effect on activity at the treatment plant, no impact on the San Joaquin River channel will occur as a result of this project and no mitigation is necessary.

5. BIOLOGICAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on biological resources and the associated mitigation measures. Refer to pages IV.E.1 to IV.E.37 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact E.1: Construction of project facilities along the Tuolumne River adjacent to the Primary Plant, or in other riparian areas, could damage the habitat of the valley elderberry longhorn beetle. (Less than significant with mitigation)

Mitigation Measure E.1.1: Perform pre-construction surveys.

Mitigation Measure E.1.2a: Agency coordination and consultation.

Mitigation Measure E.1.2b: Avoidance.

Impact E.2: Construction of project facilities could cause loss of occupied Burrowing Owl habitat. (Less than significant with mitigation)

Mitigation Measure E.2.1: Avoidance.

Mitigation Measure E.2.2: Compensation for loss of Burrowing Owl habitat if a pre-construction survey finds that Burrowing Owls occupy the site and avoidance is not feasible.

Impact E.3: Construction of project facilities could cause disturbance of nesting raptors. (Less than significant with mitigation)

Mitigation Measure E.3.1: Avoidance.

Mitigation Measure E.3.2: Perform pre-construction surveys.

Impact E.4: Construction of the project facilities could cause impacts to biological resources and regulated habitats of Dry Creek (Beard Brook) and of the Tuolumne River. (Less than significant with mitigation)

Mitigation Measure E.4.1: Pre-construction surveys and agency coordination.

Mitigation Measure E.4.2: Implement mitigation for Special Status species that might be identified during pre-construction surveys.

Impact E.5: Construction of project facilities or development facilitated by construction of project facilities could cause loss of Swainson's Hawk foraging habitat. (Less than significant with mitigation)

Mitigation Measure E.5: Compensation for loss of foraging habitat.

Impact E.6: Construction during Swainson's Hawk breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. (Less than significant with mitigation)

Mitigation Measure E.6a: Perform pre-construction surveys.

Mitigation Measure E.6b: Nest trees should not be removed unless avoidance measures are determined to be infeasible.

Impact E.7: Construction of improvements to the Secondary Plant may cause impacts to regulated habitats. (Less than significant with mitigation)

Mitigation Measure E.7: Perform pre-construction surveys and agency coordination.

Impact E.8: Microtunneling could cause impacts to riparian habitats under the jurisdiction of the California Department of Fish and Game and/or the U.S. Army Corps of Engineers. (Less than significant with mitigation)

Mitigation Measure E.8: Perform pre-construction surveys and agency coordination.

Impact E.9: Construction activities could affect the habitat for Western Pond Turtles, the nesting and foraging habitat for Loggerhead Shrikes, and foraging habitat for Short-Eared Owls, Northern Harriers, and Tri-Colored Blackbirds. (Less than significant)

No mitigation is necessary.

Impact E.10: Construction of a new diffuser in the San Joaquin River, and additional discharges of treated wastewater to the San Joaquin River from the Secondary Plant could affect the spawning habitat or affect the health of the Sacramento Splittail. (Less than significant)

No mitigation is necessary.

Cumulative Impacts

Impact E.11: Growth facilitated by the project would result in cumulative loss of Swainson's Hawk and Burrowing Owl habitat. (Less than significant with mitigation)

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

Mitigation measures related to biological resources are shown on pages IV.E.25 to IV.E.37 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.E of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on biological resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
5. BIOLOGICAL RESOURCES			
1) Construction of project facilities along the Tuolumne River adjacent to the Primary Plant, or in other riparian areas, could damage the habitat of the valley elderberry longhorn beetle.	☐	☐	X
2) Construction of project facilities could cause loss of occupied Burrowing Owl habitat.	☐	☐	X
3) Construction of project facilities could cause disturbance of nesting raptors.	☐	☐	X
4) Construction of the project facilities could cause impacts to biological resources and regulated habitats of Dry Creek (Beard Brook) and of the Tuolumne River.	☐	☐	X
5) Construction of project facilities or development facilitated by construction of project facilities could cause loss of Swainson's Hawk foraging habitat.	☐	☐	X
6) Construction during Swainson's Hawk breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment.	☐	☐	X
7) Construction of improvements to the Secondary Plant may cause impacts to regulated habitats.	☐	☐	X

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
8) Microtunneling could cause impacts to riparian habitats under the jurisdiction of the California Department of Fish and Game and/or the U.S. Army Corps of Engineers.	☐	☐	X
9) Construction activities could affect the habitat for Western Pond Turtles, the nesting and foraging habitat for Loggerhead Shrikes, and foraging habitat for Short-Eared Owls, Northern Harriers, and Tri-Colored Blackbirds.	☐	☐	X
10) Construction of a new diffuser in the San Joaquin River, and additional discharges of treated wastewater to the San Joaquin River from the Secondary Plant could affect the spawning habitat or affect the health of the Sacramento Splittail.	☐	☐	X
Cumulative Impacts: 11) Growth facilitated by the project would result in cumulative loss of Swainson's Hawk and Burrowing Owl habitat.	☐	☐	X

Discussion:

(1) The project will have no impact on riparian habitat or riparian species as it is not located near a natural watercourse. No mitigation is necessary.

(2) The project is located within existing street rights-of-way and park. The areas affected are not suitable burrowing owl nesting habitat. No mitigation is necessary.

(3, 6) The project is located within existing street rights-of-way and park. The project site contains no suitable raptor nest trees. No mitigation is necessary.

(4) The project is not in or affecting Beard Brook Park or the Tuolumne River. No mitigation is necessary.

(5) The project is located within existing street rights-of-way and park. No hawk foraging habitat exists within the project site. No mitigation is necessary.

(7-10) The project does not include any improvements to the Secondary Treatment Plant, Therefore, no impacts on habitats at the Secondary Treatment Plant would result. Furthermore, neither riparian habitats, riparian species, nor aquatic species will be affected by the project as the project is not in or near these habitats. No mitigation is necessary.

Cumulative impacts:

(11) The project is located within existing street rights-of-way and park. The areas affected do not include burrowing owl nesting habitat or Swainsons's hawk foraging habitat. The project is anticipated by and does not facilitate growth beyond that anticipated by the Wastewater Master Plan EIR. No mitigation is necessary.

6. TRANSPORTATION

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on transportation and the associated mitigation measures. Refer to pages IV.F.1 to IV.F.12 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact F.1: Temporary reduction in roadway capacity and increased traffic delays. (Less than significant)

No mitigation is necessary.

Impact F.2: Short-term traffic increases on roadways due to construction-related vehicle trips. (Less than significant)

No mitigation is necessary.

Impact F.3: Increased potential for traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways during construction. (Less than significant)

No mitigation is necessary.

Impact F.4: Increases in vehicle trips to and from the facility sites for operation and maintenance. (Less than significant)

No mitigation is necessary.

Cumulative Impacts

Impact F.5: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable traffic impacts identified in the Urban Area General Plan.

Mitigation Measure F.1: With implementation of the Urban Area General Plan Master EIR's mitigation measures related to traffic, the significant cumulative impacts would be reduced, but not to less-than-significant levels.

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

Mitigation measures related to transportation are found on pages IV.F.10 to IV.F.12 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.C of the Wastewater Master Plan Master EIR identifies the potential impacts of implementing the Wastewater Master Plan on parks and recreation. 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
6. TRANSPORTATION			
1) Temporary reduction in roadway capacity and increased traffic delays.	☐	☐	X
2) Short-term traffic increases on roadways due to construction-related vehicle trips.	☐	☐	X
3) Increased potential for traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways during construction.	☐	☐	X
4) Increases in vehicle trips to and from the facility sites for operation and maintenance.	☐	☐	X
Cumulative Impacts: 5) The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable traffic impacts identified in the Urban Area General Plan.	☐	☐	X

Discussion:

(1-3) Construction of the project may temporarily constrain access to nearby residential properties. However, approximately five to seven employees will be on site at any specific time and no significant traffic impact is expected. Heavy equipment will also be in use; however, it will be mobile equipment and is not expected to obstruct the street for an extended period. While large equipment will be present and additional vehicles for construction crews will be present, these will not present a significant impact on pedestrian and bicycle safety because of the relatively low traffic volumes on affected local and collector streets and the relative ease of avoiding the equipment and vehicles, and the presence of on-site traffic control personnel as needed. The project is typical of utility maintenance activities within the right-of-way and consistent with the scope of the project established by the Wastewater Master EIR. No significant impact is expected and no mitigation is necessary.

(4) Maintenance and operation of the storm water collection and retention facilities will require periodic, infrequent site visits by staff. This impact is not significant and no mitigation is necessary.

Cumulative impacts:

(5) The project is anticipated by and does not facilitate growth beyond that anticipated by the Wastewater Master Plan EIR. No mitigation is necessary.

7. AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on air quality and the associated mitigation measures. Refer to pages IV.G.1 to IV.G.28 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact G.1: Emissions of criteria pollutants during construction of wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region. (Significant and unavoidable)

> Mitigation Measure G.1: The construction plans for each group of building permits shall incorporate recommendations from the San Joaquin Valley Air Pollution Control District specified on pages IV.G.17 and IV.G.18 in the Wastewater Master Plan Master EIR to minimize emissions during construction phases.

Impact G.2: Emissions of criteria pollutants during operation of the proposed wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region. (Significant and unavoidable)

> Mitigation Measure G.2: The City shall abide by permit limits imposed by the SJVAPCD to reduce pollutant emissions from diesel-powered engines for emergency power generation and any other sources requiring permits. The City shall abide by permit limits imposed by the SJVAPCD on operation of digester-gas burning equipment at the Primary Plant. If District Rule 9510 would apply, the City shall follow it and make the required emission reductions on-site (or pay for or create emission reductions off-site).

Impact G.3: Emissions during project operation could cause sensitive receptors to be exposed to toxic air contaminants. (Less than significant)

> No mitigation is necessary.

Impact G.4: Emissions of objectionable odors could occur during project operation. (Less than significant)

> No mitigation is necessary.

Cumulative Impacts

Impact G.5: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable air quality impacts identified in the Urban Area General Plan. (Significant and unavoidable)

Mitigation Measure G.5: With implementation of the Urban Area's Master [General] Plan's mitigation measures [applied to new development projects] related to traffic and energy use (and related to carbon monoxide and particulate matter, in particular), the significant cumulative impacts would be reduced, but not to less-than-significant levels.

Impact G.6: The wastewater treatment facilities would cause a cumulatively considerable net increase of pollutants for which the San Joaquin Valley is designated as nonattainment.

Mitigation Measure G.6: See mitigation measures listed under Impacts G.1 and G.2. With implementation of these measures, significant cumulative impacts would be reduced, but not to less-than-significant levels.

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

Mitigation measures related to air quality appear on pages IV.G.17 to IV.G.28 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.G of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on air quality. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
7. AIR QUALITY			
1) Emissions of criteria pollutants during construction of wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region.	☐	X	☐
2) Emissions of criteria pollutants during operation of the proposed wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region.	☐	☐	X
3) Emissions during project operation could cause sensitive receptors to be exposed to toxic air	☐	☐	X

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
contaminants.			
4) Emissions of objectionable odors could occur during project operation.	☐	☐	X
Cumulative Impacts: 5) The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable air quality impacts identified in the Urban Area General Plan.	☐	☐	X
6) The wastewater treatment facilities would cause a cumulatively considerable net increase of pollutants for which the San Joaquin Valley is designated as nonattainment.	☐	X	☐

Discussion:

(1) Construction activities will contribute to existing violations of air quality standards. Mitigation Measure G.1 will be implemented as part of the building permit issuance process. The San Joaquin Air Pollution Control District will be consulted and that agency's recommendations will be implemented.

(2) The proposed project is a gravity-flow facility and would not result in emissions. No mitigation measures are necessary.

(3) The proposed project is a gravity-flow facility and would not result in emissions. No mitigation measures are necessary.

(4) The proposed project involves storm water only and would not involve emission of objectionable odors. Project design includes screening and removal of trash, sediment, oil, grease, and other substances prior to entry to the infiltration facility, further precluding the possibility of generation of odor. No mitigation measures are necessary.

Cumulative Impacts:

(5) The project is anticipated by and does not facilitate growth beyond that anticipated by the Wastewater Master Plan EIR.

(6) Discussion item 1 notes that activities associated with construction of the project will contribute to existing violations of air quality standards. Mitigation Measures G.1 and G.2 will be implemented to reduce those impacts to a less-than-significant level.

8. NOISE

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on transportation and the associated mitigation measures. Refer to pages IV.H.1 to IV.H.13 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact H.1: Construction of the proposed project facilities could cause substantial, though intermittent and short-term, increases in noise levels, which would add to noise levels predicted by the City's *General Plan MEIR* and the *County General Plan*. (Less than significant with mitigation)

> Mitigation Measure H.1: Protection of sensitive receptors from excessive construction noise.

Impact H.2: Operation of new stationary sources of noise at the Primary and Secondary Plants associated with the proposed project could generate noise. (Less than significant)

> No mitigation is necessary.

Impact H.3: Increased trips by Public Works Department employees could cause noise increases for existing sensitive receptors in the project vicinity. (Less than significant)

> No mitigation is necessary.

Cumulative Impacts

Impact H.4: The proposed project would support cumulative development that could increase noise levels in areas where noise levels exceed, or would exceed, the noise and land use compatibility guidelines adopted by the City of Modesto and Stanislaus County, or the noise performance standards set by the City and County. (Significant and unavoidable)

> No mitigation measures identified in the MEIR.

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

Mitigation measures related to noise appear on pages IV.H.11 and IV.H.12 in the Wastewater Master Plan MEIR.

Discussion:

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 IV.H of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on parks and recreation. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
8. NOISE			
1) Construction of the proposed project facilities could cause substantial, though intermittent and short-term, increases in noise levels, which would add to noise levels predicted by the City's *General Plan MEIR* and the *County General Plan.*	☐	X	☐
2) Operation of new stationary sources of noise at the Primary and Secondary Plants associated with the proposed project could generate noise.	☐	☐	X
3) Increased trips by Public Works Department employees could cause noise increases for existing sensitive receptors in the project vicinity.	☐	☐	X
Cumulative Impacts: 4) The proposed project would support cumulative development that could increase noise levels in areas where noise levels exceed, or would exceed, the noise and land use compatibility guidelines adopted by the City of Modesto and Stanislaus County, or the noise performance standards set by the City and County.	☐	☐	X

Discussion:

(1) Construction of the project would increase noise levels in the surrounding neighborhood for the duration of construction (about 35 weeks, depending on weather). The noisiest activities will be limited, but could occur at any time during the construction period. Mitigation Measure H.1 will be implemented in order to reduce construction noise impacts by specifying the following requirements in the construction contract:

a. Site work and equipment use will occur only between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between 9:00 a.m. and 9:00 p.m. Saturday and Sunday, as required by the City's noise ordinance.

b. Only noise-muffled equipment in good working order will be used and air compressors and pneumatic equipment will be equipped with mufflers, shrouds, or shields, as appropriate.

(2) The project will not involve any work at the Primary or Secondary Treatment Plants. No noise impacts will occur at these locations as a result of this project and no mitigation is necessary.

(3) Maintenance and operation of the project will require infrequent periodic site visits by staff. This impact is not significant and no mitigation is necessary.

Cumulative Impacts:

(4) The project is anticipated by and does not facilitate growth beyond that anticipated by the Wastewater Master Plan EIR. No mitigation is necessary.

9. VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on visual resources and the associated mitigation measures. Refer to pages IV.I.1 to IV.I.10 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact I.1: The proposed aboveground structures associated with wastewater collection would impact the visual quality of their surroundings. (Less than significant)

No mitigation is necessary.

Impact I.2: At the Primary and Secondary Plants, the proposed new aboveground structures and alterations to existing aboveground structures could impact the visual quality of their surroundings. (Less than significant)

No mitigation is necessary.

Impact I.3: The proposed area of fill and the berm around the perimeter of the fill at the Primary Plant would impact visual quality in the vicinity of the project when viewed from surrounding public streets and parks. (Less than significant)

No mitigation is necessary.

Cumulative Impacts

No cumulative impacts were disclosed in the Wastewater Master Plan MEIR.

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

The Wastewater Master Plan MEIR did not identify significant impacts related to visual resources, therefore, no mitigation measures were identified in the Wastewater Master Plan MEIR.

Discussion:

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 IV.I of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master 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 Wastewater Master 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
9. VISUAL RESOURCES			
1) The proposed aboveground structures associated with wastewater collection would impact the visual quality of their surroundings.	☐	☐	X
2) At the Primary and Secondary Plants, the proposed new aboveground structures and alterations to existing aboveground structures could impact the visual quality of their surroundings.	☐	☐	X
3) The proposed area of fill and the berm around the perimeter of the fill at the Primary Plant would impact visual quality in the vicinity of the project when viewed from surrounding public streets and parks.	☐	☐	X

Discussion:

(1) The proposed project includes installation of storm water collection facilities and a sub-surface storm water disposal facility, and will not include permanent aboveground structures. No mitigation is necessary.

(2-3) The project would have no effect on either the Primary or Secondary Wastewater Treatment Plants and therefore no effects related to these facilities will occur as a result. No mitigation is necessary.

10. PUBLIC HEALTH AND SAFETY: HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan Master EIR identifies the potential impacts on public health and safety related to hazardous materials and the associated mitigation measures. Refer to pages IV.J.1 to IV.J.12 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact J.1: Hazardous materials use, storage, and transportation during construction would cause potential hazards to the public and the environment. (Less than significant)

No mitigation is necessary.

Impact J.2: Hazardous materials use, storage, and transportation during the operation of the wastewater collection and treatment system would cause potential hazards to the public and the environment. (Less than significant)

No mitigation is necessary.

Impact J.3: Increased use of chlorine and sulfur dioxide at the Secondary Plant could expose workers and the public to accidental release of toxic gases. (Less than significant)

No mitigation is necessary.

Impact J.4: Construction and operation of the wastewater collection and treatment facilities would increase the amount of hazardous wastes generated at the facilities, resulting in increased hazards to the public and the environment. (Less than significant)

Cumulative Impacts

Impact J.5: The project would involve increased use and transport of hazardous materials and hazardous wastes within California. (Less than significant)

No mitigation is necessary.

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

Mitigation measures related to public health and safety with respect to hazardous materials appear on pages IV.J.11 and IV.J.12 in the Wastewater Master Plan MEIR.

Discussion:

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 IV.J of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on public health and safety related to hazardous materials. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
10. PUBLIC HEALTH AND SAFETY: HAZARDOUS MATERIALS			
1) Hazardous materials use, storage, and transportation during construction would cause	☐	☐	X

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
potential hazards to the public and the environment.			
2) Hazardous materials use, storage, and transportation during the operation of the wastewater collection and treatment system would cause potential hazards to the public and the environment.	☐	☐	X
3) Increased use of chlorine and sulfur dioxide at the Secondary Plant could expose workers and the public to accidental release of toxic gases.	☐	☐	X
4) Construction and operation of the wastewater collection and treatment facilities would increase the amount of hazardous wastes generated at the facilities, resulting in increased hazards to the public and the environment.	☐	☐	X
Cumulative Impact: 5) The project would involve increased use and transport of hazardous materials and hazardous wastes within California.	☐	☐	X

Discussion:

(1-2) The proposed project will not employ hazardous materials. No impact is expected and no mitigation is necessary.

(3) The project would have no effect on the Secondary Wastewater Treatment Plant. Therefore no effect related to this facility will occur as a result. No mitigation is necessary.

(4) The project will not generate hazardous waste. No mitigation is necessary.

Cumulative impacts:

(5) The pipeline project will not employ hazardous materials. No impact is expected and no mitigation is necessary.

11. PUBLIC HEALTH AND SAFETY: CONTAMINATED SOILS AND DEMOLITION

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on public health and safety with respect to contaminated soils and demolition and the associated mitigation measures. Refer to pages IV.K.1 to IV.K.15 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact K.1: Excavation for installation of wastewater system improvements could encounter contaminated soil and/or groundwater and expose workers and the public to hazardous substances. (Less than significant with mitigation)

Mitigation Measure K.1a: Prior to activities involving soil disturbance for the improvements to the wastewater collection and treatment systems, the City shall use reasonable means to determine the presence of soil or groundwater contamination.

Mitigation Measure K.1b: If warranted, conduct soil and groundwater sampling and analysis.

Mitigation Measure K.1c: If warranted, prepare a site remediation plan and health and safety plan.

Mitigation Measure K.1d: Where any activity would be performed at a contaminated site or where hazardous materials are suspected, the City's contractor shall prepare a project-specific Health and Safety Plan prior to any site work.

Mitigation Measure K.1e: Prepare a Waste Disposal and Hazardous Materials Transportation Plan.

Mitigation Measure K.1f: In the event that previously unidentified contamination is encountered (e.g., identified by odor or visual staining) during soil disturbance activities or any underground storage tanks, abandoned drums, or other hazardous materials or wastes are encountered during construction, the contractor(s) shall immediately notify the City and the City shall then notify the County. The contractor(s) shall have prepared a Contingency Plan for Sampling and Analysis of potentially hazardous substances and coordination with appropriate regulatory agencies.

Impact K.2: Pipe bursting methods could release potentially hazardous material contaminants into soil and groundwater, causing health effects to construction workers and the public, and environmental degradation. (Less than significant with mitigation)

Mitigation Measure K.2: The contractor(s) shall prepare a procedure for review by the City for emptying pipes of their contents before pipe bursting begins. Once accepted by the City, with revisions if requested, the contractor shall implement the procedure prior to carrying out any pipe bursting.

Impact K.3: Construction activities involving demolition or modification of structures may result in the exposure of construction workers and the general public to added health risk. (Less than significant with mitigation)

Mitigation Measure K.3: As a condition of approval for any demolition permit for a structure or facility potentially containing lead or asbestos under the proposed project, a lead-based paint and asbestos-containing survey shall be performed at the structure or facility by a qualified environmental professional.

Cumulative Impacts

No cumulative impacts were disclosed in the Wastewater Master Plan MEIR.

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

Mitigation measures related to public health and safety with respect to contaminated soils and demolition appear on pages IV.K.11 and IV.K.15 in the Wastewater Master Plan Master EIR.

Discussion:

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 IV.K of the Wastewater Master Plan Master EIR identifies the potential impacts of implementing the Wastewater Master Plan on public health and safety with respect to contaminated soils and demolition. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
11. PUBLIC HEALTH AND SAFETY: CONTAMINATED SOILS AND DEMOLITION			
1) Excavation for installation of wastewater system improvements could encounter contaminated soil and/or groundwater and expose workers and the public to hazardous substances.	☐	X	☐
2) Pipe bursting methods could release potentially hazardous material contaminants into soil and groundwater, causing health effects to construction workers and the public, and environmental degradation.	☐	☐	X
3) Construction activities involving demolition or modification of structures may result in the exposure of construction workers and the general public to added health risk.	☐	☐	X

Discussion:

(1) While unlikely, it is possible that contaminated soils could be encountered during the trenching and excavation needed to construct the project. City staff or the contractor will implement Mitigation measure K.1a to make a preliminary assessment of the site. If it appears that contaminated soils may be disturbed, additional measures pursuant to Mitigation Measure K.1f will be employed to minimize or eliminate the risks associated with disturbing the contaminated area.

(2) The project does not involve pipe bursting. No mitigation is necessary

(3) The project does not involve demolition of existing structures. No mitigation is necessary

12. CLIMATE CHANGE (General Plan Master EIR Section 21)

a. Significant Effects Identified in the General Plan 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

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.

No project-level mitigation measures were identified, as indicated on page V-21-18 of the General Plan Master EIR.

Cumulative Impacts

Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change. Mitigation measures to reduce the cumulative impact of greenhouse gas emissions are detailed on pages V-21-7 to V-21-10 of the General Plan Master EIR.

Mitigation Measure CL-3: Discourage removal of street trees.

Mitigation Measure CL-4: The City of Modesto shall require shade trees, where feasible and appropriate, in landscape plans for all new development proposals.

Mitigation Measure CL-5: The City shall require the planting of large-canopy species in new development areas in such a way that they grow to full size without damaging streets and sidewalks.

Mitigation Measure CL-6: The goal of the street tree maintenance program is to maintain trees in the best possible health by ensuring that newly planted trees are cared for in such a way as to prevent or minimize sidewalk and street damage.

Mitigation Measure CL-7: The City of Modesto shall encourage the Modesto and Turlock Irrigation Districts to establish and promote a program whereby existing residential and commercial building owners are provided incentives to increase the number of shade trees in developed parts of the City.

Mitigation Measure CL-8: The City of Modesto shall coordinate with the Modesto and Turlock Irrigation Districts and Pacific Gas & Electric Company on all new, large-scale development proposals in the City.

Mitigation Measure CL-9: The City of Modesto shall encourage the use of solar energy systems for residential, agricultural, parks, public buildings, and business purposes.

Mitigation Measure CL-10: Lots in new subdivisions should be oriented in such a way to maximize solar energy.

Mitigation Measure CL-11: The City of Modesto shall approve applications for solar energy systems in accordance with State law.

Mitigation Measure CL-12: To reduce heat gain from pavement, conside3r reducing street rights-of-way and pavement widths to pre-World War II widths and consider working with StanCOG to shift transportation money away from automobile transportation.

Mitigation Measure CL-13: The City shall consider instituting a development pattern that facilitates non-automobile transportation.

Mitigation Measure CL-14: The City shall consider renegotiating employee union contracts to eliminate parking subsidies for public employees, encourage carpools, and other means to reduce employee vehicle trips.

Mitigation Measure CL-15: The City shall purchase clean-fuel/alternative fuel fleet vehicles.

Mitigation Measure CL-16: All commercial development projects shall include bicycle racks and changing rooms.

Mitigation Measure CL-17: The City shall attempt to facilitate development of "brownfields."

Mitigation Measure CL-18: The City of Modesto shall work with the local energy providers and developers on voluntary incentive based programs to encourage the use of energy efficient designs and equipment.

Mitigation Measure CL-19: The City of Modesto shall cooperate with the local building industry, utilities and the Air District to promote enhanced energy conservation standards for new construction.

Mitigation Measure CL-20: The City shall encourage new residential, commercial, and industrial development to reduce air quality impacts from area sources and from energy consumption.

Mitigation Measure CL-21: The City shall consider requiring new public buildings to achieve the minimum LEED "Certified" rating.

Mitigation Measure CL-22: The City shall work with applicants and developers to encourage green building methods and practices and achieve LEED standards for all new development.

Mitigation Measure CL-23: Renovation of buildings shall achieve as many LEED pre-requisites and credits as feasible.

Mitigation Measure CL-24: The City shall work with the community to encourage private development to use green building methods and practices and to achieve standards set by LEED.

Mitigation Measure CL-25: New development shall comply with Green Building Standards adopted by the California Building Standards Commission in effect at the time of building permit application.
Mitigation Measure CL-26: The City shall encourage compliance with the California Green Building Code guidelines.

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 General 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 is necessary.

c. Project-Specific Effects

Section V-21 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 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
12. CLIMATE CHANGE			
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	X
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the General Plan Master EIR.	☐	☐	X
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.	☐	☐	X

Discussion:

(1-3) Construction of facilities to remove storm water cross connections with the sewer system is a normal and expected part of maintaining City services and as such is consistent with the Urban Area General Plan. Trips associated with the operation and maintenance this portion of the wastewater collection system are expected to be similar to the trips generally associated with

maintenance of the collection system and this facility would not create an increase in vehicle trip lengths, as compared to those estimated in the General Plan Master EIR. The region does not yet have either an adopted Sustainable Communities Strategy or an Alternative Planning Strategy. Reducing energy use associated with the transmission of sewage is difficult because as a liquid, it has a limited potential for compression. Options for reducing energy use from sewage transmission are largely limited to reducing the amount of sewage generated and reducing the distance it must be transported. Because the houses served by the existing and proposed collections system already exist in their current locations, the City's ability to reduce sewage flow or the distance it is transported are minimal.

13. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES (General Plan Master EIR Section 8)

The Wastewater Master Plan Master EIR incorporates the discussion of impacts on archaeological and historical sites from the 2003 General Plan Master EIR. The 2003 Master EIR (and the 1995 General Plan Master EIR) concluded that potential impacts on archaeological sites were limited to riparian areas. However, in 2008 Modesto certified a new General Plan Master EIR which concluded that although the likelihood of encountering archaeological sites in non-riparian areas is low, it is possible. Accordingly, policies and mitigation affecting these resources apply throughout Modesto. Because there has been a change in Modesto's approach to addressing archaeological and historical sites, this section is tiered from the 2008 General Plan Master EIR to allow full disclosure of potential impacts and mitigation.

a. Significant Effects Identified in the General Plan Master EIR

The General Plan Master EIR discloses the following residual significant and unavoidable impacts pertaining to cultural resources expected after application of mitigations/policies. The analysis and detail of mitigations is available on pages V-8-1 through V-8-25 in the General Plan Master EIR.

Direct Impacts

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

Mitigation Measure AH-4: The City of Modesto shall implement regulations that identify important historic resources, and preserve the important aspects of those resources.

Mitigation Measure AH-5: The City shall ensure that zoning provisions for structures of historical significance are sufficiently flexible to ensure that parking or other structures requirements of the Zoning Ordinance allow the historic structures to remain viable in the future.

Mitigation Measure AH-6: The modification of historic structures and places can be mitigated through the application of existing regulations and consultation with the State Historic Preservation Officer, an interim procedure whereby the City evaluates proposals to modify historic structure and develops a program to reduce the impacts on an individual basis.

Mitigation Measure AH-8: As an ongoing measure, the City of Modesto shall maintain professional standard inventories of historic resources, with the findings of those inventories concurred by the SHPO and kept on file with the State Office of Historic Preservation.

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

Mitigation Measure AH-3: The City of Modesto Landmark Preservation Ordinance establishes the recognition, preservation, enhancement, perpetuation, and use of structures, natural features, sites, and areas within the City of Modesto that have historic, architectural, archaeological, structural engineering, or aesthetic significance.

Mitigation Measure AH-7: When structures or areas of historical significance more than 50 years old are proposed for demolition, alteration, or where construction is proposed within 100 feet of that structure, the applicant shall submit data to the City regarding the structure's history or locations prepared by a qualified architectural historian.

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

Mitigation Measure AH-10: Prior to the adoption or amendment of the City of Modesto's UAGP, the City shall conduct consultations with the NAHC and those individuals and organizations identified by the NAHC.

Mitigation Measure AH-11: If land designated or proposed to be designated for development within the City of Modesto contains a sacred or traditional place, the City shall conduct consultations with the Native American Heritage Commission and the appropriate Native American groups and individuals.

Mitigation Measure AH-12: Any project subject to CEQA that involves substantial earth-disturbing activities, where excavation/construction would occur outside of areas where previous development has occurred, or where excavation/construction would occur at depths greater than existing foundations, roads and/or trenches in the immediate vicinity, shall require evaluation of the site by a qualified archaeologist.

Mitigation Measure AH-14: Any project that involves earth-disturbing activities shall require consultation by the applicant for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.

Potential Impact: Construction in an area of high archaeological sensitivity.

Mitigation Measure AH-9: For all proposed development within an archaeological resource study area a combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance as well as consultations with the Native American Heritage Commission (NAHC) and those individuals and organizations identified by the NAHC shall be employed to identify any areas that may have been used by Native Americans.

Mitigation Measure AH-13: If Phase II archaeological evaluations are recommended, a report of all such surveys and excavations with recommendations shall be completed prior to Project approval.

Mitigation Measure AH-15: 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 shall be subject to archaeological and Native American monitoring during all ground disturbing activities.

Mitigation Measure 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 (specified on pages V-8-18 and V-8-19 of the General Plan Master EIR).

Cumulative Impacts

Implementation of the Urban Area General Plan is not expected have a cumulatively considerable impact on archaeological and historical resources. No mitigation is necessary. The following policy is offered to promote historical awareness.

Mitigation Measure AH-17: The City of Modesto shall promote historical awareness through provision of educational opportunities for residents of all ages

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

The following archaeological and historical resources mitigation measures pertinent to the proposed project are found in detail on pages V-8-16 through V-8-19 in the General 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.

c. Project-Specific Effects

Section V-8 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 if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

	Potentially Significant Impact, as Compared to MEIR	**No Significant Impact with MEIR Mitigation**	**Less Than Significant or No Impact**
13. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES			
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	X
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	X
3) The proposed project would modify or demolish	☐	☐	X

	Potentially Significant Impact, as Compared to MEIR	No Significant Impact with MEIR Mitigation	Less Than Significant or No Impact
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.	☐	☐	X
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	X

Discussion:

(1) As proposed, the project is consistent with the policies affecting archaeological and historical resources, as set forth the General Plan and the General Plan Master EIR.

(2-3) No buildings will be demolished or altered to construct the project, which will be located within existing street rights-of-way and City park. No mitigation is necessary.

(4) The project area is located well away from riparian areas, which are considered to have the greatest potential for encountering archaeological resources. Nevertheless, it is still possible that archaeological materials may be encountered during construction. Should that occur, the contractor shall stop work immediately, inform City staff, and a specialist shall be consulted, consistent with Mitigation Measure AH-14. No other mitigation is necessary.

(5) The project design incorporates a provision for the replacement of any trees removed as a part of the construction of the subsurface basin. No other mitigation is necessary.

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 Wastewater Master Plan 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. No new or additional mitigation measures are required.

Master EIR Mitigation Measures:

1. Land Use, Plans, and Policies

No mitigation is necessary.

2. Agricultural Resources

No mitigation is necessary.

3. Parks and Recreation

No mitigation is necessary.

4. Water Quality and Hydrology

Mitigation Measure D.1: The City shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than one acre). The SWPPP shall emphasize measures designed to minimize erosion and off-site sedimentation during improvements to the collection system and installation of the new outfall.

5. Biological Resources

No mitigation is necessary.

6. Transportation

No mitigation is necessary.

7. Air Quality

Mitigation Measure G.1: The construction plans for each group of building permits shall incorporate recommendations from the San Joaquin Valley Air Pollution Control District specified on pages IV.G.17 and IV.G.18 in the Wastewater Master Plan Master EIR to minimize emissions during construction phases.

Mitigation Measure G.2: The City shall abide by permit limits imposed by the SJVAPCD to reduce pollutant emissions from diesel-powered engines for emergency power generation and any other sources requiring permits. The City shall abide by permit limits imposed by the SJVAPCD on operation of digester-gas burning equipment at the Primary Plant. If District Rule 9510 would apply, the City shall follow it and make the required emission reductions on-site (or pay for or create emission reductions off-site).

8. Noise

Mitigation Measure H.1 will be implemented in order to reduce construction noise impacts by specifying the following requirements in the construction contract:

a. Site work and equipment use will occur only between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between 9:00 a.m. and 9:00 p.m. Saturday and Sunday, as required by the City's noise ordinance.
b. Only noise-muffled equipment in good working order will be used and air compressors and pneumatic equipment will be equipped with mufflers, shrouds, or shields, as appropriate.

9. Visual Resources

No mitigation is necessary.

10. Public Health and Safety: Hazardous Materials

No mitigation is necessary.

11. Public Health and Safety: Contaminated Soils and Demolition

Mitigation Measure K.1a: Prior to activities involving soil disturbance for the improvements to the wastewater collection and treatment systems, the City shall use reasonable means to determine the presence of soil or groundwater contamination.

Mitigation Measure K.1f: In the event that previously unidentified contamination is encountered (e.g., identified by odor or visual staining) during soil disturbance activities or any underground storage tanks, abandoned drums, or other hazardous materials or wastes are encountered during construction, the contractor(s) shall immediately notify the City and the City shall then notify the County. The contractor(s) shall have prepared a Contingency Plan for Sampling and Analysis of potentially hazardous substances and coordination with appropriate regulatory agencies.

12. Climate Change:

No mitigation is necessary.

13. Disturbance of Archaeological/Historical Sites:

Mitigation Measure AH-14: Any project that involves earth-disturbing activities shall require consultation by the applicant for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-400

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AREA 2 STORM DRAIN CROSS CONNECTION REMOVAL PROJECT – PHASE 1 GARRISON PARK, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH MOUNTAIN CASCADE, INC. OF LIVERMORE, CALIFORNIA IN THE AMOUNT OF $3,149,487, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park were opened at 11:00 a.m. on October 8, 2013, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $3,149,487 received from Mountain Cascade, Inc. of Livermore, California 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 plans and specifications for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park, accepts the bid of Mountain Cascade, Inc. of Livermore, California in the amount of $3,149,487, and awards Mountain Cascade, Inc. the contract for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park.

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 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-401

RESOLUTION APPROVING AN AGREEMENT WITH RRM DESIGN GROUP FOR DESIGN SUPPORT DURING CONSTRUCTION FOR AREA 2 STORM DRAIN CROSS CONNECTION REMOVAL PROJECT – PHASE 1 GARRISON PARK IN AN AMOUNT NOT TO EXCEED $105,802 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $10,580 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $116,382, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park (Phase 1 Garrison Park) is the first of four phases of cross connection removal projects in the City of Modesto, and

WHEREAS, Phase I Garrison Park proposes to remove three storm drain to sewer cross-connections and twenty failed rock wells within a 24-acre tributary area, and

WHEREAS, in their place, storm drain piping will be installed to convey storm runoff to an underground storm drainage retention system at Garrison Park, and

WHEREAS, bids for the Phase 1 Garrison Park project were opened October 8, 2013 and construction is expected to begin during the first quarter of 2014, and

WHEREAS, due to the size and complexity of the project, construction support services are needed to facilitate 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, therefore, Engineering Services During Construction (ESDC) are being recommended by City staff, and will cover the one year estimated for construction and the start-up of Phase 1 Garrison Park project, and

WHEREAS, RRM Design Group (RRM) is the consulting design engineer for the Phase 1 Garrison Park project, and was selected for preliminary design services utilizing the City's Administrative Directive 3.1 in 2009 and final design services in 2010, and

WHEREAS, upon successful completion of the design of the project, City staff requested and received a proposal from RRM for ESDC services, and

WHEREAS, the scope for ESDC includes: 1) General technical oversight of project activity, including review of submittals and shop drawings; 2) Review and response to Requests for Information (RFIs) and change order requests; 3) As-needed technical observation of construction activities; 4) Project start-up and close-out assistance; and 5) As-built preparation, and

WHEREAS, the total cost of ESDC, including the optional 10% Additional Services, is $116,382, which is 3% of the total construction costs, and

WHEREAS, staff has negotiated the scope and fees with RRM and believes the costs are reasonable for a project of this size and complexity, and

WHEREAS, based on the City's need for these services and analysis of the proposed costs, staff is recommending approval of the agreement with RRM for construction support services of the Phase 1 Garrison Park project, and

WHEREAS, staff recommends an agreement with RRM, as the City does not have the staffing level or subject matter expertise to perform design support during construction for the Phase 1 Garrison Park project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with RRM Design Group for Design Support

During Construction for Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park for an amount not to exceed $105,802 for the identified scope of services, plus $10,580 for additional services (if needed), for a maximum total amount of $116,382.

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 November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-402

RESOLUTION ACCEPTING THE FINANCIAL ALLOCATION OF $43,800,000 OF STATE ROUTE 99 PROPOSITION 1B BOND SAVINGS ALLOCATED BY THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) FOR THE CONSTRUCTION OF STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project is a project to address the traffic congestion at the State Route 99/Pelandale Avenue Interchange, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on February 3, 2009, the City Council, by Resolution No. 2009-058 approved a Cooperative Agreement between the City of Modesto and Caltrans for the preparation of Plans Specifications and Estimates (PS&E) for the State Route 99/Peleandale Avenue Interchange Reconstruction Project. This Cooperative Agreement formalized the City's lead agency status for preparation of PS&E, and

WHEREAS, Plans, Specifications and Estimates (PS&E) have been completed and Encroachment Permit No. 1012-NMC-0741 has been issued by Caltrans, and

WHEREAS, on May 22, 2013, the City Council, by Resolution No. 2012-176, approved a Cooperative Agreement 10-397 between the City of Modesto and Caltrans outlining the terms and conditions of cooperation between Partners to complete

Construction phase of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on October 8, 2013, the California Transportation Commission by Resolution No. R99-A-1314-01, approved the financial allocation of $43,800,000 of Proposition 1B Bond Savings for the locally administered Pelandale Interchange Reconstruction (PPO 9460) SR99 project, in Stanislaus County, on State Highway System, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the financial allocation of $43,800,000 of State Route 99 Proposition 1B Bond Savings allocated by the California Transportation Commission (CTC) for the construction of State Route 99/Pelandale Avenue Interchange Reconstruction Project.

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 6th day of November, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-403

RESOLUTION AMENDING THE FISCAL YEAR 2013/2014 CAPITAL IMPROVEMENT BUDGET TO APPROPRIATE $43,800,000 FROM THE STATE ROUTE 99 PROPOSITION 1B BOND SAVINGS CIP PROJECT NO. 100786, STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE PROJECT CONSTRUCTION, AND AUTHORIZING THE FINANCE DIREECTOR, OR HER DESIGNEE TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project is a project to address the traffic congestion at the State Route 99/Pelandale Avenue Interchange, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on February 3, 2009, the City Council, by Resolution No. 2009-058, approved a Cooperative Agreement between the City of Modesto and Caltrans for the preparation of Plans Specifications and Estimates (PS&E) for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project. This Cooperative Agreement formalized the City's lead agency status for preparation of PS&E, and

WHEREAS, Plans, Specifications and Estimates (PS&E) have been completed and Encroachment Permit No. 1012-NMC-0741 has been issued by Caltrans, and

WHEREAS, on May 22, 2013, the City Council, by Resolution No. 2012-176, approved a Cooperative Agreement 10-397 between the City of Modesto and Caltrans outlining the terms and conditions of cooperation between Partners to complete

Construction phase of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on October 8, 2013, the California Transportation Commission by Resolution No. R99-A-1314-01, approved the financial allocation of $43,800,000 of Proposition 1B Bond Savings for the locally administered Pelandale Interchange Reconstruction (PPO 9460) SR99 project, in Stanislaus County, on State Highway System, and

NOW, THEREFORE, BE IT RESOLVED, as a result, the Fiscal Year 2013/2014 Capital Improvement Program budget needs to be amended to reflect the addition of $43,800,000 appropriations from State Route 99 Proposition 1B Bond Savings , and

BE IT FURTHER RESOLVED that the Finance Director, 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 6th day of November, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-404

RESOLUTION AMENDING FISCAL YEAR 2013/2014 CAPITAL IMPROVEMENT BUDGET TO APPROPRIATE $457,000 FROM CAPITAL FACILITIES FEES STREETS TO CIP PROJECT NO. 100787 FOR CONSTRUCTION OF A MONUMENT SIGN, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project is a project to address the traffic congestion at the State Route 99/Pelandale Avenue Interchange, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on February 3, 2009, the City Council, by Resolution No. 2009-058, approved a Cooperative Agreement between the City of Modesto and Caltrans for the preparation of Plans Specifications and Estimates (PS&E) for the State Route 99/Pelandale Avenue Interchange Reconstruction Project. This Cooperative Agreement formalized the City's lead agency status for preparation of PS&E, and

WHEREAS, Plans, Specifications and Estimates (PS&E) have been completed and Encroachment Permit No. 1012-NMC-0741 has been issued by Caltrans, and

WHEREAS, during project development it was decided to construct a City of Modesto Monument sign to enhance aesthetic of the bridge and welcome the travelling motorists to Modesto, and

WHEREAS, on May 22, 2013, the City Council, by Resolution No. 2012-176, approved a Cooperative Agreement 10-397 between the City of Modesto and Caltrans outlining the terms and conditions of cooperation between Partners to complete Construction phase of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on October 8, 2013, the California Transportation Commission by Resolution No. R99-A-1314-01, approved the financial allocation of $43,800,000 of Proposition 1B Bond Savings for the locally administered Pelandale Interchange Reconstruction (PPO 9460) SR99 project, in Stanislaus County, on State Highway System, and

NOW, THEREFORE, BE IT RESOLVED, as a result, the Fiscal Year 2013/2014 Capital Improvement Program budget needs to be amended to reflect the addition of $457,000 from Capital Facilities Fees Streets.

BE IT FURTHER RESOLVED, that the Finance Director, 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 6th day of November, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-405

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 4524 TULLY ROAD, (APN: 046-012-005) 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, on May 22, 2012, the City Council approved Resolution Number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges, and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas, and

WHEREAS, the property located at 4524 Tully Road, Modesto, is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, outside of the sphere of influence, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property once the developer constructs a 12-inch water main at his or her expense in Tully Road north of Bangs Avenue, 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 shall be paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 4524 Tully Road in Modesto.

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-406

RESOLUTION DESIGNATING COUNCILMEMBER DAVE COGDILL, JR. TO SERVE AS VICE MAYOR FOR THE REMAINDER OF 2013 AND 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 Dave Cogdill, Jr. is hereby designated to serve as Vice Mayor for the remainder of 2013 and 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 November, 2013, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-407

RESOLUTION AMENDING THE FY 2013/2014 POSITION ALLOCATION FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT TO ADD ONE FULL-TIME ASSOCIATE CIVIL ENGINEER FOR THE CONSTRUCTION OF STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT

WHEREAS, the State Route 99/Pelandale Avenue Interchange Reconstruction Project will alleviate traffic congestion, improve traffic safety, and improve traffic operations, and

WHEREAS, on October 8, 2013, the California Transportation Commission allocated $43,800,000 from Proposition 1B Bond Savings for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, as a condition of funding, the construction contract must be awarded within six (6) months of allocation, and

WHEREAS, staff has proceeded to preconstruction activities including hiring a construction management firm, and

WHEREAS, the Community and Economic Development Department does not have adequate staff to oversee and coordinate this project, and

WHEREAS, it is in the best interest of the project to hire an Associate Civil Engineer to aid with the Construction phase of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, the annual salary and benefits for the Associate Civil Engineer position are $109,136 per year, and

WHEREAS, funding for this position is located in the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, State Route 99/Pelandale Avenue Interchange Reconstruction Project for FY 13-14 through FY 15-16, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in the position allocation for the Community and Economic Development Department of one full-time Associate Civil Engineer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-408

RESOLUTION AMENDING THE FY 2013/2014 COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT OPERATING BUDGET TO APPROPRIATE $72,758 FROM THE STATE ROUTE 99 PROPOSITION 1B BOND SAVINGS CIP PROJECT NO. 100786, STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT, TO FUND ONE ASSOCIATE CIVIL ENGINEER AND CREATE A TRANSFER OF $72,758 FROM THE PROPOSITION 1B BOND SAVINGS TO THE GENERAL FUND TO FUND THE POSITION

WHEREAS, the State Route 99/Pelandale Avenue Interchange Reconstruction Project will alleviate traffic congestion, improve traffic safety, and improve traffic operations, and

WHEREAS, on October 8, 2013, the California Transportation Commission allocated $43,800,000 from Proposition 1B Bond Savings for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, as a condition of funding, the construction contract must be awarded within six (6) months of allocation, and

WHEREAS, staff has proceeded to preconstruction activities including hiring a construction management firm, and

WHEREAS, the Community and Economic Development Department does not have adequate staff to oversee and coordinate this project, and

WHEREAS, it is in the best interest of the project to hire an Associate Civil Engineer to aid with the Construction phase of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, the annual salary and benefits for the Associate Civil Engineer position are $109,136 per year, and

WHEREAS, funding for this position is located in the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, State Route 99/Pelandale Avenue Interchange Reconstruction Project for FY 13-14 through FY 15-16, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a budget amendment to the FY 2013/2014 Community and Economic Development Department Operating Budget in the amount of $72,758 and create a transfer of $72,758 from the Proposition 1B Bond Savings to the General Fund to fund the position.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-409

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND VICTOR M. LOPEZ, A SINGLE MAN, FOR SEWER SERVICE FOR THE PROPERTY LOCATED AT 2013 DONALD STREET IN THE ROBERTSON ROAD NEIGHBORHOOD, MODESTO (APN: 037-021-081); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 2013 Donald Street is not connected to City's sewer system, and

WHEREAS, the property is located outside Modesto City limits, and inside the City's Sphere of influence, and

WHEREAS, the property is inside the Modesto Municipal Sewer District No.1, and

WHEREAS, the City of Modesto can and is willing to provide domestic sewer to the subject area, and

WHEREAS, The Stanislaus County Redevelopment Agency installed complete sewer infrastructure in the " neighborhood" and individual laterals to each parcel to connect the property to the City of Modesto's sewer system, and

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

WHEREAS, the installation of the sewer service lines will upgrade the infrastructure in this already developed unincorporated area to facilitate a later annexation, and

WHEREAS, the sewer connection fees shall be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, that the property owner is required to enter into an outside service agreement for sewer service with the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Outside Service Agreement for the property located at 2013 Donald Street, in the Robertson Road Neighborhood, Modesto (APN: 037-021-081).

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 12th of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-410

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 AND FISCAL YEAR 2013-2014 ANNUAL OPERATING BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2012-2013 and Fiscal Year 2013-2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 and Fiscal Year 2013-2014 annual operating 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 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

EXHIBIT A

FISCAL YEAR 2012-13

FINANCE DEPARTMENT

An Industrial Fire JPA budget adjustment is necessary to recognize $286,620 in unbudgeted revenue derived from FY12-13 Property Taxes and reallocate to Intergovernmental Services and Services City Forces.

PARKS, RECREATION AND NEIGHBORHOODS

A budget adjustment is necessary to increase the transfer from the General Fund, Fund 0100, to the Golf Fund, Fund 4600, by an additional $296,543 to account for a revenue shortfall and unrealized expense savings.

A budget adjustment is necessary to increase the transfer from the General Fund, Fund 0100, to the Centre Plaza Fund, Fund 4700, by an additional $155,926 to account for a shortfall in revenue.

PUBLIC WORKS

A budget adjustment is necessary to transfer $626,198 from Water Fund Reserves to the Water Capital Improvement Project Fund for reimbursement of expenses incurred from various Water Capital Improvement Projects.

A budget adjustment is necessary to establish a $2,200,000 transfer from Fund 1510, LTF Streets and Roads Fund, to Fund 1720, Street LTF Fund, to provide a tracking mechanism of revenue for match funds of various approved projects.

FISCAL YEAR 2013-14

COMMUNITY AND ECONOMIC DEVELOPMENT

A budget adjustment is necessary to transfer $183,500 from the Streets Capital Facility Fee Fund, 3410, to Capital Improvement Project 100586, 7th Street Bridge Tuolumne, for the City's 50% match funding of the Preliminary Engineering phase as required in the Memorandum of Agreement approved on April 5, 2011.

PARKS, RECREATION AND NEIGHBORHOODS

A budget adjustment is necessary to transfer $250,000 from Waste-to-Energy Fund Reserves, Fund 4895, to Intergovernmental Services for supply and acceptance of solid waste as per an agreement between the City of Modesto and Stanislaus County as authorized by Council on June 26, 2012, Resolution #2012-265.

PUBLIC WORKS

A budget adjustment is necessary to establish a $100,000 transfer from Fund 1720, Prop 42 Fund, to Fund 3170, Capital Grants HUD CIP Projects, to allow the improvement of approximately 15 additional curb ramps.

A budget adjustment is necessary to establish a $75,000 transfer from Fund 1730, Gas Tax Fund, to Fund 1700, Surface Transportation Fund, to cover a $100,000 shortfall for the purchase of two Macropaver Slurry Seal trucks. Additionally, allocate $25,000 in the Surface

Transportation Fund, 1700, from Temporary Employee Services to Vehicles to realize the total shortfall.

UTILITY, PLANNING & PROJECTS

Approve creating a new Capital Improvement Project #100763, 2013-14 Sewer Collection System Replacement, for the purpose of replacing sewer systems within the City of Modesto as designated by Public Works Wastewater Collections staff, anticipated locations are Corson Avenue and Griswold Avenue, and process a budget adjustment transferring funds in the amount of $929,387 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100764, Cannery Segregation Pump Replacement, for the purpose of improving the pump station to address hydraulic deficiencies including the replacement of the existing pumps, and process a budget adjustment transferring funds in the amount of $1,364,000 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100777, E Street Storm Drain Cross Connection, for the purpose of removing the storm drain cross connection into the sewer system on E Street and provide necessary storm drain improvements resulting from the cross connection being removed, and process a budget adjustment transferring funds in the amount of $396,000 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100781, Lakewood Subtrunk L3 & L4, for the purpose of making sewer subtrunk improvements, including Lakewood L3 located on Kodiak Dr. from Fine Avenue to Claus Road and Lakewood L4 located on Merle Avenue from Hemstead Court to Claus Road, and process a budget adjustment transferring funds in the amount of $565,500 from Wastewater Developmental Fee Reserves to establish an expense budget for the design and construction this project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-411

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF SPOILS SCREENING AND ROCK CRUSHING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WATER DIVISION, TO DJ ROCHA TRUCKING, INC., HILMAR, CA, 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 $51,500, AND OVER FIVE (5) YEARS OF $257,500

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of spoils screening and rock crushing services, and

WHEREAS, the Purchasing Division issued RFB No. 1314-19 Spoils Screening and Rock Crushing Services to five (5) prospective bidders, none of which were local vendors, and posted the RFB on the City's website. No local vendor has the necessary equipment to perform this service, and

WHEREAS, bids were formally opened in the City Clerk's Office. Three (3) companies chose to respond, and

WHEREAS, all three (3) companies 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 furnishing of spoils screening and rock crushing services for the Department of Public Works, Water Division, to DJ Rocha Trucking, Inc., Hilmar, CA, 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 $51,500, and over five (5) years of $257,500, 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 spoils screening and rock crushing services for the Department of Public Works, Water Division, to DJ Rocha Trucking, Inc., Hilmar, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for spoils screening and rock crushing services in Appropriation Units: 4100-55050-53300 and 4100-55080-53300.

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 spoils screening and rock crushing services for the Department of Public Works, Water Division, to DJ Rocha, Inc., Hilmar, CA.

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 $51,500.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-412

RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE REPOWERING OF ONE MODEL YEAR 2003 GILLIG TRANSIT BUS FOR THE DEPARTMENT OF PUBLIC WORKS, TRANSIT DIVISION, TO COMPLETE COACH WORKS, RIVERSIDE, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $99,053

WHEREAS, a formal Request for Proposal process was conducted for the repowering of fourteen (14) Model Year 2003 Gillig Transit Buses, and

WHEREAS, at the time of award the Transit Division only had sufficient funding to fund thirteen (13) buses, and

WHEREAS, City Council authorized the award of proposal and contract to Complete Coach Works for the repowering of thirteen (13) Model Year 2003 Gillig Transit Buses, per Council Resolution No. 2012-525, and

WHEREAS, additional funding has since become available and the Transit Division requests the repowering of the fourteenth (14) bus, and

WHEREAS, Complete Coach Works will extend original bid pricing, and

WHEREAS, City staff recommends the award of proposal for the repowering of one Model Year 2003 Gillig Transit Bus for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, for an estimated total cost of $99,053, 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 repowering of one Model Year 2003

Gillig Transit Bus for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the repowering of one Model Year 2003 Gillig Transit Bus in Appropriation Unit: 4510-59999-55010-100449.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the repowering of one Model Year 2003 Gillig Transit Bus for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA.

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 $99,053.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-413

RESOLUTION RESCINDING RESOLUTION NO. 2012-100 THAT APPROVED THE INITIAL STUDY AND ADOPTED THE FINDING OF CONFORMANCE THAT THE PROPOSED TANK AND WELL IN DEL RIO AREA WAS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE WATER SYSTEM ENGINEER'S REPORT PROGRAM ENVIRONMENTAL IMPACT REPORT, AND DIRECTING STAFF TO PERFORM A NEW ENVIRONMENTAL ANALYSIS SPECIFIC TO THE PROJECT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

WHEREAS, on March 13, 2012, by Resolution No. 2012-100, the City Council adopted the Finding of Conformance that the Proposed Tank and Well in Del Rio Area was within the scope of the project covered by the Water System Engineer's Report Program Environmental Impact Report (PEIR), and

WHEREAS, on December 20, 2012, a lawsuit was filed against the City by the North Modesto Groundwater Alliance (Stanislaus County Superior Court Case No. 680381), and

WHEREAS, the lawsuit alleges deficiencies in the environmental review of the project, as well as a lack of sufficient notice to affected parties, and

WHEREAS, the lawsuit further requests the court require the City to rescind the prior project approvals, and to prepare a new environmental analysis for the project, and

WHEREAS, the court has granted a preliminary injunction, which prevents the City from undertaking any further activity to move the project forward prior to a ruling by the court,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution No. 2012-100, approved on March 13, 2012, which approved the Initial Study and adopted the Finding of Conformance that the Proposed

Tank and Well in Del Rio Area was within the scope of the project covered by the Water System Engineer's Report Program Environmental Impact Report (PEIR), and directs staff to perform a new environmental analysis specific to the project pursuant to California Environmental Quality Act (CEQA) requirements.

BE IT FURTHER RESOLVED that staff is hereby authorized to perform a new environmental analysis specific to the project pursuant to CEQA requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-414

RESOLUTION RESCINDING RESOLUTION NO. 2012-496 THAT ACCEPTED THE PRELIMINARY DESIGN REPORT DATED OCTOBER 2012 FOR THE DEL RIO TANK, PUMP STATION AND NEW WELL PROJECT AS COMPLETE

WHEREAS, on December 4, 2012, by Resolution No. 2012-496, the City Council accepted the Preliminary Design Report dated October 2012 for the Del Rio Tank, Pump Station and New Well project as complete, and

WHEREAS, on December 20, 2012, a lawsuit was filed against the City by the North Modesto Groundwater Alliance (Stanislaus County Superior Court Case No. 680381), and

WHEREAS, the lawsuit alleges deficiencies in the environmental review of the project, as well as a lack of sufficient notice to affected parties, and

WHEREAS, the lawsuit further requests the court require the City to rescind the prior project approvals, and to prepare a new environmental analysis for the project, and

WHEREAS, the court has granted a preliminary injunction, which prevents the City from undertaking any further activity to move the project forward prior to a ruling by the court,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution No. 2012-496, approved on December 4, 2012, which accepted the Preliminary Design Report dated October 12, 2012 for the Del Rio Tank, Pump Station and New Well project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-415

RESOLUTION REJECTING ALL BIDS FOR THE DEL RIO NEW WELL, AND RE-ADVERTISING THE PROJECT FOR BID WHEN THE CITY IS LEGALLY ALLOWED TO BEGIN CONSTRUCTION

WHEREAS, the bids received for the Del Rio New Well were opened at 11:00 a.m. on December 11, 2012, and later tabulated by the Director of Utility Planning & Projects for the consideration of the City Council, and

WHEREAS, because of the significant delays due to the litigation (Stanislaus County Superior Court Case No. 680381) of the project, staff now recommends rejecting all bids, and re-advertising the project when the City is legally allowed to begin construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Del Rio New Well, opened in the office of the City Clerk on December 11, 2012.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project when the City is legally allowed to begin construction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-416

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE STRENGTHEN & REPLACE WATER SYSTEM BETWEEN EL VISTA AVENUE & CLOVERDALE AVENUE PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH D.A. WOOD CONSTRUCTION, INC. OF EMPIRE, CALIFORNIA IN THE AMOUNT OF $169,904 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Strengthen & Replace Water System Between El Vista Avenue & Cloverdale Avenue project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Strengthen & Replace Water System Between El Vista Avenue & Cloverdale Avenue project were opened at 11:00 a.m. on October 15, 2013, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $169,904 received from D.A. Wood Construction, Inc. of Empire, California 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 plans and specifications for the Strengthen & Replace Water System Between El Vista Avenue & Cloverdale Avenue project, accepts the bid of D.A. Wood Construction, Inc. of Empire, California in the amount of $169,904, and awards D.A. Wood Construction, Inc. the contract for the Strengthen & Replace Water System Between El Vista Avenue & Cloverdale 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 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-417

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF MODESTO, SOUTHWEST HIDE COMPANY AND MODESTO HOLDING COMPANY FOR ACQUISITION OF THE FOLLOWING PROPERTY INTERESTS: (A) 37,333 SQUARE FEET (0.86 ACRES) PERMANENT SEWER EASEMENT, AND (B) A 41,142 SQUARE FEET (0.94 ACRES) TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 925 CROWS LANDING ROAD (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015), IN THE AMOUNT OF $59,500, FOR THE SHACKELFORD CROSSING 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 wastewater collection system, which includes installing two 18" sewer siphons beneath the Tuolumne River to replace older, abandoned siphons and increase overall capacity, and

WHEREAS, City staff is recommending acquisition of a permanent sewer easement and a temporary construction easement for installation of the two siphons, and

WHEREAS, staff has investigated the subject property to ensure it is suitable for this purpose,

WHEREAS, an agreement is needed for the acquisition of the easements and City staff recommends approving the Purchase and Sale Agreement for acquisition of property interests,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement between the City of Modesto, Southwest Hide Company and Modesto Holding Company for acquisition of the following property interests: (a) 37,333 square feet (0.86 acres) Permanent Sewer Easement, and (b) a 41,142 square feet (0.94 acres) Temporary Construction Easement,

located at 925 Crows Landing Road (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015), in the amount of $59,500, for the Shackelford Crossing 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 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-418

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE PERMANENT SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 925 CROWS LANDING ROAD, OWNED BY SOUTHWEST HIDE COMPANY AND MODESTO HOLDING COMPANY, (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE SHACKELFORD CROSSING 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 acquire: (1) a 37,333 square feet Permanent Sewer Easement; and (2) a 41,142 square feet Temporary Construction Easement, for the acquisition of property interests located at 925 Crows Landing Road (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015), owned by Southwest Hide Company and Modesto Holding Company, to be purchased by the City of Modesto for Shackelford Crossing 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 Certificates of Acceptance for the Permanent Sewer Easement and Temporary Construction Easement for the acquisition of property interests located at 925 Crows Landing Road, owned by Southwest Hide Company and Modesto Holding Company, (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015) to be purchased by the City of Modesto for the Shackelford Crossing Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-419

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WELLHEAD TREATMENT AT WELL NO. 3 PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH W.M. LYLES CO. OF FRESNO, CALIFORNIA IN THE AMOUNT OF $966,631, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Wellhead Treatment at Well No. 3 project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Wellhead Treatment at Well No. 3 project were opened at 11:00 a.m. on October 15, 2013, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $966,631 received from W.M. Lyles Co. of Fresno, California be accepted as the lowest responsible and responsive bid and the contract be awarded to W.M. Lyles Co.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Wellhead Treatment at Well No. 3 project, accepts the bid of W.M. Lyles Co. of Fresno, California in the amount of $966,631, and awards W.M. Lyles Co. the contract for the Wellhead Treatment at Well No. 3 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 12th day of November, 2013, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lopez

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-420

RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL REPORT FOR FISCAL YEAR 2012-13, AND MAKING FINDINGS RELATING TO EACH OF THE FEE CATEGORIES

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the City Council to establish Capital Facilities Fees ("CFF") by resolution, and

WHEREAS, California Government Code Sections 66001 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 CFF for the purpose of constructing pubic 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, and

WHEREAS, the Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and

WHEREAS, the Transit CFF fund was established to accrue funds for the expansion of the City's transit system including additional buses and their associated facilities, and

WHEREAS, 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

WHEREAS, 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

WHEREAS, the Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and

WHEREAS, the Parks and Recreation 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 museum, and

WHEREAS, the General Government CFF Fund was established to accrue funds for the expansion of City Hall, expansion of the City's corporation yards, and technology expansions, and

WHEREAS, the CFF program is a pay-as-you go program that enables improvements to be constructed when enough monies have been accumulated, and

WHEREAS, the Capital Facilities Fee Annual Report for Fiscal Year 2012-13 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 November 12, 2013, 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 finds and determines that the Capital Facilities Fee program, set forth in City Council Resolution No. 2013-177, and incorporated herein by reference, is a necessary program to fund future infrastructure needed for new development.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for constructing and/or purchasing additional fire stations, fire vehicles, and a new training station, 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 these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for constructing and/or purchasing 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, 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 these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure museum 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 these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the expansion of City Hall, expansion of the City's corporation yards, and additional technology expansions 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 these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails 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 these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for arterial roadways, intersections, expressways, freeway interchanges and all of their associated landscaping 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 these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the expansion of the transit system 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 these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2012-13 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 12th day of November, 2013, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

City of Modesto Capital Facilities Fees Annual Report
Fiscal Year 2012-13

Prepared By:

Community & Economic Development
Infrastructure Financing Program

October 2, 2013

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 (CIP)

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

LEGAL REQUIREMENTS (Con't.)

important during periods where budgetary demands exceed financial resources. The City's CIP Program 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

LEGAL REQUIREMENTS (Con't.)

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.

DESCRIPTION OF CAPITAL FACILITIES FEES (Con't.)

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. For Fiscal Year 2013-14, the CFF Program could have applied an inflationary adjustment of 1.5%. However, due to the continuing economic challenges faced by the City, staff recommended that the inflationary adjustment be frozen as it had been previously done in Fiscal Year 2012-13. On April 23, 2013, the City Council adopted Resolution No. 2013-141 and waived the annual inflationary adjustment for Fiscal Year 2013-14. Table 1 provides the adopted fee schedule for Fiscal Year 2013-14.

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES

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 2012-2013. 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.

FIVE YEAR REVENUE AND EXPENSE HISTORY

As previously discussed, most revenue is collected when a building permit is issued for new development. Overall, CFF Program revenues increased 101.9% between Fiscal Years 2011-12 and 2012-13 while expenditures increased 120.9% over the same time period. Due to previously accumulated revenues in the Streets and Parks Capital Facilities Fees funds, staff has continued to design and put projects out to bid. 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

A. Single-Family Residential

In June of 2010, the City extended the deferral program of CFF for Single-Family Residential permits for a period of one (1) year. This program allowed the deferral of payment of CFF until issuance of a Certificate of Occupancy. Although the program ended in June 2011, two (2) deferral agreements remain outstanding and are shown in Table 6.

B. 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 7 details the thirteen (13) active deferrals in Fiscal Year 2012-2013.

REFUNDS

One (1) CFF refund was issued in Fiscal Year 2012-2013. This refund, outlined in Table 8, was returning monies deposited by a developer for future improvements on Morse Road that have since been deemed unnecessary.

TRANSFERS

A total of eight (8) interfund transfers occurred in Fiscal Year 2012-2013. The transfers included the Tenth Street Place (City Hall) Debt Service payment and funding for various projects throughout the City. Table 9 offers details of each transfer.

CAPITAL IMPROVEMENT PROJECTS

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.

Table 1: Fee Schedules Effective July 1, 2012 through June 30, 2013

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	$ 6,268	$ 91	$ 548	$ 852	$ 363	$ 5,193	$ 479	$ 272	$ 14,066
Multi-Family Residential	Dwelling Unit	4,342	64	722	513	167	3,228	294	146	9,476
Senior Housing	Dwelling Unit	3,782	34	705	500	164	3,148	288	104	8,725
Hotel/Motel	Room	3,259	57		194	64		111	82	3,767
Retail <50,000 SF	1,000 SF	9,423	187		231	76		133	255	10,305
Retail 50,000-100,000 SF	1,000 SF	7,823	154		231	75		132	212	8,627
Retail 100,000-300,000 SF	1,000 SF	6,603	130		232	76		133	180	7,354
Retail >300,000 SF	1,000 SF	6,160	120		231	75		133	168	6,887
Medical Office	1,000 SF	11,903	238		386	126		221	328	13,202
General Office	1,000 SF	5,760	102		386	126		222	148	6,744
Hospital	1,000 SF	8,347	147		385	126		222	207	9,434
Daycare	1,000 SF	4,609	81		386	126		222	120	5,544
Church	1,000 SF	982	17		391	127		225	34	1,776
Nursing Home	1,000 SF	1,438	25		389	127		224	45	2,248
Industrial (Manufacturing)	1,000 SF	2,233	39		165	54		95	57	2,643
Industrial (Warehousing)	1,000 SF	1,566	28		166	54		95	42	1,951

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	$ 6,815	$ 72	$ 1,382					$ 176	$ 8,445
Multi-Family Residential	Dwelling Unit	4,904	52	876					120	5,952
Senior Housing	Dwelling Unit	2,870	31	958					95	3,954
Hotel/Motel	Room	3,435	36						51	3,522
Retail <50,000 SF	1,000 SF	9,802	103						143	10,048
Retail 50,000-100,000 SF	1,000 SF	8,161	86						120	8,367
Retail 100,000-300,000 SF	1,000 SF	6,918	73						102	7,093
Retail >300,000 SF	1,000 SF	6,463	69						95	6,62,7
Medical Office	1,000 SF	12,463	132						183	12,778
General Office	1,000 SF	6,100	64						93	6,2,7
Hospital	1,000 SF	8,729	92						130	8,951
Daycare	1,000 SF	4,922	52						76	5,050
Church	1,000 SF	1,178	12						25	1,215
Nursing Home	1,000 SF	1,661	17						31	1,709
Industrial (Manufacturing)	1,000 SF	2,374	25						36	2,435
Industrial (Warehousing)	1,000 SF	1,694	18						27	1,739

Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2013

	3410 Streets	3420 Public Transp.	3430 Air Quality	3440 Police	3450 Fire	3460 Parks	3470 General Gov't	3480 Admin.	TOTAL
REVENUES:									
Grant Monies	$ 6,639,777	$ -	$ -	$ -	$ -	$ 150,000	$ -	$ -	$ 6,789,777
Fees Collected	761,394	12,247	27,323	35,574	12,113	138,017	20,474	20,406	1,027,548
Interest and Rent	208,431	1,297	3,617	9,592	426	(6,068)	390	519	218,204
Net Change in Fair Value of Investments	(179,077)	(1,093)	(3,276)	(1,309)	(376)	(4,505)	(527)	(487)	(190,650)
Miscellaneous	-	-	-	-	-	-	-	-	-
TOTAL REVENUES	**$ 7,430,525**	**$ 12,451**	**$ 27,664**	**$ 43,857**	**$ 12,163**	**$ 277,444**	**$ 20,337**	**$ 20,438**	**$ 7,844,879**
EXPENDITURES:									
Current:									
General Gov't.	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 38,805	$ 38,805
Highways & Streets	7,801,737	-	-	-	-	-	-	-	7,801,737
Public Works	-	-	-	-	-	-	-	-	-
Parks & Recreation	-	-	-	-	-	9,259,700	-	-	9,259,700
Public Safety	-	-	-	-	-	-	-	-	-
Capital Outlay:	-	-	-	-	-	-	-	-	-
TOTAL EXPENDITURES	**$ 7,801,737**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 9,259,700**	**$ -**	**$ 38,805**	**$ 17,100,242**
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	**$ (371,212)**	**$ 12,451**	**$ 27,664**	**$ 43,857**	**$ 12,163**	**$ (8,982,256)**	**$ 20,337**	**$ (18,367)**	**$ (9,255,363)**
OTHER FINANCING SOURCES (USES)									
Transfers In	$ -	$ -	$ -	$ -	$ -	$ 6,395,468	$ -	$ -	$ 6,395,468
Transfers Out*	-	-	(227,488)	(77,426)	(31,746)	(147,571)	(35,025)	-	(519,256)
Sale of Assets	-	-	-	-	-	-	-	-	-
TOTAL OTHER FINANCING SOURCES	**$ -**	**$ -**	**$ (227,488)**	**$ (77,426)**	**$ (31,746)**	**$ 6,247,897**	**$ (35,025)**	**$ -**	**$ 5,876,212**
EXCESS (DEFICIENCY) OF REVENUES & OTHER USES	$ (371,212)	$ 12,451	$ (199,824)	$ (33,569)	$ (19,583)	$ (2,734,359)	$ (14,688)	$ (18,367)	$ (3,379,151)
FUND BALANCES, July 1	24,086,759	116,731	384,148	347,968	(1,041,007)	5,379,038	101,380	89,157	29,464,174
PRIOR PERIOD ADJUSTMENT	(165,278)	-	-	-	-	-	-	-	(165,278)
FUND BALANCES, June 30	**$ 23,550,269**	**$ 129,182**	**$ 184,324**	**$ 314,399**	**$ (1,060,590)**	**$ 2,644,679**	**$ 86,692**	**$ 70,790**	**$ 25,919,745**

* See Table 9 for transfer details.

Table 3: Five Year Revenue History

Fund	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	Five Year Total
FUND 3410 – STREETS						
Fees Collected	$ 1,894,183	$ 1,047,367	$ 561,069	$ 638,746	$ 761,394	$ 4,902,759
Grant Monies	1,285,467	423,473	2,726,437	2,855,733	6,639,777	13,930,887
All Other Revenue Sources	1,277,416	449,573	172,676	111,356	29,354	2,040,375
Subtotal	***$ 4,457,066***	***$ 1,920,413***	***$ 3,460,182***	***$ 3,605,834***	***$ 7,430,525***	***$ 20,874,021***
FUND 3420 – PUBLIC TRANSP.						
Fees Collected	$ 20,638	$ 11,147	$ 6,282	$ 11,694	$ 12,247	$ 62,008
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	8,945	1,263	744	447	204	11,603
Subtotal	***$ 29,583***	***$ 12,410***	***$ 7,026***	***$ 12,141***	***$ 12,451***	***$ 73,611***
FUND 3430 – AIR QUALITY						
Fees Collected	$ 40,276	$ 19,449	$ 19,099	$ 13,488	$ 27,323	$ 119,635
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	22,067	10,321	4,677	575	341	37,981
Subtotal	***$ 62,343***	***$ 29,770***	***$ 23,776***	***$ 14,062***	***$ 27,664***	***$ 157,616***
FUND 3440 – POLICE						
Fees Collected	$ 51,900	$ 34,967	$ 25,435	$ 41,697	$ 35,574	$ 189,573
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	31,255	4,614	1,765	(55)	8,283	45,862
Subtotal	***$ 83,155***	***$ 39,581***	***$ 27,200***	***$ 41,642***	***$ 43,857***	***$ 235,435***
FUND 3450 – FIRE						
Fees Collected	$ 8,705	$ 11,669	$ 7,619	$ 15,859	$ 12,113	$ 55,965
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	(28,889)	(28,782)	143	120	50	(57,358)
Subtotal	***$ (20,184)***	***$ (17,113)***	***$ 7,762***	***$ 15,979***	***$ 12,163***	***$ (1,393)***
FUND 3460 – PARKS						
Fees Collected	$ 142,655	$ 85,968	$ 101,006	$ 128,909	$ 138,017	$ 596,555
Grant Monies	-	-	-	-	150,000	150,000
All Other Revenue Sources	257,800	92,734	36,764	21,923	(10,573)	398,648
Subtotal	***$ 400,455***	***$ 178,702***	***$ 137,770***	***$ 150,832***	***$ 277,444***	***$ 1,145,203***
FUND 3470 – GENERAL GOV'T						
Fees Collected	$ 25,477	$ 20,117	$ 14,201	$ 24,113	$ 20,474	$ 104,382
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	42,416	7,950	3,521	(165)	(137)	53,585
Subtotal	***$ 67,893***	***$ 28,067***	***$ 17,722***	***$ 23,947***	***$ 20,337***	***$ 157,967***
FUND 3480 – ADMINISTRATION						
Fees Collected	$ 32,546	$ 19,348	$ 13,013	$ 20,558	$ 20,406	$ 105,871
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	16,423	4,468	141,987	430	32	163,340
Subtotal	***$ 48,969***	***$ 23,816***	***$ 155,000***	***$ 20,987***	***$ 20,438***	***$ 269,211***
TOTAL	**$ 5,129,280**	**$ 2,215,646**	**$ 3,836,438**	**$ 3,885,424**	**$ 7,844,879**	**$ 22,911,671**

Table 4: Five Year Expenditure History

Fund	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	Five Year Total
Fund 3410 – Streets	$ 10,550,642	$ 7,274,188	$ 3,204,214	$ 6,540,817	$ 7,801,737	$ 35,371,598
Fund 3420 – Public Transp.	-	-	-	-	-	-
Fund 3430 – Air Quality	-	-	-	-	-	-
Fund 3440 – Police	-	-	-	-	-	-
Fund 3450 – Fire	-	-	-	-	-	-
Fund 3460 – Parks	115,791	370,845	69,661	1,142,808	9,259,700	10,958,805
Fund 3470 – General Gov't	-	-	-	-	-	-
Fund 3480 – Administration	195,264	209,539	186,170	56,686	38,805	686,464
TOTAL	$ 10,861,697	$ 7,854,572	$ 3,460,045	$ 7,740,311	$ 17,100,242	$ 47,016,867

Table 5: Five Year Revenue and Expenditure History

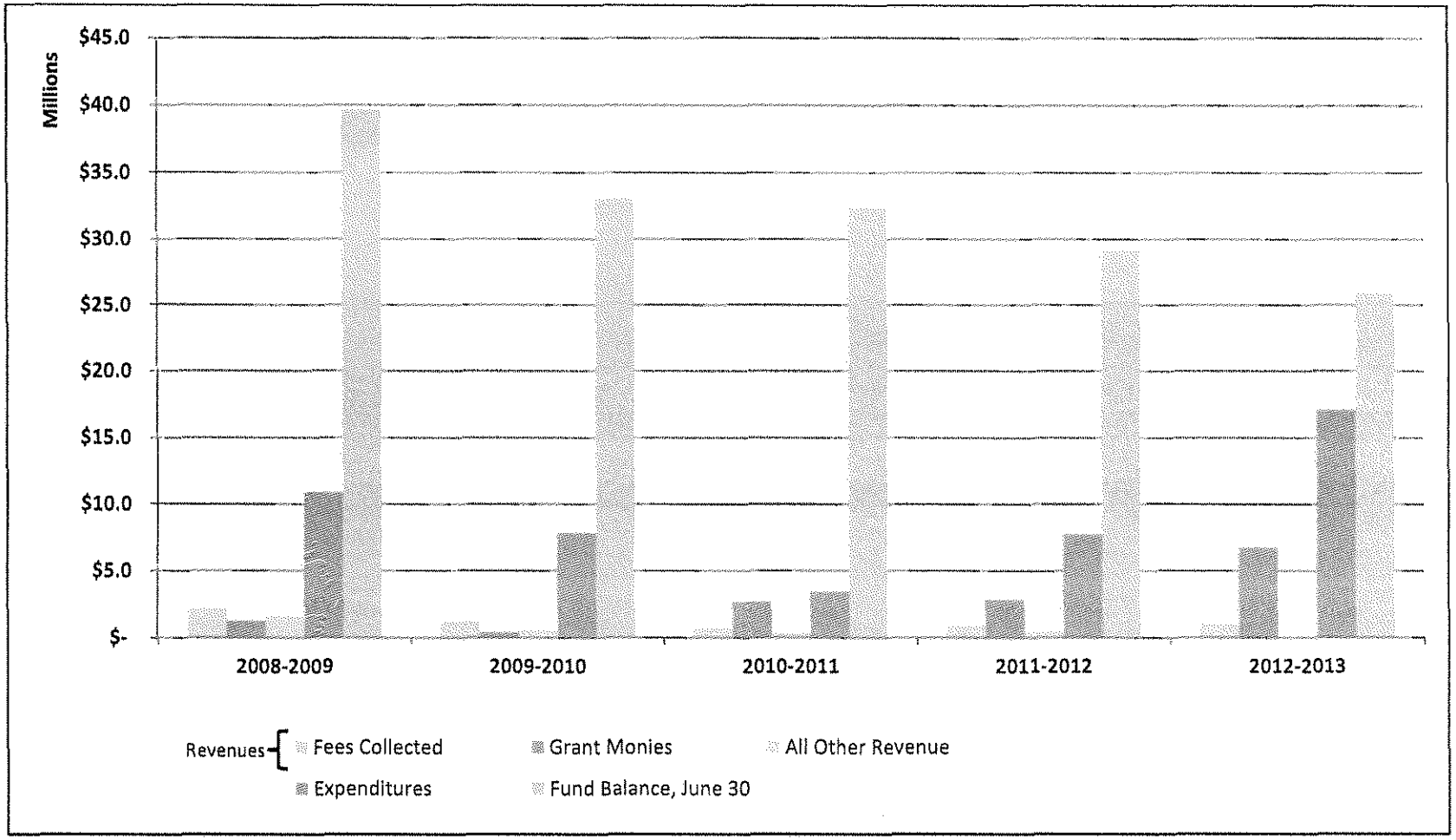

Table 6: Single-Family Residential Deferrals

Receivable Fund	Applicant	Balance June 30, 2012	Payoffs	Outstanding Balance June 30, 2013
Fund 3410 Streets	Oakdale Building Partners – 21 Permits	$ 18,804	$ 18,804	$ -
	Fletcher Organization, Inc. - 6 Permits	25,072	12,536	12,536
	Subtotal	***$ 43,876***	***$ 31,340***	***$ 12,536***
Fund 3420 Public Transportation	Oakdale Building Partners – 21 Permits	$ 273	$ 273	$ -
	Fletcher Organization, Inc. - 6 Permits	364	182	182
	Subtotal	***$ 637***	***$ 455***	***$ 182***
Fund 3430 Air Mitigation	Oakdale Building Partners – 21 Permits	$ 1,644	$ 1,644	$ -
	Fletcher Organization, Inc. - 6 Permits	2,192	1,096	1,096
	Subtotal	***$ 3,836***	***$ 2,740***	***$ 1,096***
Fund 3440 Police	Oakdale Building Partners – 21 Permits	$ 2,556	$ 2,556	$ -
	Fletcher Organization, Inc. - 6 Permits	3,408	1,704	1,704
	Subtotal	***$ 5,964***	***$ 4,260***	***$ 1,704***
Fund 3450 Fire	Oakdale Building Partners – 21 Permits	$ 1,089	$ 1,089	$ -
	Fletcher Organization, Inc. - 6 Permits	1,452	726	726
	Subtotal	***$ 2,541***	***$ 1,815***	***$ 726***
Fund 3460 Parks	Oakdale Building Partners – 21 Permits	$ 15,579	$ 15,579	$ -
	Fletcher Organization, Inc. - 6 Permits	20,772	10,386	10,386
	Subtotal	***$ 36,351***	***$ 25,965***	***$ 10,386***
Fund 3470 General Gov't.	Oakdale Building Partners – 21 Permits	$ 1,437	$ 1,437	$ -
	Fletcher Organization, Inc. - 6 Permits	1,916	958	958
	Subtotal	***$ 3,353***	***$ 2,395***	***$ 958***
Fund 3480 Administration	Oakdale Building Partners – 21 Permits	$ 816	$ 816	$ -
	Fletcher Organization, Inc. - 6 Permits	1,088	544	544
	Subtotal	***$ 1,904***	***$ 1,360***	***$ 544***
	TOTAL	**$ 98,462**	**$ 70,330**	**$ 28,132**

Table 7: Multifamily, Commercial and Industrial Deferrals

Receivable Fund	Applicant	Agreement Start Date	Agreement End Date	Years Remaining	Balance June 30, 2012	Payoffs	Outstanding Balance June 30, 2013
Fund 3410 Streets	Village Corners - 3 Permits	7/9/2010	4/30/2015	2	$ 22,895.67	$ 8,784.62	$ 14,111.05
	Modesto Mufflers - 1 Permit	7/1/2008	4/30/2013	-	7,821.48	7,821.48	-
	Acme Construction – 1 Permit	9/23/2008	4/30/2018	5	99,668.41	24,917.10	74,751.31
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	5	-	-	10,609.92
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	5	-	-	2,946.00
				Subtotal	***$ 130,385.56***	***$ 41,523.20***	***$ 102,418.28***
Fund 3420 Public Transportation	Village Corners - 3 Permits	7/9/2010	4/30/2015	2	$ 454.37	$ 174.33	$ 280.04
	Modesto Mufflers - 1 Permit	7/1/2008	4/30/2013	-	82.59	82.59	-
	Acme Construction – 1 Permit	9/23/2008	4/30/2018	5	1,765.76	441.44	1,324.32
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	5	-	-	187.88
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	5	-	-	51.00
				Subtotal	***$ 2,302.72***	***$ 698.36***	***$ 1,843.24***
Fund 3440 Police	Village Corners - 3 Permits	7/9/2010	4/30/2015	2	$ 561.28	$ 215.35	$ 113.81
	Modesto Mufflers - 1 Permit	7/1/2008	4/30/2013	-	-	-	-
	Acme Construction – 1 Permit	9/23/2008	4/30/2018	5	6,862.32	1,715.58	5,146.74
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	5	-	-	711.01
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	5	-	-	1,173.00
				Subtotal	***$ 7,423.60***	***$ 1,930.93***	***$ 7,144.56***
Fund 3450 Fire	Village Corners - 3 Permits	7/9/2010	4/30/2015	2	$ 184.66	$ 70.85	$ 113.81
	Modesto Mufflers - 1 Permit	7/1/2008	4/30/2013	-	-	-	-
	Acme Construction – 1 Permit	9/23/2008	4/30/2018	5	2,239.47	559.87	1,679.60
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	5	-	-	232.09
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	5	-	-	381.00
				Subtotal	***$ 2,424.13***	***$ 630.72***	***$ 2,406.50***
Fund 3470 General Gov't.	Village Corners - 3 Permits	7/9/2010	4/30/2015	2	$ 323.16	$ 123.99	$ 199.17
	Modesto Mufflers - 1 Permit	7/1/2008	4/30/2013	-	-	-	-
	Acme Construction – 1 Permit	9/23/2008	4/30/2018	5	3,945.31	986.33	2,958.98
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	5	-	-	408.92
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	5	-	-	675.00
				Subtotal	***$ 4,268.47***	***$ 1,110.32***	***$ 4,242.07***
Fund 3480 Administration	Village Corners - 3 Permits	7/9/2010	4/30/2015	2	$ 619.58	$ 237.73	$ 381.85
	Modesto Mufflers - 1 Permit	7/1/2008	4/30/2013	-	113.85	113.85	-
	Acme Construction – 1 Permit	9/23/2008	4/30/2018	5	2,566.21	641.55	1,924.66
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	5	-	-	272.62
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	5	-	-	102.00
				Subtotal	***$ 3,299.64***	***$ 993.13***	***$ 2,681.13***
				TOTAL	**$ 150,104.12**	**$ 46,886.66**	**$ 120,735.78**

Table 8: Refund of Capital Facilities Fees

Fund	Date	Applicant	Permit #	Refund
Fund 3410 Streets	February 15, 2013	Sarjak Enterprises, Inc.	BLD2008-62083	$ 160,296.26
			Subtotal	*$ 160,296.26*
			TOTAL	$ 160,296.26

Table 9: Transfers within Capital Facilities Fees Funds

Fund	Transfer Description	Loan Maturity Date	Rate of Interest	Transfer Amount
Fund 3430 – Air Quality	Transfer out to Fund 3140 – Virginia Corridor Match Funding Phase V	-	-	$ (227,488)
			Subtotal	***$ (227,488)***
Fund 3440 – Police	Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment	2034	Variable Interest	(77,426)
			Subtotal	***$ (77,426)***
Fund 3450 – Fire	Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment	2034	Variable Interest	$ (31,746)
			Subtotal	***$ (31,746)***
Fund 3460 – Parks	Transfer in from Fund 3200 – Mary Grogan Park Project for FY 13	-	-	$ 2,083,159
	Transfer in from Fund 3290 – Mary Grogan Park Project for FY 13	-	-	1,174,489
	Transfer in from Fund 3291 – Mary Grogan Park Project for FY 13	-	-	3,137,820
	Transfer out to Fund 3140 – Virginia Corridor Project Match Phase V	-	-	(147,571)
			Subtotal	***$ 6,247,897***
Fund 3470 – General Gov't	Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment	2034	Variable Interest	$ (35,025)
			Subtotal	***$ (35,025)***
			TOTAL	**$ 5,876,212**

Table 10: Capital Improvement Project (CIP) Expenditures

Fund	Project Number	Project Name	% Funded by Fee	% Funded by Other	Budget	Previous FY Expenditures	FY 12/13 Expenditures	Balance Available	Estimated Construction Start FY	Estimated Construction End FY
Fund 3410 Streets	100030	Right Turn Lane – Northbound McHenry to Eastbound Briggsmore	15.00%	85.00%	$ 810,300	$ 371,688.06	$ **182,617.91**	$ 255,994.03	2010/11	2012/13
	100031	Right Turn Lane – Eastbound Briggsmore to Southbound McHenry	11.47%	88.53%	733,001	164,461.43	**3,501.86**	565,037.71	Unknown[1]	Unknown
	100032	New Traffic Signals 2010	-	100%	853,124	61,054.68	**34,818.22**	757,251.10	2012/13	2013/14
	100035	Dale Road CCTV Cameras	1.15%	98.85%	350,000	299,512.85	**35,410.18**	15,076.97	2011/12	2012/13
	100036	Right Turn Lanes – Four (4) Intersections	9.07%	90.93%	1,787,955	1,209,908.80	**249,686.80**	328,359.40	2009/10	2010/11
	100037	Turn Signals: Scott/Cheyenne & Prescott/Hawn	7.03%	92.97%	497,027	456,398.66	-	40,628.34	2009/10	2010/11
	100046	Pelandale Interchange at SR 99	22.33%	77.67%	10,274,177	6,929,920.89	**449,989.83**	2,894,266.28	2013/14	2015/16
	100049	Oakdale Road Widening	100%	-	400,000	12,227.56	**184.64**	387,587.80	Unknown[2]	Unknown
	100051	Claratina: McHenry to Coffee Four (4) Lanes	100%	-	3,904,936	175,358.47	**13,857.92**	3,715,719.61	2015/16	2016/17
	100053	Carpenter Road Bridge Seismic	2.03%	97.97%	11,386,443	1,175,026.35	**6,571,497.92**	3,639,918.73	2011/12	2013/14
	100585	Right Turn Lane – Oakdale to Scenic	12.50%	87.50%	400,000	17,366.69	**20,944.75**	361,688.56	Unknown[2]	Unknown
	100586	7th Street Bridge at Tuolumne River	100%	-	150,000	12,678.37	**12,016.58**	125,305.05	2015/16	2019/20
	100614	SR 132 West Expressway	100%	-	40,000	12,354.99	**9,289.46**	18,355.55	2016/17	2018/19
	100631	Oakdale/Sylvan Intersection Improvements	60.41%	37.59%	1,995,120	53,401.66	**91,217.04**	1,850,501.30	2013/14	2013/14
	100632	Right Turn Lane – McHenry to Briggsmore	-	100%	310,000	47,087.62	**35,867.37**	227,045.01	2013/14	2015/16
	100635	Traffic Model Maintenance	-	100%	400,000	33,361.14	**88,370.44**	278,268.42	2011/12	2015/16
					Subtotal		***$ 7,799,270.92***			
Fund 3460 Parks	100288	Mary Grogan Community Park	43.36%	56.64%	$ 11,111,610	$ 1,236,631.84	$ **9,259,700.34**	$ 615,277.82	2011/12	2012/13
	100677	Lighting Playground and Shade	100%	-	285,834	2,559.45	-	283,274.55	2010/11	2013/14
					Subtotal		***$ 9,259,700.34***			
					TOTAL		**$ 17,058,971.26**			

[1] Estimated construction start date is unknown due to a constructability issue which may prohibit construction.
[2] Project currently in Preliminary Engineering Phase. Construction time period is unknown because there are no monies programmed at this time.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-421

RESOLUTION DENYING THE APPEAL OF GEORGE MURPHY TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING A SECOND-STORY BALCONY ADDITION TO AN EXISTING TWO-STORY GARAGE LOCATED AT 1705 BRONSON AVENUE

WHEREAS, an application for an appeal to a Board of Zoning Adjustment decision for a two-story balcony addition to an existing two-story garage located at 1705 Bronson Avenue, was filed by George Murphy on October 7, 2013, and

WHEREAS, Sections 10-9.102 of the Municipal Code authorize the Board of Zoning Adjustment to grant Appeals to staff's decisions, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on August 22, 2013, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing both evidence both oral and documentary was received and considered, and

WHEREAS, after hearing concerns from neighboring residents, the Board of Zoning Adjustment voted to continue the public hearing to September 26, 2013, because the Board could not reach a consensus on whether to grant or deny the appeal, and

WHEREAS, the continued public hearing was held by the Board of Zoning Adjustment on September 26, 2013, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing the Board of Zoning Adjustment, by Resolution No. 2013-06 granted the appeal of staff's decision approving the second-story balcony addition due to concerns regarding massing and compatibility with the neighborhood, and

WHEREAS, on October 7, 2013, George Murphy filed an appeal with the City Clerk of the City of Modesto to the decision of the Board of Zoning Adjustment denying the two-story balcony addition to an existing two-story garage located at 1705 Bronson Avenue, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on November 12, 2013, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered; and determined that due to the size and massing of the balcony, in addition to the existing two-story structure, the balcony addition is incompatible with the surrounding neighborhood and thus the proposed second-story balcony addition did not meet the criteria of Section 10-4.110(a) of the Municipal Code and the Neighborhood Compatibility Guidelines, and that therefore, the appeal of George Murphy should be denied.

NOW, THEREFORE BE IT RESOLVED by the City Council that it finds and determines, based on substantial evidence and testimony in the administrative record, that the appeal of the George Murphy to the decision of the Board of Zoning Adjustment denying an application for a two-story balcony addition to an existing two-story garage located at 1705 Bronson Avenue is hereby denied for the reasons set forth above, and the decision of the Board of Zoning Adjustment as set forth in its Resolution Nos. 2013-06 is hereby affirmed, for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Burnside

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-422

RESOLUTION APPROVING AN AGREEMENT WITH MENDOZA & ASSOCIATES FOR CONSTRUCTION MANAGEMENT SERVICES DURING CONSTRUCTION OF THE STATE ROUTE 99 / PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT IN THE AMOUNT OF $4,221,005; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project is a project to alleviate traffic congestion, improve traffic safety, and improve traffic operations , and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on May 22, 2013, the City Council, by Resolution No. 2012-176, approved a Cooperative Agreement 10-397 between the City of Modesto and Caltrans outlining the terms and conditions of cooperation between Partners to complete the Construction phase of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on October 8, 2013, the California Transportation Commission by Resolution No. R99-A-1314-01, approved the financial allocation of $43,800,000 of Proposition 1B Bond Savings for the locally administered Pelandale Interchange Reconstruction (PPO 9460) SR99 project, in Stanislaus County, on State Highway System, and

WHEREAS, due to the size, complexity, and the amount of staff hours required to support construction of this project, a construction management (CM) firm is needed, and

WHEREAS, on September 25, 2013, the Community and Economic Development Department solicited Proposals for Construction Management services.

WHEREAS, three (3) Proposals for Construction Management services were received on or before the deadline of October 21, 2013, and

WHEREAS, on October 28, 2013, an evaluation committee composed of staff from Community & Economic Development Department, Utility Planning and Projects Department, California Department of Transportation and one (1) City Council member interviewed the proposing firms, and

WHEREAS, the selection committee ranked Mendoza & Associates the most qualified to provide CM services for this project WHEREAS Staff has negotiated the scope and fees with Mendoza & Associates and believes the costs are reasonable for a project of this size and complexity.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Mendoza & Associates for Construction Management Services during construction of State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed $4,221,005.

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 November, 2013, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Geer, Gunderson, Lopez, Muratore, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Burnside, Cogdill

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-423

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE REGULAR MUNICIPAL ELECTION WHICH WAS HELD IN THE CITY OF MODESTO ON NOVEMBER 5, 2013, AND DECLARING THE RESULTS OF SAID ELECTION

WHEREAS, on Tuesday, November 5, 2013, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County to elect the following:

1. One Councilmember to District 2 for a four year term;
2. One Councilmember to District 4 for a four year term;
3. One Councilmember to District 5 for a two year term;
4. Four Board of Education Members for four year terms; and
5. One Board of Education Member for two year term.

WHEREAS, as set forth in Section 4 hereof, Measure V was an advisory measure and Measure X was a sales tax measure, and were submitted to the qualified electors in the November 5, 2013, City of Modesto election, and

WHEREAS, said election was held on Tuesday, November 5, 2013, 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 City Clerk canvassed the returns of said regular municipal election in accordance with law, and certified the results of the election of the Council by a Certificate of Canvass and Statement of Votes dated November 15, 2013, 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 canvass by the City Clerk as shown on the 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 for Districts 2, 4 and 5, in the City.

(B) The whole number of votes cast in the Modesto High School District.

(C) The names of the persons voted for.

(D) For what office each person was voted for.

(E) The number of votes given in the City to each person.

(F) The number of votes given in the City for each Measure.

SECTION 3. That, at said Regular Municipal Election, 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 such persons, certifying his/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:

Tony Madrigal	Councilmember for a term of four years, District 2, Modesto City Council.
Bill Zoslocki	Councilmember for a term of four years, District 4, Modesto City Council.
Jenny Kenoyer	Councilmember for a term of four years, District 5, Modesto City Council.
Sue Zwahlen	Member, Modesto Board of Education, for a term of four years.
David Allan	Member, Modesto Board of Education, for a term of four years.
Ruben Villalobos	Member, Modesto Board of Education, for a term of four years.
Cindy Marks	Member, Modesto Board of Education, for a term of four years.
Jordan Dickson	Member, Modesto Board of Education, for a term of two years.

SECTION 4. The following votes were cast for Measures V and X:

Measure	Total Votes For	Total Votes Against
Measure V: Shall the City provide sewer service to the following area of the Modesto General Plan? The unincorporated area designated "Airport Neighborhood" or the east portion of "Area 12" in Modesto's 2009 Urban Growth Review. The area is generally bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west.	15,718	7,255
Measure X: City of Modesto Public Safety/Essential Services Measure. To address crime, gangs, drugs and youth violence, improve the local economy/jobs, and maintain/improve essential City services, including: • Police/fire protection; • Neighborhood police patrols; • 9-1-1 emergency response; • Gang crime, theft and burglary prevention; • Street/pothole repair; • Programs attracting businesses/creating jobs; and • Other City services, Shall the City of Modesto enact a 1¢ sales tax, for 6 years, with independent annual audits, citizens' oversight, and no money for Sacramento?	11,816	12,322

Measure V. More than a majority of all the votes cast at the election for Measure V 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.

Measure X. More than a majority of all the votes cast at the election for Measure X were not in favor of said proposed Measure, and said Measure did not carry and was not approved 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 26th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Marsh

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

EXHIBIT A

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION
November 5, 2013

I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 5, 2013, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 5, 2013, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
District 2, Modesto City Council		
Tony Madrigal	**804**	**54.88%**
Jon Rodriguez	462	31.54%
Juan Telles	190	12.97%
Total Votes Cast for District 2	1,525	
Non-Qualified Write-in Candidates	9	
District 4, Modesto City Council		
Juan Melgoza	368	8.88%
Rickey McGill	1,147	27.67%
Ryan Schambers	264	6.37%
Bill Zoslocki	**2,349**	**56.66%**
Total Votes Cast for District 4	4,594	
Non-Qualified Write-in Candidates	18	
District 5, Modesto City Council		
Stephanie Burnside	2,442	48.51%
Jenny Ketchum Kenoyer	**2,580**	**51.25%**
Total Votes Cast for District 5	5,471	
Non-Qualified Write-in Candidates	12	

MEASURES	NUMBER OF VOTES		PERCENTAGE OF VOTE
Measure V			
Shall the City provide sewer service to the following area of the Modesto General Plan? The unincorporated area designated "Airport Neighborhood" or the east portion of "Area 12" in Modesto's 2009 Urban Growth Review. The area is generally bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west.			
	15,718	**Yes**	**68.42%**
	7,255	No	31.58%
Measure X			
City of Modesto Public Safety/Essential Services Measure. To address crime, gangs, drugs and youth violence, improve the local economy/jobs, and maintain/improve essential City services, including:			

- Police/fire protection;
- Neighborhood police patrols;
- 9-1-1 emergency response;
- Gang crime, theft and burglary prevention;
- Street/pothole repair;
- Programs attracting businesses/creating jobs; and
- Other City services,

Shall the City of Modesto enact a 1¢ sales tax, for 6 years, with independent annual audits, citizens' oversight, and no money for Sacramento?

11,815	Yes	48.95%
12,322	**No**	**51.05%**

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
Member, Modesto Board of Education – 4 year term		
David Allan	**13,124**	**16.30%**
Cindy Marks	**14,747**	**18.31%**
Brett McBay	11,819	14.68%
Michael Scheid	9,348	11.61%
Ruben Villalobos	**13,296**	**16.51%**
Sue Zwahlen	**18,004**	**22.36%**
Non-Qualified Write-in Candidates	182	.23%

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
Member, Modesto Board of Education – 2 year term		
Jordan Dickson	**10,082**	**40.39%**
Fabiola Garcia	2,768	11.09%
Charlie Grom	8,782	35.18%
Dean Smeltzer	3,255	13.04%
Non-Qualified Write-in Candidates	76	.30%

VOTER TURNOUT:	**28,553**	**100%**

	TOTAL REGISTERED VOTERS	TOTAL TURNOUT	TURNOUT PERCENTAGE
City of Modesto Council District 2	9,489	1,525	16.07%
City of Modesto Council District 4	15,925	4,594	28.85%
City of Modesto Council District 5	16,958	5,471	32.26%
Measures V and X	89,528	24,473	27.34%
Modesto High School District	112,916	28,553	25.29%

EXHIBIT A

STEPHANIE LOPEZ
City Clerk
City of Modesto

November 26, 2013

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-424

RESOLUTION APPOINTING JON RODRIGUEZ AND RICHARD DALTON 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 Economic Development Committee met on September 4, 2013, and recommended the appointment of Jon Rodriguez and Richard Dalton to the Board of Building Appeals,

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

SECTION 1: Jon Rodriguez is hereby appointed to the Board of Building Appeals with a term expiration of January 1, 2017.

SECTION 2: Richard Dalton is hereby appointed to the Board of Building Appeals with a term expiration of January 1, 2017.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-425

RESOLUTION APPOINTING JON RODRIGUEZ TO THE EQUAL OPPORTUNITY/DISABILITY 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 Economic Development Committee met on November 4, 2013, and recommended appointment of Jon Rodriguez to the Equal Opportunity/Disability Commission.

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

SECTION 1. JON RODRIGUEZ is hereby appointed to the Equal Opportunity/Disability Commission with a term expiration of January 1, 2015.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Equal Opportunity/Disability Commission, and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-426

RESOLUTION ACCEPTING AN ACCESS EASEMENT AND A SANITARY SEWER EASEMENT ON THE ARCHWAY COMMONS PROPERTY LOCATED AT 1101 CARVER FOR THE BENEFIT OF THE NORTHERN ADJACENT CITY PROPERY (APN: 029-009-037), AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO SIGN THE DOCUMENTS, AND THE CITY CLERK, OR HER DESIGNEE, TO SIGN THE DOCUMENTS ACCEPTING THE EASEMENTS AND RECORD THEM WITH STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, ARCHWAY COMMONS I, L.P., ("DEVELOPER"), is the developer of the ARCHWAY COMMONS ("DEVELOPMENT"), and

WHEREAS, the DEVELOPER has provided the CITY with signed documents for the access easement and the sanitary sewer easement that meet the approval of the City Attorney's Office, and

WHEREAS, the DEVELOPER is constructing phase one of the Archway Commons project which includes roads and sidewalks that are located in the access easement and sewer pipe lines in the sewer easement on their property (Lot 1 per Official Map Number 1 or APN: 029-009-036), and

WHEREAS, the DEVELOPMENT is finishing phase one of 76 residential units of affordable housing, and

WHEREAS, it is planned to develop 74 residential units of affordable housing on the property to the north (lot 2 per Official Map Number 1 or APN: 029-009-037), and

WHEREAS, the easements are required for the adjacent property to the north to be a buildable lot, and

WHEREAS, the City and Developer both desire to record these easements to provide uninterrupted vehicle and pedestrian access, as well as sewer service across the DEVELOPMENT.

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

1. The said Access Easement across the DEVELOPMENT is hereby accepted, and the City Manager, or his designee, is hereby authorized to sign the access easement document, and the City Clerk, or her designee, is hereby authorized to sign the access easement document and record it with the Stanislaus County Recorder's Office.

2. The said Sanitary Sewer Easement across the DEVELOPMENT is hereby accepted, and the City Manager, or his designee, is hereby authorized to sign the sewer easement document and the City Clerk, or her designee, is hereby authorized to sign the sewer easement document and the record it with the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-427

RESOLUTION APPROVING A THIRD AMENDMENT TO AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. (FORMERLY BOYLE ENGINEERING CORPORATION) FOR ADDITIONAL SCOPE OF WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR CONSULTANT SERVICES FOR THE DESIGN OF SYLVAN AVENUE BETWEEN MILLBROOK AVENUE AND CLAUS ROAD, AND THE DESIGN OF LITT ROAD BETWEEN SYLVAN AVENUE TO THE NORTH END OF THE GROGAN PARK SITE IN AN AMOUNT NOT TO EXCEED $5,335 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $10,719 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT OF $16,054, OR A MAXIMUM TOTAL AGREEMENT AMOUNT OF $546,669, AND AUTHORIZING THE DISTRICT ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE THIRD AMENDMENT TO AGREEMENT

WHEREAS, this project includes roadway improvements on Sylvan Avenue from west of Litt Road to Claus Road and on Litt Road from Sylvan Avenue to the north end of the future Grogan Park site, and

WHEREAS, this project is located on the northern edge of Village One, and

WHEREAS, the project is currently under construction and is nearly complete, and

WHEREAS, on February 27, 2007, by Resolution No. 2007-141, the City Council approved an agreement with Boyle Engineering Corporation for Consultant Services for the Design of Sylvan/Litt Improvement Project, and

WHEREAS, in April 2008, Boyle Engineering Corporation was purchased by AECOM Technical Services, Inc. (AECOM), and

WHEREAS, the Original Agreement totaled $384,376 for the identified scope of services, plus $67,831 additional services (if needed), and

WHEREAS, additional services in the amount of $61,137 were approved on April 15, 2011, and

WHEREAS, on August 9, 2011, by Resolution No. 2011-325, the City Council approved an amendment to agreement with AECOM in the amount of $30,685 for the identified scope of services, plus $19,048 additional services (if needed), to provide funding for needed plan modifications to accommodate the Grogan Park project, and

WHEREAS, additional services in the amount of $8,417 were approved on January 16, 2012, and

WHEREAS, on March 27, 2012, by Resolution No. 2012-111, the City Council approved a second amendment to agreement with AECOM in the amount of $27,861 for the identified scope of services, plus $20,499 additional services (if needed), and

WHEREAS, additional services in the amount of $18,139 were approved on November 29, 2012, and

WHEREAS, as discussed above, the current agreement price including an amendment to agreement, a second amendment to agreement and adjustments for approved additional services options used totals $530,615, and

WHEREAS, during construction, wet subgrade was discovered adjacent to the active rice field which required exploration and analysis by BSK Associates, a geotechnical sub consultant to AECOM, and

WHEREAS, the consultant was asked by the City to respond to the site and provide a solution to the problem, and

WHEREAS, these requested services were beyond the scope of work included in the original agreement and amendments to agreement, and

WHEREAS, the following list summarizes the additional services that the City requested of AECOM: 1) Coordination with the City/geotechnical sub consultant, project

management; 2) On-site meeting, field exploration; 3)Prepare report, engineering analysis, develop recommendations, in-house QC, and submit report; and

WHEREAS, the proposed third amendment to the AECOM agreement including 2% for additional services (if needed), for $16,054 will include design support services during construction provided by a geotechnical subconsultant, and

WHEREAS, with this third amendment, the total agreement costs will not exceed $546,669, and

WHEREAS, City staff recommends approving this third amendment to agreement with AECOM to cover the additional scope of work that was not included in the original agreement for design support services during construction for the Sylvan/Litt Improvement Project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Third Amendment to Agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the Original Agreement for the Design Support Services during Construction of Sylvan Avenue between Millbrook Avenue and Claus Road and Litt Road from Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed $5,335 for the identified scope of services, plus $10,719 for additional services (if needed), for a maximum total amount of $16,054.

BE IT FURTHER RESOLVED, that the District Administrator, or his designee, is hereby authorized to execute the Third Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-428

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 6801 CORTE DE LAS PALMAS, (APN: 004-089-004) 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, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges, and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas, and

WHEREAS, the property located at 6801 Corte De Las Palmas, is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and inside the former service area of the Del Este Water Company, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property, 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 are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 6801 Corte De Las Palmas.

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 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-429

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND K. KRISHNAMOORTHI AND SOMA KRISHNAMOORTHI, TRUSTEES OF THE KRISHNAMOORTHI 2009 REVOCABLE TRUST, FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 6801 CORTE DE LAS PALMAS, (APN: 004-089-004), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT

WHEREAS, the property located at 6801 Corte De Las Palmas is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and inside the former service area of the Del Este Water Company, and

WHEREAS, if it is determined that it is reasonable for the City to extend water service to this property, 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, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 6801 Corte De Las Palmas, (APN: 004-089-004).

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-430

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 143 LINLEY AVENUE IN EMPIRE, (APN: 009-019-003) 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, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges, and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas, and

WHEREAS, the property located at 142 Linley Avenue in Empire, is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property, 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 are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 142 Linley Avenue in Empire.

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 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-431

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO MILLING, A CALIFORNIA CORPORATION, FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 142 LINLEY AVENUE IN EMPIRE, (APN: 009-019-003), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the property located at 142 Linley Avenue, is not connected to City's water system, and

WHEREAS, this property is located outside Modesto City limits, and

WHEREAS, if it is determined that it is reasonable for the City to extend water service to this property, 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, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 142 Linley Avenue in Empire (APN: 009-019-003).

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-432

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF LANDSCAPE MAINTENANCE SERVICES FOR CITYWIDE USE TO GROVER LANDSCAPE SERVICES, INC., MODESTO, CA, 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 $47,280, AND OVER FIVE (5) YEARS OF $236,400

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of landscape maintenance services, and

WHEREAS, the Purchasing Division issued RFB No. 1314-14 Landscape Maintenance Services to fourteen (14) prospective bidders, eight (8) of which were local vendors, and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Five (5) companies chose to respond, two (2) of which were local vendors, and

WHEREAS, all five (5) companies 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 furnishing of landscape maintenance services for Citywide use to Grover Landscape Services, Inc., Modesto, CA, 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 $47,280, and over five (5) years of $236,400, 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 furnishing of landscape maintenance

services for Citywide use to Grover Landscape Services, Inc., Modesto, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for landscape maintenance services in Appropriation Units: 4210-54313-53100, 4210-54315-53100, 4480-54311-53100, 4530-53474-53300 and 4890-37040-53300.

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 landscape maintenance services for Citywide use to Grover Landscape Services, Inc., Modesto, CA.

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 $47,280.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-433

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF THREE (3) CHEVROLET TAHOE POLICE PATROL SUV VEHICLES FOR THE MODESTO POLICE DEPARTMENT THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION BY "ACCESSING THE TERMS" OF A COMPETITIVELY BID CONTRACT WITH THE NATIONAL JOINT POWERS ALLIANCE (NJPA) TO NATIONAL AUTO FLEET GROUP, WATSONVILLE, CA, FOR AN ESTIMATED TOTAL COST OF $106,969

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. The three (3) Chevrolet Tahoe Police Patrol SUV vehicles are included in the vehicles and equipment list authorized by the City Manager, and

WHEREAS, the Fleet services Division standardized on the Ford Crown Victoria Police Sedan in 1996. The Ford Crown Victoria Police Sedan is no longer in production or available for purchase. The Tahoe patrol SUV's will replace existing patrol vehicles that are ready for retirement, and

WHEREAS, the National Joint Powers Alliance (NJPA) went through a competitive bid process for the purchase of vehicles and issued contract #102811. The most responsive and responsible bidder that met the bid specifications was National Auto Fleet Group, Watsonville, CA. National Auto Fleet Group has 2014 Tahoe Police Patrol Vehicles on order with GMC and will allot three (3) units of their stock to the City of Modesto and will extend the NJPA discount to the City, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in account 5409-53246-57003, and

WHEREAS, the National Joint Powers Alliance (NJPA) went through a competitive bid process for the purchase of vehicles and issued contract #102811. The most responsive and responsible bidder that met the bid specifications was National Auto Fleet Group, Watsonville, CA. National Auto Fleet Group has 2014 Tahoe Police Patrol Vehicles on order with GMC and will allot three (3) units of their stock to the City of Modesto and will extend the NJPA discount to the City, and

WHEREAS, the local vendor was solicited for pricing and cannot order the 2014 Chevrolet Tahoe Police SUV's as they are out of production. The 2015 model will not be available for pricing until late 2014. By taking advantage of the NJPA competitive bid process and awarding a contract by "accessing the terms" of the NJPA contract, the vehicles can be purchased in a timely manner. Accessing the terms of the NJPA competitive bid process is an efficient and effective way to purchase the Chevrolet Tahoe Police Patrol SUV's, and saves the time and expense for the City to formally solicit RFB's, 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. 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 the Chevrolet Tahoe Police Patrol SUV's by "accessing the terms" of the NJPA contract with National Auto Fleet Group, Watsonville, CA will conform to MMC Section 8-3.204(d).

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 (3) Chevrolet Tahoe Police Patrol SUV's for the Modesto Police Department through the Public Works Department, Fleet Services Division to National Auto Fleet Group, Watsonville, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of $106,969.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-434

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) CHEVROLET CAPRICE POLICE PATROL SEDANS FOR THE MODESTO POLICE DEPARTMENT THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION TO AMERICAN CHEVROLET, MODESTO, CA, FOR AN ESTIMATED TOTAL COST OF $73,445

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. The two (2) Chevrolet Caprice Police Patrol Sedans are included in the vehicles and equipment list authorized by the City Manager, and

WHEREAS, the Fleet Services Division standardized on the Ford Crown Victoria Police Sedan in 1996. The Ford Crown Victoria Police Sedan is no longer in production or available for purchase. The Chevrolet Caprice will replace two current Crown Victoria patrol sedans, and

WHEREAS, the National Joint Powers Alliance (NJPA) went through a competitive bid process for the purchase of various vehicles including the Chevrolet Caprice Patrol Sedan, however, the local vendor can provide these vehicles and a Request for Quotation was issued to American Chevrolet to provide pricing on the Chevrolet Caprice Patrol Sedan. The cost abstract **attached** shows that pricing from American Chevrolet was lower than the NJPA by $182, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in account 5409-53246-57003, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of two Chevrolet Caprice Patrol

Sedans to the local vendor, American Chevrolet, Modesto, CA, for a total estimated cost of $73,445, 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. 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 the two (2) Chevrolet Caprice Police Patrol Sedans with American Chevrolet, Modesto, CA, will conform to MMC Section 8-3.204(d).

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 (2) Chevrolet Caprice Patrol Sedans for the Modesto Police Department through the Public Works Department, Fleet Services Division to American Chevrolet, Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of $73,445.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

ATTACHMENT TWO

2014 Chevrolet Caprice Police Patrol Vehicle
NJPA Contract vs. Local Vendor

November 8, 2013

	National Joint Powers Alliance Contract				*American Chevrolet - Modesto, CA*			
	Qty	Unit	Unit Price	Extension	Qty	Unit	Unit Price	Extension
2014 Chevrolet Caprice PPV	2	Each	$34,197.85	$68,395.70	2	Each	$34,112.86	$68,225.72
Subtotal			$34,197.85	$68,395.70			$34,112.86	$68,225.72
Tax	2	Lot	$2,607.59	$5,215.17	2	Lot	$2,601.11	$5,202.21
Tire Recylce Fee	2	Lot	$8.75	$17.50	2	Lot	$8.75	$17.50
Total			$36,814.19	$73,628.37			$36,722.72	$73,445.43

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-435

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 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 2013-2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2013-2014 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 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

EXHIBIT A

FISCAL YEAR 2013-14

PUBLIC WORKS

Per a legal settlement agreement between the City of Modesto and California Sportfishing Protection Alliance (CSPA), the City of Modesto will submit payments to CSPA via Lozeau Drury LLP which includes all attorneys' fees and costs for services performed by and on behalf of CSPA. Additionally, the City of Modesto will pay $65,000 to the Rose Foundation for Communities and the Environment to be used to fund environmental project activities designed to improve and/or protect water quality in the San Joaquin River, Stanislaus River, Tuolumne River and their downstream waters. A budget adjustment is necessary transferring $161,500 from Wastewater Reserves to Wastewater General, in Fund 4210, for these costs.

UTILITY, PLANNING & PROJECTS

Approve creating a new Capital Improvement Project #100785, Tivoli Well, to construct a pilot test well for a future potable water well to serve the Tivoli Specific Plan Area, and process a budget adjustment transferring funds in the amount of $475,000 from Water Fund Reserves to establish an expense budget to acquire access to proposed site, drilling below ground surface, test pumping and sampling, abandonment of test well upon testing completion, land acquisition and design of well site for this project.

A budget adjustment is necessary to transfer funds in the amount of $215,000 from Wastewater Fund Reserves to Project 100535, Sonoma Trunk Extension Lift Station to establish an expense budget. This project will provide funding for a new sewer lift station to serve the Tivoli Development as identified in the Wastewater Master Plan.

A budget adjustment is necessary to transfer funds in the amount of $135,000 from Wastewater Fund Reserves to Project 100533, Sonoma Trunk Extension SO-1 to establish an expense budget to design and perform environmental activities for this project. This project will provide funding for the extension of Sonoma Trunk SO-1 as identified in the Wastewater Master Plan.

A budget adjustment is necessary to transfer funds in the amount of $75,000 from Water Fund Reserves to Project 100747, Well Field Optimization Phase III A, to establish an expense budget to fund the ongoing work in the Modesto Groundwater Sub-basin (i.e. north of the Tuolumne River) in order to augment the Well Field Optimization Project Phase II A.

Approve creating a new Capital Improvement Project #100763, 2013-14 Sewer Collection System Replacement, for the purpose of replacing sewer systems within the City of Modesto as designated by Public Works Wastewater Collections staff, anticipated locations are Corson Avenue and Griswold Avenue, and process a budget adjustment transferring funds in the amount of $929,387 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100764, Cannery Segregation Pump Replacement, for the purpose of improving the pump station to address hydraulic deficiencies including the replacement of the existing pumps, and process a budget adjustment transferring funds in the amount of $1,364,000 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100777, E Street Storm Drain Cross Connection, for the purpose of removing the storm drain cross connection into the sewer system on E Street and provide necessary storm drain improvements resulting from the cross connection being removed, and process a budget adjustment transferring funds in the amount of $396,000 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100781, Lakewood Subtrunk L3 & L4, for the purpose of making sewer subtrunk improvements, including Lakewood L3 located on Kodiak Dr. from Fine Avenue to Claus Road and Lakewood L4 located on Merle Avenue from Hemstead Court to Claus Road, and process a budget adjustment transferring funds in the amount of $565,500 from Wastewater Developmental Fee Reserves to establish an expense budget for the design and construction this project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-436

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE VIRGINIA CORRIDOR PHASE 6 – BOWEN AVENUE TO WOODROW AVENUE PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH CAL VALLEY CONSTRUCTION, INC. IN THE AMOUNT OF $2,134,532.50 FOR THE VIRGINIA CORRIDOR PHASE 6 – BOWEN AVENUE TO WOODROW AVENUE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project were opened at 11:00 a.m. on October 29, 2013, and later tabulated by the Acting Director of Parks, Recreation and Neighborhoods for the consideration of the Council, and

WHEREAS, the Acting Director of Parks, Recreation and Neighborhoods has recommended that the bid of $2,134,532.50 received from Cal Valley Construction, Inc. be accepted as the lowest responsible bid and the contract be awarded to Cal Valley Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project, accepts the bid of Cal Valley Construction, Inc. in the amount of $2,134,532.50 and awards Cal Valley Construction, Inc. the contract for the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow 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 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-437

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE VIRGINIA CORRIDOR PHASE 6 – BOWEN AVENUE TO WOODROW AVENUE PROJECT, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the total amount of $2,849,272.00, in order to fully fund the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project, and

WHEREAS, the Fiscal Year 2013-2014 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 2013-2014 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 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

Exhibit A

The FY2013-2014 CIP Project #100778 will be amended to revise the funding for the Virginia Corridor Phase 6 project in Account: 3140-39999-PRN.Park Planning and Development

TOTAL ESTIMATED PROJECT REVENUES		$2,849,272
Account 42110 (Intergov - State - CA Department of Transportation)	Current Budget	Adjustment to Budget
Congestion Mitigation and Air Quality (CMAQ) Federal	0	1,964,336
Bicycle Transportation Account (BTA) grant	0	884,936
ESTIMATED DESIGN EXPENDITURES:		
Engineering Design/Administration (EDA)	$ 0	$ 330,523.00
ESTIMATED CONSTRUCTION EXPENDITURES:		
Construction Contract (CON)		$2,134,532.50
Construction Contingency (CTGY)		$170,763.00
Construction Administration (CA)		$213,453.00
TOTAL CONSTRUCTION COSTS		$2,518,748.50
TOTAL ESTIMATED PROJECT EXPENDITURES		$2,849,271.50

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-438

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE UNITED CEREBRAL PALSY ASSOCIATION OF STANISLAUS COUNTY (UCPA) TO PLACE ADVERTISING INSIDE MODESTO AREA EXPRESS (MAX) BUSES FOR A FIVE-YEAR PERIOD COMMENCING JANUARY 1, 2014

WHEREAS, the current bus bench franchise and interior bus advertising lease expire December 31, 2013, and

WHEREAS, included with the bench franchise is an exclusive lease agreement to sell advertising in the card rack space inside the City's buses, and

WHEREAS, a Request for Proposals (RFP) was issued for firms interested in operating the bus bench franchise, and

WHEREAS, the RFP also requested proposals to place and maintain advertising in the interior card rack space inside the City's Modesto Area Express (MAX) buses, and

WHEREAS, United Cerebral Palsy Association (UCPA) was the only firm submitting a proposal for the franchise, and

WHEREAS, City staff reviewed the proposal, interviewed UCPA's representative and determined that award of the franchise and interior advertising lease to UCPA was warranted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to enter into a Lease Agreement with United Cerebral Palsy Association of Stanislaus County to place advertising inside Modesto Area Express (MAX) buses, for a five-year period, commencing January 1, 2014.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-439

RESOLUTION AUTHORIZING THE AWARD OF PROPOSALS AND CONTRACTS FOR THE FURNISHING OF TEMPORARY EMPLOYEE LABOR SERVICES FOR CITYWIDE USE TO EXACT STAFF, INC., WOODLAND HILLS, CA, NELSON STAFFING, MODESTO, CA, AND PRIDESTAFF, INC., MODESTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACTS FOR AN ESTIMATED ANNUAL COST OF $926,772, AND OVER FIVE (5) YEARS OF $4,633,860

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing of temporary employee labor services, and

WHEREAS, the Purchasing Division issued RFP No. 1213-13 Temporary Employee Labor Services to twenty-seven (27) prospective proposers, nineteen (19) of which were local vendors, and posted the RFP on the City's website, and

WHEREAS, proposals were formally opened in the City Clerk's Office. Eleven (11) companies choose to respond, seven (7) of which were local vendors. All eleven (11) companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of five (5) City staff members evaluated and graded the proposals, and

WHEREAS, based on ranking high in evaluation criteria and the fact these companies are willing to accept the City's liability insurance coverage requirements, staff recommends the award of proposals and contracts for the furnishing of temporary employee labor services for Citywide use to Exact Staff, Inc., Woodland Hills, CA, Nelson Staffing, Modesto, CA, and Pridestaff, Inc., 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 proposals and contracts for the furnishing of temporary labor services for Citywide use to Exact Staff, Inc., Woodland Hills, CA, Nelson Staffing, Modesto, CA, and Pridestaff, Inc., Modesto, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds shall be budgeted for the furnishing of temporary employee labor services in Appropriation Units: 1353-14999-55010, 3290-14999-55010, 3410-14999-55010, 0100-02010-52010, 0100-12110-53600, 0100-12450-53600, 5230-07310-53300, 0100-31010-52010, 0100-31010-53300, 0100-31010-53600, 0100-33030-53300, 0100-33040-53300, 0100-35010-53300, 0100-35220-53600, 1101-38200-53300, 1101-38200-53600, 1130-38100-52010, 3100-39999-55010, 3130-39999-55010, 3150-39999-55010, 3460-39999-55010, 4700-34200-53600, 4890-37020-53176, 4890-37030-53600, 1700-53130-53600, 1700-53142-53600, 4000-53250-53600, 4100-12460-53600, 4100-12470-53600, 4100-43060-53300, 4100-49999-54500, 4100-55050-53600, 4100-55080-53600, 4100-55110-53600, 4180-49999-55010, 4180-59999-55010, 4210-41310-53600, 4210-42300-53300, 4210-49999-55010, 4210-54115-53600, 4210-54212-53600, 4210-59999-55010, 4310-53312-53600, 4540-53244-53600, 4540-53742-53600, 5400-53220-52010, 5400-53255-53600, 1300-42020-53300.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposals and contracts for the furnishing of temporary employee labor services for Citywide use to Exact Staff, Inc., Woodland Hills, CA, Nelson Staffing, Modesto, CA, and Pridestaff, Inc., Modesto, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contracts for an estimated annual cost of $926,772.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-440

A RESOLUTION REAPPOINTING DENNIS SMITH 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 Economic Development Committee met on November 4, 2013, and recommended reappointment of Dennis Smith to the Modesto Planning Commission.

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

SECTION 1. Dennis Smith is hereby reappointed to the Planning Commission with a term expiration of January 1, 2018.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed 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 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-441

A RESOLUTION APPOINTING MANI GREWAL 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 Economic Development Committee met on November 4, 2013, and recommended appointment of Mani Grewal to the Modesto Planning Commission.

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

SECTION 1. Mani Grewal is hereby appointed to the Modesto Planning Commission with a term expiration of January 1, 2018.

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 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-442

A RESOLUTION APPOINTING JEFF MORRIS 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 Economic Development Committee met on November 4, 2013, and recommended appointment of Jeff Morris to the Board of Zoning Adjustment.

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

SECTION 1. Jeff Morris is hereby reappointed to the Board of Zoning Adjustment with a term expiration of January 1, 2018.

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 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-443

A RESOLUTION APPOINTING VLADIMIR RODRIGUEZ 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 Economic Development Committee met on November 4, 2013, and recommended appointment of Vladimir Rodriguez to the Board of Zoning Adjustment.

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

SECTION 1. Vladimir Rodriguez is hereby appointed to the Board of Zoning Adjustment with a term expiration of January 1, 2018.

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 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-444

RESOLUTION AUTHORIZING THE AWARD OF BIDS FOR THE FURNISHING OF ELECTRICAL SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION, TO CENTRAL VALLEY ELECTRIC, MODESTO, CA, AS "PRIMARY" CONTRACTOR AND TRI-VALLEY ELECTRICAL SERVICES, LIVERMORE, CA, AS "SECONDARY" CONTRACTOR, 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 PURCHASE AGREEMENTS FOR AN ESTIMATED ANNUAL COST OF $70,000, AND OVER FIVE (5) YEARS OF $350,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of electrical services, and

WHEREAS, the Purchasing Division issued RFB No. 1213-17 Electrical Services to ten (10) prospective bidders, five (5) of which were local vendors, and posted the bid on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Two (2) companies chose to respond, one of which was a local vendor, and

WHEREAS, both companies provided responsive and responsible bids, and

WHEREAS, in order to ensure continued services to the City, purchase agreements shall be awarded to both contractors to provide for backup in case the primary contractor is unable to meet the City's needs. The secondary position contractor may be awarded a specific job only if the primary contractor is unable to perform the service, or if the primary contractor is unable to complete the specific job within the timeframe required by the City, or if the primary contractor is unable to maintain acceptable quality standards required by the City, and

WHEREAS, based on providing responsive and responsible bids, City staff recommends the award of bids for the furnishing of electrical services for the Department of Public Works, Wastewater Division, to Central Valley Electric, Modesto, CA, as "primary" contractor and Tri-Valley Electric Services, Livermore, CA, as "secondary" contractor, 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 $70,000, and over five (5) years of $350,000, 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 bids for the furnishing of electrical services for the Department of Public Works, Wastewater Division, to Central Valley Electric, Modesto, CA, as "primary" contractor and Tri-Valley Electric Services, Livermore, CA, as "secondary" contractor, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in Appropriation Units 4210-54313-53100, 4210-54314-53100, 4210-54315-53100

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for the furnishing of electrical services for the Department of Public Works, Water Division, to Central Valley Electric, Modesto, CA, as "primary" contractor and Tri-Valley Electric Services, Livermore, CA, as "secondary" contractor, for a two (2) year agreement with three (3) 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 purchase agreements for an estimated annual cost of $70,000, and over five (5) years of $350,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-445

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A TRUCK WITH UTILITY BODY AND CRANE FOR THE PUBLIC WORKS DEPARTMENT, WASTEWATER DIVISION, THROUGH THE FLEET SERVICES DIVISION, TO ALBANY FORD, ALBANY, CA, FOR AN ESTIMATED TOTAL COST OF $90,849

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. The truck with utility body and crane is included in the new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the truck with utility body and crane is used by the Public Works Department, Wastewater Division. This is a replacement for the current truck with utility body and crane which has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list. The truck with utility body and crane falls under the City's compliance program, approved by the California Air Resources Board, requiring a progressive program to remove older diesel trucks from service, and

WHEREAS, the Purchasing Division issued RFB No. 1314-22 for the purchase of a truck with utility body and crane to twenty-two (22) prospective bidders, and posted the bid on the City's website. Three (3) of the bidders are located within Stanislaus County, two (2) of which are local vendors, and

WHEREAS, RFB's were formally opened in the City Clerk's office. Three (3) companies chose to respond. All three (3) companies provided responsive and responsible bids. One of the local vendors could not provide the type of equipment

specified and the other felt they could not be competitive and chose not to submit a bid, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of a truck with utility body and crane to Albany Ford, Albany, CA, for a total estimated cost of $90,849, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in account # 5409-53246-57003, 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 truck with utility body and crane to Albany Ford, Albany, CA, conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of a truck with utility body and crane for the Public Works Department, Wastewater Division, through the Fleet Services Division to Albany Ford, Albany, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of 90,849.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-446

RESOLUTION ACCEPTING THE ANTI-DRUG ABUSE (ADA) ENFORCEMENT TEAM PROGRAM GRANT FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY, IN THE AMOUNT OF $242,494, TO COMBAT MAJOR DRUG TRAFFICKING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, the Modesto Police Department applied for funding from the Board of State and Community Corrections (BSCC) for the Stanislaus Anti-Drug Task Force, and

WHEREAS, the Stanislaus Anti-Drug Abuse Enforcement Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, the SDEA is responsible for compliance with all regulations pertaining to the BSCC grant, including all reporting requirements, and

WHEREAS, the City of Modesto is responsible for the financial reporting requirements,

WHEREAS, there is no match required for this grant, and

WHEREAS, the term of this program will be from October 1, 2013, through September 30, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Anti-Drug Abuse (ADA) Enforcement Team Recovery Act Program Grant, from the Board of State and Community Corrections, in the amount of $242,494 for the Stanislaus Drug Enforcement Agency (SDEA) to combat major drug trafficking and manufacturing.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NUMBER 2013-447

RESOLUTION AMENDING THE FISCAL YEAR 2013/2014 OPERATING AND MULTI-YEAR BUDGETS TO REFLECT REVENUE AND EXPENSES IN THE AMOUNT OF $242,494, FROM THE BOARD OF STATE AND COMMUNITY CORRECTIONS, TO COMBAT MAJOR DRUG TRAFFICKING

WHEREAS, the Modesto Police Department applied for funding from the Board of State and Community Corrections (BSCC) for the Stanislaus Anti-Drug Abuse Enforcement Team, and

WHEREAS, the Stanislaus Anti-Drug Abuse Enforcement Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, the SDEA is responsible for compliance with all regulations pertaining to the BSCC grant, including all reporting requirements, and

WHEREAS, the City of Modesto is responsible for the financial reporting requirements (see budget adjustment **attached**), and

WHEREAS, there is no match required for this grant, and

WHEREAS, the term of this program will be from October 1, 2013, through September 30, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2013/2014 Operating and Multi-Year Budgets are shown on the Budget Adjustment Form **attached** are hereby amended.

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 December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

Attachment A: Budget Adjustment for Multi-Year 13/14
BSCC ADA Grant

	Current Budget	Increase/ (Decrease)	Revised Budget	
Revenues				
FROM:				
14-6600-80210-42301	$228,862	($ 39,606)	$189,256	Intergov-County Contribution
14-6600-80210-42402	$94,350	($16,328)	$78,022	Intergov- Ceres Contribution
14-6600-80210-42405	$417,869	($72,314)	$345,555	Intergov- Modesto Contribution
14-6600-80210-42410	$142,736	($24,701)	$118,035	Intergov- Turlock Contribution
14-6600-80210-42411	$43,101	($7,459)	$35,642	Intergov- Oakdale Contribution
14-6600-80210-42413	$21,743	($3,763)	$17,980	Intergov-Newman Contribution
14-6600-80210-42415	$42,457	($7,348)	$35,109	Intergov-Patterson Contribution
14-6600-80210-42416	$47,169	($8,163)	$39,006	Intergov-Riverbank Contribution
14-6600-80210-42417	$17,558	($3,039)	$14,519	Intergov-Waterford Contribution
14-6600-80210-42418	$13,990	($2,421)	$11,569	Intergov-Hughson Contribution
	$1,069,835	($185,142)	$884,693	
TO:				
14-6600-80240-42090	$0	$185,142	$185,142	Intergov-Federal-Miscellaneous
14-0100-19210-42090	$0	$87,151	$87,151	Intergov-Federal-Miscellaneous
14-0100-19210-42450	$0	$49,017	$49,017	Intergov-Local-JPA Reimbursement
	$0	$321,310	$321,310	
Expenses				
FROM:				
14-6600-80210-53503	$381,612	($132,537)	$302,578	Intergov. Services-Local
TO:				
14-6600-80240-53503	$0	$87,151	$87,151	Intergov. Services – Other
14-6600-80240-51991	$0	$53,724	$53,724	Service Credits - Intrafund
	$0	$140,875	$140,875	

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-448

A RESOLUTION DENYING THE APPEAL OF BOOS DEVELOPMENT WEST, LLC, FOR A WAIVER OF THE CAPITAL FACILITIES FEES PAID FOR A FAMILY DOLLAR STORE LOCATED WITHIN THE CITY'S SPHERE OF INFLUENCE AT 5301 YOSEMITE BOULEVARD, EMPIRE

WHEREAS, on May 7, 2013, the Modesto City Council, by Resolution No. 2013-177, rescinded Resolution Nos. 94-562, 98-27, 99-32, 99-385, 2001-124, 2003-309, 2004-527, 2004-678, 2005-391, 2006-055, 2008-070, 2010-272, 2010-410 and 2011-105 and amended Resolution No. 2011-106, updating its Capital Facilities Fees Policies and Procedures; and

WHEREAS, Resolution No. 2013-177 validated the findings that there is a reasonable need for public facilities, there is a reasonable relationship between the uses and the associated fees, and that because of this nexus, streets, air quality and transit facilities fees can be imposed within the City's Sphere of Influence; and

WHEREAS, in September 2013, City staff was contacted by various employees of Boos Development West, LLC, and Lars Anderson & Associates ("Developer") regarding the CFF due on a new Family Dollar store located at 5301 Yosemite Boulevard, Empire ("Project"); and

WHEREAS, at that time, staff confirmed CFF would be due at the Sphere of Influence – Retail, Less than 50,000 square foot rate, would be payable at Building Permit issuance and that the improvements the Developer would be constructing are not eligible for reimbursement under the CFF program; and

WHEREAS, on September 23, 2013, staff met with two of the Developer's representatives at which time the representatives requested a waiver of CFF; and

WHEREAS, at that time, staff explained that it could not provide a waiver, but did outline the four options available to the Developer: (1) pay the CFF; (2) participate in the CFF Deferral Program; (3) pay CFF under protest and appeal to the City Council; or (4) not pay CFF and appeal to the City Council; and

WHEREAS, on November 4, 2013, staff was provided with a letter via email from Scott Moreland, Project Manager with Boos Development West, LLC, ("Appellant") advising staff that the Appellant would be pulling a Building Permit for the Project and would be paying the CFF under protest; and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, on December 10, 2013, at 5:30 p.m., at which date and time said duly noticed public hearing was held and evidence, both oral and documentary, was received and considered; and

WHEREAS, substantial evidence was produced at the hearing to support a finding against each of appellant's claimed grounds for appeal;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Appellant appealed payment of CFF for its Project on the following grounds:

1. That the applicability of the City's CFF Program to the Project is inconsistent with Government Code Sections 66000-66008;

2. That it is highly unlikely that the Project will ever annex to the City;

3. That the intersections and roads in the Empire area are currently operating at or above the City of Modesto level of service;

4. That the population is increasing at a slower rate than assumed in the CFF Program; and

5. That it should not be required to pay CFF because a certain project, that would have directly benefited the Appellant's Project was removed from the CFF Program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it considered the arguments set forth both by Appellant and finds that there is no basis for an appeal and that Appellant's Project is subject to the payment of CFF as outlined in the CFF program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Appellant's appeal for the waiver of Capital Facilities Fees for the Family Dollar store located at 5301 Yosemite Boulevard, Empire, is hereby denied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-449

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO REFLECT APPROVED RE-ALLOCATIONS OF CARRYOVER FUNDS IN THE 2013-2014 ANNUAL ACTION PLAN AS NOTED IN EXHIBIT A AND AS SET FORTH IN THE INTEGRATED DISBURSEMENT AND INFORMATION SYSTEM (IDIS); AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto, as an entitlement community for Housing and Urban Development (HUD) is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funds annually, and

WHEREAS, on May 7, 2013 the City Council, by Resolution No. 2013-178, adopted the AAP for FY 2013-14, and

WHEREAS, staff has proposed an amendment to the AAP as set forth in **Exhibit** "A", **attached** hereto and incorporated herein by reference, and

WHEREAS, IDIS is a database which maintains, and reports on projects and activities that support the CDBG and ESG formula grant programs, and

WHEREAS, a notice has been duly given to the community of the proposed amendment to the HUD AAP, which began on November 9, 2013 and ended with a public hearing held by the City Council on December 10, 2013, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, and

WHEREAS, on November 20, 2013, the Citizens' Housing and Community Development Committee met and recommended the proposed re-allocation of carryover funds be forwarded to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY2013-2014 Annual Operating and Capital Improvement Budgets to reflect the approved re-allocations of entitlement funds as set forth in **Exhibit** "A" **attached** hereto and incorporated herein by reference, and

BE IT FURTHER RESOLVED, that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution in accordance with Integrated Disbursement and Information System (IDIS).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

Exhibit A

City of Modesto
Amendment #1 2013-2014 Annual Action Plan

Proposed Community Development Block Grant (CDBG) allocations:

- **Public Facility Improvements $310,000**
- **Rehabilitation $130,000**
- **Interim Assistance Low Income Census Tracts $25,000**
- **Neighborhood Revitalization Strategy Area $200,000**
- **Construction of Housing $118,000**

Proposed Emergency Solutions Grant (ESG) allocations:

- **Rapid-Rehousing Activity $14,569**

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-450

RESOLUTION APPROVING AN AMENDMENT TO THE DEPARTMENT OF HOUSING & URBAN DEVELOPMENT ANNUAL ACTION PLAN FOR FISCAL YEAR 2013-2014, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE RELATED DOCUMENTS

WHEREAS, the City of Modesto, as an entitlement community for Housing and Urban Development (HUD) is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funds annually, and

WHEREAS, on May 7, 2013 the City Council, by Resolution No. 2013-178, adopted the AAP for FY 2013-14, and

WHEREAS, staff has proposed an amendment to the AAP as set forth in **Exhibit** "A", **attached** hereto and incorporated herein by reference, and

WHEREAS, a 30-comment period, which began on November 9, 2013, was duly noticed to the community of the proposed amendment to the HUD AAP, and

WHEREAS, on November 20, 2013, the Citizens' Housing and Community Development Committee met and recommended the proposed reallocation of carryover funds be forwarded to Council for approval, and

WHEREAS, a duly noticed public hearing was held by the City Council on December 10, 2013, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, to consider approval of the proposed amendment to the Fiscal Year 2013-14 HUD AAP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Fiscal Year 2012-13 HUD Annual Action Plan.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

Exhibit A

City of Modesto
Amendment #1 2013-2014 Annual Action Plan

Proposed Community Development Block Grant (CDBG) allocations:

- **Public Facility Improvements $310,000**
- **Rehabilitation $130,000**
- **Interim Assistance Low Income Census Tracts $25,000**
- **Neighborhood Revitalization Strategy Area $200,000**
- **Construction of Housing $118,000**

Proposed Emergency Solutions Grant (ESG) allocations:

- **Rapid-Rehousing Activity $14,569**

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-451

RESOLUTION AUTHORIZING THE CITY OF MODESTO TO UTILIZE THE SERVICES OF STEVE LUMPKIN ON A PART-TIME BASIS FOR A LIMITED DURATION FOR THE PURPOSES OF OVERSEEING THE PARKS, RECREATION AND NEIGHBORHOOD DEPARTMENT AND ASSISTING STAFF ON THE PREPARATION AND DEVELOPMENT OF THE CITY BUDGET FOR THE DEPARTMENT

WHEREAS, the City requests authorization to utilize the services of retired annuitant Steve Lumpkin 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, Steve Lumpkin has worked for the City of Modesto for over 35 years and possesses the expertise and knowledge of the City's fiscal challenges, and

WHEREAS, Steve Lumpkin has an in-depth working knowledge of the crews operating out of PRND, including Forestry, Building Service, Green Waste and Parks Maintenance, and

WHEREAS, Steve Lumpkin possesses excellent knowledge of all parks in the system as well as experience managing the Modesto Nuts contract and development and maintenance of Grogan Park, and

WHEREAS, given this knowledge and history with the City of Modesto, Steve Lumpkin will oversee the operations of PRND, and

WHEREAS, Steve Lumpkin's vast knowledge will be an asset over the next few months in the preparation of the Parks Recreation and Neighborhood Department budget for the fiscal year 2014/15;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the utilization of the services of Steve Lumpkin on a part-time basis for a limited duration beginning December 17, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-452

RESOLUTION AUTHORIZING THE CITY OF MODESTO TO UTILIZE THE SERVICES OF RICHARD ULM ON A PART-TIME BASIS FOR A LIMITED DURATION FOR THE PURPOSE OF ASSISTING STAFF ON THE CONTINUED NEGOTIATIONS AND LITIGATION WITH MID AND OTHER SPECIAL PROJECTS RELATED TO CURRENT, ONGOING CAPITAL PROJECTS

WHEREAS, the City requests authorization to utilize the services of retired annuitant Richard Ulm 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, Richard Ulm possesses valuable skills related to the coordination, collaboration, in-depth knowledge, and technical knowledge needed for ongoing development and completion of major projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the utilization of the services of Richard Ulm on a part-time basis for a limited duration beginning December 31, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-453

RESOLUTION REJECTING THE 2013 COPS HIRING PROGRAM (CHP) IN THE AMOUNT OF $2,946,080, FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING, FOR FUNDING OF EIGHT SCHOOL RESOURCE OFFICER POSITIONS FOR THREE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO REJECT 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 2013 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 1, 2013, 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 eight school resource officer positions, and

WHEREAS, the existing four School Resource Officer positions residing in the General Fund will be transferred from Support Services to four vacant officer positions in Patrol, and

WHEREAS, eight new allocated grant School Resource Officer positions will be added to Support Services, and

WHEREAS, the 2013 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 $2,946,080 for three years (Total federal share is $1,000,000 (33.9%) and there is a required local share of $1,946,080 (66.1%), and

WHEREAS, Modesto City Schools and the City of Modesto will collaborate to fund the match and retention costs, and

WHEREAS, Modesto City Schools' annual contribution during the proposed grant period will not exceed the current year allocation (FY 12-13) to Modesto Police Department, which is $448,000 each year, or $1,334,000, and

WHEREAS, after further analysis, the actual Local Share is projected to be approximately $2,217,625, about $271,545 more than the original estimated Local Share of $1,946,080, which was based on entry-level officers' salary and benefits per the grant, rather than those of more senior officers who typically fill these positions, 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 $1,204,450 totaling the City of Modesto impact to $3,422,075 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, and

WHEREAS, staff recommends Council reject the 2013 COPS Hiring Grant because the required actual local match to the City would be a $3.4 million impact on the General Fund in the next four years for which there are insufficient funds available.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the COPS Hiring Program (CHP) Grant in the amount of $2,946,080, from the U.S. Department of Justice, Office of Community Oriented Policing, to fund eight school resource officer positions for three years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-454

RESOLUTION APPROVING AN AMENDMENT TO THE CURRENT AGREEMENT BETWEEN THE CITY OF MODESTO AND SIXEL CONSULTING GROUP, INC

WHEREAS, On January 8th, 2013, the City Council, by Resolution No. 2013-27, approved entering into an incentive-based agreement with Sixel Consulting Group (SCG) to provide air service development work for Modesto City-County Airport (MOD), and

WHEREAS, since that time SCG has identified a necessary and critical milestone that MOD must meet, which is the completion of an FAA approved Environmental Assessment (EA) that includes air quality and noise impacts of any expanded commercial jet operations at MOD before it can be eligible for consideration in attracting new air service, and

WHEREAS, if the EA can be completed by early Spring of 2014, MOD could be more competitive for anticipated contract awards from commercial jet carriers that are made during the spring, so they can begin marketing for summer ticket sales, should a carrier select MOD for new or expanded air services, and

WHEREAS, this Amendment adds additional work to **Exhibit** A, Scope of Work, to be provided by SCG, see Appendix A and Appendix B, compensation for additional work to be included in amendment, and

WHEREAS, the incentive-based compensation originally provided $2.00 per each enplaned passenger on new air service, this amendment to the agreement provides $2.00 per each enplaned and deplaned passenger on new air service, and

WHEREAS, SCG has agreed to provide an environmental study required by the FAA, utilizing an approved environmental studies group, with airport environmental

study expertise supporting scheduled airline service, Appendix C, compensation for study to be included in amendment, and

WHEREAS, if the City decided to undertake the responsibility of hiring a qualified environmental consultant in addition to SCG for the completion of an FAA approved EA, the City would have to conduct an RFP process for professional services which would significantly delay the initiation and completion of the EA process causing MOD to be out of any consideration by any air service carrier(s) until the EA is completed, which is estimated to be approximately June of 2014 at the earliest, and would require MOD to pay for the EA in its entirety whether MOD was given consideration or acquired future air services or not,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the consulting agreement amendment for SCG.

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 10th day of December, 2013, by Councilmember Lopez, 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:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney

APPENDIX A

AIRPORT AIR SERVICE SUPPORT PLEDGE CAMPAIGN SCOPE OF WORK

As part of the recruitment effort, it is necessary to develop a community based support package primarily based on pledges by area companies, individuals and government agencies to support the service once it begins. The airline has targeted a goal of $1 million in community support in order to promote the successful introduction and retention of the targeted service. The Consultant intends to devote the time and resources to assist that Airport in achieving this goal.

Plans by Consultant include devoting at least 2 staff persons that will travel to the Modesto area throughout January and February 2014 to visit in person with corporations, business groups, service organizations, etc and be available for news segments, editorial reviews, etc. Consultant will develop videos that can be shown to groups discussing the new service and the benefits of supporting such service that will be made available to local organizations and posted for viewing on YouTube, etc.

In addition, at least 9 staff persons will participate in making phone calls and e-mails to area constituencies identified by Consultant and Airport as potential supporters of the new service to solicit pledges to use the service. Pledges shall not be binding on the corporation, but are expected to be honored. Consultant will gather all pledges and donations and provide weekly updates to the community. In addition Consultant will:

1. Solicit sponsorships from the area for marketing co-branding and sponsorships (for example: donated radio or tv spots or newspaper ads, that can count towards financial goal);

2. Solicit donations from the area to be used by local charities to support new service (for example: companies that do not have a need to fly to or through LAX can support effort by making a tax-deductible donation to Make-A-Wish to be earmarked to purchase airline tickets.);
3. Set up a "kick starter" campaign so that small donations from individuals and businesses can be accumulated toward campaign.

Pledge campaign is expected to begin immediately after approval by Airport of this Amendment to Contract and continue through at least February 15, 2014.

APPENDIX B

MARKETING / ADVERTISING SCOPE OF WORK

Marketing existing and new services is a key component of the successful retention and growth of passenger traffic at the Airport. Consultant will solicit pledges, donations and in-kind support to provide material to market the service. Specifically, Consultant will provide;

Marketing / Community Engagement Management

1. Airport Client Engagement and Market Management:
   - Coordinate with current Airport staff to ensure that all marketing and community development efforts are planned to fit with the proposed Airport marketing plan;
   - Work with Airport to oversee and coordinate airport marketing, public relations and social media efforts;

2. Airport Engagement and Marketing Efforts to Include:
   - Develop and / or implement community-tailored marketing plans for each airport which includes local in-market advertising, community development and engagement, and social media;
   - Supervise marketing material development and implementation;
   - Community media outreach (including outreach to communities at other end of route(s);
   - Participation in marketing sales events for the Airport within the region;
   - Develop route specific marketing strategy tactics and promotions to stimulate interest in route(s) and Marketing / Community Engagement efforts within the market;
   - Coordinate with the marketing / public relations teams at airline partners to ensure cross-promotional efforts and to ensure that proposed airline advertising programs fit the needs and travel habits of each specific community;
   - Coordinate with the marketing / public relations teams of new route airports to ensure cross-promotional efforts;
   - Train and educate any current Airport staff on the use of social media for the Airport as determined in the marketing plan

MODESTO CITY COUNCIL
RESOLUTION NO. 2013-455

RESOLUTION APPROVING AN AGREEMENT WITH LIONAKIS FOR DESIGN SERVICES FOR FLEET MAINTENANCE FACILITY PROJECT IN AN AMOUNT NOT TO EXCEED $340,170 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $34,017 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $374,187, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, this project provides preliminary and final design for the future Fleet Maintenance Facility (Fleet Wing), which will consolidate fleet maintenance functions due to the loss of existing maintenance facilities, and

WHEREAS, the Highway 99 / future HWY 132 Right of Way was acquired from the City's Corporation Yard, which encroaches to the back wall of the current truck maintenance building, and

WHEREAS, this will prohibit circulation around the building, demolish the existing end bay wash structure, and eliminate the southern access capability for two of the maintenance bays, and

WHEREAS, additionally, the current 9th Street City vehicle repair and maintenance shop is planned to be demolished for construction of the proposed County Court House, and

WHEREAS, during the design and construction of the new Bus Maintenance Facility, there was additional office space and equipment, including upsized electrical panels and lubrication systems to service the future Fleet Wing that was cost-shared with this project, and

WHEREAS, referred to in the 2013-18 Capital Improvement Program as the Fleet Maintenance Facility Phase II, (Fleet Wing), the new structure will connect to the new

Bus Maintenance Facility at the garage section and extend across into the old bus parking lot, and

WHEREAS, this will be a stand-alone structure with walk-through and forklift transfer capabilities, and

WHEREAS, the Fleet Wing will incorporate all of the City's truck, equipment, and vehicle maintenance activities, and

WHEREAS, it will be equipped with drive- through bays, a single light-duty overhead crane, and storage, and

WHEREAS, additionally, a replacement wash facility is planned to replace the aforementioned loss, and

WHEREAS, the Fleet Wing will not contain any offices, bath, locker, conference rooms, pavement or parking improvements, or landscaping as these have already been incorporated into the Bus Maintenance Facility and its sole purpose is to only replace the existing facilities, and

WHEREAS, aesthetically, the project will include relocation and an enclosure for the above ground fuel storage tanks, and

WHEREAS, in accordance with City Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, the City received twenty Statements of Qualifications and short-listed 5 firms to submit proposals and interview, and

WHEREAS, upon review of the proposals and interviews, Lionakis, a local firm, was considered the most qualified to provide design services for this project, and

WHEREAS, staff recommends an agreement with Lionakis, as the City does not have the staffing level or subject matter expertise to perform design services for the Fleet Maintenance Facility project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Lionakis for Design Services for Fleet Maintenance Facility Project for an amount not to exceed $340,170 for the identified scope of services, plus $34,017 for additional services (if needed), for a maximum total amount of $374,187.

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 10th day of December, 2013, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, Interim City Attorney