

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-1

A RESOLUTION ACCEPTING THE PROJECT TITLED "9<sup>TH</sup> STREET OUTFALL"  
AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 9<sup>th</sup> Street Outfall, has been completed by Mozingo Construction, Inc., in accordance with the contract agreement dated December 7, 1999.

NOW, THEREFORE, BE IT RESOLVED that the 9<sup>th</sup> Street Outfall be accepted from said contractor, Mozingo Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$660,651.81 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-2

A RESOLUTION ACCEPTING THE PROJECT TITLED "DOWNEY PARK AND  
MODESTO HIGH SCHOOL TENNIS COURT RENOVATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that  
project titled Downey Park And Modesto High School Tennis Court Renovation, has been  
completed by Southwest Recreational Industries, Inc., in accordance with the contract agreement  
dated May 2, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Downey Park And Modesto High  
School Tennis Court Renovation be accepted from said contractor, Southwest Recreational  
Industries, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and  
payment of amounts due in the amount of \$73,386.00 as provided in the contract, be  
authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 2<sup>nd</sup> day of January, 2001, by Councilmember Friedman, who moved its  
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor  
Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-3

A RESOLUTION ACCEPTING THE PROJECT TITLED "PAVEMENT  
MAINTENANCE (CAPE SEAL 2000)" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pavement Maintenance (Cape Seal 2000), has been completed by Western States Surfacing, Inc., in accordance with the contract agreement dated July 25, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Pavement Maintenance (Cape Seal 2000) be accepted from said contractor, Western States Surfacing, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$180,890.68 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-4

A RESOLUTION ACCEPTING THE PROJECT TITLED "TUOLUMNE RIVER  
BICYCLE PATH" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Tuolumne River Bicycle Path, has been completed by Fagundes & Son, Inc., in accordance with the contract agreement dated June 1, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Tuolumne River Bicycle Path be accepted from said contractor, Fagundes & Son, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$230,710.98 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-5

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$7,500.00 TO FULLY FUND THE TUOLUMNE RIVER BICYCLE PATH PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 8900-390-3912-0235; \$7,500.00

TO: 891-310-F971-6040; \$7,500.00

Costs in the CIP account to construct the Tuolumne River Bicycle Path between Tioga Drive and the Mitchell Road Bridge exceeded the planned contingencies. This was the result of higher construction administration costs associated with the project taking longer than expected, added soil compaction testing, and the repair of storm damage to the original installation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-6**

**A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING  
REVENUE FOR FIRST QUARTER OF THE FISCAL YEAR 2000-2001 ANNUAL  
BUDGET**

WHEREAS, the first quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2000-2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2000-2001 budget have been adjusted as shown in Attachment F and Attachment G.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution, including closing CIP projects and making adjustments for CIP carryover and re-appropriations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

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

  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:   
STAN FEATHERS, Budget Officer

**Attachment F  
Budget Adjustment Detail**

App/Rev	Fund	Agency	Organization	Appr Unit	Object	Current Budget	New Budget	Adjustment	Title and Justification
Rev	1300	700	7000		9010		42,000	42,000	Cancelled an encumbrance and moved money to Police Headquarters project
App	0100	8000	8000		8003		(42,000)	(42,000)	Cancelled an encumbrance and moved money to Police Headquarters project
App	0100	700	7000		7130		42,000	42,000	Cancelled an encumbrance and moved money to Police Headquarters project
App	0100	8000	8000		8099			(534,449)	ABS Carryover
Rev	1300	510	9510		3143		80,000	80,000	Energy Conservation Grant
CIP	130	190	J299		6030	10,725,000	11,381,449	656,449	Police Headquarters
App	6320	440	M275		6040		556,000	556,000	Airport Improvement Grant (AIP24) for the expansion and resurfacing of the Air Carrier and Transient Apron that was projected to start in FY02 in the CIP.
Rev	6320	510	9510		3813		500,000	500,000	Airport Improvement Grant (AIP24) for the expansion and resurfacing of the Air Carrier and Transient Apron that was projected to start in FY02 in the CIP.
Rev	6320	510	9510		4405		56,000	56,000	Airport Improvement Grant (AIP24) for the expansion and resurfacing of the Air Carrier and Transient Apron that was projected to start in FY02 in the CIP.
App	0100	180	1802		0260		(24,830)	(24,830)	2000 Dodge pickup (new vehicle) and 2000 Ford Explorer (replaces vehicle 19682)
App	0100	700	7000		7721		24,830	24,830	2000 Dodge pickup (new vehicle) and 2000 Ford Explorer (replaces vehicle 19682)
App	7210	480	5814		5000		24,830	24,830	2000 Dodge pickup (new vehicle) and 2000 Ford Explorer (replaces vehicle 19682)
Rev	7210	700	7000		9010		24,830	24,830	2000 Dodge pickup (new vehicle) and 2000 Ford Explorer (replaces vehicle 19682)
Rev	0100	510	9510		3209		608,000	608,000	Fiscal Relief Bill ERAF one time only
App	0100	800	8000		8003		608,000	608,000	Fiscal Relief Bill ERAF one time only
Rev	0510	510	9510		3206		1,342,065	1,342,065	AB2928 Traffic Congestion
App	0510	440	4877		6000		1,342,065	1,342,065	Transfer out for AB2928
App	0100	380	3801		1060		25,000	25,000	Increase for the Youth/Senior Financial Assistance program to continue the level of assistance as was approved in FY 00. This will be looked at each year for continuation.
App	0100	800	8000		8003		(25,000)	(25,000)	Increase for the Youth/Senior Financial Assistance program to continue the level of assistance as was approved in FY 00. This will be looked at each year for continuation.
App	1350	700	7000		7260		110,025	110,025	Purchase of Dual Use Drainage Basin in Village I
App	1350	800	8000		8003		(110,025)	(110,025)	Purchase of Dual Use Drainage Basin in Village I
Rev	2600	700	7000		9135		110,025	110,025	Purchase of Dual Use Drainage Basin in Village I
App	2600	040	0408		5900		110,025	110,025	Purchase of Dual Use Drainage Basin in Village I
App	2600	040	0408		5900		(755,325)	(755,325)	Purchase of Dual Use Drainage Basin in Village I
App	2600	040	0428		0235		(3,120)	(3,120)	Purchase of Dual Use Drainage Basin in Village I
App	2600	040	M277		6030		(758,445)	(758,445)	Purchase of Dual Use Drainage Basin in Village I
App	1410	480	M279		6040		150,000	150,000	CFF-Streets reimbursement for persons that paid CFF Fees in the Pelandale area from Dale Road to McHenry.
App	1410	800	8000		8003		(150,000)	(150,000)	CFF-Streets reimbursement for persons that paid CFF Fees in the Pelandale area from Dale Road to McHenry.
App	1410	480	M278		6040		1,700,000	1,700,000	CFF-Streets to improve the intersection at Pelandale and Highway 99
Rev	1410	510	9510		3300		1,050,000	1,050,000	CFF-Streets to improve the intersection at Pelandale and Highway 99
Rev	1410	800	8000		8003		650,000	650,000	CFF-Streets to improve the intersection at Pelandale and Highway 99
App	0100	020	0201		0188		30,000	30,000	Add Admin. Clerk to CM
App	0100	800	8000		8003		(30,000)	(30,000)	Add Admin. Clerk to CM
App	0100	020	0202		0235		50,000	50,000	Cable TV Franchise Renewal & Funding
App	0100	800	8000		8003		(50,000)	(50,000)	Cable TV Franchise Renewal & Funding
App	140	310	J413		6040	6,000	-	(6,000)	These funds will correct a problem with the elevator call buttons on the exterior of the Museum building. Savings are available from the Downey Park Lighting Project.
App	140	310	J413		6050	4,000	-	(4,000)	These funds will correct a problem with the elevator call buttons on the exterior of the Museum building. Savings are available from the Downey Park Lighting Project.
App	1400	310	M276		6040		10,000	10,000	These funds will correct a problem with the elevator call buttons on the exterior of the Museum building. Savings are available from the Downey Park Lighting Project.
App	7100	120	1252		5500		45,000	45,000	New Copy Machines for 3 Departments
App	7100	800	8000		8003		(45,000)	(45,000)	New Copy Machines for 3 Departments
Rev	7120	050	0554		4942		30,108	30,108	Mail Services
App	7120	050	0554		0201		30,108	30,108	New Copy Machines for 3 Departments
App	0100	480	4612		0360		75,600	75,600	Prescott Estates Storm Drainage
App	0100	800	8000		8003		(75,600)	(75,600)	Prescott Estates Storm Drainage

**Attachment F  
Budget Adjustment Detail**

App/Rev	Fund	Agency	Organization	Appr Unit	Object	Current Budget	New Budget	Adjustment	Title and Justification
App	0100	700	7000		7800		69,000	69,000	The subsidy for the Centre Plaza garage needs to be transferred to the Parking Fund who has the responsibility for operating the garage. There was a reduction in the subsidy to the Centre Plaza to correspond with this transfer.
App	0100	800	8000		8003		(69,000)	(69,000)	The subsidy for the Centre Plaza garage needs to be transferred to the Parking Fund who has the responsibility for operating the garage. There was a reduction in the subsidy to the Centre Plaza to correspond with this transfer.
App	6000	800	8000		8003		69,000	69,000	The subsidy for the Centre Plaza garage needs to be transferred to the Parking Fund who has the responsibility for operating the garage. There was a reduction in the subsidy to the Centre Plaza to correspond with this transfer.
Rev	6000	700	7000		9010		69,000	69,000	The subsidy for the Centre Plaza garage needs to be transferred to the Parking Fund who has the responsibility for operating the garage. There was a reduction in the subsidy to the Centre Plaza to correspond with this transfer.
App	7130	120	1242		0235		37,000	37,000	Consultant for the IS Department
Rev	7130	800	8000		8003		37,000	37,000	Consultant for the IS Department
App	6210	440	5202		0201		400	400	PCE Litigation Accounts
App	6210	440	5202		0217		2,000	2,000	PCE Litigation Accounts
App	6210	440	5202		0233		500,000	500,000	PCE Litigation Accounts
App	6210	440	5202		0235		240,600	240,600	PCE Litigation Accounts
App	6210	440	5202		0255		5,000	5,000	PCE Litigation Accounts
App	6210	440	5202		0301		2,000	2,000	PCE Litigation Accounts
App	6210	800	8000		8003		(750,000)	(750,000)	PCE Litigation Accounts
App	6100	440	5002		0201		200	200	PCE Litigation Accounts
App	6100	440	5002		0217		1,500	1,500	PCE Litigation Accounts
App	6100	440	5002		0233		500,000	500,000	PCE Litigation Accounts
App	6100	440	5002		0235		92,800	92,800	PCE Litigation Accounts
App	6100	440	5002		0255		5,000	5,000	PCE Litigation Accounts
App	6100	440	5002		0301		500	500	PCE Litigation Accounts
App	6100	800	8000		8003		(600,000)	(600,000)	PCE Litigation Accounts
App	7310	030	0372		0217		4,000	4,000	Outside printing of Risk Management Manual
App	7310	800	8000		8003		(4,000)	(4,000)	Outside printing of Risk Management Manual
App	0100	140	1401		5400	12,000	132,000	120,000	Tidemark System Upgrade-\$15,000, Selectron Automated Self-Help Counter Optional Software - \$105,000
App	0100	140	1401		0235	134,745	174,745	40,000	Tidemark Consultant/Mediator-\$15,000, Selectron Automated Self-Help Counter Consultant- \$25,000
App	0100	140	1401		0188	-	73,000	73,000	Associate Civil Engineer & Upgrade Building Inspector
App	0100	140	1421		5500	-	10,000	10,000	Office Reconfiguration
App	0100	510	9510		8099	-	(10,000)	(10,000)	Office Reconfiguration
Rev	0100	140	1401		4001	952,256	1,185,256	233,000	Increase Revenue
App	0100	120	1202		0235	-	200,000	200,000	Department Performance Audit
Rev	0100	800	8000		8003	952,256	752,256	(200,000)	Department Performance Audit
App	9050	140	1490		0235	-	10,000	10,000	RDA Education Workshop - \$10,000
App	9080	140	1493		0235	20,000	25,000	5,000	RDA Opportunity Map
Rev	9080	700	7000		9010	-	15,000	15,000	RDA Education Workshop & Opportunity Map
App	0100	700	7000		7908	-	15,000	15,000	RDA Education Workshop & Opportunity Map
App	0100	140	1401		8099	-	(15,000)	(15,000)	ABS Savings
App	0100	010	0101		8099	-	5,800	5,800	City Council
App	0100	020	0201		8099	-	123,023	123,023	City Manager
App	0100	030	0301		8099	(7,520)	12,173	19,693	Personnel
App	0100	040	0401		8099	-	74,538	74,538	City Attorney
App	0100	050	0501		8099	-	12,995	12,995	City Clerk
App	0100	120	1201		8099	-	383,097	383,097	Finance Department
App	0100	140	1401		8099	(15,000)	66,860	81,860	Community Development
App	0100	180	1802		8099	-	519,127	519,127	Fire Department
App	0100	190	1901		8099	-	534,449	534,449	Police Department transferred for remodel
App	0100	300	3001		8099	-	271,677	271,677	Recreation & Neighborhoods
App	0100	430	4302		8099	-	435,626	435,626	Engineering & Transportation
App	0100	480	4801		8099	(22,000)	64,419	86,419	Operation & Maintenance
App	0100	510	9510		8099	(10,000)	781,623	791,623	All Departmental
App	0100	020	0201		0254	6,412	7,017	605	Add 2 IS technicians to the Technology & Information Fund
App	0100	020	0202		0254	855	936	81	Add 2 IS technicians to the Technology & Information Fund
App	0100	030	0301		0254	8,826	9,658	832	Add 2 IS technicians to the Technology & Information Fund
App	0100	030	0303		0254	427	467	40	Add 2 IS technicians to the Technology & Information Fund
App	0100	040	0401		0254	20,741	22,697	1,956	Add 2 IS technicians to the Technology & Information Fund
App	0100	050	0501		0254	2,137	2,339	202	Add 2 IS technicians to the Technology & Information Fund
App	0100	120	1201		0254	1,710	1,871	161	Add 2 IS technicians to the Technology & Information Fund
App	0100	120	1205		0254	2,137	2,339	202	Add 2 IS technicians to the Technology & Information Fund

## Attachment F Budget Adjustment Detail

App/Rev	Fund	Agency	Organization	Appr Unit	Object	Current Budget	New Budget	Adjustment	Title and Justification
App	0100	120	1221		0254	5,681	6,217	536	Add 2 IS technicians to the Technology & Information Fund
App	0100	120	1222		0254	108,219	118,423	10,204	Add 2 IS technicians to the Technology & Information Fund
App	0100	120	1223		0254	13,528	14,804	1,276	Add 2 IS technicians to the Technology & Information Fund
App	0100	120	1224		0254	5,681	6,217	536	Add 2 IS technicians to the Technology & Information Fund
App	0100	120	1232		0254	2,137	2,339	202	Add 2 IS technicians to the Technology & Information Fund
App	0100	120	1234		0254	2,489	2,724	235	Add 2 IS technicians to the Technology & Information Fund
App	0100	140	1400		0254	1,634	1,788	154	Add 2 IS technicians to the Technology & Information Fund
App	0100	140	1401		0254	53,259	58,283	5,024	Add 2 IS technicians to the Technology & Information Fund
App	0100	140	1421		0254	2,992	3,274	282	Add 2 IS technicians to the Technology & Information Fund
App	0100	140	1430		0254	2,565	2,807	242	Add 2 IS technicians to the Technology & Information Fund
App	0100	160	1601		0254	3,847	4,210	363	Add 2 IS technicians to the Technology & Information Fund
App	0100	160	1612		0254	1,282	1,403	121	Add 2 IS technicians to the Technology & Information Fund
App	0100	180	1802		0254	42,534	46,546	4,012	Add 2 IS technicians to the Technology & Information Fund
App	0100	190	1901		0254	69,878	76,469	6,591	Add 2 IS technicians to the Technology & Information Fund
App	0100	300	3001		0254	22,126	24,213	2,087	Add 2 IS technicians to the Technology & Information Fund
App	0100	370	3770		0254	6,764	7,402	638	Add 2 IS technicians to the Technology & Information Fund
App	0100	410	4112		0254	75,799	82,949	7,150	Add 2 IS technicians to the Technology & Information Fund
App	0100	420	4212		0254	5,985	6,550	565	Add 2 IS technicians to the Technology & Information Fund
App	0100	420	4213		0254	1,282	1,403	121	Add 2 IS technicians to the Technology & Information Fund
App	0100	430	4301		0254	1,282	1,403	121	Add 2 IS technicians to the Technology & Information Fund
App	0100	440	4402		0254	1,710	1,871	161	Add 2 IS technicians to the Technology & Information Fund
App	0100	480	4522		0254	1,207	1,321	114	Add 2 IS technicians to the Technology & Information Fund
App	0100	480	4612		0254	4,199	4,595	396	Add 2 IS technicians to the Technology & Information Fund
App	0100	480	4712		0254	2,414	2,642	228	Add 2 IS technicians to the Technology & Information Fund
App	0100	480	4801		0254	20,380	22,302	1,922	Add 2 IS technicians to the Technology & Information Fund
App	1130	320	3252		0254	1,282	1,403	121	Add 2 IS technicians to the Technology & Information Fund
App	1130	320	3256		0254	2,565	2,807	242	Add 2 IS technicians to the Technology & Information Fund
App	1170	320	3258		0254	5,557	6,081	524	Add 2 IS technicians to the Technology & Information Fund
App	6100	440	5015		0254	1,207	1,321	114	Add 2 IS technicians to the Technology & Information Fund
App	6100	440	5099		0254	170,328	186,394	16,066	Add 2 IS technicians to the Technology & Information Fund
App	6100	480	5012		0254	65,289	71,447	6,158	Add 2 IS technicians to the Technology & Information Fund
App	6150	440	5097		0254	79,752	87,274	7,522	Add 2 IS technicians to the Technology & Information Fund
App	6150	480	5051		0254	24,199	26,482	2,283	Add 2 IS technicians to the Technology & Information Fund
App	6160	440	5098		0254	14,954	16,385	1,411	Add 2 IS technicians to the Technology & Information Fund
App	6160	480	5061		0254	9,075	9,931	856	Add 2 IS technicians to the Technology & Information Fund
App	6210	440	5201		0254	95,107	104,078	8,971	Add 2 IS technicians to the Technology & Information Fund
App	6210	440	5299		0254	189,412	207,278	17,866	Add 2 IS technicians to the Technology & Information Fund
App	6210	480	5212		0254	2,812	3,077	265	Add 2 IS technicians to the Technology & Information Fund
App	6210	480	5215		0254	1,207	1,321	114	Add 2 IS technicians to the Technology & Information Fund
App	6210	480	5217		0254	1,207	1,321	114	Add 2 IS technicians to the Technology & Information Fund
App	6280	440	5399		0254	44,861	49,092	4,231	Add 2 IS technicians to the Technology & Information Fund
App	6280	480	5312		0254	20,577	22,518	1,941	Add 2 IS technicians to the Technology & Information Fund

Attachment F  
Budget Adjustment Detail

App/Rev	Fund	Agency	Organization	Appr Unit	Object	Current Budget	New Budget	Adjustment	Title and Justification
App	6310	440	5412		0254	855	936	81	Add 2 IS technicians to the Technology & Information Fund
App	6510	160	1672		0254	4,674	5,115	441	Add 2 IS technicians to the Technology & Information Fund
App	6510	480	5612		0254	2,062	2,256	194	Add 2 IS technicians to the Technology & Information Fund
App	6800	330	3316		0254	6,736	7,371	635	Add 2 IS technicians to the Technology & Information Fund
App	6700	340	3412		0254	7,239	7,922	683	Add 2 IS technicians to the Technology & Information Fund
App	7110	120	1272		0254	2,137	2,339	202	Add 2 IS technicians to the Technology & Information Fund
App	7200	480	5812		0254	2,565	2,807	242	Add 2 IS technicians to the Technology & Information Fund
App	7310	030	0372		0254	3,420	3,743	323	Add 2 IS technicians to the Technology & Information Fund
App	7510	030	0351		0254	427	467	40	Add 2 IS technicians to the Technology & Information Fund
Rev	0010	700	7000		7130	1,065,590	1,130,590	65,000	Carryover Revenues
Rev	0520	510	9510		3138	-	36,268	36,268	Carryover Revenues
Rev	0520	510	9510		3504	268,000	896,934	628,934	Carryover Revenues
Rev	0520	510	9510		9143	-	122,000	122,000	Carryover Revenues
Rev	0520	700	7000		7700	-	245,760	245,760	Carryover Revenues
Rev	0520	700	7000		7143	-	122,000	122,000	Carryover Revenues
Rev	0700	510	9510		3138	51,000	3,723,885	3,672,885	Carryover Revenues
Rev	0700	510	9510		3504	288,000	30,319,839	30,031,839	Carryover Revenues
Rev	0700	700	7000		9052	-	245,760	245,760	Carryover Revenues
Rev	1130	510	9510		3513	3,589,020	4,353,086	764,066	Carryover Revenues
Rev	1300	700	7000		9010	1,000,590	1,065,590	65,000	Carryover Revenues
Rev	1300	700	7000		9610	-	9,064	9,064	Carryover Revenues
Rev	1300	700	7000		9615	-	4,231	4,231	Carryover Revenues
Rev	1300	700	7000		9616	-	587	587	Carryover Revenues
Rev	1300	700	7000		9621	-	10,221	10,221	Carryover Revenues
Rev	1300	700	7000		9628	-	2,702	2,702	Carryover Revenues
Rev	1300	700	7000		9713	-	7,798	7,798	Carryover Revenues
Rev	1410	510	9510		3504	240,000	2,334,623	2,094,623	Carryover Revenues
Rev	1410	510	9510		4057	-	1,510,000	1,510,000	Carryover Revenues
Rev	1430	510	9510		9052	-	62,000	62,000	Carryover Revenues
Rev	1430	700	7000		7052	-	62,000	62,000	Carryover Revenues
Rev	2300	510	9510		3513	-	293,586	293,586	Carryover Revenues
Rev	6100	700	7000		7130	-	9,064	9,064	Carryover Revenues
Rev	6150	700	7000		7130	-	4,231	4,231	Carryover Revenues
Rev	6160	700	7000		7130	-	587	587	Carryover Revenues
Rev	6210	700	7000		7130	-	10,221	10,221	Carryover Revenues
Rev	6280	700	7000		7130	-	2,702	2,702	Carryover Revenues
Rev	6320	510	9510		3613	536,000	1,826,359	1,290,359	Carryover Revenues
Rev	6510	510	9510		3604	4,059,000	8,736,319	4,677,319	Carryover Revenues
Rev	7130	700	7000		7130	-	7,798	7,798	Carryover Revenues
App	0100	020	0201	0200C	0235		29,368	29,368	Rollovered 8/28
App	0100	020	0202	0200C	0235		1,517	1,517	Rollovered 8/28
App	0100	030	0301	0300C	5399		22	22	Rollovered 8/28
App	0100	030	0303	0300C	0306		562	562	Rollovered 8/28
App	0100	040	0401	0401C	5009		483	483	Rollovered 8/28
App	0100	040	0401	0401C	5014		359	359	Rollovered 8/28
App	0100	050	0501	0500C	0205		2,500	2,500	Rollovered 8/28
App	0100	050	0501	0500C	0235		4,165	4,165	Rollovered 8/28
App	0100	050	0501	0500C	0235		2,500	2,500	Rollovered 8/28
App	0100	120	1234	1234C	5001		2,835	2,835	Rollovered 8/28
App	0100	140	1400	1400C	0260		1,472	1,472	Rollovered 8/28
App	0100	140	1401	1401C	0301		428	428	Rollovered 8/28
App	0100	140	1401	1401C	5035		76	76	Rollovered 8/28
App	0100	140	1401	1401C	0235		48,904	48,904	Rollovered 8/28
App	0100	140	1401	1401C	5041		3,458	3,458	Rollovered 8/28
App	0100	140	1421	1421C	5374		110	110	Rollovered 8/28
App	0100	140	1421	1421C	0235		2,500	2,500	Rollovered 8/28
App	0100	160	1601	1601C	0301		570	570	Rollovered 8/28
App	0100	160	1601	1601C	5055		125	125	Rollovered 8/28
App	0100	160	1601	1601C	5383		7,329	7,329	Rollovered 8/28
App	0100	160	1612	1612C	0365		127	127	Rollovered 8/28
App	0100	160	1612	1612C	5058		3,782	3,782	Rollovered 8/28
App	0100	160	1612	1612C	0365		363	363	Rollovered 8/28
App	0100	180	1802	1800C	0223		20,572	20,572	Rollovered 8/28
App	0100	180	1802	1800C	0308		1,272	1,272	Rollovered 8/28
App	0100	180	1802	1800C	0312		202	202	Rollovered 8/28
App	0100	180	1802	1800C	5070		4,000	4,000	Rollovered 8/28
App	0100	180	1802	1800C	5074		3,208	3,208	Rollovered 8/28
App	0100	180	1822	1800C	0235		640	640	Rollovered 8/28
App	0100	180	1822	1800C	0301		347	347	Rollovered 8/28
App	0100	180	1822	1800C	0308		428	428	Rollovered 8/28
App	0100	180	1822	1800C	5397		1,457	1,457	Rollovered 8/28
App	0100	180	1832	1800C	0209		169	169	Rollovered 8/28
App	0100	190	1921	1900C	0223		715	715	Rollovered 8/28
App	0100	190	1921	1900C	0235		30,194	30,194	Rollovered 8/28
App	0100	190	1921	1900C	0301		3,437	3,437	Rollovered 8/28

Attachment F  
Budget Adjustment Detail

App/Rev	Fund	Agency	Organization	Appr Unit	Object	Current Budget	New Budget	Adjustment	Title and Justification
App	0100	190	1921	1900C	0306		8,646	8,646	Rollovered 8./28
App	0100	190	1921	1900C	0308		1,101	1,101	Rollovered 8./28
App	0100	190	1921	1900C	5334		2,936	2,936	Rollovered 8./28
App	0100	190	1921	1900C	5335		1,503	1,503	Rollovered 8./28
App	0100	190	1921	1900C	0235		44,786	44,786	Rollovered 8./28
App	0100	190	1921	1900C	5784		1,000	1,000	Rollovered 8./28
App	0100	190	1961	1900C	0308		7,013	7,013	Rollovered 8./28
App	0100	190	1961	1900C	5297		1,269	1,269	Rollovered 8./28
App	0100	190	1966	1900C	0308		263	263	Rollovered 8./28
App	0100	300	3001	3001C	0308		1,284	1,284	Rollovered 8./28
App	0100	300	3001	3001C	5082		83	83	Rollovered 8./28
App	0100	340	3415	3415C	0308		3,542	3,542	Rollovered 8./28
App	0100	340	3415	3415C	0360		2,280	2,280	Rollovered 8./28
App	0100	340	3415	3415C	0206		1,893	1,893	Rollovered 8./28
App	0100	340	3415	3415C	0360		987	987	Rollovered 8./28
App	0100	360	3612	3600C	0235		1,191	1,191	Rollovered 8./28
App	0100	360	3612	3600C	0308		1,393	1,393	Rollovered 8./28
App	0100	370	3711	3700C	0210		214	214	Rollovered 8./28
App	0100	370	3711	3700C	0235		1,792	1,792	Rollovered 8./28
App	0100	370	3711	3700C	0301		327	327	Rollovered 8./28
App	0100	370	3712	3700C	0210		971	971	Rollovered 8./28
App	0100	370	3712	3700C	0235		3,956	3,956	Rollovered 8./28
App	0100	370	3712	3700C	0315		404	404	Rollovered 8./28
App	0100	370	3713	3700C	0210		579	579	Rollovered 8./28
App	0100	370	3713	3700C	0235		685	685	Rollovered 8./28
App	0100	370	3714	3700C	0210		333	333	Rollovered 8./28
App	0100	370	3715	3700C	0308		422	422	Rollovered 8./28
App	0100	370	3715	3700C	0337		56	56	Rollovered 8./28
App	0100	370	3715	3700C	5212		43	43	Rollovered 8./28
App	0100	370	3724	3700C	0223		6,241	6,241	Rollovered 8./28
App	0100	370	3724	3700C	5086		51	51	Rollovered 8./28
App	0100	370	3769	3700C	0206		428	428	Rollovered 8./28
App	0100	370	3769	3700C	0301		450	450	Rollovered 8./28
App	0100	370	3769	3700C	5392		21	21	Rollovered 8./28
App	0100	410	4112	4100C	0306		6,343	6,343	Rollovered 8./28
App	0100	410	4112	4100C	5361		15	15	Rollovered 8./28
App	0100	420	4212	4200C	5412		16,500	16,500	Rollovered 8./28
App	0100	420	4212	4200C	5413		127	127	Rollovered 8./28
App	0100	420	4213	4200C	0209		5,600	5,600	Rollovered 8./28
App	0100	420	4213	4200C	0301		26	26	Rollovered 8./28
App	0100	420	4213	4200C	0306		642	642	Rollovered 8./28
App	0100	440	4402	4400C	0235		15,000	15,000	Rollovered 8./28
App	0100	440	4402	4400C	0301		35	35	Rollovered 8./28
App	0100	480	4522	4800C	0208		2,805	2,805	Rollovered 8./28
App	0100	480	4522	4800C	0223		268	268	Rollovered 8./28
App	0100	480	4522	4800C	0308		869	869	Rollovered 8./28
App	0100	480	4522	4800C	0360		2,836	2,836	Rollovered 8./28
App	0100	480	4612	4800C	0208		62	62	Rollovered 8./28
App	0100	480	4612	4800C	0209		2,548	2,548	Rollovered 8./28
App	0100	480	4612	4800C	0308		309	309	Rollovered 8./28
App	0100	480	4612	4800C	0360		7	7	Rollovered 8./28
App	0100	480	4622	4800C	0208		312	312	Rollovered 8./28
App	0100	480	4622	4800C	0235		74	74	Rollovered 8./28
App	0100	480	4622	4800C	5423		8,319	8,319	Rollovered 8./28
App	0100	480	4622	4800C	5425		1,608	1,608	Rollovered 8./28
App	0100	480	4712	4800C	0208		2,286	2,286	Rollovered 8./28
App	0100	480	4712	4800C	0235		18,092	18,092	Rollovered 8./28
App	0100	480	4712	4800C	0310		4,604	4,604	Rollovered 8./28
App	0100	480	4712	4800C	0360		777	777	Rollovered 8./28
App	0100	480	4712	4800C	5104		3,619	3,619	Rollovered 8./28
App	0100	480	4712	4800C	5131		1,380	1,380	Rollovered 8./28
App	0100	480	4801	4800C	0208		208	208	Rollovered 8./28
App	0100	480	4801	4800C	0235		12,000	12,000	Rollovered 8./28
App	0100	480	4801	4800C	0306		7	7	Rollovered 8./28
App	0100	480	4801	4800C	5418		2,770	2,770	Rollovered 8./28
App	0400	190	1941	0400C	5386		1,017	1,017	Rollovered 8./28
App	1130	140	1452	1452C	5049		44	44	Rollovered 8./28
App	1130	140	1454	1454C	0260		9,151	9,151	Rollovered 8./28
App	1130	140	1456	1456C	5053		39	39	Rollovered 8./28
App	1170	140	1458	1458C	0306		127	127	Rollovered 8./28
App	6000	480	4682	4680C	0235		779	779	Rollovered 8./28
App	6000	480	4682	4680C	0301		107	107	Rollovered 8./28
App	6000	480	4685	4685C	0223		3,624	3,624	Rollovered 8./28
App	6000	480	4685	4685C	0308		559	559	Rollovered 8./28
App	6100	440	5015	5015C	5111		1	1	Rollovered 8./28
App	6100	480	5012	5010C	0209		1,911	1,911	Rollovered 8./28
App	6100	480	5012	5010C	0210		214	214	Rollovered 8./28
App	6100	480	5012	5010C	0223		214	214	Rollovered 8./28
App	6100	480	5012	5010C	0235		19,517	19,517	Rollovered 8./28
App	6100	480	5012	5010C	0302		860	860	Rollovered 8./28
App	6100	480	5012	5010C	0360		2,023	2,023	Rollovered 8./28
App	6100	480	5012	5010C	0230		1,268	1,268	Rollovered 8./28
App	6100	480	5012	5010C	5145		3,657	3,657	Rollovered 8./28
App	6150	480	5015	5050C	5156		726	726	Rollovered 8./28
App	6150	480	5051	5050C	0223		10,270	10,270	Rollovered 8./28

## Attachment F Budget Adjustment Detail

App/Rev	Fund	Agency	Organization	Appr Unit	Object	Current Budget	New Budget	Adjustment	Title and Justification
App	6150	480	5051	5050C	0360		282	282	Rollovered 8/28
App	6150	480	5051	5050C	5114		35,289	35,289	Rollovered 8/28
App	6160	480	5061	5060C	0308		37	37	Rollovered 8/28
App	6160	480	5061	5060C	0360		1,000	1,000	Rollovered 8/28
App	6210	440	5201	5210C	0235		6	6	Rollovered 8/28
App	6210	480	5212	5200C	0209		2,548	2,548	Rollovered 8/28
App	6210	480	5212	5200C	0223		289	289	Rollovered 8/28
App	6210	480	5212	5200C	0235		1,294	1,294	Rollovered 8/28
App	6210	480	5213	5200C	0210		11	11	Rollovered 8/28
App	6210	480	5213	5200C	0223		8,163	8,163	Rollovered 8/28
App	6210	480	5213	5200C	0235		3,522	3,522	Rollovered 8/28
App	6210	480	5213	5200C	0308		206	206	Rollovered 8/28
App	6210	480	5213	5200C	0312		30,272	30,272	Rollovered 8/28
App	6210	480	5213	5200C	5376		17	17	Rollovered 8/28
App	6210	480	5213	5200C	5403		289,918	289,918	Rollovered 8/28
App	6210	480	5213	5200C	5432		3,118	3,118	Rollovered 8/28
App	6210	480	5213	5200C	0235		541	541	Rollovered 8/28
App	6210	480	5213	5200C	5321		1,667	1,667	Rollovered 8/28
App	6210	480	5214	5200C	0210		642	642	Rollovered 8/28
App	6210	480	5214	5200C	0223		27,090	27,090	Rollovered 8/28
App	6210	480	5214	5200C	0235		165,042	165,042	Rollovered 8/28
App	6210	480	5214	5200C	0308		147	147	Rollovered 8/28
App	6210	480	5214	5200C	0360		12	12	Rollovered 8/28
App	6210	480	5215	5200C	0308		74	74	Rollovered 8/28
App	6210	480	5215	5200C	0312		6	6	Rollovered 8/28
App	6210	480	5217	5200C	0235		3,920	3,920	Rollovered 8/28
App	6210	480	5220	5200C	5332		72	72	Rollovered 8/28
App	6210	480	5222	5200C	0235		1	1	Rollovered 8/28
App	6210	480	5222	5200C	5433		3,083	3,083	Rollovered 8/28
App	6280	480	5312	5300C	0235		1,988	1,988	Rollovered 8/28
App	6280	480	5312	5300C	0360		191	191	Rollovered 8/28
App	6280	480	5312	5300C	0360		850	850	Rollovered 8/28
App	6280	480	5313	5300C	0235		133	133	Rollovered 8/28
App	6280	480	5314	5300C	0223		1,750	1,750	Rollovered 8/28
App	6280	480	5314	5300C	0235		22,115	22,115	Rollovered 8/28
App	6280	480	5314	5300C	0308		160	160	Rollovered 8/28
App	6310	440	5412	5412C	0223		440	440	Rollovered 8/28
App	6510	160	1672	1672C	5059		33,477	33,477	Rollovered 8/28
App	6510	160	1672	1672C	5298		64	64	Rollovered 8/28
App	6510	480	5812	5812C	0308		89	89	Rollovered 8/28
App	6510	480	5812	5812C	0365		9,204	9,204	Rollovered 8/28
App	6520	160	1673	1673C	0235		1,200	1,200	Rollovered 8/28
App	6530	160	1674	1674C	0235		291	291	Rollovered 8/28
App	6700	340	3412	3400C	0235		38	38	Rollovered 8/28
App	6700	340	3412	3400C	5394		42	42	Rollovered 8/28
App	6700	340	3412	3400C	5417		10,151	10,151	Rollovered 8/28
App	7110	120	8311	8310C	0439		35,131	35,131	Rollovered 8/28
App	7130	120	1242	1240C	0301		642	642	Rollovered 8/28
App	7130	120	1242	1240C	0223		540	540	Rollovered 8/28
App	7130	120	1243	1240C	0209		3,625	3,625	Rollovered 8/28
App	7130	120	1243	1240C	0235		327	327	Rollovered 8/28
App	7130	120	1244	1240C	5023		1,419	1,419	Rollovered 8/28
App	7130	120	1244	1240C	5024		34,958	34,958	Rollovered 8/28
App	7130	120	1244	1240C	5363		209,054	209,054	Rollovered 8/28
App	7130	120	1244	1240C	5524		47,000	47,000	Rollovered 8/28
App	7130	120	1244	1240C	5032		283	283	Rollovered 8/28
App	7130	120	1244	1240C	5033		770	770	Rollovered 8/28
App	7130	120	1245	1240C	5303		32	32	Rollovered 8/28
App	7200	480	5812	5800C	0308		177	177	Rollovered 8/28
App	7200	480	5812	5800C	0365		6,863	6,863	Rollovered 8/28
App	7200	480	5812	5800C	5153		10,638	10,638	Rollovered 8/28
App	7200	480	5813	5800C	0308		89	89	Rollovered 8/28
App	7200	480	5813	5800C	0365		659	659	Rollovered 8/28
App	7210	480	5814	5814C	5171		59,836	59,836	Rollovered 8/28
App	7210	480	5814	5814C	5172		21,000	21,000	Rollovered 8/28
App	7210	480	5814	5814C	5187		59,836	59,836	Rollovered 8/28
App	7210	480	5814	5814C	5191		20,783	20,783	Rollovered 8/28
App	7210	480	5814	5814C	5203		29,961	29,961	Rollovered 8/28
App	7210	480	5814	5814C	5208		16,705	16,705	Rollovered 8/28
App	7510	030	0351	0351C	0338		506	506	Rollovered 8/28
App	7800	490	4912	4900C	0210		321	321	Rollovered 8/28
App	7800	490	4912	4900C	0223		3,670	3,670	Rollovered 8/28
App	7800	490	4912	4900C	5106		20	20	Rollovered 8/28
App	7800	490	4912	4900C	5343		19	19	Rollovered 8/28
App	7800	490	4912	4900C	5344		19	19	Rollovered 8/28
App	7800	490	4912	4900C	5345		19	19	Rollovered 8/28
App	7800	490	4912	4900C	0308		139	139	Rollovered 8/28
App	8900	390	3912	4900C	0235		21,822	21,822	Rollovered 8/28
App	8900	390	3912	3912C	0308		2,286	2,286	Rollovered 8/28
App	8900	390	3912	3912C	0360		2,218	2,218	Rollovered 8/28
App	8900	390	3912	3912C	5428		8,201	8,201	Rollovered 8/28
App	8900	390	3912	3912C	5429		3,346	3,346	Rollovered 8/28
App	9050	140	1490	1490C	0235		6,765	6,765	Rollovered 8/28
App	9080	140	1493	1493D	0489		2,826	2,826	Rollovered 8/28

**Attachment G**  
**Adjustments to the Capital Improvement Program Projects**  
**1st Quarter Financial Report FY 2000-2001**

	Account Number	Current Budget	Adjustment	New Budget
<b>0700 Special Gas Tax</b>				
D286 RESTRIPE SCENIC/OAKDALE-CLAUS: close	0700 160 D286 6040	38,177	-2,500	35,677
E932 AIRPORT DISTRCT-PUBLIC IMPRMTS: close	0700 430 E932 6040	332,000	-20,757	311,243
F961 SNYDER AVE-PRESCTT/CARVR OVRLY: close	0700 430 F961 6040	68,000	-68,000	0
	0700 430 F961 6050	3,000	-3,000	0
	0700 430 F961 6060	5,000	-28	4,972
H057 BLUEGUM IMPROVMTS MJC WEST: close	0700 430 H057 6040	160,000	-2,436	157,564
H909 VIDEO LOOP EMULATOR: close	0700 160 H909 6010	41,297	-53	41,244
H921 PREFERENTIAL PARKING-CARPOOLER: close	0700 160 H921 6040	30,315	-954	29,361
H922 CITY OF MODESTO RIDESHARE PROG: close	0700 160 H922 6040	29,900	-255	29,645
J494 SEISMIC RETROFIT: close	0700 430 J494 6001	9,562	-9,562	0
J994 RETIME DOWNTOWN T/S-CMAQ: close	0700 160 J994 6040	71,150	-196	70,954
K008 STOP SIGN REPLACEMENT: close	0700 160 K008 6040	46,500	-253	46,247
K137 PAVEMENT CONDITION SURVEY: close	0700 430 K137 6010	35,000	-18	34,982
K903 9TH STREET BRIDGE REPLACEMENT: move to M203	0700 430 K903 6010	1,440,000	-293,586	1,146,414
K905 ROUNDABOUT AT 19TH AND H ST: close	0700 160 K905 6010	87,000	-73,302	13,698
	0700 160 K905 6040	669,000	-669,000	0
	0700 160 K905 6050	44,000	-44,000	0
	0700 160 K905 6060	70,000	-70,000	0
		3,179,901	-1,257,900	1,922,001
<b>1350 Capital Facility Parks</b>				
J303 EISENHUT NBH PARK PHASE I & II: close	1350 310 J303 6040	356,000	-4,256	351,744
J320 MARTONE TOT LOT: close	1350 310 J320 6040	89,000	-3,316	85,684
K062 DRYDEN GOLF CART SHED: close	1350 330 K062 6040	153,000	-638	152,362
L124 MCKINNEY COLONY PARK: close	1350 310 L124 6040	11,000	-27	10,973
		609,000	-8,237	600,763
<b>1400 Parks</b>				
F642 DAVIS/DOWNEY BALLFLD LGHT REP: close	1400 310 F642 6040	500	-500	0
H004 MCCLURE SITE REVISD MSTR PLAN: close	1400 310 H004 6010	352	-351	1
J413 PARK LGHTNG RPMT-DOWNEY/DAVIS: close	1400 310 J413 6040	104,000	-16,920	87,080
J418 PARK PAVING RENOVATION - DAVIS: close	1400 310 J418 6010	4,000	-412	3,588
	1400 310 J418 6040	33,000	-27,119	5,881
	1400 310 J418 6050	3,000	-3,000	0
	1400 310 J418 6060	5,000	-5,000	0
J423 PARK RESTROOM RENOVATN-VARIOUS: close	1400 310 J423 6040	67,000	-3,969	63,031
J431 PARK TENNIS COURT RNVTN-LALOMA: close	1400 310 J431 6040	72,000	-8,379	63,621
K091 MISCELLANEOUS IMPROVEMENTS: close	1400 310 K091 6040	16,329	-6	16,323
K925 GRACEADA G.I.F.T. PROJECT: close	1400 310 K925 6040	151,216	-3,090	148,126
L010 BEYER PARK FENCING: close	1400 310 L010 6040	10,000	-5,119	4,881
		466,397	-73,865	392,532
<b>1410 Capital Facility Street</b>				
E443 CARPENTER/MAZE/HATCH PLANLINE: close	1410 430 E443 6010	30,000	-152	29,848
K383 ORANGEBURG/KEARNEY NEW TRAFFIC: close	1410 160 K383 6040	102,000	-5,277	96,723
		132,000	-5,429	126,571
<b>1430 Capital Facility Air Quality Capital</b>				
F706 AMTRAK STATION: close	1430 430 F706 6030	50,000	-5,501	44,499
		50,000	-5,501	44,499
<b>1700 State Parks &amp; Recreation</b>				
H067 SCENIC OVERLOOK LAND ACQ: close	1700 310 H067 6030	855,000	-354,708	500,292
		855,000	-354,708	500,292
<b>2300 Capital Fund</b>				
M203 9th Street Bridge Replacement:	2300 430 M203 6040	21,900,000	293,586	22,193,586
		21,900,000	293,586	22,193,586

**Attachment G**  
**Adjustments to the Capital Improvement Program Projects**  
**1st Quarter Financial Report FY 2000-2001**

	Account Number	Current Budget	Adjustment	New Budget
<b>6000 Parking</b>				
P859 CITY HALL LOT SEAL COAT: close	6000 160 P859 6000	498	-498	
		498	-498	
<b>6100 Water</b>				
J509 EXTEND WATER MAINS (610): close	6100 480 J509 6040	137,821	-5	137,816
K458 REPLACE WATER MAINS (610): combine w/M221	6100 440 K458 6040	80,000	-65,313	14,687
K649 EXTEND WATER MAINS (610): combine w/M213	6100 440 K649 6040	43,000	-13,642	29,358
L041 EXTEND WATER MAINS UNSPECIFIED: combine w/M213	6100 480 L041 6040	198,283	-96,639	101,644
L042 INSTALL WATER METERS (610): combine w/M215	6100 480 L042 6070	150,000	-149,995	5
L043 REPLACE WATER MAINS (610): combine w/M221	6100 480 L043 6040	180,000	-52,645	127,355
L045 STRENGTHEN WATER SYSTEM (610): combine w/M221	6100 480 L045 6040	180,000	-36,328	143,672
L046 INSTALL NEW SERVICES (610): combine w/M217	6100 480 L046 6040	150,000	-150,000	0
L047 EXTEND WATER MAINS CARVER-BANG: close	6100 480 L047 6040	24,000	-63	23,937
L048 SCADA IMPROVEMENTS (610): combine w/M218	6100 480 L048 6040	12,000	-8,685	3,315
M213 Extend Water Mains (610):	6100 480 M213 6040	86,000	110,281	196,281
M215 Install Water Meters (610):	6100 480 M215 6070	150,000	149,995	299,995
M217 Install New Services (610):	6100 480 M217 6040	150,000	150,000	300,000
M218 SCADA Improvements (610):	6100 480 M218 6040	40,000	8,685	48,685
M221 Strengthen & Repl. Water Mains:	6100 480 M221 6040	375,000	154,286	529,286
		1,956,104	-68	1,956,036
<b>6120 Water CIP Certificate of Participation</b>				
C130 NEW WATER BLDG: close	6120 480 C130 6010	61,212	-82	61,130
		61,212	-82	61,130
<b>6150 Del Este MID Service Areas</b>				
H365 STRENGTHEN WATER SYSTEM (615): combine w/M222	6150 480 H365 6040	90,000	-22,150	67,850
H366 WATER STORAGE BUILDING (615): close	6150 480 H366 6040	25,000	-19	24,981
J526 INSTALL SCADA RTU'S (615): close	6150 480 J526 6040	175,000	-2	174,998
K566 REPLACE WATER MAINS (615): combine w/M222	6150 440 K566 6040	540,000	-13,580	526,420
K568 STRENGTHEN WATER SYSTEM (615): combine w/M222	6150 440 K568 6040	480,000	-96,389	383,611
L053 REPLACE WATER MAINS (615): combine w/M222	6150 480 L053 6040	729,000	-799,150	-70,150
L055 INSTALL NEW SERVICES (615): combine w/M222	6150 480 L055 6040	30,000	-28,001	1,999
L056 DRILL TEST HOLES ZONE 2 (615): combine w/M224	6150 480 L056 6040	30,000	-30,000	0
L058 REPLACE PUMPS (615): combine w/M228	6150 480 L058 6070	300,000	-192,676	107,324
L059 EXPAND SURFACE WATER TREATMENT: combine w/M227	6150 480 L059 6010	25,000	-25,000	0
M222 Strengthen & Repl. Water Mains:	6150 480 M222 6040	900,000	959,270	1,859,270
M224 Install New Services (615):	6150 480 M224 6040	30,000	30,000	60,000
M227 Replace Pumps (615):	6150 480 M227 6070	300,000	25,000	325,000
M228 Purchase Generators (615):	6150 480 M228 6070	60,000	192,676	252,676
		3,714,000	-21	3,713,979
<b>6160 Del Este Non-MID Service Areas</b>				
H371 WATER STORAGE BUILDING (616): close	6160 480 H371 6040	25,000	-350	24,650
K635 REPLACE WATER MAINS (616): close	6160 440 K635 6040	97,000	-3,911	93,089
L060 PURCHASE GENERATOR (616): combine w/M241	6160 480 L060 6070	13,500	-5,172	8,328
L061 REPLACE WATER MAINS (616): close	6160 480 L061 6040	31,318	-79	31,239
L062 INSTALL NEW SERVICES (616): combine w/M237	6160 480 L062 6070	5,000	-4,928	72
L063 INSTALL WATER METERS (616): combine w/M236	6160 480 L063 6040	12,000	-3,098	8,902
L064 STRENGTHEN WATER SYSTEM (616): combine w/M242	6160 480 L064 6040	45,000	-2,685	42,315
M236 Install Water Meters (616):	6160 480 M236 6040	12,000	3,098	15,098
M237 Install New Services (616):	6160 480 M237 6070	5,000	4,928	9,928
M241 Purchase Generators (616):	6160 480 M241 6070	50,000	5,172	55,172
M242 Strengthen & Repl. Water (616):	6160 480 M242 6040	120,000	2,685	122,685
		415,818	-4,340	411,478
<b>6210 Wastewater Operations</b>				
D321 VARI SPD-INFLUENT/EFFLUENT PMP: close	6210 480 D321 6040	342,099	-7,509	334,590

**Attachment G**  
**Adjustments to the Capital Improvement Program Projects**  
**1st Quarter Financial Report FY 2000-2001**

	Account Number	Current Budget	Adjustment	New Budget
E540 DRAIN DITCH BULKHEAD: close	6210 480 E540 6070	85,555	-9,189	76,366
E556 PARALLEL 60" OUTFALL, PHASE 3: close	6210 480 E556 6010	100,000	-1,850	98,150
	6210 480 E556 6030	200,000	-200,000	0
F735 REPLACE EMERALD TRUNK SEWER: close	6210 480 F735 6040	444,730	-3,106	441,624
F798 SECONDARY PLANT FLOW METERS: reduce	6210 480 F798 6070	83,518	-80,208	3,310
H016 ANNUAL SEWER REHABILITATION: reduce	6210 480 H016 6040	514,572	-64,758	449,814
H376 EFFLUENT PUMP FAC-VARIABLE SPD: close	6210 480 H376 6040	242,000	-247	241,753
K010 KIERNAN BUSINESS PRK SUBTRNKS: close	6210 440 K010 6040	540,000	-151,192	388,808
K011 SUBTRUNK EXTENSIONS: close	6210 440 K011 6040	554,554	-349	554,205
K035 Y2K SEWER LIFT STATION: close	6210 440 K035 6040	200,000	-838	199,162
K679 ANNUAL SEWER REHAB ('99): close	6210 440 K679 6040	383,295	-356,713	26,582
K688 DAF DRIVES REPLACEMENT: close	6210 440 K688 6040	5,512	-120	5,392
K692 DIGESTERS 4 & 5 RECOATING: close	6210 440 K692 6040	144,000	-33,886	110,114
K720 FIXED FILM REACTOR SIDING RPL: close	6210 440 K720 6040	300,000	-229,507	70,493
K736 CO-COMPOST FACILITY EXIT ROAD: close	6210 440 K736 6040	125,000	-2,303	122,697
L069 ANNUAL LIFT STATION REHAB: close	6210 480 L069 6010	40,000	-32,340	7,660
	6210 480 L069 6040	306,000	-292,293	13,707
	6210 480 L069 6050	30,000	-30,000	0
	6210 480 L069 6060	24,000	-23,462	538
L071 ANNUAL SEWER REHABILITATION: reduce	6210 480 L071 6040	417,000	-70,000	210,211
L075 SCADA STATN FOR NEW CITY HALL: close	6210 480 L075 6070	85,000	-62,456	22,544
L087 CANNERY SEG-LND ACQN/PIPE INST: close	6210 480 L087 6030	130,000	-126,146	3,854
L088 EMERGENCY EQUIPMENT:GENRS/PMPS: close	6210 480 L088 6070	200,000	-479	199,521
L089 BOWEN LIFT STN STORG BLD-PMPS: close	6210 480 L089 6040	70,000	-1,883	68,117
L090 SEWER CLEANING COMBINATION TRK: reduce	6210 480 L090 6070	247,000	-16,563	230,437
		5,813,835	-1,797,397	3,879,649
<b>6230 1997 Sewer Revenue Bonds</b>				
H868 HEADWORKS & GRIT REMOVAL: reduce	6230 480 H868 6040	13,473,786	-8,360	13,465,426
H869 RANCH IMPROVEMENTS: reduce	6230 480 H869 6040	269,313	-154,017	115,296
J608 CONFINED SPACE-COMM/GANTRY/HST: close	6230 480 J608 6070	25,000	-38	24,962
J609 MINI CAMERA WCABLE, TRANSPNDR: close	6230 480 J609 6070	8,000	-577	7,423
J625 REPAIR&UPGRADE PONDS CNTL BLDG: close	6230 480 J625 6040	115,000	-28,660	86,340
		13,891,099	-191,652	13,699,447
<b>6280 Storm Drainage</b>				
H085 DRAIN ROCK DUMP SITE/RECYCLING: close	6280 480 H085 6040	42,000	-149	41,851
J750 ANNUAL:SUNKEN SIDEWLK@RCKWELLS: close	6280 480 J750 6040	15,000	-13,335	1,665
K804 STONE BRIDGE PUMP MODIFICATION: close	6280 440 K804 6070	22,841	-69	22,772
L093 MAINTENANCE OF RETENTN BASINS: close	6280 480 L093 6040	200,000	-186	199,814
L094 ROCKWELL REJUVENATN CITY WIDE: close	6280 480 L094 6040	480,000	-1,639	478,361
		759,841	-15,378	744,463
<b>6510 Bus Service Fixed Route</b>				
J758 WIRE WELDER (MIG): close	6510 160 J758 6070	3,000	-3,000	0
		3,000	-3,000	0
<b>7200 Fleet Management</b>				
J862 CORPORATION YARD MIS INTERFACE: close	7200 480 J862 6070	86,000	-53	85,947
		86,000	-53	85,947
<b>9060 Redevelopment Agency Low And Moderate Income Housing</b>				
H931 LOW&MODERATE INCOME HSG PROGM: close	9060 140 H931 6040	238,742	-188,413	50,329
L114 REDEVLPMNT AGY HOUSING PROJECT: close	9060 140 L114 6040	269,000	-49,581	219,419
		507,742	-237,994	269,748
<b>Grand Total</b>		<b>54,401,447</b>	<b>-3,662,537</b>	<b>50,602,121</b>

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-7

A RESOLUTION DESIGNATING COUNCILMEMBER TIM FISHER 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 Tim Fisher 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 2<sup>nd</sup> day of January, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-8

A RESOLUTION DECLARING EMERGENCY REPAIRS OF THE CANNERY SEGREGATION LINE AT THE PRIMARY TREATMENT PLANT TO BE OF URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH OR PROPERTY, AND AUTHORIZING THE COMPLETION OF SAID REPAIRS WITHOUT COMPLYING WITH THE FORMAL BIDDING REQUIREMENTS OF SECTION 1307 OF THE MODESTO CITY CHARTER.

WHEREAS, on December 26, 2000, the Cannery Segregation sewer line began leaking at the City's Primary Water Quality Control Plant, and

WHEREAS, due to repairs being made on the primary outfall line, the Cannery Segregation line that is leaking is being used as the primary discharge line conveying sewage to the Secondary Treatment Site, and

WHEREAS, the leaking Cannery Segregation line must be repaired immediately to allow sewage flows to continue to the Secondary Treatment Site and to avoid discharge of sewage into the Tuolumne River, and

WHEREAS, City staff has been arranging for contractors to start this work, and

WHEREAS, the cost of the project is estimated to be anywhere from \$20,000 to \$300,000 since the extent of the repair is unknown at this time because the leak is covered by several feet of sewage,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based on the facts set forth above, the Council does hereby declare that the repair work to the Cannery Segregation line is of urgent necessity for the preservation of life, health or property and is hereby authorized without compliance with the formal bidding process set forth in Section

1307 of the Modesto City Charter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of January, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-9

A RESOLUTION APPOINTING DAVID F. GEER TO THE COMMUNITY  
QUALITIES FORUM

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

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

SECTION 1. David F. Geer is hereby appointed to the Community Qualities Forum with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-10

A RESOLUTION RE-APPOINTING GRACE LIEBERMAN TO THE CULTURE  
COMMISSION

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

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

SECTION 1. Grace Lieberman is hereby re-appointed to the Culture Commission with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-11

A RESOLUTION RE-APPOINTING RICARDO CORDOVA TO THE CITIZENS  
HOUSING & 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;

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

SECTION 1. Ricardo Cordova is hereby re-appointed to the Citizens Housing & Community Development Committee with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Citizens Housing & 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 2<sup>nd</sup> day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-12

A RESOLUTION RE-APPOINTING BARBARA PARRILL TO THE LANDMARK  
PRESERVATION COMMISSION

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

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

SECTION 1. Barbara Parrill is hereby re-appointed to the Landmark Preservation Commission with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-13

A RESOLUTION RE-APPOINTING ERIC BENSON AND FRANCIS RUGGIERI TO  
THE DOWNTOWN IMPROVEMENT DISTRICT

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

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

SECTION 1. Eric Benson and Francis Ruggieri are hereby re-appointed to the Downtown Improvement District with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed members of the Downtown Improvement District, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-14

A RESOLUTION RE-APPOINTING CHRIS DAVIDSON TO THE HOUSING  
REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Chris Davidson is hereby re-appointed to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Housing Rehabilitation 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 2<sup>nd</sup> day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-15

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SAVEMART SUPERMARKETS INC. AND ICI DEVELOPMENT COMPANY FOR FUNDING OF IMPROVEMENTS AT THE INTERSECTION OF OAKDALE ROAD AND SCENIC DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment (attached hereto as Exhibit 1) to the agreement dated August 1, 2000 between the City of Modesto and SaveMart Supermarkets Inc. and ICI Development Company for funding of improvements at the intersection of Oakdale Road and Scenic Drive be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-15A

A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 10% TO 18% OF THE ORIGINAL CONTRACT PRICE WITH FAGUNDES AND SONS, INC. ON THE "OAKDALE ROAD AND SCENIC DRIVE IMPROVEMENTS" PROJECT.

WHEREAS, on August 1<sup>st</sup>, 1991, the City Council awarded a \$647,938.00 contract to Fagundes and Sons, Inc. to make improvements to Oakdale Road and Scenic Drive, and

WHEREAS, during the course of construction, it was discovered that MID had included a condition of approval on ICI/Savemart's tentative map that "existing irrigation pipelines shall be removed, protected, or relocated as required by the Modesto Irrigation District", and

WHEREAS, there is a 30" concrete irrigation line located in Oakdale Road along a portion of the project where Oakdale Road is being widened, and

WHEREAS, it has been agreed with MID, that an acceptable manner of "protecting" the existing pipe would be to install a HDPE slipliner, and

WHEREAS, by Resolution No. 99-405 the City agreed to sharing the cost of improvements along Oakdale Road with the developers of the site, and

WHEREAS, the City is concurrently amending the cost sharing agreement with the developer to include the cost of sliplining the MID irrigation pipeline, and

WHEREAS, the Contractor has submitted a price for the additional work of \$79,270 that exceeds the Directors authority for the project as established by the Council's change order policy adopted by Resolution No. 94-443, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of 10% of the original contract price, or \$64,793.80 in this case,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level to issue change orders, from 10% to 18% of the original contract price with Fagundes and Sons, Inc., for the project entitled "Oakdale Road and Scenic Drive Improvements."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-16

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM SAVEMART SUPERMARKETS, INC. AND ICI DEVELOPMENT COMPANY AND INCREASE THE ANTICIPATED CONSTRUCTION EXPENSE.

WHEREAS, on August 1<sup>st</sup>, 1991, the City Council awarded a \$647,938.00 contract to Fagundes and Sons, Inc. to make improvements to Oakdale Road and Scenic Drive, and

WHEREAS, the City has previously agreed to sharing the cost of improvements along Oakdale Road (see Resolution 1999-405) with the developers of the site, and

WHEREAS, the City is concurrently amending the cost sharing agreement with the developer to include the cost of sliplining the MID irrigation pipeline, and

WHEREAS, additional work of sliplining a 30" will result in an additional \$79,270 in construction expense, and

WHEREAS, Save Mart Supermarkets Inc, and ICI Development have agreed to increase their participation in the cost of the project by an amount equal to 48% of the increased cost or \$37,920, and

WHEREAS, the City has approved Federal funding (CMAQ) to fund the additional \$41,350 required to pay the full \$79,270.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the "Oakdale Road and Scenic Drive Improvements" project to increase the amount of revenue recognized by the amount of \$79,270 and to increase the budgeted amount for construction by \$79,270.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith,


NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

AMENDED  
on Mar. 23, 2011  
By Resolution 2011-104

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-17

A RESOLUTION ADOPTING A SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 97-92.

WHEREAS, Section 5-6.08 of the Modesto Municipal Code provides that costs incurred by the City of Modesto for preparation of plans and specifications and inspections for construction of sewer laterals in the City shall be in accordance with a schedule of fees approved by Council from time to time by resolution, and

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that fees of services performed by the City of Modesto pursuant to Chapter 1 of Title VII of the Modesto Municipal Code relating to street improvements shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.15 of the Modesto Municipal Code provides that fees for inspection for temporary closing of public ways in the City of shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.23 of the Modesto Municipal Code provides that fees for street paving performed by the City of Modesto shall be paid by permittees obtaining permits therefor from the City in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.28 of the Modesto Municipal Code provides that fees for street cuts inspections performed by the City of Modesto shall be paid in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.29 of the Modesto Municipal Code provides that fees for trench restoration shall be paid in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, the Utility Services and Franchises Committee met on October 18, 2000, and supported the recommendations of City staff, and

WHEREAS, the Council adopted Resolution No. 2000-619 on November 12, 2000, setting a public hearing to be held on January 9, 2001, at 5:15 p.m. in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, to consider amending the schedule of fees in connection with encroachment permits and inspections relating to trench restoration and

WHEREAS, by an agenda report to the City Council from the Engineering and Transportation Department, dated December 22, 2000, City staff recommended a trench restoration fee, and

WHEREAS, at the public hearing, the City Council afforded interested persons an opportunity to make comment on the proposed trench restoration fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Schedule of Encroachment Permit Fees", attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted as the fees to be charged for work or inspections performed by the City of Modesto in connection with encroachment permits.

BE IT FURTHER RESOLVED that Resolution 97-92 adopted by the City Council on February 25, 1997, is hereby rescinded effective January 31, 2001.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after February 1, 2001.

BE IT FURTHER RESOLVED that staff is further directed to report to Council no later than February 1, 2002 regarding the effectiveness of Ordinance 3196-C.S., and annually thereafter, after first having reported its findings to the Audit Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Smith, Mayor Sabatino
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

SCHEDULE OF ENCROACHMENT PERMIT FEES

TYPE PERMIT <sup>(6)</sup>	BASIC PERMIT <sup>(5)</sup> & INSP.	STAKING <sup>(1)</sup>	TRENCH RESTORATION FEE	PAVING <sup>(1)</sup>	CODE OR RES. REFERENCE
1. Curbs and curb cuts	\$82.00/lot <sup>(7)</sup>	4.50/l.f.	---	by City	7-1.108
2. Sidewalks	\$38.50/lot <sup>(7)</sup>	---	---	---	7-1.108
3. Sewer Service from lot to sewer lateral	\$48.50/each	---	<b>\$2.50/s.f.<sup>(11)</sup></b>	\$6.80/s.f. <sup>(9)</sup>	5-6.08; <b>7-2.23</b> <b>7-2.29</b>
4. Sewer Laterals <sup>(2)</sup>	\$1.44/l.f.	0.72/l.f.	<b>\$2.50/s.f.<sup>(11)</sup></b>	\$6.80/s.f. <sup>(9)</sup>	5-6.08; <b>7-2.23</b> <b>7-2.29</b>
5. Storm Drains (through curb)	\$32.50/each	---	---	---	7-1.108
6. Utilities <sup>(3)</sup> Major Const.	\$68.00/each	---	<b>\$2.50/s.f.<sup>(11)</sup></b>	\$6.80/s.f. <sup>(9)</sup>	<b>7-2.28;</b> <b>7-2.23</b> <b>7-2.29</b>
7. Utilities <sup>(3)</sup> Service and Repair	\$68.00/each	---	<b>\$2.50/s.f.<sup>(11)</sup></b>	\$6.80/s.f. <sup>(9)</sup>	<b>7-2.28;</b> <b>7-2.23</b> <b>7-2.29</b>
8. Street Closures (temporary)	\$109.50/each	---	---	---	<b>7-2.15</b>
9. Street Lights	\$72.50/each	---	<b>\$2.50/s.f.<sup>(11)</sup></b>	---	7-1.108; <b>7-2.29</b>

**Changes in Bold**

TYPE PERMIT <sup>(6)</sup>	BASIC PERMIT <sup>(5)</sup> & INSP.	STAKING <sup>(1)</sup>	TRENCH RESTORATION FEE	PAVING <sup>(1)</sup>	CODE OR RES. REFERENCE
10. Rock Wells or Storm Drain Connections	\$72.50/each	---	<b>\$2.50/s.f.<sup>(11)</sup></b>	---	7-1.108 <b>7-2.29</b>
11. Street Construction	\$77.50/lot <sup>(7)</sup>	---		---	7-1.108
12. Improvements <sup>(8)</sup>	\$67.00/lot <sup>(7)</sup>	---	<b>\$2.50/s.f.<sup>(11)</sup></b>	---	7-1.108 <b>7-2.29</b>
13. Other work not listed <sup>(10)</sup>	To be calculated	---	---	---	7-1.08
14. Install refractor steel pole	\$55.00/each	---	---	---	7-1.108
15. Added refractor steel pole	\$13.50/each	---	---	---	7-1.108
16. Install mast arm wood pole	\$125.00/each	---	---	---	7-1.108
17. Added mast arm wood pole	\$102.50/each	---	---	---	7-1.108
18. Investigation of site <sup>(4)</sup>	To be calculated	---	---	---	7-1.108 <b>7-2.28</b>
19. Install luminaire, standard pole	\$20.50/each	---	---	---	7-1.108
20. Soil Core Sample	\$85.00/each	---	---	---	7-1.108

**Changes in Bold**

- (1) Where no fee is shown, the work is to be performed by others as needed.
- (2) Small laterals or extensions designed and drawn by the City shall pay an additional \$3.75/l.f.
- (3) Utility relocation required for City projects is not subject to a charge.
- (4) Whenever any work is started in the public right of way for which permit is required without first obtaining an encroachment permit, a special investigation shall be made before a permit is issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this resolution. The minimum investigation fee shall be the same as the minimum fee set forth for the specific type of work performed.
- (5) 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 per each
- (6) Permits are required for all work done in all public rights of way, including public utility easements.
- (7) For lots greater than 100' frontage, each 100' or part thereof is considered to be one "lot," (distance to be measured to nearest 100 feet).
- (8) Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines.
- (9) Chargeable only when paving is done by City. Developer/Owner shall repave all trenches, unless otherwise approved by the City Engineer.
- (10) To be calculated by the Public Works and Transportation Director in each instance, based on the actual cost of doing the work including overhead.

**(11) Trench Restoration Fee Schedule**

Modesto Municipal Code Section 7-2.02 defines "Trench Influence Area".

Modesto Municipal Code Section 7-2.29 contains exceptions to the fee.

Modesto Municipal Code Section 7-2.32 defines the Pavement Condition Index (PCI)

Modesto Municipal Code Section 7-2.33 provides for no fee to utilities that provide a Pavement Life Performance Warranty.

					Trench Depth over 4 feet Influence Area 8 Feet	Trench Depth 4 feet or less Influence Area 4 Feet
PCI Between	100	and	70	\$2.50 per S.F. of Trench Influence Area	\$20.00 per Linear Foot	\$10.00 per Linear Foot
PCI Between	69	and	26	\$1.25 per S.F. of Trench Influence Area	\$10.00 per Linear Foot	\$5.00 per Linear Foot
PCI Between	25	and	0	No Fee	No Fee	No Fee

Changes in Bold

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-18

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 31 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE EAST SIDE OF ROSELLE AVENUE SOUTH OF MERLE AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA (JAGUAR INVESTMENT CORP.)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Jaguar Investment Corp. for a Precise Plan for Area No. 31, property located on the east side of Roselle Avenue south of Merle Avenue, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay Zone, SP-O, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2000-73, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2000-63, adopted on December 4, 2000, and City staff, by a report dated December 14, 2000, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 31 of the Village One Specific Plan as set forth in said Resolution No. 2000-63, and recommended approval of an Amendment to Section 13-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area No. 31, property located on the east side of Roselle Avenue south of Merle Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 9, 2001, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2000-73, entitled "City of Modesto Initial Study Precise Plan No. 31 and The Renaissance Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Program EIR and no new mitigation measures would be required.
3. There are no substantial changes proposed in the project which will require major revisions of the Program EIR.
4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Program EIR.
5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.
6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. The initial study, Environmental Assessment No. EA/CDD 2000-73, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2000-73, entitled "City of Modesto Initial Study Precise Plan No. 31 and The Renaissance Vesting Tentative Subdivision Map", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**  
**INITIAL STUDY**  
**EA/CDD NO. 2000-73**

City of Modesto  
**Initial Study**

**Precise Plan No. 31 and  
The Renaissance Vesting Tentative Subdivision Map**

EA/CDD 2000-73  
November 20, 2000

**I. PURPOSE**

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Sections 15168(c) and 15182 of the CEQA Guidelines allows the approval of subsequent projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

- A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
- B. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
- C. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR.
- D. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR.
- E. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
- F. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

The purpose of this initial study is to provide the substantial evidence to support the above findings.

## II. PROJECT DESCRIPTION

- A. Project title:  
Precise Plan No. 31 and The Renaissance Vesting Tentative Subdivision Map
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:  
Steve Mitchell, Community Development Department, (209) 577-5287
- A. Project Location:  
The project is located at the southeast corner of Merle Avenue and Roselle Avenue.
- E. Project Sponsor:  
Jaguar Investment Corp., 600 Muirfield Ct., Modesto, CA 95356
- F. General Plan Designation:  
Village Residential (VR)
- G. Current Zoning:  
Specific Plan-Holding (SP-H) Zone
- H. Description of Proposed Project:  
This is a precise plan and subdivision map in the Village One Specific Plan to create a 75-lot single-family subdivision and a 14.7-acre storm drainage basin on 44.8 acres.
- I. Surrounding land uses:  
The project is bounded on the north by existing ranchette parcels designated for future residential development by the Village One Specific Plan, on the east and west by existing single-family subdivisions, and on the south by an existing M.I.D. irrigation lateral and the Briggsmore Avenue expressway.
- J. Other public agencies whose approval is required:  
None

## III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS

Following is an analysis of how the project is within the scope of the Village One Program EIR and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

### A. **Traffic and Circulation**

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific

Plan. Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**B. Degradation of Air Quality**

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**C. Generation of Noise**

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity, and the project includes a masonry sound wall adjacent to Roselle Avenue, as required by the Specific Plan. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**D. Vegetation and Wildlife**

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**E. Land Use**

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**F. Population, Employment and Housing**

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**G. Urban Design and Visual Quality**

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this subdivision is consistent with the Village One Specific Plan in terms of land use, intensity and urban

design, and includes landscaped setbacks along the surrounding streets, as required by the Specific Plan. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**H. Geology and Soils**

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**I. Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and includes the necessary storm drainage systems required by the Specific Plan. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**J. Public Services**

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**K. Fiscal Impacts**

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**L. Cumulative Impacts**

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **M. Growth Inducing Impacts**

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS**

- A. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

- B. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

#### **V. MITIGATION MEASURES**

Since the project is within the scope of the Village One Specific Plan Program EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

#### **VI. CONCLUSIONS/ DETERMINATIONS OF FINDINGS**

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
3. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.
5. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. This initial study provides the substantial evidence to support the above findings.

Signature:

A handwritten signature in black ink that reads "Steve Mitchell". The signature is written in a cursive, slightly slanted style.

Steve Mitchell,  
Associate Planner

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-19

A RESOLUTION APPROVING THE FY 2000-2001 BUDGET FOR THE STANISLAUS RESOURCE RECOVERY (“WASTE-TO-ENERGY”) FACILITY, REVISING TIPPING FEES AT THE FACILITY, AND RESCINDING RESOLUTION NO. 98-302

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy Facility, which is owned by Ogden-Martin, Inc., and

WHEREAS, tipping fees are established to pay debt service, operation and maintenance costs and pass through costs, such as insurance, property taxes, and various permits and fees that are incurred by Ogden Martin Systems of California, as provided for in a Service Agreement, and

WHEREAS, the City Council and County Board of Supervisors must annually approve a budget for the facility, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the “Contracting Communities”, which are the City of Modesto and Stanislaus County, and

WHEREAS, in 1998, the Contracting Communities approved a \$40.25 per ton tipping fee at the Waste-to-Energy Facility which became effective July 1, 1998, and

WHEREAS, the Council of the City of Modesto must concur with any proposed reduction in the tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed the FY 2000-2001 budget for the facility, and a \$6.25 per ton reduction in the tipping fees at the Facility and has recommended approval of said budget and said decrease in the tipping fee and City staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at

the Waste-to-Energy Facility be decreased from the present \$40.25 per ton to \$34.00 per ton, effective as of the date determined by the Board of Supervisors, and

WHEREAS, said proposed decrease in the tipping fee includes a reduction in the Site Lease for the land upon which the Facility is constructed, from the current \$400,000 to \$198,000, based on an appraisal of the fair market value of the land, and

WHEREAS, the City's representatives on the Solid Waste-to-Energy Executive Committee have requested that the Stanislaus County Board of Supervisors formally agree that this will be the maximum Site Lease that will be charged through the life of the Service Agreement, and

WHEREAS, the City's representatives on the Solid Waste-to-Energy Executive Committee have requested that the Board of Supervisors consider a further reduction in the Site Lease for the land upon which the Facility is constructed, in consideration of the fact that the land was purchased for less than \$7,000, and acknowledging that the users of the Facility have paid more than \$3.4 million in Site Lease charges over the last eleven years, which charges have been passed through to the ratepayers of the entire County including the residents of Modesto, and

WHEREAS, the 9<sup>th</sup> day of January, 2001 at 5:15 p.m. in the Council Chambers, City Hall, 1010 Tenth Street, Modesto, California, was set as the time and place for consideration of a decrease in tipping fees at the Waste-to-Energy Facility ,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves the FY 2000-2001 budget for the facility, and a decrease in the tipping fee at the Waste-to-Energy Facility from the present \$40.25 per ton to \$34.00 per ton, effective as of

the date determined by the Board of Supervisors, with the request that the Board of Supervisors consider further decreases of Site Lease fees as discussed herein.

BE IT FURTHER RESOLVED that Resolution No. 98-302 is hereby rescinded effective January 1, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Smith Mayor Sabatino
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A  
MEMORANDUM OF UNDERSTANDING FOR JOBS-HOUSING BALANCE  
IMPROVEMENT PROGRAM GRANT

WHEREAS, the City and the County are proposing to enter into a Memorandum of Understanding for Jobs-Housing Balance Improvement Program grant from HCD; and

WHEREAS, this Agreement is a cooperative and collaborative effort between the County of Stanislaus, the directors of Stanislaus County Economic Development Corporation (SCEDCO) and the governing boards of the Workforce Investment Board (WIB) and the Cities of Oakdale, Waterford, Hughson, Modesto, Ceres and Turlock.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto authorizes the City Manager to negotiate an MOU with Stanislaus County for the purpose of submitting a joint grant application on behalf of the Cities of Oakdale, Waterford, Hughson, Modesto, Ceres and Turlock to the Department of Housing and Community Development Division of Community Affairs (HCD) for the Jobs-Housing Balance Improvement Program Economic Development Planning Grants. The purpose of this grant is to attract new businesses and new jobs as well as retaining existing jobs to areas that lack a sufficient employment base in relation to the housing already provided.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-21

A RESOLUTION ACCEPTING THE BID OF CLAYBORN CONTRACTING GROUP, INC. FOR THE PROJECT TITLED "INSTALLATION OF TRAFFIC SIGNALS AT OAKDALE ROAD AND MABLE AVENUE; COFFEE ROAD AND MABLE AVENUE; AND HATCH ROAD AND USTICK ROAD"

WHEREAS, the bids received for Installation of Traffic Signals at Oakdale Road And Mable Avenue; Coffee Road And Mable Avenue; and Hatch Road and Ustick Road were opened at 11:00 a.m. on December 12, 2000, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$346,357 received from Clayborn Contracting Group, Inc., be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Clayborn Contracting Group, Inc., be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of January, 2001, by Councilmember Conrad , who moved its adoption, which motion being duly seconded by Councilmember Fisher , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-22

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH SECURING CONSTRUCTION MANAGEMENT SERVICES FOR THE 9<sup>TH</sup> STREET BRIDGE REPLACEMENT PROJECT TO INCLUDE ADVERTISING FOR PROFESSIONAL SERVICES, SELECTING THE CONSULTING FIRM DEEMED MOST QUALIFIED, AND NEGOTIATING AN AGREEMENT WITH THE SELECTED FIRM PRIOR TO APPROVAL OF THE AGREEMENT BY CITY COUNCIL

WHEREAS, the existing 9<sup>th</sup> Street Bridge was studied, under the direction of the State of California, Department of Transportation (Caltrans), through the Seismic Safety Retrofit Program, and the study determined that the bridge structure is seismically deficient and in need of replacement, and

WHEREAS, upon City Council making a determination in May 1997 that the 9<sup>th</sup> Street Bridge is a critical link to the Modesto Urban Area's transportation network, the final recommendation from Caltrans was to replace the bridge, and

WHEREAS, it is anticipated that engineering design for the replacement bridge will be completed in Spring 2001 with construction scheduled for Summer 2001 through Summer 2003, and

WHEREAS, there is not sufficient City staff to assign to construction management of the project, and

WHEREAS, the process to secure construction management services needs to begin to insure that services are available when construction begins as anticipated in the summer of 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that authorization is given to City staff to proceed with securing Construction Management Services for the 9<sup>th</sup> Street Bridge Replacement Project to include advertising for professional services, selecting the consulting firm deemed most qualified, and negotiating an agreement with the selected firm prior to approval of the agreement by City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-23

A RESOLUTION ENDORSING THE CENTRAL VALLEY CENTER FOR THE ARTS  
COMMITTEE'S EFFORTS TO RAISE MONEY FOR THE GALLO PERFORMING  
ARTS CENTER

WHEREAS the existence of the Gallo Performing Arts Center is projected to have positive effects within the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto formally recognizes and endorses the efforts being made by the Central Valley Center for the Arts Committee to raise funds for the Gallo Performing Arts Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of January, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino.

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-24

A RESOLUTION DESIGNATING TWO CITY COUNCIL MEMBERS TO ATTEND THE MEETINGS OF THE CENTRAL VALLEY CENTER FOR THE ARTS COMMITTEE AS NON-VOTING REPRESENTATIVES OF THE CITY OF MODESTO

WHEREAS the City of Modesto formally recognizes and endorses the efforts being made by the Central Valley Center for the Arts Committee to raise funds for the Gallo Performing Arts Center, and

WHEREAS the existence of the Gallo Performing Arts Center is anticipated to have repercussions effecting the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmembers Friedman and Frohman shall attend the meetings of the Central Valley Center for the Arts Committee as non-voting representatives 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 16<sup>th</sup> day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith.

NOES: Councilmembers: Conrad, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-25

A RESOLUTION DESIGNATING TWO CITY COUNCIL MEMBERS TO ATTEND THE MEETINGS OF THE SIXTH AND "T" PERFORMING ARTS CENTER COMMITTEE AS NON-VOTING REPRESENTATIVES OF THE CITY OF MODESTO

WHEREAS two Councilmembers have been designated to attend the meetings for the Central Valley Center for the Arts Committee as non-voting representatives of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember Frohman and Mayor Sabatino shall attend the meetings of the Sixth and "T" Street Performing Arts Center Committee as non-voting representatives 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 16<sup>th</sup> day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Serpa, Mayor Sabatino.

NOES: Councilmembers: Fisher, Friedman, Smith

ABSENT: Councilmembers: None

ATTEST: Jean Zahn  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-26

A RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE MAJOR  
CONTRIBUTORS TO THE GALLO PERFORMING ARTS CENTER FUND

WHEREAS the City of Modesto formally recognizes and endorses the efforts being made by private organizations to raise the funds necessary to build the Performing Arts Center, and

WHEREAS the existence of the Gallo Performing Arts Center is anticipated have positive effects within the community.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the City of Modesto formally recognizes the major contributors to the Gallo Performing Arts Center, including the Gallo Family, the Mary Stuart Rogers Foundation, Bank of America, and the Modesto Bee, for their generous contributions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-27

A RESOLUTION RECOGNIZING STANISLAUS COUNTY FOR ITS  
WILLINGNESS TO CONTRIBUTE \$15 MILLION IN LAND AND FINANCING FOR  
THE CONSTRUCTION OF THE GALLO PERFORMING ARTS CENTER

WHEREAS the existence of the Gallo Performing Arts Center is anticipated have positive effects within the community, and

WHEREAS the existence of the Performing Arts Center is contingent upon the raising of the funds necessary to construct and maintain the Center.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the City of Modesto formally recognizes Stanislaus County for its willingness to contribute \$15 million in land and financing for the construction of the Gallo Performing Arts Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith.

NOES: Councilmembers: Conrad, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-28

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE STANISLAUS COUNCIL OF GOVERNMENTS FOR FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS FOR VARIOUS PROJECTS RELATING TO THE REDUCTION OF AIR POLLUTION.

WHEREAS, on October 11, 2000, the Stanislaus Council of Governments (StanCOG) Policy Board approved guidelines to allocate Congestion Mitigation and Air Quality (CMAQ) program funds to eligible proposers for the Federal Fiscal Year 2001/02 and 2002/03, and

WHEREAS, on November 6, 2000, StanCOG staff distributed a call for CMAQ project nominations to local jurisdictions, further stipulating that \$8,519,349 of CMAQ funding was available for distribution among local agencies County-wide, and

WHEREAS, pursuant to StanCOG guidelines for distribution to local governments in Stanislaus County, including an estimate of funds available to each, the City of Modesto anticipates \$1,844,773 in funds for eligible projects of its own choosing, and can also compete for as much as \$4,194,959 available for projects that do the most to reduce air pollution in the county, and

WHEREAS, City staff has identified 31 projects for funding which will contribute to the attainment of national ambient air quality standards, and

WHEREAS, the Transportation Policy Committee has reviewed said projects generally and recommends approval of the projects for CMAQ funding, and

WHEREAS, CMAQ grants require an 11.47% local match of funds, and

WHEREAS, the match required for many of the projects may be funded out of Local Gas Tax Funds, Local Transportation Funds or Transit Fare Revenues, and

WHEREAS, applications for each project are required to be submitted to the Stanislaus Council of Governments by January 31, 2001, and

WHEREAS, the Stanislaus Council of Governments will make a recommendation to the StanCOG Policy Board for project funding at its March, 2001 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his authorized designee, to apply to the Stanislaus Council of Governments for Federal Congestion Mitigation and Air Quality (CMAQ) funds to be used for various projects set forth in the attached Exhibit "A", recommended by City staff which will reduce air pollution.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Exhibit A

<u>PROJECT NAME</u>	<u>Total</u>	<u>(\$1,000's) Federal</u>	<u>City</u>
<b>I. ADVANCED TRAFFIC MANAGEMENT SYSTEM IMPROVEMENTS</b>			
OPERATING CCTV TWO YEARS	250	221	29
TRAFFIC SIGNAL COORDINATION DOWNTOWN	180	159	21
UPGRADE ATMS COMMUNICATIONS	400	354	46
ATMS EXPANSION - COLLEGE AVENUE	100	89	11
<b>II. RIGHT TURN LANES</b>			
SISK ROAD/CARPENTER - ADD RT TN	160	142	18
SCENIC/BODEM - RT TN	175	155	20
ORANGEBURG/MCHENRY - ADD WB RT TN	125	111	14
FLOYD/OAKDALE - ADD WB RT TN	140	124	16
<b>III. NEW TRAFFIC SIGNALS</b>			
YOSEMITE/MCCLURE	80	71	9
ROSELLE/FLOYD	150	133	17
OAKDALE/MANOR OAK	130	115	15
PELANDALE/TULLY	150	133	17
PELANDALE/PRESCOTT	150	133	17
PELANDALE/CARVER	150	133	17
COFFEE/SYLVAN MEADOWS	150	133	17
PRESCOTT/SNYDER	175	155	20
PRESCOTT/BANGS	150	133	17
BANGS/DALE	165	146	19
CROWSLANDING/IMPERIAL	165	146	19
SCENIC/LAKEWOOD	150	133	17
<b>IV. TRAFFIC SIGNAL MODIFICATIONS</b>			
STANDIFORD/COLONIAL P/P	75	66	9
EL VISTA/COLONIAL P/P	75	66	9
9TH/G P/P	80	71	9
9TH/H P/P	80	71	9
9TH/I P/P	80	71	9
TULLY/RUMBLE P/P	75	66	9
SANTA CRUZ/YOSEMITE P/P	80	71	9
LA LOMA/YOSEMITE P/P	80	71	9
<b>V. TRANSIT PROJECTS</b>			
PURCHASE ONE DIESEL-ELECTRIC HYBRID BUS	660	584	76
SUBSIDIZE OPERATION COST OF SECOND BART EXPRESS BUS	36	32	4
SUBSIDIZE OPERATING COST OF THIRD ACE EXPRESS BUS	69	61	8
<b>Totals</b>	<b>\$4,685</b>	<b>\$4,149</b>	<b>\$536</b>

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-29

A RESOLUTION AUTHORIZING THE PURCHASE OF A PIERCE QUANTUM FIRE ENGINE FROM GOLDEN STATE FIRE APPARATUS FOR A TOTAL COST OF \$323,506.91; AND, APPROVING THE USE OF THE CITY OF BERKELEY'S CONTRACT FOR TWO ADDITIONAL FISCAL YEARS WITH BUDGETARY AND COUNCIL APPROVAL IN THOSE FISCAL YEARS.

WHEREAS, the City of Berkeley has authorized the City of Modesto to use its contract with Golden State Fire Apparatus (Pierce Manufacturing) for the purchase of fire apparatus.

WHEREAS, the City of Modesto Municipal Code allows for this action in Section 8-3.203 (d).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of a Pierce Quantum Fire Engine from Golden State Fire Apparatus is hereby approved using the City of Berkeley's contract and allowing for use of this same contract for two additional years with budgetary and Council approval in those fiscal years.

BE IT FURTHER RESOLVED that purchase of a Pierce Quantum Fire Apparatus from Golden State Fire Apparatus for a not to exceed price of \$323,506.91 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-30

A RESOLUTION AUTHORIZING THE TRADE-IN OF AN EXISTING 1977 VAN PELT FIRE ENGINE, #34.

WHEREAS, Res. 2001-29 authorized the purchase of a Pierce Quantum Fire Engine from Golden State Fire Apparatus; and

WHEREAS, the Finance Director has recommended that the existing 1977 Van Pelt Fire Engine, #34, be used as trade-in on the purchase of the new fire engine.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing fire engine be used as trade-in toward the purchase of a new fire engine.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary documents to effect the trade-in of the 1977 Van Pelt Fire Engine #34.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
By: Michael D. Milich  
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-31

A RESOLUTION ACCEPTING THE BID OF BDS CONSTRUCTION, INC. FOR THE PROJECT TITLED "LA LOMA AVENUE TRAFFIC CIRCLE"

WHEREAS, the bids received for "LALOMA AVENUE TRAFFIC CIRCLE" were opened at 11:00 a.m. on November 28, 2000, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$224,950 received from BDS Construction, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 224,950.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Mike Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-32

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$17,575.00  
TO FULLY FUND THE LA LOMA AVENUE TRAFFIC CIRCLE PROJECT

WHEREAS, costs in the CIP account to construct the La Loma Avenue Traffic Circle  
exceeded the estimated budget, and

WHEREAS, this was the result of higher costs associated with the current construction  
market and the difficulties imposed by tight working conditions in a dense residential/business  
area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the  
following appropriation transfer is approved:

FROM: 0700-160-L031-6040; \$16,000.00

FROM: 0700-160-M152-6040; \$ 1,575.00

TO: 0700-160-L922-6040; \$17,575.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-33

A RESOLUTION COMMENDING MODESTO POLICE DETECTIVE RICHARD  
RIDENOUR ON THE OCCASION OF HIS RETIREMENT FROM CITY SERVICE

WHEREAS, Richard Ridenour was employed as a Police officer with the City of Modesto for 30 years, the last 23 years as a Detective; and,

WHEREAS, Richard Ridenour was assigned to the Crimes Against Persons Unit for most of his 23 years as a detective, investigating homicides, rapes, robberies and felony assaults; and,

WHEREAS, Richard Ridenour handled and solved numerous difficult high profile media cases that greatly tested his skills and tenacity as an investigator; and,

WHEREAS, Richard Ridenour was the lead investigator in the Gabriel Jewelers' attempted robbery where two police officers were shot and one suspect killed inside the store, assembling all the information gathered in the case and making a comprehensive and thorough report regarding the event; and,

WHEREAS, Richard Ridenour was regarded as one of the best homicide detectives in the Modesto Police Department, heavily relied upon by other investigators for his insight, knowledge and common sense;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that Modesto Police Detective Richard Ridenour be commended on his years of dedicated service to the City of Modesto and be extended all best wishes on his much deserved retirement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-34

A RESOLUTION DIRECTING CITY STAFF TO TAKE IMMEDIATE ACTIONS TO REDUCE ELECTRICAL USAGE BY FIVE PERCENT, TO DEVELOP AND IMPLEMENT STRATEGIES FOR ONGOING REDUCTIONS OF SEVEN PERCENT AND TO ENCOURAGE RESIDENTS AND BUSINESSES TO REDUCE ENERGY USAGE BY SEVEN PERCENT.

WHEREAS, California faces unprecedented energy challenges and severe electricity supply shortages; and

WHEREAS, the importance of immediate energy conservation efforts cannot be overstated, and

WHEREAS, Governor Gray Davis has asked all Californians to reduce electricity use by seven percent (7%), and

WHEREAS, to demonstrate California's commitment to conserve electricity, the Governor has directed state agencies to reduce electricity use in state facilities by five percent (5%) by January 16, and has asked cities to do the same, and

WHEREAS, the City of Modesto has already implemented conservation efforts to reduce energy usage.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby directs city staff to immediately reduce electricity usage by five percent (5%).

BE IT FURTHER RESOLVED that the City of Modesto is committed to reducing its ongoing electricity usage by seven percent (7%).

BE IT FURTHER RESOLVED that the City of Modesto urges its residents and businesses to also reduce ongoing electricity usage seven percent (7%).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING A THIRD SERVICE AGREEMENT FOR THE COLLECTION OF SOLID WASTE, INCLUDING GARBAGE, INDUSTRIAL GARBAGE, CONTAINERIZED GREEN WASTE, COMMINGLED GARBAGE/RECYCLABLES, RECYCLABLE MATERIALS, AND SALVAGABLE WASTE.

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1990 ("AB 939"), has declared that it is within the public interest to authorize and require local agencies to make adequate provisions for handling solid waste, including garbage, garbage/recyclables, recyclables, yard waste, industrial garbage, and salvageable waste handling within their jurisdictions; and

WHEREAS, pursuant to California Public Resources Code Section 40059, the City Council of the City of Modesto has determined that the public health, safety, and well-being require that a service agreement be executed with a qualified firm for the collection, transport, recycling, and disposal of solid waste, including garbage, garbage/recyclables, recyclables, containerized yard waste, industrial garbage, and salvageable waste in residential, commercial, and industrial areas and construction/demolition sites in the CITY; and

WHEREAS, the City Council of the City of Modesto declares its intention of maintaining reasonable rates for the services to be provided within the City limits by COLLECTOR under this Agreement: and

WHEREAS, pursuant to California Public Resources Code Section 49510 (b), the City Council of the City of Modesto finds that it is in the public interest to foster and encourage solid waste enterprises so that, at all times, there will continue to be competent enterprises willingly and financially able to furnish needed solid waste handling services: and

WHEREAS, Section 5-5.23 through 5-5.31 of the Modesto Municipal Code, inclusive, establish the process by which proposals may be submitted to enter into service agreements with the City, and the procedure by which the City reviews and determines whether to enter into such service agreements; and

WHEREAS, Bertolotti Disposal has submitted such a proposal to enter into a service agreement, and the City Council has held the required public hearing and considered testimony related thereto.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that a third service agreement between the City of Modesto and Bertolotti Disposal is hereby authorized, for the purposes of providing solid waste collection services in that area designated on that certain map entitled "Garbage Districts" dated September 29, 1993, on file in the office of the City Clerk; and,

BE IT FURTHER RESOLVED by the Council that it hereby authorizes the negotiation of the terms and conditions of said service agreement with Bertolotti Disposal by the designated city officials, with said service agreement to be returned to the Council for approval; and,

BE IT FURTHER RESOLVED by the Council that it hereby authorizes the negotiations with the two current service providers, Gilton Solid Waste and Waste Management (Modesto Disposal), for an amendment to the current impact fee; and,

BE IT FURTHER RESOLVED by the Council that at such time such negotiations are entered into, Map 2, shown as Scenario 2 in the January 23, 2001 City Council staff report for the Continued Public Hearing on annexations will be adopted, in which map customers at buildout are allocated to the three service providers in the following ratios; Gilton Solid Waste 40%: Waste Management (Modesto Disposal) 40%: Bertolotti Disposal 20%; and,

BE IT FURTHER RESOLVED by the Council that at such time of adoption of Map 2 as referenced above, that certain map entitled "Garbage Districts" dated September 29, 1993, on file in the office of the City Clerk will become void.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of January, 2001, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith

NOES: Councilmembers: Conrad, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-36

A RESOLUTION DEFERRING CONSIDERATION OF THE REQUEST TO TRANSFER THE CABLE ONE FRANCHISE TO UNITED CABLE TELEVISION, A SUBSIDIARY OF AT&T CORP. FROM JANUARY 30, 2001 TO NO LATER THAN FEBRUARY 13, 2001.

WHEREAS, the City Council has determined that Cable One is in material breach of the cable franchise agreement, and

WHEREAS, Cable One and the City are still negotiating a cure or an adequate plan for cure of the material breach of the franchise agreement, and

WHEREAS, United Cable Television Corporation, a subsidiary of AT&T (hereinafter "AT&T") and Cable One are still negotiating responsibility for bringing the system into compliance by reason of Cable One's material breach, and

WHEREAS, the City Council is not willing to approve transfer of the franchise unless and until the system operator has cured all material breaches of the franchise or the proposed transferee is willing to take full responsibility for the material breaches and the City and the cable operator and proposed transferee have agreed upon a complete resolution and plan for cure, and

WHEREAS, the City Council is required to act on the transfer on or before January 30, 2001 or the transfer will be deemed approved, and

WHEREAS, Cable One and AT&T have requested a continuance of the transfer application through and including February 13, 2001,

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

Modesto as follows:

SECTION 1. The City Council hereby agrees, at the request of Cable One and AT&T, to defer consideration of the transfer application of Cable One to transfer ownership and control of the Modesto Cable franchise to AT&T to the Council's meeting on or before February 13, 2001.

SECTION 2. The City Council encourages Cable One to submit a compliance and remedy plan to the City that is satisfactory to the City so that Cable One and AT&T can resubmit an application for approval of the proposed transfer no later than February 13, 2001.

SECTION 3. The City Council directs staff to determine AT&T's plan to provide broadband and Internet services to Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman  
Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-37

A RESOLUTION APPROVING AN AGREEMENT FOR CONSULTANT SERVICES  
BETWEEN THE CITY OF MODESTO AND AARON READ & ASSOCIATES TO PROVIDE  
STATE LEGISLATIVE SERVICES REGARDING TRANSPORTATION ISSUES

BE IT RESOLVED by the Modesto City Council that the agreement in the amount of Sixty-Six Thousand Dollars (\$66,000), between the City of Modesto and Aaron Read & Associates to provide consultation and lobbying services regarding transportation issues is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement for services by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-37A

A RESOLUTION AMENDING THE CITY MANAGER BUDGET TO APPROPRIATE  
FUNDS FROM THE GENERAL FUND CONTINGENCY RESERVE

WHEREAS, the Modesto City Council has approved an agreement with Aaron Read & Associates to provide State legislative services regarding transportation issues; and

WHEREAS , staff is requesting that funds be transferred from the General Fund Contingency Reserve to the City Manager budget.

NOW, THEREFORE, BE IT RESOLVED by the Modesto City Council that the budget is hereby amended to appropriate funds from the General Fund Contingency Reserve 0100-800-8000-8003 in the amount of \$66,000 to the City Manager Budget 0100-020-0201-0235.

BE IT FURTHER RESOLVED that the Finance Director 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 23<sup>rd</sup> day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Freidman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-38

A RESOLUTION REAPPOINTING MICHAEL PRATT TO THE PLANNING  
COMMISSION

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

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

SECTION 1. Michael Pratt is hereby reappointed to the Planning Commission with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 -39

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERIC INCORPORATED FOR A SMALL PARCEL OF AIRPORT LAND FOR THE LESSEE'S WEATHER EQUIPMENT.

WHEREAS, Atmospheric Incorporated, a firm located in Fresno, California performs cloud seeding services, and

WHEREAS, Atmospheric, Inc. has a contract with Turlock Irrigation District to perform cloud seeding when the condition is favorable between December 1<sup>st</sup> and March 31<sup>st</sup> in years of 2000/2001, 2001/2002, and 2002/2003, and

WHEREAS, Atmospheric, Inc. has conducted similar service from Modesto City-County Airport the past nine (9) years, and

WHEREAS, Atmospheric, Inc. has again requested to park a radar trailer and an aircraft at Modesto City-County Airport during the months of the cloud seeding operations, and

WHEREAS, use of the airport for commercial purposes requires a lease with the City of Modesto, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a lease with Atmospheric Incorporated to use vacant airport land and an aircraft tiedown to support its cloud seeding operation.

BE IT FURTHER RESOLVED, the lease agreement will be for the current winter months and the two (2) subsequent winters with an effective date of December 1<sup>st</sup> each of the years.

BE IT FURTHER RESOLVED, the City Manager is authorized to execute the lease agreement on behalf of the City.

The following resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of February, 2001 by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote;

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-40

A RESOLUTION ACCEPTING THE BID OF SOARES PIPELINE, INC. FOR THE PROJECT TITLED "ANNUAL SEWER REHABILITATION – PHASE 2 99/00"

WHEREAS, the bids received for "Annual Sewer Rehabilitation – Phase 2 99/00" were opened at 11:00 a.m. on January 9, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$334,174.00 received from Soares Pipeline, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$334,174.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-41

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO APPROPRIATE \$34,184, FROM THE WASTEWATER RESERVE FUND, AND CREATE A NEW ACCOUNT TO FUND A REIMBURSEMENT AGREEMENT WITH REDEV, INC., FOR THE INSTALLATION OF A SUBTRUNK SEWER

WHEREAS, on September 17, 1996, the City Council approved the vesting tentative map for Symphony Park subdivision, and

WHEREAS, Redev, Inc. has completed the construction of the Subtrunk Sewer, and

WHEREAS, the City Council accepted the improvements constructed for Symphony Park on September 8, 1998, and

WHEREAS, the Symphony Park subdivision map was recorded on September 9, 1998, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the appropriation of \$34,184 from the Wastewater Contingency Reserve Fund to new account titled, "Village One Subtrunk Sewer," to fund a reimbursement agreement with Redev, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Freidman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-42

A RESOLUTION SUPPORTING THE PEDESTRIAN SAFETY SUMMIT TO BE HELD MARCH 10, 2001 IN THE CITY OF MODESTO.

WHEREAS, the Surface Transportation Policy Project is planning a series of Pedestrian Safety Forums in Fresno, Stanislaus and Sacramento Counties, and

WHEREAS, the forum in Stanislaus County will be held in Modesto on March 10, 2001 and will be entitled the Pedestrian Safety Summit, and

WHEREAS, the organizers of this Summit have requested that the Modesto City Council express it's formal support of the upcoming Summit, and

WHEREAS, the Council's Transportation Policy Committee considered this request at the January 18, 2001 meeting and concurred with the request for support, and

WHEREAS, pedestrian safety is an issue that is of importance to the City of Modesto and the Summit will provide an opportunity to initiate positive public dialogue on this important topic,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it supports the efforts of the Surface Transportation Policy Project to conduct a Pedestrian Safety Summit on March 10, 2001 in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001- 43

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2000-272 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH A SALARY FOR THE CLASSIFICATIONS OF SCADA SUPERVISOR AND PURCHASING SUPERVISOR AND ABOLISH THE SALARY RANGE FOR PURCHASING OFFICER; AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ABOLISH THE SALARY RANGE FOR FIRE PLANS CHECKER AND ESTABLISH A SALARY FOR THE CLASSIFICATION OF DEPUTY FIRE MARSHAL.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2000-272 AND Exhibit "A" of Resolution 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2000-272. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 20, 2000", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective February 6, 2001", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds SCADA Supervisor (Range 434) and Purchasing Supervisor (Range 438), to the Class Range Table, and abolishes the salary range for Purchasing Officer.

SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" of Resolution No. 95-26 entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995", is hereby amended as shown on the amended Exhibit "A" entitled

"City of Modesto Class Range Table General Non-Sworn Classes Effective February 6, 2001, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Deputy Fire Marshal (Range 134), and abolishes the salary range for Fire Plans Checker.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 6, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES  
Effective, February 6, 2001

**Exhibit A**

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RANGE	TITLE
101	Custodian I Maintenance Aide
103	Administrative Clerk I
104	
105	
106	
107	Administrative Clerk II Custodian II
108	
109	Police Clerk
110	Maintenance Worker I Equipment Service Worker I Animal Control Officer I
111	Account Clerk Evidence and Property Specialist
112	
113	Computer Operator Administrative Technician Drafting and Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II

City of Modesto  
Class Range Table – General Non-Sworn Classes  
Page – 2

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RANGE      TITLE

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115    Accounting Technician  
      Planning Technician I  
      Wastewater Treatment Plant Attendant  
      Community Service Officer I  
      Assistant to the Events Coordinator  
      Code Enforcement Officer I  
      Animal Control Officer II

116    Equipment Operator  
      Fire Prevention Technician I  
      Motor Sweeper Operator  
      Traffic Technician  
      Traffic Painter  
      Traffic Sign Worker  
      Wastewater Collection System Operator  
      Water Distribution System Operator  
      Used Oil Coordinator

117    Electrical Technician II

118    Fleet Procurement Specialist  
      Senior Storeskeeper  
      Parking Lot Maintenance Crewleader  
      Parks Crewleader  
      Tree Trimmer  
      Recreation Coordinator

119    Maintenance Mechanic – Parks  
      Planning Technician II  
      Maintenance Mechanic – Pumps  
      Wastewater Treatment Plant Operator  
      Civil Engineering Technician I  
      Building Maintenance Mechanic  
      Public Information Technician  
      Code Enforcement Officer II  
      Community Service Officer II  
      Assistant Buyer

RANGE      TITLE

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- 120    Welder/Fabricator  
       Senior Equipment Operator  
       Fire Prevention Technician II  
       Equipment Mechanic  
       Assistant Electrician  
       Traffic Painter Crewleader  
       Accountant I  
       Meter Reader Crewleader  
       Laboratory Analyst I
- 121    Wastewater Treatment Plant Relief Operator
- 122    Coach Mechanic  
       Fire Equipment Mechanic  
       Tree Trimmer Crewleader  
       Programmer Analyst I  
       Industrial Waste Inspector I  
       Cross Connection Specialist
- 123    Civil Engineering Technician II  
       Maintenance Mechanic Crewleader – Parks
- 124    Plant Mechanic  
       Equipment Mechanic Crewleader  
       Planning Assistant  
       Equipment Crewleader  
       Community Development Program Specialist I  
       Wastewater Collection System Crewleader  
       Laboratory Analyst II  
       Maintenance Mechanic Crewleader – Pumps
- 125    Crime Analyst
- 126    Coach Mechanic Crewleader  
       Building Inspector I  
       Electrician  
       Housing Rehabilitation Specialist I  
       Housing Financial Specialist  
       Industrial Waste Inspector II

City of Modesto  
Class Range Table – General Non-Sworn Classes  
Page - 4

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RANGE      TITLE

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127    Civil Engineering Assistant  
       Senior Fire Equipment Mechanic

128    Instrument Repair Technician  
       Programmer Analyst II  
       Community Development Program Specialist II  
       Sr. Wastewater Treatment Plant Operator

129

130    Building Inspector II  
       Construction Inspector  
       Housing Rehabilitation Specialist II  
       Hazardous Material Program Coordinator  
       Project Coordinator

131    Sr. Civil Engineering Assistant

132

133

134    Senior Building Inspector  
       Senior Construction Inspector  
       Plan Review Engineer  
       **Deputy Fire Marshal**

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-43A

A RESOLUTION REVISING 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. 88-338 pursuant to Rule 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 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Deputy Fire Marshal

Purchasing Supervisor

SCADA Supervisor

The specifications for the classifications of Deputy Fire Marshal (Range 134), as shown in Exhibit "A", SCADA Supervisor (Range 434), as shown in Exhibit "B", and Purchasing Supervisor (Range 438), as shown in Exhibit C, which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Urban Forestry Superintendent

The revised specification for the classification of Urban Forestry Superintendent , as shown on the attached Exhibit "D", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby amended to abolish the following classifications:

Fire Plans Checker

Purchasing Officer

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after February 6, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## DEPUTY FIRE MARSHAL

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

Under direction to conduct highly technical plan check and inspection activities. Assists in the management and coordination of programs assigned within the Fire Prevention Bureau. May be assigned to participate in any program assigned to the Fire Prevention Bureau.

### SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Fire Marshal. In the absence of the Fire Marshal exercises direct and indirect supervision over Fire Prevention Bureau staff, including staff performing related duties while assigned to other departments.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Check routine building plans for conformance to City codes and pertinent fire and building codes.

Review and check automatic sprinkler plans and hydraulic calculations for conformance with pertinent codes and regulations.

Check underground fire suppression water systems, standpipe systems and chemical fire suppression systems for conformance to pertinent codes and regulations.

Check fire alarm systems for conformance to pertinent codes and regulations.

Interpret building plans and fire and building codes.

Conduct complex fire inspections to insure compliance with federal, state and local laws and regulations.

Coordinate assigned activities with consultants, architects, developers, contractors, other City departments and divisions, and with outside agencies.

Essential functions: (Continued)

Provide support and assistance at the public counter and over the telephone; provide general information and assistance to the public regarding codes and ordinances.

Assist in taking static, residual and flow readings for sprinkler designs.

Assist in developing and/or providing public education in fire prevention for schools, community groups and other organizations or institutions.

Issue warnings and citations for fire code violations. Prepare reports, maintain evidence and follow violations through administrative or criminal hearing processes.

Assist in the development, implementation and coordination of training programs and standards for Fire Department personnel to learn and maintain technical competency.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Applicable Federal, State and local laws and ordinances and fire safety standards.

Fire prevention principles, procedures, techniques and equipment.

Building, electrical, mechanical and fire codes.

Fire suppression devices including alarm and sprinkler systems.

Principles and procedures of record keeping.

Principles of mathematics and their application to fire engineering work.

Modern office procedures, methods and computer equipment.

QUALIFICATIONS: (Continued)

Ability to:

Learn and apply City fire policies and procedures.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Learn to understand and interpret construction plans, specifications and other contract documents.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative-working relationships with those contacted in the course of work.

Recognize fire hazards such as structural conditions and hazardous materials and recommend techniques for correcting them.

Effectively apply standard fire prevention techniques.

Meet and deal tactfully, and establish and maintain cooperative working relationships with the public, news media, and other governmental agencies.

Make sound decisions in a manner consistent with job duties and departmental or City policies.

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 technical experience in all areas of fire prevention including at least one year of fire department plan review experience.

Experience and Training Guidelines: (Continued)

Training:

Equivalent to an Associate of Arts degree with major course work in fire science, construction technology, civil engineering or a related field.

Completion of California State Fire Marshal Fire Prevention training courses 1A, 1B, 1C and 3B or equivalent by date of hire.

License or Certificate:

Possession of, or ability to obtain, a valid, appropriate California driver's license.

WORKING CONDITIONS

Environmental Conditions

Office and field environment.

Physical Conditions

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time.

## SCADA 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 and supervise the advanced technical work in the administration, maintenance, and operation of SCADA, computerized distributed control, telemetry input, and computer systems for the Water Division, Collections Division and Water Quality Control (WQC) Division. The SCADA Supervisor will coordinate with others about telemetry, RTU and instrumentation fieldwork.

### SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent.

Exercises control over contract services and administration of the SCADA system.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential functions:

Oversees all divisions' computerized information activities including administration, programming, database administration, telemetry, and RTU input management.

Develops policies and procedures for SCADA computer related operations.

Develops and implements strategies for meeting Water, Collections and WQC division's short and long-term SCADA computer-related objectives.

Prepares SCADA related consulting services agreements and acts as project manager for contract services.

Performs SCADA related needs assessments, feasibility studies, and provides recommendations.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Essential functions:

Designs and oversees development of in-house programming efforts; employs various computer programming to upgrade, configure, and debug new control systems, process sequences, telemetry and RTU input, graphic displays, and data management.

Coordinates with Division Management, consultants, and contractors to obtain efficient and effective use of each division's SCADA computer-related equipment and systems.

Administers in-house SCADA computer training programs, coordinates in-house and outside training with Division Management.

Designs and implements extensions and improvements of the divisions' automation, SCADA, instrumentation, Distributed Control Systems, communication systems, interoperability, and data integration.

Assures adequate inventory of SCADA computer related supplies.

Assures proper installation, operation, maintenance, and upgrade of all divisions' SCADA systems, and computer hardware and software.

Provides lead direction, as required, to contractors and consultants.

Marginal functions

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

SCADA systems, programming, LAN administration, VAX systems, associated operating systems and other computer related environments.

QUALIFICATIONS - Continued

Knowledge of:

Computer based telemetry and distributed control systems.

Considerable knowledge of instrumentation and process control.

Fundamental engineering mathematics and methods of statistical analysis.

Fluid system dynamics as they relate to water/wastewater systems.

LAN configurations, International Electronic and Electrical Engineer (IEEE) communication protocols, telemetry, and distributed control system diagnostics.

Standard Query Language (SQL).

Ability to:

Learn HSQ programming tools and language in addition to some demonstrated ability to program in Fortran, Assembly, C or C++, and/or Xbase compatible languages.

Implement training programs about the effective and proficient use of SCADA.

Design and/or oversee development of software control systems, database applications and front-ends, and communication applications.

Prepare clear, concise, and comprehensive records, reports, correspondence, and other written materials.

Establish and maintain effective working relationships with those contacted in the performance of assigned duties.

Provide lead direction to consultants and contractors.

QUALIFICATIONS - Continued

Ability to:

Use computer systems and a variety of application software, such as, spread sheets, data base managers, and word processors.

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 increasingly responsible experience in LAN administration, computer programming, SCADA/Telemetry system management, distributed control systems, or Process Control Instrumentation.

Training:

Graduation from an accredited college or university with a Bachelor's Degree in computer science, engineering, water science, or closely related field; and

Additional qualifying experience may be substituted for the required education on a year-for-year basis.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Computer control room related. Field work as required.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting at a computer for prolonged periods of time; operating a motorized vehicle.

PURCHASING 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, coordinate, administer, and perform the most complex buying functions assigned to the Purchasing Division including centralized procurement, central stores, and to carry out special projects as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director or Deputy Finance Director.

Exercises direct supervision over professional, technical and clerical staff.

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 direct the implementation of goals, objectives, policies, procedures and work standards for the purchasing division; prepare and administer the division's budget.

Participate in the selection of staff; motivate staff and encourage teamwork; provide or coordinate staff training; work with employees to correct deficiencies; and implement discipline procedures.

(???)Direct, oversee and participate in the development of work plans; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Represent the City in meeting with representatives of governmental agencies, professional and business organizations, vendors, suppliers and contractors.

Confer with other city departments regarding purchasing, stores or related activities or problems; direct the implementation of inventory, and other internal control systems to ensure that items in stores are accounted for, that governmental and policy regulations are met, and that needed supplies are available.

Direct the development of new sources of supply and recommends alternative materials, equipment, and supplies.

EXAMPLES OF DUTIES (Continued)

Monitor developments related to purchasing and materials management matters, evaluate their impact upon City operations and recommend and implement policy and procedural improvements.

Direct and conduct analytical studies; develop and review reports.

Review contracts and purchase orders; maintain contact and negotiate with vendors; keep informed of market conditions and new products; evaluate vendor performance. Supervise and participate in development of bid specifications; solicit and analyze bids; make award of purchase.

Confer with department representatives to determine purchasing needs, specifications and areas of standardization.

Assist with department budgets by providing information on prices, products, materials, and services.

Participate in intergovernmental meetings for the purpose of standardizing specifications, preparing purchasing ordinances, and developing cooperative methods and practices.

Fulfill the duties of Minority Business Enterprises Liaison Officer.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Terminology, principles, practices and methods used in public purchasing.

Principles and practices of supervision, training and personnel management.

Commodity markets, marketing practices and commodity pricing methods.

Knowledge of: (Continued)

Laws and regulations as they apply to public purchasing.

Principles of financial forecasting, materials planning and budget procedures and techniques.

Market conditions, current prices, trade names and brands relating to purchasing for a municipality.

Methods of establishing specifications and methods of stores inventory control.

Sources of supplies, materials and equipment commonly used by municipalities.

Modern office methods, practices, procedures, and equipment.

Ability to:

Organize, direct and implement a comprehensive purchasing program to produce the greatest efficiency, service and value to the organization.

Analyze, evaluate, and modify operating methods and procedures.

Analyze and interpret market prices and trends.

Make accurate price and quality comparisons in the evaluation of bids, materials and equipment needs.

Prepare equipment and materials specifications.

Plan, organize, administer, review and evaluate purchasing and administrative support activities.

Analyze complex problems, evaluate alternatives and make creative recommendations.

Interpret applicable laws, rules, and regulations.

Prepare and administer a Division budget.

QUALIFICATIONS (Continued)

Ability to:

Prepare clear and concise reports, specifications, requests for proposals, correspondence and other written materials; and communicate effectively verbally.

Supervise, train and evaluate personnel.

Establish and maintain cooperative 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:

Four years of increasingly responsible experience in purchasing and materials management work, including one year of supervisory or lead responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in purchasing, business administration, public administration, or a related field.

Certificate:

Certification by the National Association of Purchasing Managers (NAPM) or Institute of Governmental Purchasing (IGP) or other recognized purchasing organization is highly desirable.

WORKING CONDITIONS

Environmental Conditions:

Office Environment.

Physical conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing, sitting and using a computer for prolonged periods of time.

## URBAN FORESTRY SUPERINTENDENT

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 the Urban Forestry , Sidewalks, and Green Waste Divisions of the Operations and Maintenance Department, including tree planting, pruning, removal, pest management and tree preservation activities; to coordinate urban forestry related activities with other divisions, departments, and outside agencies or groups.

### SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Operations and Maintenance Director. Exercises direct supervision over supervisory, maintenance, technical and clerical staff, including the City Arborist.

ESSENTIAL AND FUNCTIONAL STATEMENTS – Essential and other responsible duties, may include but are not limited to, the following:

#### Essential functions:

Direct, oversee, and participate in the development of the Division work plan; assign work activities, projects, and programs; monitor work flow and productivity; implement policies and procedures; review and evaluate work products and productivity, methods and procedures.

Coordinate the preparation of the organization's operating and capital improvement budget; manage budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Manage, direct and organize a comprehensive urban forestry maintenance program, including strategic planning of urban forestry activities including inspection and monitoring of the urban forest for needed maintenance making technical assessment of trees pertaining to liability, health and maintenance.

Direct street tree inventory activities.

ESSENTIAL AND FUNCTIONAL STATEMENTS – (Continued)

Essential functions:

Manage, direct and organize the City's sidewalk maintenance, green waste removal, street sweeping, and graffiti.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Establish performance standards and evaluate performance of subordinate personnel.

Recommend goals and objectives; assist in the development of policies and procedures.

Review capital improvement plans related to the assigned services and provide input regarding future maintenance activities. Identify and initiate needed capital improvement projects.

Receive, investigate and respond to citizen requests, suggestions, and complaints.

Coordinate organization's activities with those of other organizations, departments, and outside agencies; provide staff assistance to the Operations and Maintenance Director; prepare and present staff reports and other necessary correspondence.

Manage and encourage employee involvement efforts within the division and coordinate such efforts with other divisions and departments.

Inspect work sites before, during and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Supervise safety program; coordinate and attend safety meetings; ensure the adherence to safe work practices by subordinate personnel.

Supervise employees performing line clearance tree pruning.

Supervise public relations activities; coordinate special events; manage volunteers and non-paid or alternative labor resources; make presentations to various groups.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS (Continued)

Knowledge of:

Materials, methods, practices and equipment used in tree maintenance, planting, preservation and pest management activities.

Materials, methods, practices and equipment used in the area of sidewalk maintenance and street sweeping.

Principles and practices of supervision, training, and personnel management.

Principles of budget preparation and expenditure control.

Types and level of maintenance, planting, preservation and pest management activities generally performed in an urban forestry program.

Occupational hazards and standard safety precautions necessary in the work, including line clearance tree pruning.

Record keeping and reporting procedures, including computerized maintenance systems.

Integrated pest management principles and techniques.

Pesticide application regulations pertaining to pesticide use in the urban forest.

Entrepreneurial methods and techniques used in the public sector.

The management of contractual services.

Principles of tree biology.

Ability to:

Organize, direct and implement comprehensive urban forestry maintenance programs in the service areas described above.

Conduct studies, prepare comprehensive reports and determine cost-effective ways for conducting the assigned maintenance activities.

Supervise, train and evaluate assigned staff.

QUALIFICATIONS (continued)

Ability to:

Interpret and apply Federal, State and local policies, procedures, laws, and regulations.

Establish and maintain cooperative, working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Develop and manage automated management information systems

Use computers and computer technology.

Prepare requests for proposals and contracts for professional services.

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 an urban forestry or public works maintenance environment, including three years of supervisory responsibility.

Training:

An Associate's Degree from an accredited college or university with major course work in supervision, landscape maintenance, urban forestry, ornamental horticulture, biology, or a related field. A Bachelor's Degree in one of the stated fields is desirable.

License or Certificate:

Possession of, or ability to obtain, an appropriate and valid California driver's license.

Possession of a Pesticide Applicator's Certificate from the State of California is required within six months of appointment.

Experience and Training Guidelines:

License or Certificate:

International Society of Arboriculture Certification (ISA) as an Arborist is required within 12 months of appointment.

Possession of a Pest Control Advisor's License is desirable.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site; exposure to noise, dust, grease, smoke, fumes, gases, inclement weather conditions.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles and using a personal computer.

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-44

A RESOLUTION APPROVING AN AGREEMENT WITH THE SECOND HARVEST FOOD BANK OF SAN JOAQUIN AND STANISLAUS COUNTIES, INC. IN PLACE OF APPROVED AGREEMENT WITH MODESTO-RIVERBANK-STANISLAUS COUNTY FOOD BANK

WHEREAS, the City Council at its June 27, 2000 meeting adopted a resolution approving the City of Modesto 2000-2001 Annual Action Plan , and

WHEREAS, included in the Annual Action Plan were recommendations for funding projects addressing a variety of needs in the community eligible for funding with CDBG public service funds, and

WHEREAS, one of the projects included in the recommendation was the Modesto-Riverbank-Stanislaus County Food Bank, Inc. "Emergency Food Procurement" program, for a total of \$32,100, and

WHEREAS, staff has since been notified that the Modesto-Riverbank-Stanislaus County Food Bank, Inc. has merged with the Second Harvest Food Bank of San Joaquin and Stanislaus Counties, Inc. and all assets and liabilities of the former agency have been assumed by the latter agency, and

WHEREAS the Memorandum of Understanding between the two agencies has been reviewed by the City Attorney's Office, and

WHEREAS the newly formed agency will continue to provide the food procurement and distribution program as originally proposed

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an agreement for the allocation of \$32,100 in CDBG public service funds with the Second Harvest Food Bank of San Joaquin and Stanislaus Counties, Inc. is approved and the City Manager is authorized to execute the agreement documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-45

A RESOLUTION APPROVING ALLOCATION OF \$30,000 IN CDBG PUBLIC SERVICE FUNDS TO COMMUNITY HOUSING AND SHELTER SERVICES

WHEREAS, during last year's round of Requests for Proposals for CDBG public service funds, Community Housing and Shelter Services requested a total of \$93,206 (\$25,000 CDBG and \$68,206 ESG) to provide Emergency Shelter and Housing Counseling for homeless families, and

WHEREAS, the agency was funded for a total of \$48,124 (\$18,020 CDBG and \$30,104 ESG) to provide those services, and

WHEREAS, at the time that funding decisions were being made, staff had concerns regarding accounting issues that had been brought to the agency's attention by their auditors in their 1998-99 audit management letter, and

WHEREAS, since that time, staff has received a clarification letter from the audit firm regarding those concerns, and has met with agency management to discuss new procedures for tracking clients and monitoring funding sources, and

WHEREAS, due to the Council's decision to move the City's Fair Housing Program (operated by Project Sentinel) out of the public service funds and into administration, the funds set aside for that project, \$30,000, are now available for public services, and

WHEREAS, the Citizens Housing and Community Development Committee considered this item at its January 5, 2001 meeting and recommended approval of the \$30,000 allocation

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an agreement for the allocation of \$30,000 in CDBG public service funds with Community Housing and Shelter Services to provide additional Emergency Shelter slots and Housing Counseling services to families who are homeless or at risk of becoming homeless is hereby approved, and the City Manager is authorized and directed to execute agreement documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

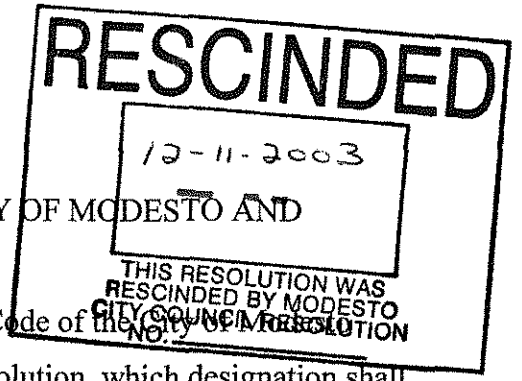
ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-46



A RESOLUTION DESIGNATING TRUCK ROUTES IN THE CITY OF MODESTO AND  
RESCINDING RESOLUTION No. 90-795

WHEREAS, Section 3-2.1301(d) of the Modesto Municipal Code of the City of Modesto authorizes the Council to determine and designate truck routes by resolution, which designation shall become effective when appropriate signs are placed giving notice of said designations to the public.

WHEREAS, by Resolution No. 90-795, adopted on September 25, 1990, the City Council designated truck routes in the City of Modesto; and

WHEREAS, the City Council now desires to redesignate truck routes in the City of Modesto.

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

SECTION 1. Truck routes are hereby designated as shown on the attached maps entitled "Modesto Truck Routes," marked Exhibit "A".

SECTION 2. The Engineering and Transportation Director is hereby directed to cause the truck routes to be marked and designated in accordance with the provisions of this resolution.

SECTION 3. The provisions of this resolution shall be subject to the provisions of Section 3-2.815 of the Modesto Municipal Code requiring the approval of the Caltrans insofar as they pertain to the regulations of traffic upon State highways within the City.

SECTION 4. Resolution No. 90-795 adopted by the Council on 25<sup>th</sup> day of September 1990 is hereby rescinded.

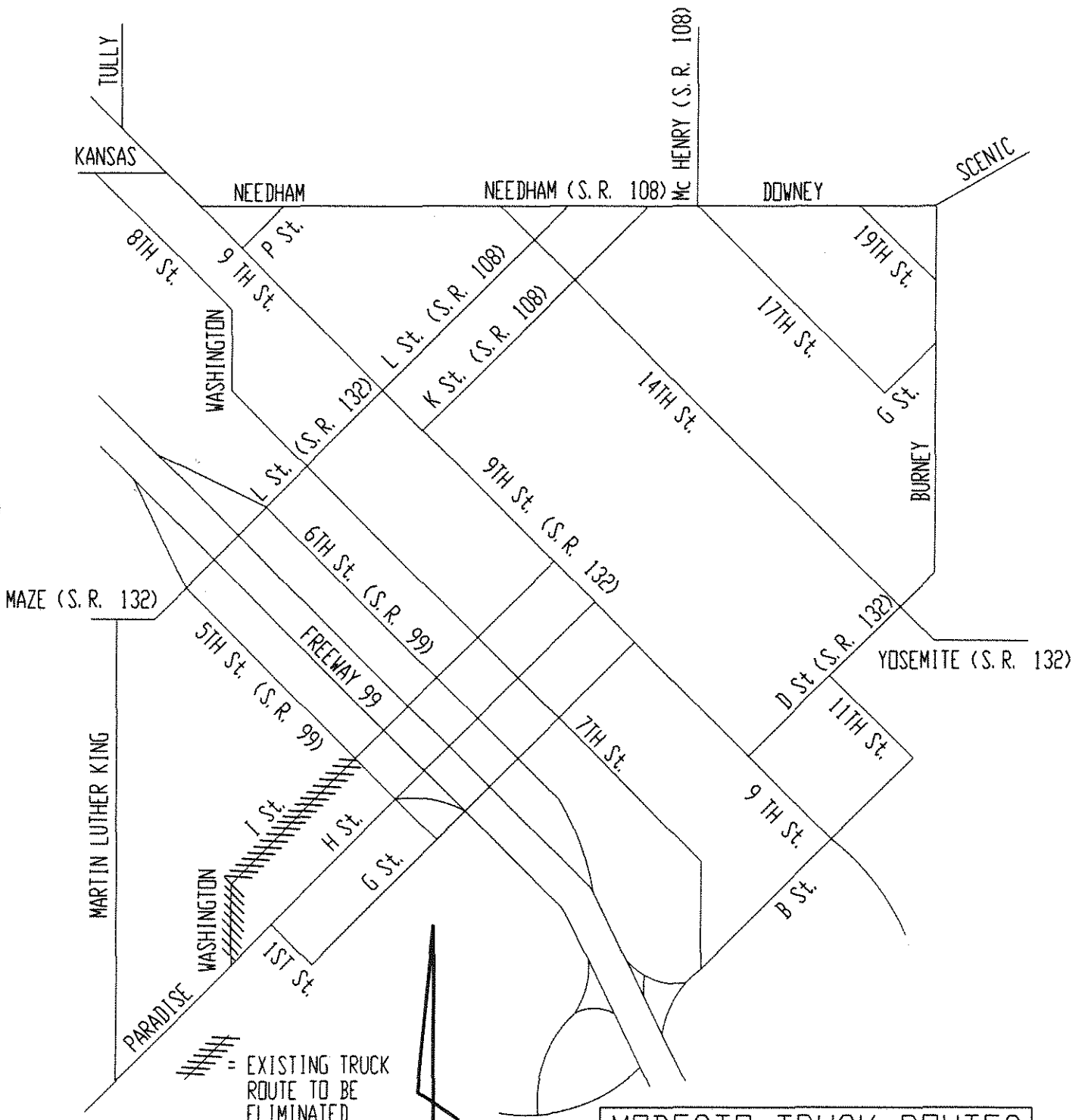
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:


AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

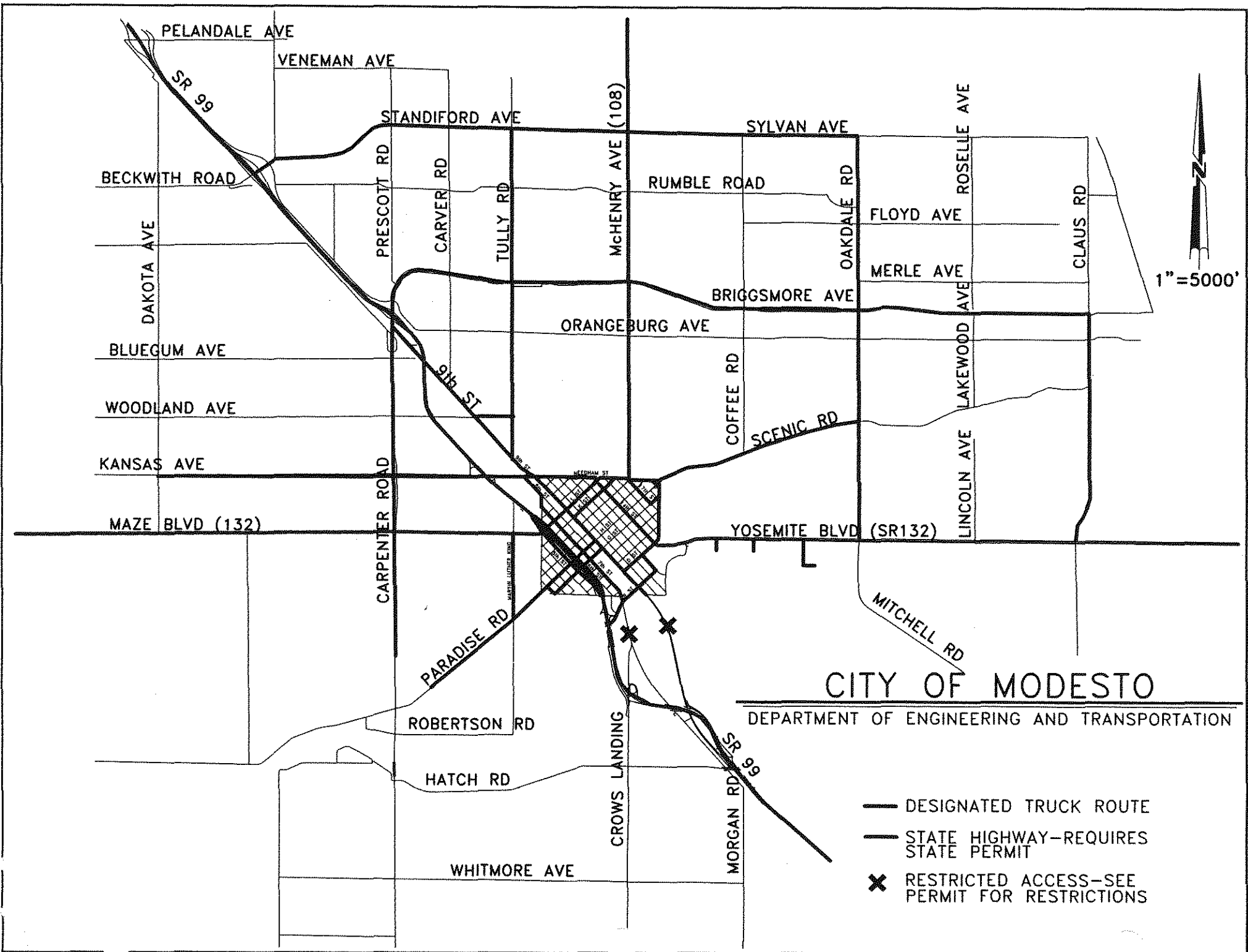
ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk



 = EXISTING TRUCK ROUTE TO BE ELIMINATED



**MODESTO TRUCK ROUTES**  
 ESTABLISHED BY RESOLUTION 90-795 , 9/25/90  
 EXHIBIT A  
 PAGE 2



MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-47

A RESOLUTION APPROVING AN AMENDMENT TO THE  
MODESTO URBAN AREA GENERAL PLAN LAND USE  
DIAGRAM TO RE-DESIGNATE PROPERTY LOCATED ON  
THE EAST SIDE OF DALE ROAD OPPOSITE NIGHTINGALE  
DRIVE FROM RESIDENTIAL TO MIXED USE.

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report ("EIR") for the Urban Area General Plan (SCH #92052017), 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, and 2000-633 copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, Redev Inc. has applied for an amendment to the General Plan to re-designate 7.34 acres located on the east side of Dale Road opposite Nightingale Drive from Residential to Mixed Use to allow office development, and

WHEREAS, the Community Development Department has analyzed the proposed amendment and concluded that the site is in an appropriate location for offices, in that it is

located on a Minor Arterial street and is immediately adjacent to existing office and institutional uses and is compatible with nearby single-family housing, and

WHEREAS, the Community Development Department recommended that the proposed General Plan amendment be expanded to include property to the north and south of the applicants' proposal to a total of fifteen acres for the reasons cited above and because amendments to the General Plan should be comprehensive in nature and not parcel-specific; and

WHEREAS, on December 18, 2000, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, relating to this proposed amendment to the Modesto Urban General Plan Land Use Diagram, and

WHEREAS, the Planning Commission agreed with the recommendation of the Community Development Department to expand the proposed General Plan amendment to include the additional land; and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2000-64, recommending to the City Council an amendment to the Modesto Urban General Plan Land Use Diagram to re-designate fifteen acres located on the east side of Dale Road opposite Nightingale Drive from Residential to Mixed Use, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 6, 2001, 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 amendment to the Modesto Urban General Plan Land Use Diagram,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan Land Use Diagram to re-designate fifteen acres located on the east side of Dale Road opposite Nightingale Drive from Residential to Mixed Use is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto and said General Plan is hereby amended to read as shown on Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certify copies of this resolution and said amendment to the General Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

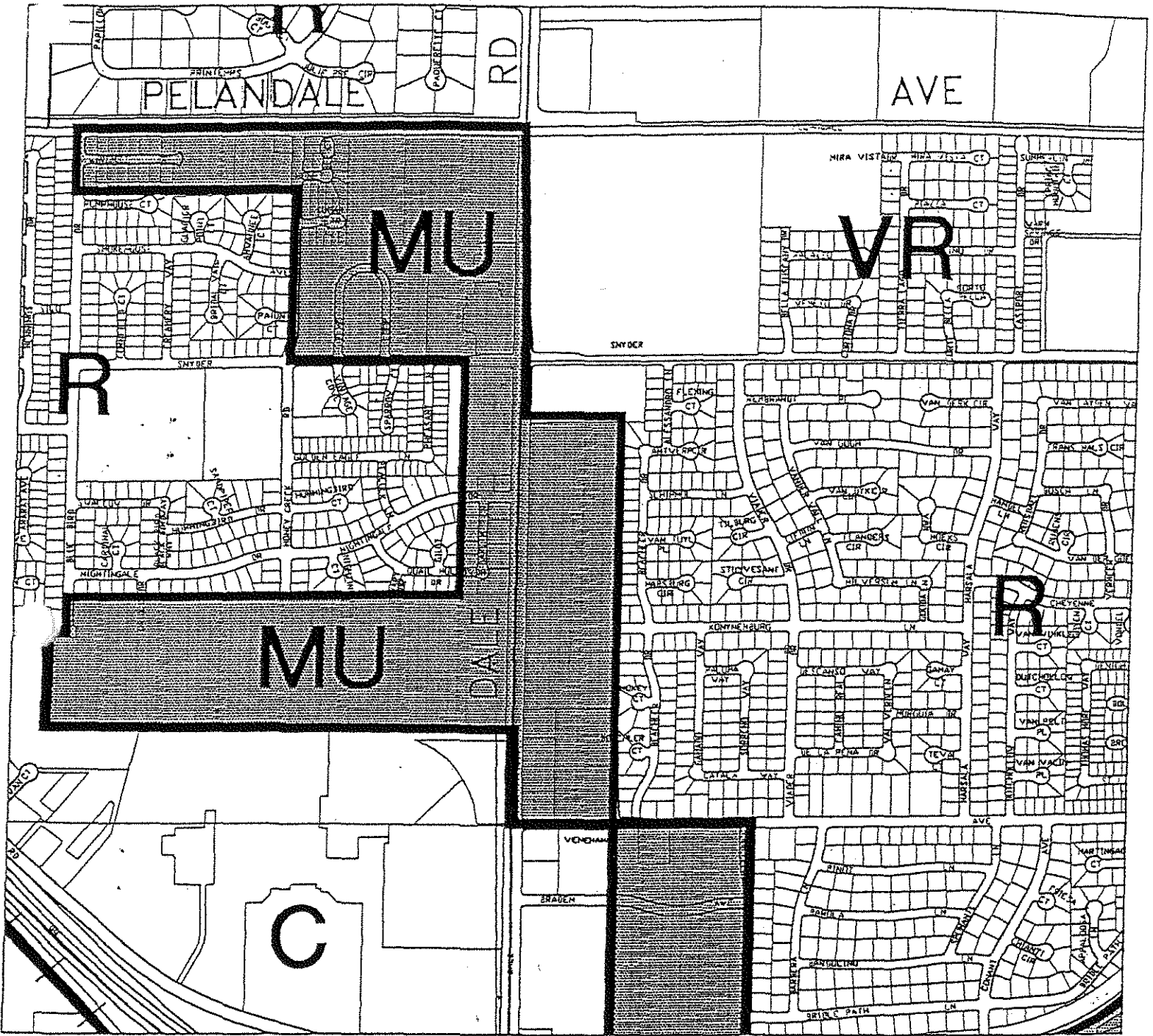
ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT A**



Staff Recommendation  
for General Plan Amendment :

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-48

A 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 (SCH NO. 92052017): AMENDING THE GENERAL PLAN LAND USE DIAGRAM TO RE-DESIGNATE FIFTEEN ACRES FROM RESIDENTIAL TO MIXED USE, AND REZONING 7.34 ACRES OF THE PROPERTY FROM R-1 TO P-O, PROPERTY LOCATED ON THE EAST SIDE OF DALE ROAD OPPOSITE NIGHTINGALE DRIVE. (REDEV INC.)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Redev Inc. has proposed an amendment to the Modesto Urban Area General Plan Land Use Diagram to re-designate property located on the east side of Dale Road opposite Nightingale Drive from Residential to Mixed Use, and

WHEREAS, Redev Inc. has also proposed to rezone this property from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-75 reviewed the proposed amendment to Modesto Urban Area General Plan and rezone to P-O to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

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 amendment to the Modesto Urban Area General Plan and rezone to P-O, 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. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 6th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
Initial Study  
EA/CDD 2000-75

City of Modesto  
Initial Study

**General Plan Amendment No. 14 and  
Rezone from R-1 to P-O**

**EA/CDD 2000-75**

December 7, 2000

**I. PURPOSE**

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

**II. PROJECT DESCRIPTION**

- A. Project title:  
General Plan Amendment No. 14 and Rezone from R-1 to P-O
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:  
Steve Mitchell, Community Development Department, (209) 577-5287
- A. Project Location:  
The east side of Dale Road opposite Nightingale Drive
- E. Project Sponsor:  
Redev Inc., 2020 Standiford Ave., Ste. D-5, Modesto, CA 95350
- F. General Plan Designation:  
Residential
- G. Current Zoning:  
R-1, Low Density Residential
- H. Description of Proposed Project:  
This is an amendment to the General Plan to redesignate 15 acres from Residential to Mixed Use, and to rezone 7.34 acres from R-1, Low Density Residential Zone, to P-O, Professional Office Zone.
- I. Surrounding land uses:  
The project is bounded on the east by existing single-family homes, to the south by

existing offices, to the north by an existing church, and to the west by vacant land and existing multi-family dwellings.

- J. Other public agencies whose approval is required:  
None

### **III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

#### **A. Traffic and Circulation**

Traffic and Circulation impacts are analyzed on pages IV-1-1 through IV-1-37 of the MEIR. The City's Engineering and Transportation Department has analyzed the potential traffic impacts of this GPA and rezoning. They have concluded that the intensity of development that would be allowed with the GPA and rezoning would, given the level of detail for the project at this point, most likely not result in any significant traffic impacts that were not analyzed in the MEIR. Therefore, the traffic impacts analyzed in the Traffic and Circulation section of the MEIR are still valid, and no changes are needed to this Section of the MEIR.

#### **B. Degradation of Air Quality**

The air quality impacts for this GPA and rezoning are directly related to the traffic impacts. Since the GPA and rezoning will create no significant additional traffic impacts beyond what were anticipated in the General Plan Master EIR, they will similarly not create any significant impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

#### **C. Generation of Noise**

The development resulting from this GPA and rezoning would be office development, which is not significantly noisier than the residential development that was previously. In addition, any development will be required to construct sound walls between the development and the adjacent residential uses. Therefore, the conclusions in the Generation of Noise section of the MEIR (pages IV-3-1 through IV-3-33) are still valid, and this section of the MEIR does not need to be changed.

#### **D. Loss of Productive Agricultural Land**

The proposed GPA and rezoning will not result in any conversion of agricultural land that was not already analyzed by the Master EIR. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

#### **E. Increased Demand for Water Supplies**

The proposed conversion of 15 acres from Residential to Mixed Use will not generate increased demand for water supplies over what was assumed in the MEIR, as studies

have shown that water usage for both land uses is approximately the same. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

**F. Increased Demand for Sanitary Sewer Services**

The proposed GPA and rezoning will not generate increased demand for sanitary sewer services over what was assumed in the MEIR, as studies have shown that sewer service usage for both land uses is approximately the same. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The proposed GPA and rezoning will not result in any conversion of sensitive wildlife and plant habitat that was not already analyzed by the Master EIR. Further, the area of the GPA and rezoning is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the GPA and rezoning will not impact any sensitive wildlife or plant habitat beyond those identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

**H. Disturbance of Archaeological and Historic Sites**

The proposed GPA and rezoning will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

**I. Drainage, Flooding and Water Quality**

The proposed development will conform to the City's standards for drainage, flood control and water quality, which was assumed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

**J. Increased Demand for Storm Drainage**

The proposed development will be drained via the storm-water basins designed for Village One, which was assumed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

**K. Increased Demand for Parks and Open Space**

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are still valid.

**L. Increased Demand for Schools**

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

**M. Increased Demand for Police Services**

The proposed GPA and rezoning will not result in any significant increase in the demand for police services in the context of the MEIR, because of the small size of the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are still valid.

**N. Increased Demand for Fire Services**

The proposed GPA and rezoning will not result in any significant increase in the demand for fire services in the context of the MEIR, because of the small size of the project. In addition, the development will be required to conform to all standards and conditions of the Fire Department. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are still valid.

**O. Generation of Solid Waste**

The proposed GPA and rezoning will not result in any significant increase in the generation of solid waste, because of the small size of the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are still valid.

**P. Generation of Hazardous Materials**

The proposed GPA and rezoning will not result in any increase in the generation of hazardous materials, because of the small size of the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are still valid.

**Q. Landslides and Seismic Activity**

The GPA and rezoning will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are

therefore still valid.

**R. Energy**

The proposed GPA and rezoning will not result in any significant increase in the use of energy, because of the small size of the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are still valid.

**IV. CONCLUSIONS/ DETERMINATIONS OF FINDINGS**

- A. The proposed GPA and rezoning are within the scope of the General Plan Master EIR (SCH No. 92052017).
- B. No additional significant environmental effects will occur as a result of the proposed GPA and rezoning that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed GPA and rezoning that were not previously considered in the General Plan Master EIR.
- D. There are not specific features unique to these GPA and rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Steve Mitchell,  
Associate Planner

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-49

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT ZONE, P-D(545). (RANDALL  
O'DELL)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Randall O'Dell on October 24, 2000, to reclassify from Planned Development Zone, P-D(539), to Planned Development Zone, P-D(545), to allow for a professional office building and off-street parking areas, property located on the north side of Scenic Drive west of Coffee Road, described as follows:

P-D(539) to P-D(545)

All that portion of Lot 12, as shown on that certain map filed in the office of the Recorder of Stanislaus County, State of California, on March 17, 1904 in Volume 1 Page 78 of Maps, lying within a portion of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

Commencing at a point on the North line of Scenic Drive running Southwest, bearing from the Southeast corner of the Northeast quarter of the Northeast quarter of Section 28, Township 3 South, Range 9 East M.D.B & M., North 89° 18' West, distant 38 links; thence along the North line of said County Road, 67° 33' West, 7.24 chains to the point of beginning; thence North 0° 4' West, 5.9965 chains to a point, thence North 89° 10' West, 221 feet to a point, thence South 0° 4' East to a point in the North line of said Scenic Drive, thence North 67° 33' East along the North line of said Scenic Drive, to the point of beginning, subject to reservations and restrictions of record.

Also including the southerly half of the alley immediately adjacent to the above-described property and that portion of Scenic Drive between the southerly line of the above described property and the centerline of Scenic Drive.

and

WHEREAS, after a public hearing held on December 18, 2000, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-66, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design and conditions of approval, tends to be compatible with surrounding land uses.
2. That the requested planned development zone for an office complex is within a portion of the Redevelopment Planning District (RPD) designated for commercial, residential, and public uses by the General Plan and that this development is consistent with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 6, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Randall O'Dell for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2000-66 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3202-C.S. on the 6th day of February, 2001, reclassifying the above-described property from Planned Development Zone, P-D(539), to Planned Development Zone, P-D(545).

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

as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned

Development Zone, P-D(545), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Proposed New Project, 1165 Scenic Drive, Modesto, CA" as amended in red, stamped approved by the Planning Commission on December 18, 2000.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Screen landscaping shall be installed along the north property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Prior to the issuance of a building permit a six-foot-high decorative masonry wall shall be constructed along the north property line and shall include provision for an emergency fire access gate with a knox box lock.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
6. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department.
7. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.
8. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

9. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, as required by the Recreation and Neighborhoods Director, be dedicated along all street frontages.
10. The developer shall, in a manner approved by the City Attorney, provide a reciprocal vehicular access-way for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plot plan. The access-way may be secured during non-business hours.
11. All signs shall comply with the sign requirements of the P-O Zone.
12. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(545):

The entire construction program be accomplished in one phase, construction to begin on or before December 18, 2002, and completion to be not later than December 18, 2003.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict

adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(545), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa,  
Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By: Steve Mitchell  
Community Development Department  
Planning Division

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-50

A 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 (SCH NO. 92052017): AMENDING SECTION 28-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(539) TO PLANNED DEVELOPMENT ZONE, P-D(545), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE WEST OF COFFEE ROAD. (RANDALL O'DELL)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Randall O'Dell has proposed an amendment to section 28-3-9 of the Zoning Map to rezone property from Planned Development Zone, P-D(539) to Planned Development Zone, P-D(545) to allow a professional office complex, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-77 reviewed the proposed rezoning to P-D(545) to determine whether the project is within the scope of the project covered by the Modesto Urban

Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

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 rezoning to P-D(545), 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. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 6th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa,

Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
Initial Study  
EA/CDD 2000-77

**City of Modesto**  
Initial Study

EA NO. CDD 00-77

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a planned development zone for a professional office complex, property located on the north side of Scenic Drive west of Coffee Road. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

This Initial Study in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan. This Initial Study also provides documentation that the project is considered in the Master EIR as being within scope of the General Plan.

II. PROJECT DESCRIPTION

- A. Project title:  
Public Hearing - Application of Randall O'Dell to Rezone From P-D(539) to A New P-D to Allow A Professional Office Development, Property Located on the North Side of Scenic Drive West of Coffee Road
- B. Lead agency name and address:  
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:  
John Stack, CDD, City of Modesto  
801 11th Street  
Modesto, CA 95354  
phone (209) 577-5282
- D. Project Location:  
1165 Scenic Drive, Modesto, CA
- E. Project Sponsor:  
Randall O'Dell
- F. General Plan Designation:  
Redevelopment Planning District (RPD)
- G. Zoning:  
existing P-D(539)
- H. Description of Proposed Project:  
This is an application to rezone 1.94 acres, located on the north side of Scenic Drive west of Coffee Road, from P-D (539) to a new planned development zone for a one-story office complex. This property is separated from the adjacent residential uses to the north by a 20 foot wide alley. The property also fronts along Scenic Drive with C-2 zoning to the west, east and south. This portion of

Scenic Drive is developed primarily with auto related repair shops, with the exception of the "Scenic Drive-in" restaurant located immediately to the west. The rear of this drive-in property is also developed with a number of one-story multifamily units. The applicant's development proposal will provide an 18,798 square foot professional office complex containing three one-story buildings and 91 off-street parking spaces. The plot plan indicates that the nearest office building to the residential alley along the rear or north property line will have a minimum setback of 56-feet. The applicant also proposes to provide a solid six-foot-high solid masonry wall along this rear alley line. At the request of the Fire Marshall, a man-gate secured with a Knox box lock will be provided in this wall for emergency fire access only. Any fencing along the side property lines of this complex will abut the existing C-1, commercial zone and is left to the discretion of the applicant. The minimum parking requirement for this general office use complex is 63 spaces. This parking area will be served by a single drop-curb type approach at Scenic Drive. Two existing driveways on Scenic Drive will be removed as a result of this development. Landscaped setbacks of buildings and parking areas will be provided as typical of professional office zone developments.

- I. Surrounding land uses:  
refer to H. above
- J. Other public agencies whose approval is required:  
None

### III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

#### A. **Traffic and Circulation**

The proposed, planned development zone and professional office complex will not contribute to increased traffic beyond that which is projected for development of this commercial property. A site traffic mitigation study was not required as a result of this tentative map. The proposed mini-storage warehouse facility is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

#### B. **Degradation of Air Quality**

This proposed planned development zone and resulting professional office complex is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

The proposed planned development zone and resulting professional office complex is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**

The planned development zone and resulting professional office complex is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned C-1 for commercial uses. The requested planned development zone and resulting mini-storage warehouse facility subject to conditions of approval. This property is also within the (RPD) area as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**

The proposed planned development zone and resulting professional office complex will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

D. **Increased Demand for Sanitary Sewer Services**

The proposed planned development zone and resulting professional office complex will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**

The proposed planned development zone and resulting professional office complex is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

- H. **Disturbance of Archaeological and Historic Sites**  
This planned development zone and resulting professional office complex will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.
- I. **Drainage, Flooding and Water Quality**  
The proposed planned development zone and resulting professional office complex will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.
- J. **Increased Demand for Storm Drainage**  
The proposed planned development zone and resulting professional office complex will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.
- K. **Increased Demand for Parks and Open Space**  
This proposed planned development zone and resulting professional office complex will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.
- L. **Increased Demand for Schools**  
The proposed planned development zone and resulting professional office complex will not impact the Modesto School system, as the commercial uses will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.
- M. **Increased Demand for Police Services**  
This proposed planned development zone and resulting professional office complex will have a less than significant impact upon the need

for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore still valid.

**N. Increased Demand for Fire Services**

This proposed planned development zone and resulting professional office complex will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is located approximately one miles away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.

**O. Generation of Solid Waste**

This planned development zone and resulting professional office complex will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10), are therefore still valid.

**P. Generation of Hazardous Materials**

The planned development zone and resulting professional office complex will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

**Q. Landslides and Seismic Activity**

The planned development zone and resulting professional office complex will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

**R. Energy**

This planned development zone and resulting professional office complex will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

**IV CONCLUSIONS / DETERMINATIONS OF FINDINGS**

- A. The planned development zone for a professional office complex is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.
- B. No additional significant environmental effects will occur as a result of the proposed planned development zone that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed planned development zone that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to this planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.
- E. The Initial Study, provides the substantial evidence to support finding "A, B, C, and D above.

Signature: \_\_\_\_\_



MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-51

A RESOLUTION APPOINTING TWO HIGH SCHOOL STUDENTS TO THE  
MODESTO YOUTH COMMISSION

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

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

SECTION 1. Two Modesto area high school students are hereby appointed to the Modesto Youth Commission, the senior with a one year term limit, and the junior with a two year term limit, as follows:

Alicia Oliver  
Rebecca Perry

Senior, Elliott Alternative Education Center  
Junior, Elliott Alternative Education Center

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Modesto Youth 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 6th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.2001-52

A RESOLUTION NOTIFYING THE CALIFORNIA AIR RESOURCES BOARD THAT THE CITY OF MODESTO HAS CHOSEN TO FOLLOW THE "DIESEL PATH" TO COMPLY WITH THE REQUIREMENTS OF TITLE 13, CALIFORNIA CODE OF REGULATIONS, SECTIONS 1956.1, 1956.2, 1956.3 AND 1956.4.

WHEREAS, the California Air Resources Board has approved regulations that require transit agencies to select either a diesel path or an alternative-fuel path to comply with the requirements of title 13, California Code of Regulations, sections 1956.1, 1956.2, 1956.3 and 1956.4, and

WHEREAS, selection of a path commits the transit agency to follow a set of rules regarding transit bus purchases, and

WHEREAS, 85% of buses purchased by transit agencies on the alternative fuel path must be alternatively fueled using technologies such as compressed natural gas engines, and

WHEREAS, transit agencies selecting the diesel fuel path may purchase either diesel or alternatively fueled buses, and

WHEREAS, the City of Modesto has the capability to fuel only diesel buses at its bus maintenance facility, and

WHEREAS, due to the flexibility offered by the diesel fuel path, the planned purchase of up to fifteen buses within the next year and the City's inability to provide an alternative fuel at the bus maintenance facility within the next two years, staff is recommending the adoption of the diesel fuel path, and

WHEREAS, the Transportation Policy Committee met on, January 18, 2001 and supported the recommendation of City staff, and

WHEREAS, by an agenda report to the City Council dated February 2, 2001, from the Engineering and Transportation Director, City staff recommended to the Council that the diesel path be selected,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the diesel fuel path be selected for compliance with California Air Resources Board regulations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-53

A RESOLUTION APPROVING THE SUBMITTAL OF A PASSENGER FACILITY CHARGE (PFC) APPLICATION FOR MODESTO CITY-COUNTY AIRPORT IN THE AMOUNT OF \$124,180 TO THE FEDERAL AVIATION ADMINISTRATION (FAA) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY OF MODESTO

WHEREAS, Federal Aviation Regulation (FAR) Part 158, Passenger Facility Charge (PFC), established a program that allows the nation's commercial air carrier airports to pay for eligible needed airport improvements with a charge to enplaned passengers, and

WHEREAS, the regulation requires sponsors (airport owners) to submit an application and receive Federal Aviation Administration (FAA) approval before a collection of the PFC can commence, and

WHEREAS, the City Council, through the City Airport's Rental Charges and Fees Resolution, approved a PFC of three dollars (\$3.00) to pay for a number of airport improvements, and

WHEREAS, the list of approved projects is nearing completion, and in order for the airport to continue partially funding airport improvements with PFC, it is necessary for the City to submit a new application, and

WHEREAS, the new application includes five (5) projects with a combined cost of \$1,241,800, and

WHEREAS, the projects have already received funds from the Federal Airport Improvement Program (AIP) amounting to \$863,520, and the City is anticipating approval of an additional \$254,100 in federal grant funds, and the approval of the FAA to increase the collection of PFCs for an additional \$124,180 between September 1, 2001 and September 2003, and

WHEREAS, the Transportation Policy Committee recommended approval of the PFC application at its November, 2000 meeting, subject to meeting FAR Part 158 regulations,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport PFC application in the amount of \$124,180 to the Federal Aviation Administration.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to sign the application 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 13<sup>th</sup> day of February, 2001, by Councilmember Fisher, who moved its adoption, with motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-54

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA STATE LANDS COMMISSION FOR PROPERTY FOR REPLACEMENT OF THE EXISTING 9<sup>TH</sup> STREET BRIDGE ACROSS THE TUOLUMNE RIVER

WHEREAS, the existing 9<sup>th</sup> Street Bridge was studied, under the direction of the State of California, Department of Transportation (Caltrans), through the Seismic Safety Retrofit Program; and

WHEREAS, said study determined that the bridge structure is seismically deficient and in need of replacement; and

WHEREAS, upon Council making a determination in May 1997 that the 9<sup>th</sup> Street Bridge is a critical link to the Modesto Urban Area's transportation network, the final recommendation from Caltrans was to replace the bridge; and

WHEREAS, the replacement bridge will cross the Tuolumne River and connect the City of Modesto's downtown area with the southern portion of Modesto; and

WHEREAS, the California State Lands Commission holds title to the Tuolumne River waterway and controls its use; and

WHEREAS, the alignment of the replacement bridge will be on the east side of the existing bridge to allow the four lanes of traffic to remain open during construction; and

WHEREAS, the alignment of the replacement bridge requires a lease agreement with the California State Lands Commission to cover the property where the replacement bridge will cross the Tuolumne River.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and California State Lands Commission for property for replacement of the existing 9<sup>th</sup> Street Bridge across the Tuolumne River be, and it is hereby approved; and

BE IT FURTHER RESOLVED that the execution of said agreement by the City of Modesto's City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-55

A RESOLUTION ACCEPTING THE BID OF FAGUNDES & SON, INC. FOR THE PROJECT TITLED "PELANDALE / MCHENRY INTERSECTION IMPROVEMENTS"

WHEREAS, the bids received for "PELANDALE / MCHENRY INTERSECTION IMPROVEMENTS" were opened at 11:00 a.m. on December 12, 2000, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$451,604.00 received from Fagundes & Son, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$451,604.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-56

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$68,829.00 TO FULLY FUND THE PELANDALE / MCHENRY INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, costs in the CIP account to construct Pelandale / McHenry Intersection Improvements exceeded the estimated budget, and

WHEREAS, this was the result of higher costs associated with the current construction market and the difficulties imposed by working conditions in an area of high traffic volumes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 141 -430-K229-6020; \$28,829.00

FROM: 1410-430-M197-6040; \$40,000.00

TO: 1410-430-M189-6040; \$68,829.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-57

A RESOLUTION ACCEPTING IMPROVEMENTS IN ARBOR LANE NO. 1  
SUBDIVISION, IN THE COFFEE-CLARATINA SPECIFIC PLAN AREA, AND  
AUTHORIZING RELEASE OF BONDS

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation, subdividers of Arbor Lane No. 1 subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of \$1,441,400 and \$720,700 respectively to guarantee improvements in Arbor Lane No. 1 subdivision and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed, to the satisfaction of the Community Development Department; and,

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The improvements in Arbor Lane No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$1,441,400 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of \$720,700 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th, of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-58

A RESOLUTION ACCEPTING THE BID OF SILVEIRA GENERAL CONSTRUCTION FOR THE PROJECT TITLED "WATER QUALITY CONTROL LABORATORY REMODEL"

WHEREAS, the bids received for Water Quality Control Laboratory Remodel were opened at 11:00 a.m. on January 23, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$101,830 received from Silveira General Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Silveira General Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHER, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-59

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$76,884.00  
TO FULLY FUND THE WATER QUALITY CONTROL LABORATORY REMODEL  
PROJECT

WHEREAS, costs in the CIP account to construct the Water Quality Control Laboratory  
Remodel exceeded the estimated budget, and

WHEREAS, this was the result of higher costs associated with the current construction  
market and the difficulties imposed by the complexity and small size of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the  
following appropriation transfer is approved:

FROM: 6210-480-L078-6040; \$45,000.00

FROM: 6210-480-L079-6040; \$16,764.00

FROM: 6210-480-L085-6040; \$15,119.00

TO: 6210-480-K038-6040; \$76,883.00

Costs in the CIP account to construct the Water Quality Control Laboratory Remodel  
exceeded the planned budget. This was the result of higher construction costs  
associated with the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-60

A RESOLUTION ACCEPTING THE PROJECT TITLED "ANNUAL SEWER  
REHABILITATION – PHASE 1 – 99/00" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Annual Sewer Rehabilitation – Phase 1 – 99/00, has been completed by Miller Pipeline Corporation, in accordance with the contract agreement dated March 21, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Annual Sewer Rehabilitation – Phase 1 – 99/00 be accepted from said contractor, Miller Pipeline Corporation; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$91,446.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-61

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HJW, INC. FOR DIGITAL ORTHO-RECTIFIED AERIAL PHOTOGRAMMETRY.

WHEREAS, the proposals for DIGITAL ORTHO-RECTIFIED AERIAL PHOTOGRAMMETRY were received on January 24<sup>th</sup>, 2001, and later analyzed by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the consulting agreement from HJW, Inc. for \$153,650 be accepted as the most qualified consultant for the City's needs.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and HJW, Inc. for Digital Ortho-Rectified Aerial Photos be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-62

A RESOLUTION AUTHORIZING THE TRANSFER OF SEWER AND WATER RESERVES AND ENGINEERING AND TRANSPORTATION ABS CARRYOVER SAVINGS AND AMENDING THE PERMITS AND MAPPING'S PROFESSIONAL SERVICES BUDGET TO RECOGNIZE THE ADDITIONAL REVENUE REQUIRED TO PROVIDE SUFFICIENT FUNDS TO FULLY COVER THE ANTICIPATED CONTRACT EXPENSE.

WHEREAS, on January 24th , 2001, the City Council received proposals for a project titled "Modesto Ortho-rectified Photogrammetry", and

WHEREAS, the selected consultant was HJW of Oakland, California, with a contract proposal of \$153,650, and

WHEREAS, the City has already budgeted \$100,000 of the project costs, and

WHEREAS, \$72,000 in additional funds are required to fully fund this project, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the transfer of \$36,000 from Water Fund Reserves, and \$36,000 from Engineering and Transportation ABS Carryover Savings to the project account for the "Modesto Ortho-rectified Photogrammetry" and an amendment to the current the Permits and Mapping's professional services budget to recognize the additional revenue required to provide sufficient funds to fully cover the anticipated contract expense.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-63

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING TRAFFIC  
SIGNAL EQUIPMENT

WHEREAS, the Engineering & Transportation Department-Transit Engineering Service  
Division has requested the purchase of traffic signal equipment, to improve maintenance issues,  
Pedestrian safety and visibility at intersections through out the City, and

WHEREAS, by soliciting competitive bids, the Finance Department-Purchasing  
Division will comply with the Modesto City Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed  
bids for furnishing traffic signal equipment to be opened in the office of the City Clerk, 1010  
10<sup>TH</sup> Street, in the City of Modesto, on March 20, 2001 at 11:00 a.m. The City Clerk is hereby  
directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a  
report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 13<sup>th</sup> day of February, 2001, by Councilmember Fisher, who moved its  
adoption, which motion being duly seconded by Councilmemeber Friedman, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Freidman, Frohman, Serpa, Smith, Mayor  
Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF MODESTO APPROVING THE SETTLEMENT AGREEMENT  
WITH CABLE ONE TO RESOLVE ISSUES OF NON-COMPLIANCE  
RELATED TO THE CABLE FRANCHISE.

WHEREAS, the City Council has determined that Cable One is in material breach  
of the cable franchise agreement, and

WHEREAS, Cable One and the City desire to settle and resolve the areas of  
dispute, without any admissions of liability by any party; and

WHEREAS, the City Council finds that the proposed settlement is in the best  
interests of the City; and

WHEREAS, the settlement agreement facilitates the transfer of the franchise and  
the rebuild of the cable system;

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

SECTION 1. That certain settlement agreement between the City and Cable One,  
Inc., a copy of which is attached hereto as Exhibit A, is hereby approved.

SECTION 2. The Mayor is hereby authorized to execute the Settlement  
agreement on behalf of the City.

SECTION 3. The City Manager is hereby authorized to take such actions within  
his authority, as may be necessary to implement the settlement agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-65

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT ZONE, P-D(546). (TIM  
FISHER/ARCHITECTURE PLUS)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Tim Fisher/Architecture Plus on November 2, 2000, to reclassify a portion of Planned Development Zone, P-D(363), to Planned Development Zone, P-D(546), to allow for a single-story senior housing complex and off-street parking areas, property located on the west side of Nelson Avenue south of East Orangeburg Avenue, described as follows:

P-D(363) to P-D(546)

All that certain real property situated in a portion of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California; being a portion of Lot 3 as shown on the map of A Subdivision Of Lots 21 And 22 Of The Mensinger Colony as recorded in Volume 11 of Maps, at Page 2, Stanislaus County Records, more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 3; thence South 89° 52' 00" West, along the South line of said Lot 3, a distance of 330.58 feet to Southwest corner of said Lot 3; thence North 1° 18' 00" West, along the West line of said Lot 3, a distance of 90 feet; thence North 89° 52' 00" East, a distance of 330.66 feet; thence South 1° 16' 00" East, along the East line of said Lot 3, a distance of 90.00 feet to the Southeast corner of said Lot 3 and the Point of Beginning of this description.

and

WHEREAS, after a public hearing held on January 8, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-02, that rezoning of the property as

requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design and conditions of approval, tends to be compatible with surrounding land uses.
2. That the requested planned development zone for a senior housing complex is within the Residential (R) use area as designated by the General Plan and that this development is consistent with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 13, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Tim Fisher/Architecture Plus for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-02 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3204-C.S. on the 13th day of February, 2001, reclassifying the above-described property from a portion of Planned Development Zone, P-D(363), to Planned Development Zone, P-D(546).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(546), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Nelson Avenue, Senior Housing" as amended in red,

stamped approved by the City Council on February 13, 2001.

2. Prior to the issuance of a building permit a six-foot-high solid double-board fence with decorative masonry pilasters at 16-foot on centers shall be constructed along the south property line. A pilaster and wood fence along the alley shall also include provision for a four-foot emergency fire access gate with a Knox box lock.
3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
5. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department.
6. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.
7. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
8. All signs shall comply with the sign requirements of the R-1 Zone.
9. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

10. Existing underground and overhead electric facilities and existing irrigation lines within the property shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director. Appropriate easements for electric facilities and irrigation lines to remain shall be dedicated as necessary.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(546):

The entire construction program be accomplished in one phase, construction to begin on or before February 13, 2003, and completion to be not later than February 13, 2004.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(546), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By \_\_\_\_\_  
Community Development Department  
Planning Division

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-66

A 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 (SCH NO. 92052017): AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(363) TO PLANNED DEVELOPMENT ZONE, P-D(546), PROPERTY LOCATED ON THE WEST SIDE OF NELSON AVENUE SOUTH OF EAST ORANGEBURG AVENUE. (TIM FISHER/ARCHITECTURE PLUS)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Tim Fisher/Architecture Plus has proposed an amendment to section 21-3-9 of the Zoning Map to rezone property from a portion of Planned Development Zone, P-D(363), to Planned Development Zone, P-D(546), property located on the west side of Nelson Avenue south of East Orangeburg Avenue, in the City of Modesto, to allow a single-story senior housing complex ("the project"), and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-83 reviewed the proposed rezoning to P-D(546) to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

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 rezoning to P-D(546), 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. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 13th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
Initial Study  
EA/CDD 2000-83

**City of Modesto**  
Initial Study

EA NO. CDD 2000-83

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a proposed rezone from a portion of P-D(363) to a new planned development zone, property located on the west side of Nelson Avenue south of East Orangeburg Avenue. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

This Initial Study in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan. This Initial Study also provides documentation that the project is considered in the Master EIR as being within scope of the General Plan.

II. PROJECT DESCRIPTION

- A. Project title:  
Application of Tim Fisher/Architecture Plus to Rezone A portion of P-D(363) to A New P-D to Allow A 10-Unit One-Story Senior Living Complex, Property Located on the West Side of Nelson Avenue South of East Orangeburg Avenue
- B. Lead agency name and address:  
City of Modesto,  
P.O. Box 642,  
Modesto, CA 95353
- C. Contact person, address and phone number:  
John Stack, CDD, City of Modesto  
1010 10th Street  
Modesto, CA 95354  
phone (209) 577-5282
- D. Project Location:  
County of Stanislaus, City of Modesto, on the west side of Nelson Avenue south of East Orangeburg Avenue
- E. Project Sponsor:  
Tim Fisher/Architecture Plus, Inc.
- F. General Plan Designation:  
(MU) Mixed Use
- G. Zoning:  
existing P-D(363)
- H. Description of Proposed Project:

This is an application to rezone 0.64 acres, located on the west side of Nelson Avenue south of East Orangeburg Avenue, a portion of P-D (363) to a new planned development zone for a one-story senior living complex. This portion of P-D(363) is now approved for a two-story office building. The rezoning will allow a proposed ten-unit senior housing development. The applicant's plot plan indicates that these living units will be one-story manufactured units which will be sited individually along the north property line of the parcel. Eleven parking spaces will be inner spaced and adjacent to these detached units. Access to the parking area will be served by an automated gate entry at Nelson Avenue. The applicant's plot plan indicates a six-foot-high masonry and wrought iron fence will be provided along the Nelson Avenue frontage of the property. The plan does not indicate fencing along the south property line of the project, however, a pilaster and wood fence does seem to be represented along the west or alley line of the development. Fencing along the north property line is provided by the adjacent senior complex to the north. Landscaped yard areas are proposed in and around the living units. Additionally, an open space is shown for the purpose of a shaded patio setting area with adjacent tool shade and garden area.

- I. Surrounding land uses:  
refer to H. above
- J. Other public agencies whose approval is required:  
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. **Traffic and Circulation**

The proposed P-D zone and resulting senior housing complex will not contribute to increased traffic beyond that which is projected for development of this property. A site traffic mitigation study was not required as a result of this proposal. The proposed residential use is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. **Degradation of Air Quality**

This proposed P-D zone and resulting senior housing complex is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

The proposed P-D zone and resulting senior housing complex is adjacent to and surrounded by urban development. The adjacent

developed neighborhood contains a mixture of residential and office uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

**D. Loss of Productive Agricultural Land**

The proposed P-D zone and resulting senior housing complex is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned P-D for office uses. The proposed P-D zone and resulting senior housing development is subject to conditions of approval. This property is also within a (MU) Mixed Use area as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

**E. Increased Demand for Water Supplies**

The proposed P-D zone and resulting senior housing complex will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

**D. Increased Demand for Sanitary Sewer Services**

The proposed P-D zone and senior housing complex will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The proposed P-D zone and resulting senior housing complex is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

**H. Disturbance of Archaeological and Historic Sites**

The proposed P-D zone and resulting senior housing complex will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional

site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

**I. Drainage, Flooding and Water Quality**

The proposed senior housing complex will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

**J. Increased Demand for Storm Drainage**

The proposed senior housing complex will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

**K. Increased Demand for Parks and Open Space**

The proposed P-D zone and resulting senior housing complex will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

**L. Increased Demand for Schools**

The proposed P-D zone and resulting senior housing complex will not impact the Modesto School system, as the senior housing use will not increase enrollment in the public schools beyond that which is projected for this residential development. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

**M. Increased Demand for Police Services**

The proposed P-D zone and resulting senior housing complex will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

**N. Increased Demand for Fire Services**

The proposed P-D zone and resulting senior housing complex will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is located approximately one and one-half miles away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

O. **Generation of Solid Waste**

The proposed P-D zone and resulting senior housing complex will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10), are therefore still valid.

P. **Generation of Hazardous Materials**

The proposed P-D zone and resulting senior housing complex will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. **Landslides and Seismic Activity**

The proposed P-D zone and resulting senior housing complex will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. **Energy**

The proposed P-D zone and resulting senior housing complex will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

**IV CONCLUSIONS / DETERMINATIONS OF FINDINGS**

- A. The proposed planned development zone for a senior housing complex is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.
- B. No additional significant environmental effects will occur as a result of the proposed planned development zone that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed planned development zone that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to this planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: \_\_\_\_\_

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-67

A RESOLUTION APPROVING ALLOCATION OF FISCAL YEAR 2000-2001 HOME FUNDS FOR AFFORDABLE HOUSING PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS

WHEREAS, on September 13, 2000 the City Council authorized staff to solicit Requests for Proposals for the development of affordable housing, and

WHEREAS, on October 8, 2000, a Request for Proposals was advertised and distributed to past applicants and interested parties, and

WHEREAS, the City has received four proposals for financial assistance in connection with affordable housing proposals, and

WHEREAS, there is a total of \$1,027,658 in HOME funds available for allocating, \$157,800 of which is set aside for Community Housing Development Organizations (CHDO's), and

WHEREAS, said HOME program funds must be committed, and binding agreements executed thereon between the City and developers by June 30, 2001, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on January 5, 2001 and recommended that the City Council allocate HOME funds as recommended by City staff, and

WHEREAS, a copy of the report to the CH&CDC, including staff recommendations subject to certain conditions, is attached as Exhibit "A", and incorporated herein by reference, and

WHEREAS, approval of these recommended allocations furthers the City's goal to provide affordable housing to its citizens and is consistent with the authorized use of HOME funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of \$937,000 in HOME funds for affordable housing projects to include HOME and CHDO funds for Chicago Winds, HOME funds for Pine Meadows and HOME and CHDO funds for Bennett Place, is hereby approved, subject to the conditions set forth in the staff report to the CH&CDC, attached as Exhibit "A", and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of the allocation of said HOME funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of February, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Friedman, Frohman, Serpa, Smith Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

City of Modesto

MEMORANDUM

December 29, 2000

TO: Citizen's Housing and Community Development Committee (CH&CDC)

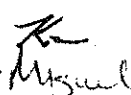
FROM: Julie G. Hannon, Deputy Director Recreation and Neighborhoods Department

Subject: Affordable Housing Proposals Funding Recommendations



Prepared by: Ken Horrillo, Housing Rehabilitation Specialist II

Miguel Galvez, Associate Planner



RECOMMENDED ACTION:

Consider forwarding a recommendation that the City Council adopt a resolution allocating \$937,000 in HOME Funds, along with associated conditions of approval and disbursement schedules as contained herein.

BACKGROUND:

The Committee at its August 25, 2000 meeting, considered recommending approval of the HOME Request For Proposals. The City Council at its September 19, 2000 meeting considered and approved the publication of the Request For Proposals (RFP).

On October 8, 2000, City staff published a public notice advertising the RFP in the Modesto Bee, refer to **Exhibit A**. Staff also mailed copies of the RFP to past applicants and interested parties.

A total of \$1,027,658.00 of assistance was advertised as available. This amount consists of \$869,858.00 of regular HOME funds and \$157,800.00 of Community Housing Development Organizations (CHDO) HOME funds. CHDO funds are available only to approved Community Housing Development Organizations.

The City of Modesto received four applications for affordable housing proposals in response to the RFP. These proposals are summarized on **Table 1** of this report. A project comparison table is attached at **Table 2**. A regional map indicating the location of the proposals is attached as **Exhibit B**.

The four proposals were presented to the Committee at its November 20, 2000 meeting. On December 13, 2000, City staff conducted a public information meeting to present the proposals and address comments from members of the public.

City staff reviewed the proposals and requested clarifying information from the applicants by letter. Copies of the staff letters and the applicant responses are attached as **Exhibit C**.

### APPLICATION REVIEW:

Staff assessed the merits of each application as to how well the project services the City's affordable housing goals and affordable housing policy requirements. Development proposals containing affordable units for large families, seniors, and projects that include supportive services and amenities were given priority consideration. Development proposals exhibiting extensive developer capacity and a readiness to proceed immediately were also given priority.

In addition, each of the proposals were evaluated in terms of the following specific criteria:

- Funding leveraging ratio (extent to which funds are leveraged on a per unit basis)
- Unit/cost ratio
- Development Schedule
- Owner equity contribution
- Site control
- Project location
- Developer experience
- Management experience
- Availability of permanent and construction financing
- Utilization of innovative, cost effective design techniques and building materials that reduce construction, rehabilitation, or operating costs
- Plans for preventing the permanent displacement of low and moderate income tenants (if applicable)
- Number of housing units that will be made available to low and moderate income households

### PROJECT ANALYSIS:

All of the four proposals are briefly described below, followed by staff's recommended funding allocation and conditions of approval. A summary table of staff recommendations is attached as **Table 1**.

#### **PROJECT #1. PINE MEADOWS**

##### APPLICATION SUMMARY

This application is a request by the Housing Authority of the County of Stanislaus (HACS) for a total of \$594,000 to acquire and rehabilitate an existing 36-unit apartment complex at 608 Granger Avenue. This project is targeted at very-low and low-income tenants.

##### ANALYSIS OF APPLICATION

This proposal met and addressed all of the application requirements. Staff believes that this project will help the City achieve its affordable housing goals by improving and preserving 36 dwelling units for low and very low-income households for up to 50 years. With the City's contribution, 11 units, or 30.5% of the complex will be designated as HOME units for the very low-income households. The remaining 24 units will be available for low-income households earning under 60% of the Area Median Income

(AMI) and will also include affordability covenants for 50 years. All of the 36 two-bedroom units consist of 820 square feet. For every \$100,000 the City contributes the rents will be reduced \$18.00 per month. No households will be displaced as part of the rehabilitation work. The Housing Authority is contributing \$360,000 in equity contribution. The Authority has set aside replacement reserves (\$10,800 annually) from their own operating budget to insure the long-term viability of this project.

The purchase price of the property has been substantiated by a property appraisal. The applicant proposes to use \$240,000 towards the purchase of the property and \$354,000 for the associated rehabilitation costs. The Housing Authority has a proven record in the construction and management of multi-family projects.

#### HOUSING GOALS MET BY THIS PROJECT

- Establish and/or support programs to supply below market housing for very-low, low, and moderate-income households, as well as market rate housing.
- Work to supply housing for the unmet needs of lower income special needs groups, including the disabled, the elderly, the homeless and large families (families with five or more persons).
- Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, family status, income or source of income, race, creed, national origin or disabilities.
- Maintain the supply of safe, decent and sound affordable housing in the City of Modesto through the conservation and rehabilitation of the City's existing housing stock.
- Make a maximum effort to preserve, for its lower-income households, the units in assisted housing developments that are eligible to change to non-lower-income uses, due to terminations of subsidy contracts, mortgage prepayment, or expiration of use restrictions.

#### STAFF FUNDING RECOMMENDATION

Staff recommends funding the full request of \$594,000 in HOME funds subject to the following terms and conditions:

The funding will be provided as follows:

Property Acquisition: \$240,000  
Rehabilitation Costs \$354,000

1. The applicant will be responsible for all any temporary or permanent relocation costs.
2. The funding allocation of \$594,000 will be provided as a 20-year deferred loan with a 3% annual fixed interest rate.
3. Eleven of the 36 units will be designated as HOME units and be rented to very-low income households.
4. Participate annually in the City's Crime Free Multi-housing , if available.

5. Consider the participation and involvement of graduates from the Workforce Development Program in the actual rehabilitation work.

## PROJECT #2. CHICAGO WINDS

### APPLICATION SUMMARY

This application is a request by Desarrollo-Latino-Americano Inc. (DLA) is for a total of \$245,000.00 to develop nine single-family dwellings for low-income families at 921 Chicago Avenue. The applicant had previously requested a larger amount but amended the request. The HOME funds would be used to acquire the property and pay for predevelopment costs. Of the \$245,000.00 requested, \$125,000.00 would be funded from the CHDO HOME set aside funds, this would be used for land acquisition and operating costs. The balance of \$120,000.00 would be funded from regular HOME funds, of which, \$90,000.00 would be used for down payment assistance and \$30,000.00 will be applied towards pre-construction expenses. This project would help the City achieve its affordable housing goals of promoting the development of affordable housing on underdeveloped or vacant land.

### ANALYSIS OF APPLICATION

The requested use of HOME and CHDO HOME funds does not comply with HOME regulations. The funding request needs to be realigned to comply with HOME regulations. This proposed project should be funded 100% from HOME/CHDO funds. Staff has some concerns about the project, but strongly supports the concept of adding sweat-equity houses to the Modesto housing stock.

Staff's concerns focus on the development of the 9-lot subdivision as described below:

The subdivision map, which shows parcel #1, shows no street frontage. This condition may be problematic in terms of providing public utilities and access. The proposed design does not appear to meet the City's Subdivision Ordinance. An exception to the Subdivision Ordinance may be required to develop the project as submitted.

- a. The extension of the alley right-of way will need to also comply with the City's subdivision standards. This issue appears to affect the overall design of the subdivision.
- b. Could this project work with only eight parcels instead of nine?
- c. DLA has yet to demonstrate its ability to carryout a project of this kind.

A property appraisal has not been submitted to support the acquisition price, nor has a preliminary title report been prepared. These items will need to show that the property is free of other encumbrances and worth of the asking purchase price: The overall

development costs seem higher than the Self-help home developed nearby – those homes were priced at \$94,000.

HOUSING GOALS MET BY THIS PROJECT

- Work to supply entry level housing as well as “step-up” housing.
- Promote the development of affordable housing on surplus, underused or vacant public lands, where appropriate and where compatible with existing uses.
- Promote equal opportunity for all residents to reside in the housing of their choice.
- Work to establish programs to assist in the removal of constraints to the production of housing, where feasible.

STAFF FUNDING RECOMMENDATION

Staff is recommending funding only a portion of the application at this time, until the development concerns listed above are addressed. Staff recommends an initial funding allocation of \$15,000 from the HOME/CHDO funds, and the balance of \$230,000.00 HOME /CHDO funds be allocated subject to the following conditions:

1. Obtain all necessary development entitlements by May 30, 2001.
2. Obtain approval of the City’s Capital Facilities Fees waiver/deferrals.
3. Obtain approval of the County’s Public Facilities Fees waiver/deferrals.
4. Provide proof of permanent financing.
5. Submit a copy of a property appraisal that supports the purchase price of the site.
6. Receipt of grants to families from California Homebuyers Assistance Program.
7. Receipt of grants to families from School Facility Fee Down Payment Assistance Program.
8. Submit copies of development and pro-formas submitted to CHFA and other lenders.
9. No more that \$25,000 in total funding be used for CHDO operating costs.
10. CHDO operating funds to be awarded as a grant.
11. Pre-construction and acquisition funds cannot be used for staff salaries
12. The households purchasing the lots will assume an equal portion of the HOME loan as follows:

Pre-construction:	\$ 3,333.33
Acquisition	<u>\$11,111.11</u>
Subtotal	\$14,444.44
DPAP Loan	<u>\$10,000.00</u>
Total Household HOME Loan	\$24,444.44

13. HOME Loan is to be a 10-year deferred payment and interest-free loan. The loan would then be amortized during the subsequent 10 years (years 11-20).

PROJECT #3. BENNETT PLACE

APPLICATION SUMMARY

The application is a joint request by STANCO and Community Housing & Shelter Services for a total of \$98,000.00 to pursue the development of a 40 to 60-unit shelter facility. Initial HOME funding would be applied to predevelopment costs. The proposal would target very-low and low-income households.

ANALYSIS OF APPLICATION

Staff is supportive of the concept of adding another transitional housing shelter for homeless families in Modesto. STANCO and Community Housing & Shelter Services (CHSS) are committed to helping to address the needs of homelessness within the City of Modesto and County of Stanislaus. Staff is concerned with the lack of detail that these organizations can presently supply regarding this project. Some of staff specific concerns are:

- Lack of specific property and location details.
- Lack of a development and operating pro-forma.

Staff recognizes the value of assisting in the purchase of a permanent shelter facility where the funds are used for property purchase instead of rental payments.

HOUSING GOALS MET BY THIS PROJECT

- Work to supply housing for the unmet needs of lower income special needs. Groups including the disabled, the elderly, the homeless and large families (families with five or more persons).
- Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, family status, income or source of income, race, creed, national origin or disabilities.
- Maintain the supply of safe, decent and sound affordable housing in the City of Modesto through the conservation and rehabilitation of the City's existing housing stock.

STAFF FUNDING RECOMMENDATION

Staff is recommending funding only a portion of the application at this time, until the above concerns are addressed. Staff recommends an initial funding allocation of \$25,000 of HOME/CHDO funds be approved and the balance of \$73,000.00 HOME /CHDO funds be allocated subject to the following conditions:

1. Obtain all required development entitlements.
2. Provide proof of site control.
3. Provide proof of permanent financing.
4. Submit a copy of a property appraisal.
5. Submit copies of development and operating pro-formas.
6. Loan is to be a 10-year deferred payment with no interest during the first ten years

7. The loan would be amortized from years 11-20 at a 3% fixed interest rate
8. The property will contain affordability covenants for 30 years.
9. No more that \$25,000 in total funding will be used for CHDO operating costs.
10. CHDO operating funds to be awarded as a grant.
11. Pre-construction and acquisition funds cannot be used for staff salaries.
12. Participate annually in the City's Crime Free Multi-housing Program if available.

**PROJECT #4 SCENIC RIVER OAKS RETIREMENT CENTER**

SUMMARY OF APPLICATION

The request by DANO Construction Inc. was revised for a new total request of \$300,000.00 to develop a retirement community to be located on 1340 Scenic Drive. These funds would be applied to development of a new 40-unit senior citizen multi-family complex.

ANALYSIS OF APPLICATION

The original application was for \$750,000 in HOME funds to assist with the property acquisition and construction costs of a fully assisted senior citizen care facility. The applicant proposes to develop a total of 205 units in a three-phased development. Due to the HOME regulations - Phase I, consisting of an 84-unit assisted living facility, would not be feasible under the program. Phase II, an 81-unit development is not requesting funding. The developer has requested \$300,000.00 for Phase III of the project, a 40-unit development on .60 acres. These units would consist of one bedroom independent living units (as per letter dated December 26, 2000). This project would provide a total of 205 additional units for senior housing, however, only three units of the total 205 units would be targeted for low-moderate income residents for twenty years. Staff has two main concerns regarding this project:

- The small amount of units (3) available for low-mod income seniors.
- The timeline involved in building Phase III of the project. It is staff's understanding that this phase would not begin until next year, so we hesitate in holding funds for this purpose.

Staff believes that this project would be more suitable other HUD funding sources such as Section 202 Projects to Support Assisted Living Activities for Frail Elderly and People with Disabilities.

HOUSING GOALS MET BY THIS PROJECT

- Establish and/or support programs to supply below market housing for very-low, low, and moderate-income households, as well as market rate housing.
- Work to supply housing for the unmet needs of lower income special needs groups, including the disabled, the elderly, the homeless and large families (families with five or more persons).
- Promote the development of affordable housing on surplus, underused or vacant public

lands, where appropriate and where compatible with existing uses.

Promote equal opportunity for all residents to reside in the housing of their choice.

### STAFF FUNDING RECOMMENDATION

Staff does not recommend funding this project through HOME funds at this time.

### SUMMARY:

Again, staff has summarized the proposals and funding recommendation on **Table 1**.

The balance of the unallocated HOME funds (approximately \$90,658) together with left over HOME funds (approximately \$144,000) will be brought back to the Committee and City Council for other funding options. These funds can also be applied to increase the funding allocations for the Proposals presently under review.

### Attachments:

Exhibit A: Request For Proposal Public Notice  
Table 1: Staff Recommendations  
Table 2: Project Comparison Chart  
Exhibit B: Location Map  
Exhibit C: Staff Letters and Applicant responses  
Exhibit D: Informational Meeting Public Notice and notice area  
Exhibit E: Time Frame for Applications

C: James E. Niskanen, Recreation and Neighborhoods Department Director  
Phil Testa, Community Development Department Director  
Richard Evans, Senior Deputy City Attorney  
Applicants

MODESTO CITY COUNCIL  
Resolution No. 2001 -68

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, SUPPORTING THE CONCEPTS AND EFFORTS OF THE CALIFORNIA HIGHWAY PATROL IN A TRAFFIC STOP DEMOGRAPHIC DATA COLLECTION GRANT PROGRAM

WHEREAS, the California Highway Patrol has received grant funds to distribute monies to those participating California local law enforcement agencies to offset the costs created by traffic stop demographic data collection; and

WHEREAS, the City of Modesto is located within the geographic area where data collection is to occur; and

WHEREAS, the grant allows funds for California local law enforcement; and,

WHEREAS, the Public Safety Committee unanimously recommended participation in said study at its November 27, 2000 meeting.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto expresses a strong support in the collection of demographic data.

BE IT FURTHER RESOLVED that the execution of said agreement for \$50,000 to offset costs of this data collection project between the City of Modesto and the State of California by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
Jean Zahr, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-69

A RESOLUTION APPROVING THE SUBMITTAL OF AN AIRPORT CAPITAL IMPROVEMENT PLAN AND AN AIRPORT IMPROVEMENT PROGRAM APPLICATION FOR THE MODESTO CITY-COUNTY AIRPORT PROJECTS FOR THE FISCAL YEARS 2001 – 2004 AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE PLAN AND APPLICATION ON BEHALF OF THE CITY OF MODESTO

WHEREAS, Modesto City-Council Airport is certified for air carrier service and is eligible for Federal funds to complete needed improvements, and

WHEREAS, each year the City of Modesto is eligible for Airport Improvement Program (AIP) funding to improve the Modesto City-County Airport, and

WHEREAS, the Federal Aviation Administration (FAA), the agency responsible for administering the AIP fund program, has requested that the City submit a new Airport Capital Improvement Plan (ACIP) and an Airport Improvement Program (AIP) application so that airport funding can be based on a long-range planning and priority basis as well as local need for development, and

WHEREAS, the City has identified projects for either airport development or improvement amounting to a total of \$11,893,723 of which \$10,560,100 is the federal share under the AIP formula, as set forth in the attached Attachment A, and

WHEREAS, the Transportation Policy Committee reviewed the ACIP and AIP application at its January 18, 2001 meeting and recommended approval of said application,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approve an Airport Capital Improvement Plan, and an Airport Improvement Program application be submitted to the Federal Aviation Administration for Fiscal Years 2001 – 2004 funding needs,

BE IT FURTHER RESOLVED that the City Manager or authorized designee is hereby authorized to execute the application documents 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 13th day of February 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-70

A RESOLUTION APPROVING ACCEPTANCE OF PAYOFF ON AN OUTSTANDING LOAN FROM CHARLIE CRANE OF UNCLE CHARLIE'S GROUP HOME, SECURED BY 523 NORTH MARTIN LUTHER KING DRIVE, AS BASED ON THE FAIR MARKET VALUE OF \$137,000.

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) first considered the default of a loan to Charlie Crane of Uncle Charlie's Group Home at its May 16, 2000 meeting and recommended the start of foreclosure proceedings, and

WHEREAS, Charlie Crane and representatives from the Church of Modesto presented a proposal to pay off the loan on behalf of Mr. Crane in the amount of \$80,000 and requested that the balance of the principal and accrued interest be forgiven, and the CH&CDC did not take action on this request, and

WHEREAS, staff ordered a property appraisal, performed by James Cogdill on June 14, 2000, and he appraised the property at \$105,500, and

WHEREAS, at the CH&CDC's August 25, 2000 meeting, Mr. James D. Grothe, representing Charlie Crane, submitted a second proposal to pay off the outstanding loan, accrued interest and penalties based on the fair market value of the property, and the committee questioned the appraisal and requested a title report on the adjoining road easement and a second appraisal, and

WHEREAS, at the CH&CDC meeting of November 30, 2000, staff reported that a title report on the adjoining road easement had no impact on the value of the property, and

WHEREAS, a property appraisal conducted by Gerald Regalia on January 2, 2001 valued the property at \$137,000, and

WHEREAS, a second meeting was convened by City staff on January 16, 2001 between neighborhood agency representatives and Charlie Crane and his representatives, and

WHEREAS, the CH&CDC considered this matter at its January 26, 2001 meeting, where Mr. Grothe, representing Charlie Crane submitted a letter agreeing to pay off the loan at the appraised value of \$137,000, and

WHEREAS, staff recommends the acceptance of the pay off of the loan at the appraised value of \$137,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the pay off of an outstanding loan made to Charlie Crane of Uncle Charlie's Group Home, secured by 523 North Martin Luther King Drive, based on the fair market value of \$137,000 be approved.

BE IT FURTHER RESOLVED that said pay off shall be made by February 28, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of February, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-71

RESOLUTION APPROVING THE 2001 LEGISLATIVE PLATFORM

WHEREAS, one of the responsibilities of the City Manager's Office is to maintain a legislative program to provide Council with a more proactive approach for influencing policy and other governmental entities; and

WHEREAS, approval of the platform will allow the City's position on bills to be expressed without the need for Council action on individual legislative measures. Staff will provide periodic reports to the Economic Development, Community and Intergovernmental Relations Committee on the status of legislative matters; and

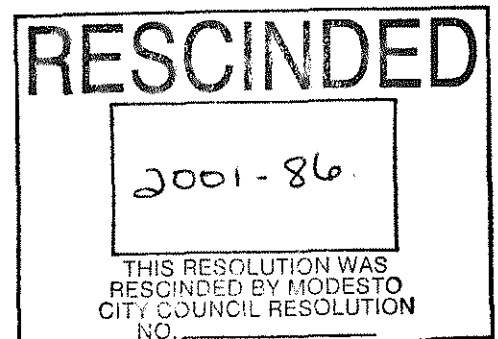
WHEREAS, the key component of this approach is development of a legislative platform, which would consist of policy statement adopted by the Council on an annual basis; and

WHEREAS, no modification to Council's existing legislative platform is needed; and

WHEREAS, the proposed platform was reviewed by the Economic Development, Community and Intergovernmental Relations Committee on February 8, 2001; and

WHEREAS, the Council considered the proposed legislative platform at its meeting held February 13, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2001 Legislative Platform, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor  
Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahn  
JEAN ZAHN, City Clerk

## 2001 LEGISLATIVE PLATFORM

*New items and/or language are underlined.*

### 1. **Economic Development:**

- a. Support additional funding from the California Department of Education for funding for public adult schools for worker literacy programs at work sites.
- b. Support modification to Federal Reform legislation to minimize impacts of caseload shift to counties and cities.
- c. Support legislation which provides additional funds for infrastructure or which provides options for financing developer requirements.
- d. Support legislation expanding the California State Enterprise Program, assuming such legislation does not penalize a community for growth impact fees.
- e. Support legislation giving cities/counties which have adopted developer fees "Self Help" status.
- f. Support legislation to streamline CEQA requirements and utilization of a Master EIR concept, and facilitate economic development and job creation.
- g. Seek Federal funding to assist with the construction of a parking structure for 800 spaces in the Downtown.
- h. Support legislation to increase funding and local flexibility to design and develop economic development programs that would increase job opportunities.
- i. Support legislation to ensure and coordinate continued funding for programs providing training and job preparation.
- j. Support legislation designed to encourage business creation and expansion and training opportunities for residents.
- k. Support legislation to continue receiving credit for redevelopment "outside" project areas. The current law permits crediting two units outside the project as if they were a single unit inside the project area. The two for one credit is due to expire by the end of year 2000 at which time no credit will be given for redevelopment outside the project area.

### 2. **Employee Relations/Workers Compensation:**

- a. Oppose any measure, which would grant employee benefits that would be more properly decided at the local bargaining table.
- ~~b. Oppose any efforts, which would reduce local control over public employee disputes, and impose regulations of an outside agency.~~

- c. Oppose efforts to make disciplinary proceedings for police officers similar to criminal proceedings, making it impossible for employers to prove an administrative violation.
- d. Oppose any form of mandatory Social Security Coverage.
- e. Oppose expansion of requirement for the City to pay Medicare coverage of local employees beyond the current requirement of new hires.
- f. Support legislation, which manages costs of workers' compensation benefits for occupational injuries/illnesses.
- g. Oppose legislation, which expands or extends any presumptions of occupational injury or illness.
- h. Oppose any expansion to the California Police Officers Bill of Rights or a creation of new Federal "Police Officers Bill of Rights." Oppose extending these rights to firefighters.
- i. Support Federal legislation to modify or eliminate FLSA requirements on public agencies.

### 3. Environment

- a. Oppose air quality legislation for the San Joaquin Basin which gives a competitive edge or any particular advantage to any individual county in regards to offset credits.
- b. Oppose legislation which would limit or reduce recycling credits for Waste to Energy projects in California.
- c. Support legislation, which would enhance or provide market incentives for recycling materials (e.g., newspapers, compost).
- d. Oppose legislation limiting reuse of greenwaste, bio-solids, or compost material.
- e. Support amendments to the 1987 Clean Water Act that would clarify that numerical effluent standards do not apply to NPDES Stormwater Discharge Permits and that "Maximum Extent Practicable" (MEP) is the standard for stormwater discharges.
- f. Support legislation which would amend the Porter Cologne Water Quality Act in such a way that the local governments would not be held accountable to assess and remediate water contamination (such as PCE in the case of Turlock) by the sole virtue of being the discharger of water contaminated by a second party.
- g. Support legislation which repeals Fish and Game filing fees, unless these fees are clearly related to the level of service provided by the Department of Fish and Game in promptly reviewing environmental documents.

- h. Support legislation which minimizes, or streamlines, project level environmental review (particularly cumulative effects and growth inducing effects), if key issues have already been adequately addressed at the "Master EIR" or "Program EIR level.
- i. Support legislation such as HR 3000 to provide a role for state and local government for designation of hazardous waste sites.

**4. Finance (Local Government):**

- a. Support measures which relieve taxpayers of the burden of paying for services which could be charged directly to the service users.
- b. Support efforts, which would provide greater accountability on the part of counties for the distribution of funds back to municipalities, including, but not limited to, fines and forfeitures.
- c. Support the repeal or reimbursement of property tax administration collection fees.
- d. Support legislation to increase reimbursement and funding necessary for the management and booking of prisoners.
- e. Oppose any increases in City costs to fund State programs by the legislature to manipulate the Public Employees' Retirement System.
- f. Oppose any further shift that would make local agencies more dependent on the State for financial stability and policy direction.
- g. Oppose the shift of any city fees to any other jurisdiction.
- h. Oppose measures, which would impose State and Federal mandated costs for which there is no guarantees of local reimbursement or offsetting benefits.
- i. Oppose any change in tax allocations, which would negatively affect local government, including potential loss of franchise fees due to Federal efforts to deregulate the utility industry.
- j. Oppose any requirement that there be a mutual agreement for cities and counties for sales tax distribution for all annexation proposals.
- k. Support legislation exempting local entities from the prohibition of filing more than two small claims actions of a specified amount of money in any calendar year.
- l. Support legislation allowing attorney representation at small claims court in cases where the amount in question is less than \$5,000 (the current "ceiling").

- m. Support legislation which would allow for voter-approved simple majority vote for General Obligation Bonds.
- n. Oppose legislation which reduces local agency reimbursement from the Police Officers Standards and Training (POST) fund.
- o. Support legislation to improve collection capabilities for cities and counties.
- p. Support Federal legislative efforts, which will facilitate the collection of sales tax on out-of-state mail order and Internet sales.
- q. Oppose the redistribution of the local share of sales tax to an equal per capita allocation within the County in which the sales tax is collected.
- r. Support the redistribution of the local share of sales tax to a statewide equal per capita allocation of all sales tax collected in the entire state.
- s. Oppose legislation that restricts investment options for all municipal agencies because of problems in Orange County. Specifically, oppose legislation restricting or banning the use of Tax Revenue Anticipation Notes allowable under United States law. Oppose legislation further restricting investment options available to municipalities. Instead, support legislation mandating the "prudent investor" rule for investing public funds. Support legislation strengthening the public reporting requirements for investment policies and investment portfolio composition and earnings.
- t. Support comprehensive long-term reform efforts to return to local governments their historical discretionary use of local revenues. Such efforts would include amending or permanently ameliorating the impacts of ERAE-property tax shifts and unfunded mandates.

**5. General Government:**

- a. Support legislation which provides State assistance for local public libraries.
- b. Participate in seeing the implementation of cable and telecommunications legislation and regulatory developments meet the promise of the 1992 Cable Act.

**6. Housing**

- a. Oppose changes to the Federal CDBG Program which eliminate or reduce qualified activities or areas qualifying for assistance.
- b. Support funding of the CDBG Program and other core spending efforts, which target local communities; work to streamline and focus Federal housing programs to better meet the needs of California communities.
- c. Support the permanent extension of the Federal Low Income Housing Tax Program to help implement affordable housing.

## **7. Infrastructure**

- a. Support legislation which enhances resources for local jurisdiction to maintain and operate their infrastructure.
- b. Support legislation that provides increased local control over spending on streets and highways.
- c. Support State legislation which would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.
- d. Support legislation amending Section 1810 of the Streets & Highway Code relating to acquisition of property outside boundaries in unincorporated areas, deleting the requirement that counties must consent to such acquisition, and thereby "leveling the playing field" for cities which can be required to accept such streets.

## **8. Land Use and Planning:**

- a. Encourage the Legislature to adopt a statewide policy for growth management and a study of regional government issues which seeks recommendations from local government.
- b. Oppose legislation which places constraints on a totally unrelated sector of government than the one being addressed (e.g., tying allocation of park bonds to an agency's housing element).
- c. Support legislation which would prohibit the issuance of building permits or land use approval in a city's sphere of influence without an agreement between the city and the county.
- d. Support legislation to reduce building permits outside of spheres of influence.
- e. Support legislation to require LAFCO to approve new development in counties.

## **9. Parks:**

- a. Support legislation authorizing State Park Bond monies, administered by the State Parks and Recreation Department, based on a per capita basis for either capital or operating monies for cities.
- b. Support legislation that would send the money allocated to parks from the Cigarette and Tobacco Products Surcharge or litigation settlement directly to cities and counties on a per capita basis, to be used for Capital Projects and/or maintenance and operations, at the discretion of each municipality.
- c. Support funding legislation, which has the primary intent to fund recreation-related projects (i.e., excluding wetlands or other non-related to subjects best dealt with in separate legislation).

- d. Encourage inclusion to any park related legislation, per capita funds to renovate public recreation facilities to conform to Federal Americans with Disabilities Act (ADA) regulations.
- e. Support legislation specifically for Historic Preservation.
- f. Support/encourage funding for general facility rehabilitation and asbestos/toxic material abatement.
- g. Support/encourage funding for treatment of wastewater to be used for golf course and park irrigation.
- h. Support legislation to provide Air Quality Districts funding for urban forestry programs within their districts and require that the districts provide fee credits to businesses that locate in communities that have urban forestry programs that offset or mitigate the negative effects of factories, processing plants and other high emissions industry.

**10. Redevelopment:**

- a. Support legislation which would curb proven abuses of the redevelopment process or resolve procedural or technical problems in the law.
- b. Oppose additional or expanded mandates on redevelopment activities or local authority to allocate funds.

**11. Safety:**

- a. Support measures which would provide a greater share of seized assets to localities.
- b. Support efforts, which allow local agencies to recover costs from the guilty party in accidents involving driving under the influence of drugs and/or alcohol.
- c. Oppose attempts to transfer more fines and forfeiture funds to counties.
- d. Oppose legislation which allows state or county charges, penalties or assessments to be levied in lieu of or to replace actual fines and forfeitures.
- e. Support legislation encouraging, establishing, or enhancing drug use prevention programs and policies.
- f. Oppose legislation which would shorten the current 10-day California waiting period for the purchase of a gun.
- g. Oppose State legislation to expand authority for persons carrying concealed weapon.
- h. Support legislation which would outlaw private possession of semi-automatic weapons.

- i. Support additional legislation to fight graffiti which would:
  - 1) Expand parental responsibility.
  - 2) Prohibit issuance of a driver's license to anyone under age 18 who has been convicted of graffiti offenses.
  - 3) Require publication of names of anyone arrested for graffiti offenses.
- ~~j. Encourage local legislative action banning fireworks on a countywide basis. Fireworks is defined as the individual discharging of fireworks for personal use.~~
- ~~k. Support legislation banning fireworks statewide.~~
- l. Support legislation providing cities and counties with state funding for retrofitting essential buildings (e.g. hospitals, fire, and police) to current earthquake building standards.
- m. Support legislation granting cities the right to determine which ambulance companies operate within their jurisdiction.
- n. Support Federal legislation to continue funding the Omnibus Crime Bill for the benefit of our communities.
- o. Support legislation that will increase funding for public safety technology improvement.
- p. Support legislation and increased funding for juvenile crime abatement programs.
- q. Support legislation that will reimburse agencies responsible for identifying, tagging and removing waste from illegal drug labs.

## 12. Solid Waste

- a. Support legislation which would extend the deadline for the completion of the Source Reduction and Recycling Element under the Integrated Waste Management Act of 1989 (AB 939).
- b. Oppose legislation which would reduce a local agency's source reduction credits relating to compliance with AB 939.
- c. Oppose legislation prohibiting any city from receiving credit for its existing programs; in order to meet the mandates of AB 939 (recycling).
- d. Oppose legislation that would limit the local jurisdiction's authority by the County to regulate or direct municipal solid waste.
- e. Support legislation that would give cities which use transformation a 25% or higher credit towards meeting the 50% mandated diversion in AB 939.
- f. Support legislation which would continue the Local Government Technical Advisory Committee to the California Integrated Waste Management Board, or,

alternatively, which would add a 7<sup>th</sup> member to the Waste Board representing Local Governments.

- g. Oppose legislation which would increase diversion mandates above 50%.
- h. Oppose legislation which would assess State solid waste fees on waste sent to transformation facilities.
- i. Support legislation which would prohibit counties from imposing outright bans or overly restrictive ordinance that would impose defacto bans on the land application of biosolids or biosolids composts.

**13. Tort Reform:**

- a. Support measures to reform California's tort system to curtail unreasonable liability exposure for public agencies and restore the ability of public agencies to obtain affordable insurance.

**14. Transportation:**

- a. Support measures to finance local transportation facilities including the balance for the Bus Maintenance facility.
- b. Oppose legislation which prohibits airport expansion when the existing facility is within close proximity (e.g., two miles) of a proposed or established public school site.
- c. Support legislation which requires Notice of Public Disclosure be made a part of the property deed for the property next to or near an airport.
- d. Oppose legislation which would allow taxes collected from aviation fuel sales to be used for any other purpose than airport and aviation
- e. Support legislation which provides additional funding to improve transportation and the existing infrastructure in the City and region.
- f. Support a comprehensive national air transportation strategy that includes adequate, predictable, and long-term funding necessary to sustain the planning and financing of airport development projects that accommodate needed growth and to ensure the safety and security of airline passengers through reauthorization of the Federal Aviation Administration (FAA). For local governments, an FAA reauthorization could increase funds at both large and small airports, as well as funding to reduce air noise problems.
- g. Support legislation to halt preemption of local government authority in relation to railroad activities, especially with regard to traditional municipal authority. Local governments have the authority to protect their citizens public safety and environment.

- h. Support legislation to increase transportation funding sources and financial programs to ensure local government receives a reasonable share of competitive funds for congestion relief and transportation systems.
- ~~i. Support SCA 3 This constitutional Amendment, subject to majority approval of the electorate, would allow statewide half-cent sales and use tax for the purpose of funding transportation needs for the next 20 years. In order for the tax to become effective in a particular county, the county would have to place the expenditure plan on the ballot and receive a majority vote on the plan.~~

**15. Water Supply/Management:**

- a. Support measures which increase water supply or improve water quality within the city/region.
- b. Support legislation which will encourage the use of drought tolerate plant material and water conservation techniques.
- c. Oppose mandatory groundwater management unless it is reasonable and the management reflects the representative views of all agencies which will be regulated, particularly local government.
- d. Support a fiscally and environmentally responsible reauthorization of the Safe Drinking Water Act.
- e. Support measures that will fund water management improvements.

**16. Communication/Technology**

- a. Continue to support California Public Utilities Commission's petition to the Federal Communications Commission in its efforts to gain increased authority to relieve telephone area code proliferation and confusion in the state.
- b. Support State and Federal legislation to reaffirm home rule in oversight and revaluation of telecommunication entities, using public right -a-ways and affecting conditions addressed by local planning and land use policies.
- c. Support legislation to fund telecommunication planning and implementation.
- d. Support legislation to fund geographic information systems (GIS) to better manage regional resources, respond to emergencies and plan for growth.

MODEST CITY COUNCIL  
RESOLUTION NO. 2001-72

A RESOLUTION APPROVING THE APPLICATION FOR MAKING APPLICATION FOR FEDERAL GRANT FUNDS UNDER THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT 2000 FOR \$50,340 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID GRANT APPLICATION

WHEREAS, the Office of Criminal Justice Planning (OCJP) has released a request for proposal under the federal Juvenile Accountability Incentive Block Grant program, and

WHEREAS, the Modesto Police Department desires to apply for a grant to undertake a certain project designated "Modesto Juvenile Impact Program" to continue the WAKE-UP classes (Willing to become Aware and to gain Knowledge of Experiences that are Useful Program) which are offered to juveniles and their parents, and

WHEREAS, the grant application will also provide funding for some juvenile offenders accountability options such as graffiti paint-outs and for juvenile mentoring, and

WHEREAS, the application requires a ten (10%) percent match by the City in the sum of \$5,593.00, and

WHEREAS, the program is a 15-month grant program, commencing April 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of the application for a federal grant in the amount of \$50,340.00 and authorizes its execution by City Manager, Jack Crist, or his designee.

BE IT FURTHER RESOLVED that the City Manager or his designee is also authorized to execute and submit all documents, including but not limited to certifications and assurances, any extensions, amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant.

BE IT FURTHER RESOLVED that the City of Modesto agrees to provide the matching funds required for the grant project (including any amendment thereto).

BE IT FURTHER RESOLVED that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held of the 20<sup>th</sup> of February, 2001, by Councilmember Frohman , who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-73

A RESOLUTION ACCEPTING THE PROJECT TITLED "PELANDALE EXPRESSWAY  
- PHASES 1B & 1C" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pelandale Expressway - Phases 1B & 1C, has been completed by George Reed, Inc., in accordance with the contract agreement dated December 7, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Pelandale Expressway - Phases 1B & 1C be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$928,413.40 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20<sup>th</sup> day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Froahman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-74

A RESOLUTION REQUESTING THE STANISLAUS COUNTY BOARD OF SUPERVISORS AMEND OUR BRADLEY BURNS SALES TAX AGREEMENT AND DISCONTINUE FIVE PERCENT (5%) SALES TAX TRANSFER TO STANISLAUS COUNTY

WHEREAS, on March 27, 2000, Council directed staff to refer the sales tax division agreement between the City and Stanislaus County to the Economic Development, Community & Intergovernmental Relations Committee; and

WHEREAS, on September 12, 2000, Council authorized the City Manager and Mayor to initiate discussion with the Stanislaus County Board of Supervisors for an amendment to our Bradley Burns Sales Tax Agreement to discontinue the five percent (5%) transfer to Stanislaus County, and to invite Mayors from Turlock and Oakdale to participate in discussion for the same purpose on behalf of their cities; and

WHEREAS, on September 19, 2000, the Stanislaus County Board of Supervisors refused to discuss the current sales tax sharing agreement with the City of Modesto; and

WHEREAS, on September 26, 2000, Council referred the issue of sales tax revenue sharing to the City Manager and City Attorney for further study and referral to the Financial Policy Committee; and

WHEREAS, the Financial Policy Committee considered sales tax sharing and finds that the City of Modesto has transferred more than eighteen million dollars (\$18 million) in sales tax sharing revenues to Stanislaus County since 1958; and

WHEREAS, sales tax sharing is not required under state law; and

WHEREAS, only 18 of the state's 58 counties receive sales tax revenues from their cities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requests that the County of Stanislaus amend our Bradley Burns Sales Tax Agreement and discontinue the five percent (5%) sales tax transfer to Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20<sup>th</sup> day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-75

A RESOLUTION AFFIRMING THE CITY'S CO-SPONSORSHIP OF "EARTHDAY IN THE PARK FESTIVAL, 2001!" AT GRACEADA PARK AND ALLOWING THE SALE OF MERCHANDISE IN THE PARK DURING THE EVENT.

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, by Resolution No. 92-129, adopted March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event, and

WHEREAS, the Citizen's Advisory Committee on Recycling (CACOR) sponsors the event, and the 12<sup>th</sup> Annual "Earth Day in the Park" will be held on Saturday, April 21, 2001, at Graceada Park, and

WHEREAS, "Earth Day in the Park Festival, 2000!" drew 76 vendors and an estimated 15,000 residents, and

WHEREAS, because the CACOR is an advisory committee to the City Council, the group's ability to obtain event liability coverage is restricted, and City co-sponsorship of the event will allow provision of automatic coverage under the umbrella of the City's existing insurance policy, and

WHEREAS, the City's Risk Manager has assessed the scope of the event and determined it to be of minimal exposure to the City, and

WHEREAS, as in prior years' events, the Committee seeks Council approval for the sale of merchandise in the Park during the event, and

WHEREAS, this 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 of positive benefit to the environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby affirms its co-sponsorship of “Earth Day in the Park Festival, 2001!”, at Graceada Park.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise at Graceada Park during the “Earth Day in the Park Festival, 2001!” event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-76

A RESOLUTION APPROVING THE FINAL MAP OF MONTEREY BAY,  
UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, BRIGHT DEVELOPMENT, A California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.02 acres, known as MONTEREY BAY, UNIT NO. 1 in the Carver-Bangs Specific Plan Area (“Subdivision”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of April, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said MONTEREY BAY, UNIT NO. 1 SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in

Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-77

A RESOLUTION APPROVING THE FINAL MAP OF VILLA  
FRANCAIS UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, TARO PROPERTIES ARIZONA 1, LLC, an Arizona limited liability company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 11.0 acres, known as VILLA FRANCAIS UNIT NO. 1 in the Carver-Bangs Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 21st day of June, 1999, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said VILLA FRANCAIS UNIT NO. 1 SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in

Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-78

A RESOLUTION APPROVING THE FINAL MAP OF VILLA  
FRANCAIS UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, TARO PROPERTIES ARIZONA 1, LLC, an Arizona limited liability company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 14.34 acres, known as VILLA FRANCAIS UNIT NO. 2 in the Carver-Bangs Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 4th day of October, 1999, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said VILLA FRANCAIS UNIT NO. 2 SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in

Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-79

A RESOLUTION ACCEPTING IMPROVEMENTS IN MADISON POINTE  
SUBDIVISION, IN THE PELANDALE-SNYDER SPECIFIC PLAN AREA, AND  
AUTHORIZING RELEASE OF BONDS

WHEREAS, Western Pacific Housing – Windsor Pointe, LLC, A Delaware Limited Liability Company, subdividers of Madison Pointe subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of \$620,800 and \$310,400 respectively to guarantee improvements in Madison Pointe subdivision and;

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The improvements in Madison Pointe Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$620,80 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of \$310,400 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-80

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN APPLICATION IN RESPONSE TO THE STANISLAUS COUNTY WORKFORCE INVESTMENT BOARD COMMUNITY BEAUTIFICATION REQUEST FOR PROPOSALS FOR THE FOLLOWING PROJECT: CLEAN-UP, PLANT AND CARE FOR TWO PROPOSED AREAS ALONG STATE ROUTE 99 WITHIN CITY BOUNDARIES OF MODESTO.

WHEREAS, the County of Stanislaus in cooperation with the Quality of Life ad hoc committee, has enacted a Community Beautification Initiative, which provides funds to promote a better community image for those that live and work here as well as aiming to attract more businesses and jobs to Stanislaus County; and

WHEREAS, the County of Stanislaus Workforce Investment Board has been delegated the responsibility for the administration of the program within the County, setting up necessary procedures governing application by local agencies and non-profit organizations under the program; and

WHEREAS, said procedures established by the County of Stanislaus require the applicant to certify by resolution the approval of application before submission of said application to the County; and

WHEREAS, the applicant will enter into an agreement with the County of Stanislaus to carry out a community beautification project;

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto:

1. Approves the filing of an application for the "BEAUTIFICATION EFFORTS ALONG HIGHWAY 99" landscaping project listed above; and
2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and
3. Certifies that funds under the jurisdiction of the City of Modesto are available to begin this project.
4. Certifies that said applicant will expend project funds prior to January 1, 2002.
5. Appoints the City Manager of the City of Modesto to submit application, of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-81

A RESOLUTION ACCEPTING THE PROJECT TITLED "MARK TWAIN  
NEIGHBORHOOD PARK" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Mark Twain Neighborhood Park, has been completed by Duley's Landscape, Inc., in accordance with the contract agreement dated September 28, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Mark Twain Neighborhood Park be accepted from said contractor, Duley's Landscape, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$531,192.86 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

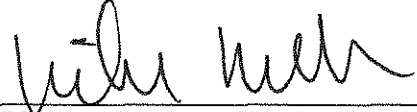
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-82

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR THE DEVELOPMENT, IMPROVEMENT OR PRESERVATION OF LOW-AND-MODERATE-INCOME AFFORDABLE HOUSING UNITS WITH HOME FUNDS.

WHEREAS the Recreation and Neighborhoods Department, by an Agenda Report dated February 7, 2001, has recommended that authorization be given for City staff to proceed with a Request for Proposals (RFP) for the development, improvement or preservation of low-and-moderate-income affordable housing units using HOME funds, a copy of the Agenda Report is on file in the office of the City Clerk, and

WHEREAS, this matter was presented to the Citizens Housing and Community Development committee on January 26, 2001 and the Committee supported staff's recommendation to proceed with solicitation of Requests for Proposals, and

WHEREAS, at its meeting of February 27, 2001, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with a Request for Proposals for the development, improvement or preservation of low-and-moderate-income affordable housing units using HOME funds

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-83

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 98-509 ENTITLED "A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 77-384 ENTITLED "A RESOLUTION AMENDING RESOLUTION NO. 73-213 TO APPROVE A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(109). (VINTAGE FAIRE REGIONAL SHOPPING CENTER)". (THE MACERICH COMPANY)".

WHEREAS, the Modesto City Council, by Ordinance No. 1259-C.S., which was introduced on March 12, 1973, finally adopted on March 26, 1973, and which became effective on April 25, 1973, granted Planned Development Zone, P-D(109), to allow development of a regional shopping center of 1,300,000 square feet on property located on the east side of Sisk Road north of Standiford Avenue, and

WHEREAS, City Council Resolution No. 73-213 adopted by the City Council on March 12, 1973, approved the development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 1343-C.S., which was introduced on March 25, 1974, finally adopted on April 8, 1974, and which became effective on May 8, 1974, approved an application to expand the boundaries of Planned Development Zone, P-D(109), to include an area to the south to be used as a storm water ponding basis, and

WHEREAS, City Council Resolution No. 74-228 adopted by the City Council on March 25, 1973, approved a revised development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, City Council Resolution No. 75-604 adopted by the City Council on May 27, 1975, amended condition no. 11 of Section 1 of Resolution No. 73-213 to correct the number of street trees that had to be paid for by the developer of Planned Development Zone, P-D(109), and

WHEREAS, City Council Resolution No. 76-269 adopted by the City Council on February 9, 1976, denied the appeal of Ernest W. Hahn, Inc., Carter Hawley Hale Properties, Inc., and Sears Roebuck and Company for an amendment to Planned Development Zone, P-D(109), to permit construction of wall signs in excess of 35 feet in height, and affirmed the decision of the Planning Commission, and

WHEREAS, the Modesto City Council, by Ordinance No. 1610-C.S., which was introduced on April 11, 1977, finally adopted on April 18, 1977, and which became effective on May 18, 1977, granted an amendment to Planned Development Zone, P-D(109), to include a family amusement machine center, and

WHEREAS, City Council Resolution No. 77-384 adopted by the City Council on April 11, 1977, approved an amendment to the development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 3097-C.S., which was introduced on September 22, 1998, finally adopted on October 6, 1998, and which became effective on November 5, 1998, granted an amendment to Planned Development Zone, P-D(109), to allow a sixteen-screen theater and two restaurants in addition to the uses already specified, and

WHEREAS, City Council Resolution No. 98-509 adopted by the City Council on September 22, 1998, approved an amendment to the development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 3098-C.S., which was introduced on September 22, 1998, finally adopted on October 6, 1998, and which became effective on November 5, 1998, approved a development agreement with the Macerich Company related to development of the sixteen-screen theater, and

WHEREAS, the Macerich Company never signed or executed said development agreement, which was required by Condition of Approval No. 1 of Resolution 98-509 for the zoning approval to allow the theater to be effective, and

WHEREAS, the Macerich Company now wishes to pursue other development plans for P-D(109) and no longer wishes to develop the theater, and

WHEREAS, consequently, on October 16, 2000, the Planning Commission of the City of Modesto initiated proceedings to revoke the approval for the theater and the accompanying development agreement by setting a public hearing for November 20, 2000, to consider an amendment to P-D(109) to revoke said theater approval and development agreement, and

WHEREAS, after a public hearing on November 20, 2000, in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-57, that amendment of Planned Development Zone P-D(109) to revoke the approval for a sixteen-screen theater and accompanying development agreement, was required for lack of development progress, and

WHEREAS, by Resolution No. 2000-57 the Planning Commission recommended to the Council that Planned Development Zone, P-D(109), be amended to revoke the approval for a sixteen-screen theater and the accompanying development agreement but retain the requirement for accessways to be provided for adjacent properties, and

WHEREAS, subsequent to the Planning Commission hearing, Macerich offered to provide an accessway to the property to the northwest zoned P-D(166), in exchange for not being required to provide accessways to the property to the north owned by the Gagos family, and this proposal was found acceptable to City staff, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m., on January 23, 2001, in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which date and time the City Council continued the hearing to February 13, 2001 to allow for continued negotiations with the Macerich Company regarding the requirement for accessways, and

WHEREAS, on February 13, 2001, the City Council again continued the hearing to February 27, 2001 to allow for continued negotiations, and

WHEREAS, at 5:15 p.m. on February 27, 2001, in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, a duly noticed public hearing of the Council was held for the purpose of considering the proposed amendment to P-D(109) to revoke the approval for a sixteen-screen theater and development agreement, and

WHEREAS, after said public hearing held on February 27, 2001, in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, the Council found and determined that an amendment to Planned Development Zone, P-D(109), to revoke the

approval for a sixteen-screen theater and the accompanying development agreement, and to modify the condition of approval to require an accessway only to the site zoned P-D(166), was required due to lack of development progress, and

WHEREAS, the Council has introduced Ordinance No. 3206-C.S. on the 27th day of February, 2001, amending Section 1 of Ordinance No. 3097-C.S., to delete a 16-screen theater complex as an allowed use, and

WHEREAS, the Council has also introduced Ordinance No. 3207-C.S. on the 27<sup>th</sup> day of February, 2001, rescinding Ordinance 3098-C.S. approving a development agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, L.L.C., and

WHEREAS, at the time of any discretionary land use approval in the future with respect to the Vintage Faire Regional Shopping Center and/or the property immediately to the north, the City may in its discretion seek to impose reciprocal access way between said properties,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 98-509 entitled "A Resolution Amending Section 1 of Resolution No. 77-384 entitled "A resolution amending Resolution No. 73-213 to Approve a Development Plan for Planned Development Zone, P-D(109). (Vintage Faire Regional Shopping Center)" (The Macerich Company)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(109), is hereby approved subject to the following conditions:

1. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
2. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
3. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
4. Prior to issuance of a certificate of occupancy, the developer shall construct a vehicular accessway to connect to P-D(166) for on-site traffic circulation for the benefit of the property to the northwest, as approved by the Engineering and Transportation Director.
5. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
6. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.
7. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.
8. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.
9. All conditions of City Council Resolution No. 77-384 not in conflict with this resolution shall remain in full force and effect.

SECTION 2. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-84

A 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 (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE P-D(109) TO REVOKE THE APPROVAL FOR A 16-SCREEN THEATER AND ACCOMPANYING DEVELOPMENT AGREEMENT

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, the City of Modesto has initiate proceedings to amend Planned Development Zone, P-D(109), to revoke a previous approval for a 16-screen theater and accompanying development agreement, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-70 reviewed the proposed amendment to P-D(109) to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed amendment will

have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

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 amendment to P-D(109), 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. That the proposed amendment to P-D(109) is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the amendment to P-D(109) will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed amendment to P-D(109) that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 27th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
Initial Study  
EA/CDD 2000-70

**City of Modesto**  
Initial Study

EA NO. CDD 2000-70

**I. PURPOSE**

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to amend the development plan for a portion of P-D(109). The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

This Initial Study in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan. This Initial Study also provides documentation that the project is considered in the Master EIR as being within scope of the General Plan.

**II. PROJECT DESCRIPTION**

- A. Project title:  
Public Hearing – Amend P-D(109) to Modify and/or Revoke Theater Entitlement, Accessways, and Development Agreement, Property Located at 3401 Dale Road
  
- B. Lead agency name and address:  
City of Modesto, P.O. Box 642, Modesto, CA 95353
  
- C. Contact person, address and phone number:  
John Stack, CDD, City of Modesto  
1010 - 10 Street, Suite 3300  
Modesto, CA 95353  
phone (209) 577-5282
  
- D. Project Location:  
3401 Dale Road, Modesto, CA
  
- E. Project Sponsor:  
Macerich Vintage Faire Limited Partnership  
401 Whilshire Blvd., Suite 700  
Santa Monica, CA 90401  
(310) 394-6000
  
- F. General Plan Designation:  
Commercial (C)
  
- G. Zoning:  
P-D(109), Planned Development
  
- H. Description of Proposed Project:  
This is a hearing to consider an amendment to P-D(109). to modify and/or revoke the 16-screen theater entitlement, the related development agreement, and vehicular accessways required to connect with the properties to the north and northwest, property located at 3401 Dale Road.

The Commission has a couple of directions in which to go with this amendment to P-D(109):

1. The commission may wish to recommend that the previous approval for the development of the theater complex be revoked. This would include the Development Agreement for the project and any conditions of approval such as the requirement for new vehicular accessways to adjacent properties to the north.
2. A recommendation to modify P-D(109) could also be made to Council. This recommendation could include the deletions of the theater approval and the corresponding Development Agreement. However, the requirement for the provision of vehicular accessways connections to adjacent properties might remain.

I. Surrounding land uses:  
Commercial uses

J. Other public agencies whose approval is required:  
None

### III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

#### A. **Traffic and Circulation**

The proposed amendment to P-D(109) and resulting commercial uses will not contribute any more to the traffic in the area than was anticipated by previously approved commercial uses for this site. A site traffic mitigation study was not required for the proposed change in use of this property. Development of the proposed commercial building addition is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

#### B. **Degradation of Air Quality**

The proposed amendment to P-D(109) and resulting commercial uses is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

#### C. **Generation of Noise**

The proposed amendment to P-D(109) and resulting commercial uses are adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial uses. Because of building walls, fencing and structure setbacks, the Day-

Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

**D. Loss of Productive Agricultural Land**

The proposed amendment to P-D(109) and resulting commercial uses are located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned for regional commercial uses. The proposed plot plan amendment will allow commercial uses as permitted by P-D(109). This property is also within a Commercial area (C) as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

**E. Increased Demand for Water Supplies**

The proposed amendment to P-D(109) and resulting commercial uses will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

**D. Increased Demand for Sanitary Sewer Services**

The proposed amendment to P-D(109) and resulting commercial uses will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The proposed amendment to P-D(109) and resulting commercial uses are in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

**H. Disturbance of Archaeological and Historic Sites**

The proposed amendment to P-D(109) and resulting commercial uses will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for

Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

**I. Drainage, Flooding and Water Quality**

The proposed amendment to P-D(109) and resulting commercial uses will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

**J. Increased Demand for Storm Drainage**

The proposed amendment to P-D(109) and resulting commercial uses will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

**K. Increased Demand for Parks and Open Space**

The proposed amendment to P-D(109) and resulting commercial uses will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

**L. Increased Demand for Schools**

The proposed amendment to P-D(109) and resulting commercial uses will not impact the Modesto School system, as these commercial facilities will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

**M. Increased Demand for Police Services**

The proposed amendment to P-D(109) and resulting commercial uses will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

**N. Increased Demand for Fire Services**

The proposed amendment to P-D(109) and resulting commercial uses will have a less than significant impact upon the need for additional

fire services to this area. Fire Station Number 6 is located approximately one mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

O. **Generation of Solid Waste**

The proposed amendment to P-D(109) and resulting commercial uses will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10), are therefore still valid.

P. **Generation of Hazardous Materials**

The proposed amendment to P-D(109) and resulting commercial uses will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. **Landslides and Seismic Activity**

The proposed amendment to P-D(109) and resulting commercial uses will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

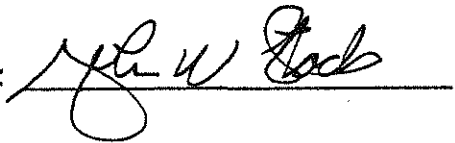
R. **Energy**

The proposed amendment to P-D(109) and resulting commercial uses will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

**IV CONCLUSIONS / DETERMINATIONS OF FINDINGS**

- A. The proposed amendment to P-D(109) is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).
- B. The proposed amendment to P-D(109) and resulting commercial development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- D. There are no specific features unique to this amendment of P-D(109) that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.
- E. This initial study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: \_\_\_\_\_



Date \_\_\_\_\_



MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-85

A RESOLUTION APPROVING THE EXPANSION OF THE ACE EXPRESS COMMUTER SERVICES BY ADDING A THIRD BUS TRIP IN THE MORNING AND AFTERNOON TO THE ACE TRAIN STATION IN LATHROP..

WHEREAS, on October 19, 1998, the City of Modesto initiated the Modesto Area Express ACE Commuter Bus Service concurrently with the start-up of Altamont Commuter Express (ACE) train service with two runs each morning and two in the evening, and

WHEREAS, a third ACE train in the morning and evening is planned to start on March 5, 2001, and

WHEREAS, the City of Modesto Transit Division has budgeted and planned for the start of a third bus in the morning and evening during the 2000-2001 fiscal year, and

WHEREAS, the Long-Range Transit Plan adopted by the City Council on August 8, 2000, includes the addition of a third bus trip to and from the ACE train station, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto to approve the addition of a third run of the MAX ACE Express bus in the morning and evening effective March 5, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: Conrad, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-86**

**RESOLUTION RESCINDING RESOLUTION NO. 2001-71 APPROVING THE  
2001 LEGISLATIVE PLATFORM**

WHEREAS, on February 13, 2001, the Modesto City Council adopted Resolution No. 2001-71 approving the 2001 Legislative Platform; and,

WHEREAS, on February 27, 2001, it was determined that all items in the Legislative Platform did not meet with the Council's approval;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 2001-71 adopted by the Council on February 13, 2001, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27 day of February, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-87

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOSEPH MARTINEZ OF THE EQUAL OPPORTUNITY COMMISSION, EFFECTIVE MARCH 6, 2001

WHEREAS, Joseph Martinez was appointed a member of the Equal Opportunity Commission on February 22<sup>nd</sup> 2000; and

WHEREAS, Joseph Martinez has tendered his resignation from the Equal Opportunity Commission, effective March 6, 2001; and

WHEREAS, Joseph Martinez has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of Joseph Martinez from the Equal Opportunity Commission 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 this City, hereby expresses its sincere appreciation to Joseph Martinez for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-88**

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM ROSE FOR AN OFFICE IN THE AIRPORT'S OLD ADMINISTRATION BUILDING

WHEREAS, William Rose, hereafter referred to as LESSEE, wishes to rent a vacant office in the airport's old administration building from which he can conduct general office activities, and

WHEREAS, vacant office space is available for rent in the old administration building at Modesto City-County Airport, and

WHEREAS, LESSEE agrees to the terms of a lease agreement allowing the use of City of Modesto property for an initial one-year period, and

WHEREAS, the policy under Modesto Municipal Code approved by the City Council is to enter into lease agreements at Modesto City-County Airport, and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a lease with William Rose for an office for general office activities, and

BE IT FURTHER RESOLVED, the City Manager is authorized to execute the lease agreement on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March 2001 by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-89**

A RESOLUTION AUTHORIZING THE USE OF COMMUNITY DEVELOPMENT FUNDS TO COVER THE COST OF NON-CITY EMPLOYEES TO ATTEND THE THIRD AND FINAL CONVENING SESSION OF THE NATIONAL LEAGUE OF CITIES' WORKFORCE DEVELOPMENT FOR POVERTY REDUCTION PROJECT, TO BE HELD IN WASHINGTON D.C.

WHEREAS, the City of Modesto was selected by the National League of Cities, along with four other cities, to participate in a three-year project entitled, "Workforce Development for Poverty Reduction"; and

WHEREAS, the National League of Cities works with the selected cities to assist and enable local government officials and other key leaders to help local residents move from poverty to living wage jobs through improved workforce development strategies; and

WHEREAS, the City has invited community agencies and members working within workforce development programs to participate as members of the City team; and

WHEREAS, the team has met annually during the last three years to plan, develop and implement the City's action plan; and

WHEREAS, there are some costs to be incurred for the City to participate in the convening session, including airfare, hotel accommodations, and transportation costs; and

WHEREAS, the Community Development Department desires to cover costs of some of the team members (non-city employees) who may not have the means to cover these costs; and

WHEREAS, the estimated cost of this convening is \$5,800 (\$1,160 per person for each of the 5 team members (non-city employees) who will need assistance); and

WHEREAS, the Community Development Department has allocated funds within its department budget to pay for these costs.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby authorizes the use of Community Development funds to cover the costs of non-city employees to attend the National League of Cities' Workforce Development for Poverty Reduction Project third and final convening, to be held in Washington D.C., March 23-24, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-90

A RESOLUTION AUTHORIZING THE PURCHASE OF THREE LOW FLOOR  
TRANSIT COACHES FROM THE GILLIG CORPORATION.

WHEREAS, the Engineering & Transportation-Transit Division has requested the waiver of formal bids by five (5) affirmative votes and authorizing the purchase of Three (3) Low Floor Transit Coaches from Gillig Corporation of Hayward, California for a total cost of \$906,948.81 for use in the Modesto Area Express (MAX) bus service, and

WHEREAS, the Council of the City of Modesto, at its regular meeting held on the 4<sup>th</sup> day of January, 2000, adopted Resolution No. 2000-2, approving the creation of a Capital Improvement Program project for the purchase of three (3) transit coaches, and

WHEREAS, CITY is utilizing the County of Merced's competitive bid process to purchase said coaches from the Gillig Corporation, and

WHEREAS, the Gillig Corporation provided the City with a quote based on the bid price the Gillig Corporation submitted to the County of Merced.

WHEREAS, the Gillig Corporation has quoted the following total price F.O.B. Modesto, including state and local sales taxes: Nine Hundred Six Thousand Nine Hundred Forty-Eight And 81/100 Dollars (\$906,948.81).

WHEREAS, by an agenda report to the City Council dated February 2, 2001 , from the Finance Department/Purchasing Division, City staff recommended to the Council that said buses be purchased from the Gillig Corporation at the quoted price, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase of three low floor transit coaches from the Gillig Corporation at a cost of \$906,948.81 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-91

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR LIQUID FERRIC  
CHLORIDE

WHEREAS, the Operations & Maintenance Department-Water Quality Control (WQC) has requested the purchase of Liquid Ferric Chlorine for FY 2001/2002 with three one-year extensions for the reduction of damage caused to plant equipment and piping by sulfuric acid and eliminate the use of chlorine gas for odor control at the Primary Wastewater Treatment Plant.

WHEREAS, by soliciting competitive bids, the Finance Department-Purchasing Division will comply with the Modesto City Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing traffic signal equipment to be opened in the office of the City Clerk, 1010 10<sup>TH</sup> Street, in the City of Modesto, on April 24, 2001 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmemeber Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-92

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT ZONE, P-D(547). (MICHAEL  
PURNELL, M.D.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Michael Purnell, M.D, on November 28, 2000, to reclassify Low Density Residential Zone, (R-1), to Planned Development Zone, P-D(547), to allow for a two-story orthopedic medical center, including surgery and therapy, and landscaped parking area for property located on the west side of Coffee Road, east of Allen Drive, and south of East Orangeburg Avenue, described as follows:

R-1 to P-D(547)

A portion of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at a point on the East line of said Section 21, where said line is intersected by the easterly extension of the northerly line of the premises conveyed to H.H. Copeland and Minnie N. Copeland, his wife, by Deed dated April 17, 1947 and recorded May 2, 1947, as Document No. 12009; thence northerly and along the East line of said Section 21, a distance of 60.00 feet; thence westerly parallel with the northerly line of the premises conveyed to said Copeland by Deed first hereinabove referred to, a distance of 175.00 feet, more or less (found to be 199 feet, more or less as shown on that particular Record of Survey filed in Volume 10 of Surveys, at Page 138 and that particular Subdivision Map filed in Volume 19, of Maps at Page 56, Stanislaus County Records) to a point on the East line of the premises conveyed to Minnie McIntyre by Deed dated August 28, 1947 and recorded September 8, 1947 as Document No. 23016; thence southerly along the easterly line of the premises so conveyed to said McIntyre a distance of 60.00 feet of the southeasterly corner of the said premises conveyed to Minnie McIntyre; thence westerly along the northerly line of the aforementioned premise conveyed to Copeland, a distance of 155.00 feet; to the westerly line of the said Copeland premises; thence southerly along said westerly line a distance of 74.00 feet to the southwesterly corner of the said

Copeland premises; thence, continuing southerly along the westerly line of the premises conveyed to Marion C. Billingsley by deed dated March 20, 1947 and recorded March 25, 1947 as Document No 8580, a distance of 75.00 to the southwesterly corner of said Billingsley premises; thence easterly parallel with the northerly line of the said Copeland premises a distance of 330 feet, more or less (found to be 354.00 feet, more or less as shown on that particular Record of Survey filed in Volume 10 of Surveys, at Page 138, and that particular Subdivision Map filed in Volume 19 of Maps, at Page 56, Stanislaus County Records), to a point on the East line of said Section 21, said point being distant 149.00 feet southerly along said Section line from the point of beginning; thence northerly along the East line of said Section 21, a distance of 149.00 feet to the POINT OF BEGINNING.

and

WHEREAS, after a public hearing held on January 22, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-(06), that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design and conditions of approval, tends to be compatible with surrounding land uses.
2. That the requested planned development zone for an orthopedic medical center is within the Mixed Use (MU) use area as designated by the General Plan and that this development is consistent with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 27, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Michael Purnell, M.D. for a Planned Development Zone should be granted as

consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-06 and quoted above, and

WHEREAS, the Council has introduced Ordinance No3209—C.S. on the 6<sup>th</sup> day of March, 2001, reclassifying the above-described property from Low Density Residential Zone, (R-1), to Planned Development Zone, P-D(547).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(547), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Orthomed Center" as amended in red, stamped approved by the City Council on February 27, 2001.
2. Prior to the issuance of a building permit a six-foot-high solid double-board fence with decorative masonry pilasters at 16-foot on centers shall be constructed along the south, west, and north property line. A pilaster and wood fence along the west property line shall also include provision for a 24-foot-wide emergency fire access gate with a Knox box lock.
3. Prior to the issuance of a building permit, a landscape and irrigation plan shall be approved by the Chief Building Official. Landscaping and irrigation systems shall be installed and maintained in accordance with the approved plan.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Prior to the issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil

Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

7. Prior to the issuance of a building permit, the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
9. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department.
10. The developer shall in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north and south, substantially as shown in red on the plot plan.
11. Prior to the issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to the construction of any structures.
12. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, as required by the Community Development Director, shall be dedicated along all street frontages.
13. All signs shall comply with the requirements of the P-O Zone.
14. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this development shall be based on the rates in effect at the time of issuance of a building permit.
15. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a

development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

16. Existing underground and overhead electric facilities and existing irrigation lines within the property shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director. Appropriate easements for electric facilities and irrigation lines to remain shall be dedicated as necessary.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(547):

Construction to begin on or before February 27, 2003, and completion to be not later than February 27, 2004.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(547), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By: Steve Mitchell  
Community Development Department  
Planning Division

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-93

A 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 (SCH NO. 92052017): AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, (R-1), TO PLANNED DEVELOPMENT ZONE, P-D(547), PROPERTY LOCATED ON THE WEST SIDE OF COFFEE ROAD, EAST OF ALLEN DRIVE, AND SOUTH OF EAST ORANGEBURG AVENUE. (MICHAEL PURNELL, M.D.)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Michael Purnell, M.D. has proposed an amendment to Section 21-3-9 of the Zoning Map to rezone property from Low Density Residential Zone, (R-1), to Planned Development Zone, P-D(547), in the City of Modesto ("the Project") to allow a two-story orthopedic medical center, including therapy and surgery, and landscaped parking and,

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD 2001-02 reviewed the proposed amendment to the Zoning Map and rezone to P-D(547) project, to determine whether the project is within the scope of the

project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

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 amendment to the Zoning Map and rezone to P-D(547) 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. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 6<sup>th</sup> day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
Initial Study  
EA/CDD 2001-02

City of Modesto  
Initial Study

**Rezoning R-1 to P-D Purnell**

**EA/CDD 2001-02**  
January 9, 2001

**I. PURPOSE**

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

**II. PROJECT DESCRIPTION**

- A. Project Title:  
Rezone R-1 to P-D, Purnell
- B. Lead Agency Name and Address:  
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact Person and Phone Number:  
Barbara Denlis, Community Development Department, (209) 577-5276
- D. Project Location:  
1327, 1335, and 1339 Coffee Road, or the west side of Coffee Road south of East Orangeburg Avenue and east of Allen Drive.
- E. Project Sponsor:  
Michael B. Purnell, M.d., Inc., 1400 Florida Avenue, Suite 106, Modesto, CA 95350
- F. General Plan Designation:  
Mixed Use (MU)
- G. Current Zoning:  
Low Density Residential (R-1)
- H. Description of Proposed Project:  
This is a rezoning from R-1 to P-D to allow for an orthopedic medical center, including surgery and therapy, and a landscaped parking area on the west side of Coffee Road, south of East Orangeburg Avenue and east of Allen Drive.

- I. Surrounding Land Uses:  
The project is surrounded by commercial and professional office use to the north, a mix of commercial, office and residential uses across Coffee Road to the east, and residential uses to the south and to the west.
- J. Other Public Agencies Whose Approval is Required:  
None.

### **III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

#### **A. Traffic and Circulation**

Although the proposed project is a rezoning to Planned Development, this rezone is nevertheless consistent with the General Plan in land use and intensity, because the General Plan anticipated professional office centers like this one in the Baseline Developed Area. Further, the access driveways proposed by the project have been approved by the City's Traffic Engineer as being consistent with City standards and the General Plan. Therefore, the traffic impacts analyzed in the Traffic and Circulation section of the MEIR (pages IV-1-1 through IV-1-37) are still valid, and no changes are needed to this Section.

#### **B. Degradation of Air Quality**

The air quality impacts for this project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this project will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV 2-25) are therefore still valid.

#### **C. Generation of Noise**

The proposed project will create some additional noise, but this additional noise is not significant in comparison to the general traffic noise on Coffee Road. Therefore, the conclusions in the Generation of Noise section of the MEIR (pages IV-3-1 through IV-3-33) are still valid, and this section of the MEIR does not need to be changed.

#### **D. Loss of Productive Agricultural Land**

This area is located in the urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

#### **E. Increased Demand for Water Supplies**

The proposed project will not generate increased demand for water supplies over what was assumed in the MEIR, and will provide the necessary infrastructure to provide water service to the project. The Existing Conditions, Impacts Analysis

and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

**F. Increased Demand for Sanitary Sewer Services**

The proposed project will not generate increased demand for sanitary sewer services over what was assumed in the MEIR, and will provide the necessary infrastructure to provide sanitary sewer service for the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The project is located in a build-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

**H. Disturbance of Archaeological and Historic Sites**

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

**I. Drainage, Flooding and Water Quality**

The proposed project will conform to the City's standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

**J. Increased Demand for Storm Drainage**

The proposed project will provide the necessary infrastructure to provide storm drainage to meet City standards. The mitigation measures contained within the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.

**K. Increased Demand for Parks and Open Space**

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facility Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are still valid.

**L. Increased Demand for Schools**

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project is a commercial project that would not create additional demand for schools, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

**M. Increased Demand for Police Services**

The proposed project will not result in any significant increase in the demand for police services in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

**N. Increased Demand for Fire Services**

The proposed project will not result in any significant increase in the demand for fire services in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. In addition, the project provides for emergency access to meet City standards. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are still valid.

**O. Generation of Solid Waste**

The proposed project will not result in any significant increase in the generation of solid waste in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are still valid.

**P. Generation of Hazardous Waste**

The proposed project will not result in any significant increase in the generation of hazardous materials in the context of the MEIR, because of the small size of the project and the fact that the General Plan anticipated medical facilities located through out the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are still valid.

**Q. Landslides and Seismic Activity**

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are still valid.

**R. Energy**

The proposed project will not result in any significant increase in the demand for energy in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

**IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

- A. The proposed rezoning is within the scope of the General Plan Master EIR (SCH No. 92052017).
- B. No additional significant environmental effects will occur as a result of the proposed rezoning that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed rezoning that were not previously considered in the General Plan Master EIR.
- D. There are not specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

  
Barbara Denlis  
Associate Planner

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-94

A RESOLUTION APPROVING THE DRAFT TIMELINE FOR PUBLIC SERVICE  
GRANTS AND THE ANNUAL ACTION PLAN FOR 2001-2002 AND CITIZEN  
PARTICIPATION CALENDAR OF EVENTS

WHEREAS, Federal Housing and Urban Development regulations require the City of Modesto to have a Citizens' Participation Plan which contains the City's procedures for community participation in the development of the Annual Action Plan and the use of Community Development Block Grant (CDBG), HOME and Emergency Shelter Grant (ESG) funds, and

WHEREAS, the City adopted and last amended its Citizen Participation Plan in October 1998, a copy of which is available for review at the Recreation and Neighborhood Services Division office at Tenth Street Place, and

WHEREAS, the proposed calendar for citizen participation includes Phase I public service grant applications, which address immediate or short-term needs allowable under CDBG Public Service regulations as well as Emergency Shelter Grant proposals, and

WHEREAS, Phase II proposals addressing long-term developmental needs will be considered under a joint application process involving the City of Modesto, Stanislaus County and the United Way, the timeline for which will be announced subsequently, and

WHEREAS, at its February 23, 2001 meeting, the Citizens Housing and Community Development Committee considered and supported staff recommendations for the timeline for Public Service grants and the Annual Action Plan for 2001-2001 and the Citizen Participation Calendar of Events,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the timeline for Public Service grants and the Annual Action Plan for 2001-2001 and the Citizen Participation Calendar of Events.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-95

A RESOLUTION APPOINTING JOHN ROGERS TO THE AIRPORT ADVISORY  
COMMITTEE

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

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

SECTION 1. JOHN ROGERS is hereby appointed to the Airport Advisory Committee  
with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to  
the newly appointed member of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 6<sup>th</sup> day of March, 2001, by Councilmember Smith, who moved its  
adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and  
the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-96

A RESOLUTION APPOINTING STEPHEN KELLOGG 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;

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

SECTION 1. STEPHEN KELLOGG is hereby appointed to the Board of Building Appeals with a term expiration of January 1, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-97

A RESOLUTION APPOINTING JACK JACQUES, DOUG MOORE, JEFF MOUNTAIN AND JIM PATTON TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

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

SECTION 1. JACK JACQUES, with a term expiring January 1, 2002; DOUG MOORE, JEFF MOUNTAIN and JIM PATTON, with terms expiring January 1, 2005, are hereby appointed to the Citizens Advisory Committee on Recycling.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-98

A RESOLUTION APPOINTING MIKE BURNS AND JOHN NYBERG TO THE  
GOLF COURSES ADVISORY COMMITTEE

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

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

SECTION 1. MIKE BURNS, with a term expiring January 1, 2002, and JOHN NYBERG, with term expiring January 1, 2005, are hereby appointed to the Golf Courses Advisory Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Golf Courses Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-99

A RESOLUTION APPOINTING MIKE CONTENT, CARLOS DE LA FUENTE AND LINDA OHLSON TO THE HOUSING REHABILITATION 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;

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

SECTION 1. MIKE CONTENT, CARLOS DE LA FUENTE and LINDA OHLSON are hereby appointed to the Housing Rehabilitation Loan Committee with term expirations of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Housing Rehabilitation 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 6<sup>th</sup> day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-100

A RESOLUTION APPOINTING TRACI MILLER TO THE HUMAN RELATIONS  
COMMISSION

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

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

SECTION 1. TRACI MILLER is hereby appointed to the Human Relations Commission  
with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to  
the newly appointed member of the Human Relations 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 6<sup>th</sup> day of March, 2001, by Councilmember Smith, who moved  
its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried  
and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-101

A RESOLUTION APPOINTING MICHAEL BIRCH AND KATHY FASTENAU TO  
THE LOCAL CABLE PROGRAMMING COMMITTEE

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

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

SECTION 1. MICHAEL BIRCH and KATHY FASTENAU are hereby appointed to the  
Local Cable Programming Committee with term expirations of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to  
the newly appointed member of the Local Cable Programming 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 6<sup>th</sup> day of March, 2001, by Councilmember Smith, who moved  
its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried  
and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-102

A RESOLUTION APPOINTING KENT NEWSWANDER TO THE 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;

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

SECTION 1. KENT NEWSWANDER is hereby appointed to the Planning Commission  
with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to  
the newly appointed member of the 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 6<sup>th</sup> day of March, 2001, by Councilmember Smith, who moved its  
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-103

A RESOLUTION APPOINTING ROBERT MOORE TO THE DISABLED ACCESS  
APPEALS BOARD

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

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

SECTION 1. ROBERT MOORE, with a term expiring January 1, 2005, is hereby  
appointed to the Disabled Access Appeals Board.

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

The foregoing resolution was introduced at a regular meeting of the Council of  
the City of Modesto held on the 6<sup>th</sup> day of March, 2001, by Councilmember Smith, who moved  
its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried  
and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001- 104

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY A. KRUSE AND THE ALLEN R. GRANT AND CAROLYN M. GRANT FAMILY 1996 TRUST FOR THE ACQUISITION OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF McHENRY AVENUE AND THE PELANDALE EXPRESSWAY FOR THE McHENRY/PELANDALE INTERSECTION PROJECT

WHEREAS, the Council of the City of the Modesto has approved a project to widen the McHenry/Pelandale intersection and install traffic signals; and

WHEREAS, right of way needs to be acquired for this project; and

WHEREAS, Agreements are needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and Mary A. Kruse and the Allen R. Grant and Carolyn M. Grant Family 1996 Trust for the acquisition of property located at the northeast corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Intersection Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-105

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY MARY A. KRUSE AND THE ALLEN R. GRANT AND CAROLYN M. GRANT FAMILY 1996 TRUST LOCATED AT THE NORTHEAST CORNER OF McHENRY AVENUE AND THE PELANDALE EXPRESSWAY FOR THE McHENRY/PELANDALE INTERCHANGE 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, City desires to acquire right of way from Mary A. Kruse and the Allen R. Grant and Carolyn M. Grant Family 1996 Trust for the McHenry/Pelandale Intersection Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form for a Grant Deed for the acquisition of property owned by Mary A. Kruse and the Allen R. Grant and Carolyn M. Grant Family 1996 Trust located at the northeast corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Interchange Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-106

A RESOLUTION DECLARING A PORTION OF APN 102-02-39 EXCESS TO CITY NEEDS,  
AUTHORIZING THE SALE OF THE EXCESS PROPERTY BY PUBLIC BID

WHEREAS, the City of Modesto acquired right of way for Paradise Avenue, which is a portion of Assessor's Parcel No. 102-02-39, and is located as shown on the attached map which is incorporated herein by reference; and

WHEREAS, said property is excess to the City's needs; and

WHEREAS, the Council of the City of Modesto desires the property be sold by public bid; and

WHEREAS, the Council of the City of Modesto considered this matter at its meeting of March 13, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that APN 102-02-39 (portion), which was acquired when the City acquired right of way for Paradise Avenue, is excess property to the City's needs, and the Council directs staff to sell the property by public bid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-107

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BURCHELL NURSERY, INC., FOR THE ACQUISITION OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF McHENRY AVENUE AND THE PELANDALE EXPRESSWAY FOR THE McHENRY/PELANDALE INTERSECTION PROJECT

WHEREAS, the Council of the City of the Modesto has approved a project to widen the McHenry/Pelandale intersection and install traffic signals; and

WHEREAS, right of way needs to be acquired for this project; and

WHEREAS, Agreements are needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and Burchell Nursery, Inc., for the acquisition of property located at the southwest corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Intersection Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-108

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR GRANT DEEDS FOR THE ACQUISITION OF PROPERTY FROM THE BURCHELL NURSERY INC. LOCATED AT THE SOUTHWEST CORNER OF McHENRY AVENUE AND THE PELANDALE EXPRESSWAY FOR THE McHENRY/PELANDALE INTERSECTION 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, City desires to acquire right of way from Burchell Nursery, Inc. for the McHenry/Pelandale Intersection Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign acceptance forms for Grant Deeds for the acquisition of property from the Burchell Nursery Inc. located at the southwest corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Intersection Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-109

A RESOLUTION APPROVING A REQUEST FROM OVERCOMING THE ODDS FOR \$4,700 IN DIRECT CITY ASSISTANCE FOR A CONFERENCE TO BE HELD AT MELLIS PARK AND KING-KENNEDY MEMORIAL CENTER ON MAY 19, 2001 AND AMENDING THE BUDGET TO TRANSFER \$4,700 FROM THE GENERAL FUND RESERVE.

WHEREAS, Overcoming the Odds is a youth conference to be held at Mellis Park and King-Kennedy Memorial Center on May 19, 2001, and

WHEREAS, the primary goal is for youth to learn how adults from a variety of cultures “overcame” different odds in their youth and have become successful and productive citizens, and

WHEREAS, sponsors for the event include the 21<sup>st</sup> Century Community Learning Center, the City of Modesto Recreation and Neighborhoods Department, and Stanislaus Multi-Cultural Coalition/West Modesto King-Kennedy Collaborative, and

WHEREAS, the request for City assistance is for a cash contribution of \$4,700 to include \$200 for a young singer/speaker, \$500 for publicity and \$4,000 for T-shirts for participants, and

WHEREAS, the Committee has also requested that the City be responsible for liability insurance, which, since the City is a co-sponsor will be covered by the City’s insurance, and

WHEREAS, the Committee has also requested the use of Mellis Park and the City’s portable P.A. system and stage, which, since the City is a co-sponsor, will be provided at no charge, and

WHEREAS, the City Council, by Resolution No. 80-1066, as amended by Resolution No. 83-128, adopted a “policy for Evaluating Requests for Direct City Assistance”, and

WHEREAS, the Human Services Committee supported awarding the sum of \$4,700 in funding to the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from Overcoming the Odds for \$4,700 in direct City assistance for a conference to be held at Mellis Park and King-Kennedy Memorial Center on May 19, 2001,

BE IT FURTHER RESOLVED that the Fiscal Year 2000-01 operating budget is hereby amended to transfer \$4,700 from the General Fund Reserve, 0100-800-8000-8003, to King-Kennedy Memorial Center, Services Professional & Other, 0100-370-3731-0235.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**Resolution No.  
2001-110  
Not Used**

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-111

A RESOLUTION ENDORSING MODESTO CITY SCHOOLS CHARACTER  
EDUCATION PROGRAM

WHEREAS, in 1998, the Modesto City Schools District developed a new program, Character Education as a key element of the District's Safe Schools Project, and

WHEREAS, a District/Community Task Force was developed and identified nine character traits which reflect core community values, specifically courage, honesty, loyalty, respect, responsibility, civility, compassion, initiative and perseverance, and

WHEREAS, in 2000, the Modesto City Schools Board of Education adopted the California Interscholastic Federation's "Pursuing Victory with Honor Sportsmanship Program", which is committed to developing character with student athletes and incorporates the character education traits into the athletic curriculum, and

WHEREAS, research shows that involving the wider community helps promote a school district's character traits and core ethical values, and

WHEREAS, City staff has received a letter from Modesto City Schools requesting that the Modesto City Council endorse the Character Education Program, and

WHEREAS, the Human Services Committee met on February 21, 2001 and supported the recommendation to endorse the Modesto City Schools Character Education Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby endorses Modesto City Schools' Character Education Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-112

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 CAPITAL IMPROVEMENT PLAN TO AMEND PROJECT 6600-310-M264 AND ESTIMATING \$135,020 IN REVENUE FROM FUND 0100 RESERVE AND APPROPRIATING \$135,020 IN EXPENDITURES TO THE AMENDED FUND 6600 CAPITAL PROJECT.

WHEREAS, the City of Modesto Municipal Golf Courses are now paying for landscape water, and

WHEREAS, installation of a booster pump at Creekside Municipal Golf Course and renovation of an irrigation water well at Municipal Nine-Hole Golf Course will reduce the necessity to purchase water, and

WHEREAS, the Human Services Committee met on February 21, 2001 and supported using General Fund monies for installation of a booster pump at Creekside Municipal Golf Course and renovation of an irrigation water well, and

WHEREAS, the Fiscal Year 2000-01 Capital Improvement Plan contains a project, 6600-310-M264, Golf Course Wells, the scope of which is recommended to be amended to include Installation of a booster pump at Creekside Municipal Golf Course and renovation of a well at Municipal Nine-Hole Golf Course, and

WHEREAS, expenditures for project 6600-310-M264 will be reduced to \$135,020 and will be funded by a transfer from the General Fund Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Fiscal Year 2001 Capital Improvement Plan to amend project 6600-310-M264, Golf Course Wells.

BE IT FURTHER RESOLVED that \$135,020 in revenue be estimated from the General Fund 0100 Reserve and that \$135,020 be appropriated in expenditures to the Fund 6600 Golf Course Wells Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM.

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-113

A RESOLUTION AWARDING A CONTRACT TO HLA GROUP FOR  
PROFESSIONAL ARCHITECTURAL SERVICES FOR SUTTON COMMUNITY  
PARK AND AMENDING THE CAPITAL IMPROVEMENT PLAN

WHEREAS, the City of Modesto owns the twenty-three acre community park site immediately to the south of Johansen High School, and

WHEREAS, Phase I will provide for the development of a Master Plan and Design Development Report for the park, with these two documents to be used as a blueprint for developing construction documents for future phases of park development, which would include street improvements, walkways, landscaping and irrigation, lighted athletic fields, lighting of existing tennis courts, picnic areas, community center, off-street parking and area lighting, and

WHEREAS, staff interviewed four architectural firms and determined that the HLA Group is the most qualified, and

WHEREAS, the HLA Group has agreed to provide the Master Plan and Design Development Report at a cost not to exceed \$40,000, with the Master Plan to be developed with community input, and

WHEREAS, \$40,000 has been allocated to Capital Project 1350-310-M178, Sutton Community Park, and

WHEREAS, an additional \$5,000 is needed for staff project management, and

WHEREAS, there are sufficient funds in Fund 1350, the Parks CFF Fund Reserve to transfer the additional \$5,000 needed to this project, and

WHEREAS, at its February 21, 2001 meeting, the Human Services Committee supported the recommendation to award the contract to the HLA Group,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby awards a contract to the HLA Group for professional landscape architectural services to prepare a Master Plan and Design Development Report for Sutton Community Park and authorizing the City Manager to execute related documents.

BE IT FURTHER RESOLVED that the Capital Improvement Plan is hereby amended to transfer \$5,000 from Parks CFF Fund Reserve (Fund 1350) to the capital project account no. 1350-310-M178-6010.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-114

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT  
WITH STANISLAUS COUNTY FOR INMATE SECURITY SERVICES.

WHEREAS, the City of Modesto desires to use inmate labor to perform certain tasks within its boundaries and whereas the City of Modesto desires that the Sheriff of Stanislaus County provide inmate security services to maintain security of said inmates while so assigned; and

WHEREAS, the County of Stanislaus agrees to provide the City of Modesto, through the Sheriff of Stanislaus County, with inmate security services and functions pursuant to the terms and conditions of said Agreement; and

WHEREAS, the performance by the County of Stanislaus for the City of Modesto of the inmate security service will require that the County incur certain costs and expenses; and

WHEREAS, it is the intent of both the City of Modesto and the County of Stanislaus that the City will compensate the County for all such reasonable costs and expenses incurred by the County; and

WHEREAS, the parties to this Agreement have the legal authority to enter into this Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and the County of Stanislaus for inmate security services be, and it is hereby approved.

BE, IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-115

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION AND NEGOTIATE AN AGREEMENT FOR TRANSPORTATION ENHANCEMENT ACT (TEA) FUNDS FOR A LANDSCAPE BEAUTIFICATION PROJECT AT THE BRIGGSMORE GATEWAY.

WHEREAS, the State of California has announced the availability of Transportation Enhancement Act (TEA) funds for use on landscape beautification projects along state highways; and

WHEREAS, Caltrans has expressed a desire to partner with the City on an application for TEA funds for a landscape beautification project at the Briggsmore gateway; and

WHEREAS, the City of Modesto also desires partners in community beautification projects; and

WHEREAS, procedures established by the State of California in administration of the application process require the applicant to certify by resolution the approval of application before submission of said application to the County; and

WHEREAS, procedures established by the State of California will also require the successful applicant to commit matching funds to approved projects; and

WHEREAS, the applicant will enter into an agreement with the State of California for the use of TEA funds for a landscape beautification project;

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto:

1. Approves the filing of an application for the landscape beautification project at the Briggsmore gateway in partnership with Caltrans; and
2. Certifies that said applicant has or will have sufficient funds to provide matching funds up to \$75,000; and
3. Appoints the City Manager of the City of Modesto to negotiate an agreement subsequent to approval of the aforementioned application; and
4. Directs the City Manager to return to the City Council for approval of the agreement prior to execution of any documentation, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-116

A RESOLUTION APPROVING THE FINAL MAP OF FERNWOOD  
PHASE 2 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FERNWOOD PROPERTIES LLC, a California limited liability company, by its manager member, Bennett Development, Inc., a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.61 acres, known as FERNWOOD PHASE 2 SUBDIVISION in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25th day of January, 1999, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said FERNWOOD PHASE 2 SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in

Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Michael Milich  
MICHAEL D MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-117

A RESOLUTION APPROVING THE JOINT POWERS AGREEMENT WITH  
STANISLAUS COUNTY FOR THE PLANNING, IMPLEMENTATION, MAINTENANCE,  
AND RIGHT-OF-WAY ACQUISITION FOR THE 9<sup>TH</sup> STREET BRIDGE REPLACEMENT  
PROJECT

WHEREAS, the existing 9<sup>th</sup> Street Bridge was studied, under the direction of the State of California, Department of Transportation (Caltrans), through the Seismic Safety Retrofit Program; and

WHEREAS, said study determined that the bridge structure is seismically deficient and in need of replacement; and

WHEREAS, upon Council making a determination in May 1997 that the 9<sup>th</sup> Street Bridge is a critical link to the Modesto Urban Area's transportation network, the final recommendation from Caltrans was to replace the bridge; and

WHEREAS, the replacement bridge will cross the Tuolumne River and connect the City of Modesto's downtown area with the southern portion of Modesto; and

WHEREAS, the portion of the replacement bridge south of the Tuolumne River is in the unincorporated area of Stanislaus County; and

WHEREAS, the existing bridge is approximately 56 feet wide and the replacement bridge will be approximately 83 feet wide; and

WHEREAS, the alignment of the replacement bridge will be on the east side of the existing bridge to allow the four lanes of traffic to remain open during construction; and

WHEREAS, the width and alignment of the replacement bridge will require right-of-way acquisition from owners within the City and also within the unincorporated area of the County; and

WHEREAS, approval to acquire street right-of-way in the County is required of the County by Section 1810 of the Streets and Highways Code; and

WHEREAS, County desires to have City maintain portion of the bridge within County jurisdiction; and

WHEREAS, an agreement is needed between Stanislaus County and the City of Modesto for the planning, implementation, maintenance, and right-of-way acquisition for the 9<sup>th</sup> Street Bridge Replacement Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Joint Powers Agreement between the City of Modesto and Stanislaus County for the planning, implementation, maintenance, and right-of-way acquisition for the 9<sup>th</sup> Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City of Modesto's City Manager is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-118

A RESOLUTION ACCEPTING THE PROJECT TITLED "OUTFALL REHABILITATION  
- PHASE I" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Outfall Rehabilitation - Phase I, has been completed by J. W. Ebert Corp., in accordance with the contract agreement dated October 24, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Outfall Rehabilitation - Phase I be accepted from said contractor, J. W. Ebert Corp.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$760,100.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

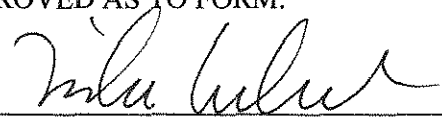
ATTEST:



JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-119

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER  
OF \$137,000 TO FULLY FUND THE EQUIPMENT AND OPERATING  
EXPENSES OF THE MODESTO NARCOTICS ENFORCEMENT TEAM

WHEREAS, the Modesto Police Department has established the Modesto  
Narcotics Enforcement Team, a street level narcotic unit; and

WHEREAS, the Modesto Narcotics Enforcement Team is necessary to respond  
efficiently and effectively to neighborhood street level drug activity in the City of  
Modesto; and

WHEREAS, the current operating budget of the Modesto Police Department will  
not allow for the equipment and operating expenses necessary for this new team.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the following appropriation transfer is approved:

FROM: the Asset Forfeiture Trust Fund (Balance Sheet 8600-3410),  
\$137,000.00

TO: the General Fund Police Department Operating Budget of 2000/01  
(0100-1900-1941-5700)

FOR: equipment and operating expenses of the Modesto Narcotics  
Enforcement Team.

The foregoing resolution was introduced at a regular meeting of the Council of  
the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman ,  
who moved its adoption, which motion being duly seconded by Councilmember Fisher ,  
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-120

A RESOLUTION ACCEPTING THE BID OF QUALITY CONTROL INSPECTION, INC. FOR CONSTRUCTION MATERIAL TESTING.

WHEREAS, the bids received for construction material testing, were opened at 11:00am on October 17, 2000, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Quality Control Inspection, Inc. for a total amount of \$89,350.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Quality Control Inspection be accepted and the preparation of a formal purchase order by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
BY: MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-121

A RESOLUTION AUTHORIZING THE PURCHASE OF SOFTWARE LICENSING FROM H.T.E., INC. FOR A TOTAL COST OF \$88,392.00; AND, APPROVING THE FUTURE PURCHASES OF SOFTWARE LICENSING.

WHEREAS, the City of Modesto has deemed it necessary to purchase software licenses in order to meet legal requirements for software use.

WHEREAS, the City of Modesto Municipal Code allows for this action in Section 8-3.203 (b).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of software licensing from H.T.E., Inc. is hereby approved.

BE IT FURTHER RESOLVED that future purchases of software licensing, from H.T.E. Inc., are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

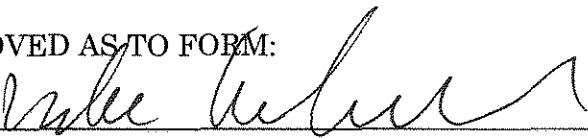
AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-122

A RESOLUTION APPROVING EXCLAMATION FEST 2001 HOSTED BY CHRIS RICCI PRESENTS INC. IN DOWNTOWN MODESTO ON SATURDAY JULY 21, 2001.

WHEREAS, on April 25, 2000, by Resolution No.2000-189, the City Council approved a license agreement with Chris Ricci Presents Inc. to hold an annual Exclamation Fest and

WHEREAS, this event will take place again on Saturday, July 21, 2001, and

WHEREAS, Mr. Ricci has met with the Modesto Police Department, the Downtown Improvement District and Modesto Centre Plaza staff in order to secure approval and coordination for the event, and

WHEREAS, this event is of financial benefit to the City of Modesto and downtown merchants, and

WHEREAS, City Council approval is needed due to slight changes to the perimeters of the event as shown on Attachment A, and

WHEREAS, the Human Services Committee reviewed this item at its February 21, 2001 meeting and supported approval of the Exclamation Fest,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves Exclamation Fest 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:   
JEAN ZAHIR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-123

A RESOLUTION APPROVING AN AGREEMENT WITH COMPLETE COACH WORKS FOR THE REBUILDING OF NINE TRANSIT BUSES AND APPROVING AN APPROPRIATION TRANSFER TO FULLY FUND THE PROJECT

WHEREAS, the Council of the CITY of Modesto, at its regular meeting held on the 14<sup>th</sup> day of November, 2000, adopted Resolution No. 2000-571, approving solicitation of proposals for the rebuilding of up to eleven transit buses, and

WHEREAS, proposals were opened and read aloud by the City Clerk on January 23, 2001, and

WHEREAS, a committee of City staff rated the proposals and scored the proposal by Complete Coach Works of Riverside as the best submitted, and

WHEREAS, by an agenda report to the City Council dated March 20, 2001, from the Finance Director, City staff recommended approval of an agreement with Complete Coach Works to the Council, and

WHEREAS, costs in the CIP account to rebuild the nine buses exceeded the estimated budget, and

WHEREAS, this was the result of unanticipated costs associated with the condition of the buses to be rebuilt and the addition of current technology to the buses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 6510-160-F780-6070; \$6,500.19  
FROM: 6510-160-K816-6070; \$21,090.28  
FROM: 6510-160-K821-6070; \$289,280.93

TO: 6510-160-F779-6070; \$316,871.40

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the agreement with Complete Coach Works for the rebuilding of nine buses is hereby approved.

BE IT FURTHER RESOLVED that the City Manager or authorized 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 20<sup>th</sup> day of March, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

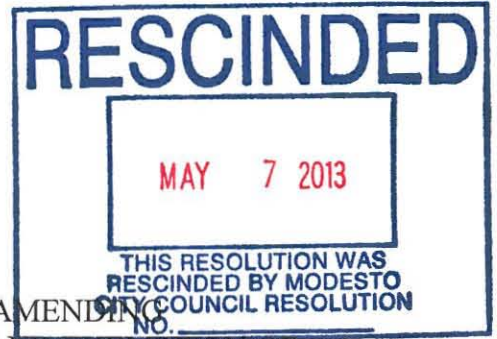
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-124**

A RESOLUTION AMENDING RESOLUTION 99-385 AND AMENDING RESOLUTION 98-27 TO PROVIDE FOR THE DEFERRAL AND EXEMPTION OF CAPITAL FACILITIES FEES

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code sections 8-1.904 et seq., creating and establishing the authority for imposing and charging capital facilities fees; and

WHEREAS, the current capital facilities fees for residential development are set forth in Resolution No. 99-385; and

WHEREAS, on January 17, 2001, the Community Development and Housing Committee of the City Council recommended to the City Council that the City's Capital Facilities Fee Program be amended to provide for the deferral and exemption of capital facilities fees in certain cases.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Resolution No. 99-385 is hereby amended to add the following, and Resolution No. 98-27 is hereby amended to read as follows:

**EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.**

- (a) The Capital Facilities Fees (CFF) established by this resolution shall not be imposed on any of the following:
1. Any low income housing units constructed or expanded by the Housing Authority of the County of Stanislaus.
  2. Any low income housing units constructed or expanded by any other person or entity on a not-for-profit basis. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact "low income" and whether or not the development will be on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "low income housing" shall mean: housing at rents 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.

3. For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.
4. Any alteration or addition to a residential structure, except to the extent that additional units are created.
5. Any replacement or reconstruction of a residential structure existing on November 21, 1989 that has been destroyed or demolished since that time.
6. Any replacement or reconstruction of a non-residential structure existing on November 21, 1989, that has been destroyed or demolished since that time, unless the replacement or reconstruction increases the square footage of the structure, ten percent (10%) or more, changes the use of the structure to a higher density category, or will result in the generation of additional peak hour trip ends.
7. Any replacement of an existing residential or non-residential structure that has been or will be vacated due to the fact that the title to the property has been acquired by a public entity through eminent domain proceedings or the threat of such proceedings provided that the building permit for the replacement structure or structures is applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated, whichever occurs last. The exemption granted by this subparagraph shall not apply to the replacement of a non-residential structure to the extent it adds additional square feet, the use is devoted to a higher density category, or results in the generation of additional peak hour trip ends or to the replacement of a residential structure to the extent additional units are created.
8. Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph, the term "single-family affordable housing unit" shall mean a single-family home purchased by a homebuyer earning sixty percent (60%) or less of Area Median Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the homebuyer as its principle place of residence. The homebuyer would be granted a full CFF exemption provided there is no resale for ten (10) years. If a resale should occur within the ten (10)-year period, the full CFF exemption would be due, with no interest thereon. The exemption authorized by this subparagraph may be granted by the City Council on a cases-by-case

basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF exemption would be transferred to the homebuyer at the time purchase. The homebuyer would be required to sign a CFF exemption agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

- (b) Any alteration or change of use of an existing building shall not trigger the payment of CFF, provided no new dwelling units are created or no new square footage is added with non-residential structures. When an additional residential unit or new square footage for a non-residential structure is created, CFF shall be due for the additional units or square footage only.
- (c) Rather than paying CFF at the time a building permit is issued, the developer of a "qualified project" may elect to defer payment of all or a portion of those fees as hereinafter set forth.

1. There shall be two (2) categories of qualified projects defined as follows:
  - a. Category "A" qualified project shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which CFF exceed \$150,000.00. Category "A" qualified projects shall also include any industrial/warehouse project on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed \$50,000.00.
  - b. Category "B" qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which CFF is more than \$25,000.00 but less than \$150,000.00. Category "B" qualified projects shall also include industrial warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which CFF is more than \$25,000.00 but less than \$50,000.00.
2. Other projects which may be designated by the City Council as "qualified projects", are private construction projects on the City/Council Airport where the CFF exceed \$5,000.00.
3. The property owner and/or developer in the case of "Category 'A' qualified projects" may enter into Deferred Payment Agreement with the City to pay ten percent (10%) of those fees at the time the building permit is issued with the remaining ninety percent (90%) to be paid in equal

installments over the next ten (10) years (or less at the property owner's option).

The property owner and/or developer in the case of "Category B qualified projects" may enter into Deferred Payment Agreement with the City to pay twenty percent (20%) of those fees at the time the building permit is issued with the remaining eighty percent (80%) to be paid in equal installments over the next five (5) years (or less at the property owner's option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principle and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or the transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the CFF due through property tax assessment.

4. 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 or more of the mitigation measures consists of payment of CFF or construction or installation of a public improvement, the cost of which is eligible as a credit toward the payment of CFF.
- (d) Rather than paying CFF at the time of building permit is issued for the construction of a single-family affordable housing unit, the developer may elect to defer payment of all or a portion of those fees on the following:
1. Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph and the preceding subparagraph, the term "single-family affordable housing unit" shall mean a single family home purchased by a homebuyer earning between sixty-one percent (61%) and eighty percent (80%) Area Median Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the homebuyer as its principle place of residence. The homebuyer would be granted a CFF deferral for five (5) years, with payments of principle and interest to begin in year six (6). Interest will not accrue during the deferral period, and the CFF would be paid over a ten (10)-year period with five percent (5%) interest rate on the unpaid balance. The deferral authorized by this subparagraph may be

granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF deferral would be transferred to the homebuyer at the time of purchase. The homebuyer would be required to sign a CFF deferral agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20<sup>th</sup> day of March, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-125

A RESOLUTION DENYING IN PART AND GRANTING IN PART AN APPEAL FROM A STAFF DECISION BY DENNIS WILSON OF HORIZON CONSULTING SERVICES REGARDING TRAFFIC ISSUES RELATED TO THE O'BRIEN CENTER PROJECT AT DALE ROAD AND PELANDALE AVENUE IN MODESTO, CALIFORNIA.

WHEREAS, on December 29, 2000, Mr. Charles M. O'Brien, of O'Brien's Development, requested through Horizon Consultants, the addition of a traffic signal on Dale Road between the Dale/Pelandale and Dale/Snyder intersections, and

WHEREAS, a request was also made for access to the project along Pelandale Avenue by means of a deceleration lane, and

WHEREAS, City staff initially denied the request for the additional signal and access to the project from Pelandale Avenue, and

WHEREAS, the City Council considered the appeal of the denial of the request at its March 20, 2001, Council meeting, after the matter had been continued from the meetings of February 6, 2001, February 27, 2001, and March 6, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal is granted in part and denied in part as follows:

1. The appeal with respect to the request for the installation of an additional traffic signal on Dale Road between the existing signals at Pelandale Avenue and Snyder Avenue is granted on the condition that the developer shall install such signal and extension of medians at his sole cost and expense. Developer shall design and construct the entrances to this project and adjoining frontage along Dale Road in a manner that will allow for installation of the signal at a future date, thereby minimizing the need for reconstructing or otherwise disturbing Dale Road to the extent possible. Initially, there shall only be one unsignalized left-turn lane into the project from the southbound direction on Dale Road. A second southbound left-turn lane shall be

provided by the developer when the Engineering and Transportation Director determines that the traffic signal is warranted and subsequently installed. The developer shall also install a northbound median and left-turn lane at the time the signal is installed. In addition, with respect to the signal, the developer shall provide security in the form of a letter of credit or certificate of deposit to secure the future installation costs of the signal and median extensions. The timing of the signal installation will be at the City's discretion.

2. The appeal with respect to the request for access to the project from Pelandale Avenue by means of a deceleration lane is denied for the reason that such access would not be in conformance with the access policy for expressways as contained in the City's General Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Smith

NOES: Councilmembers: Serpa, Mayor Sabatino

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-126**

**A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING  
REVENUE FOR MIDYEAR OF THE FISCAL YEAR 2000-2001 ANNUAL  
BUDGET**

WHEREAS, the Midyear financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2000-2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2000-2001 budget have been adjusted as shown in Attachment E.

BE IT FURTHER RESOLVED that the Finance Director 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 22<sup>nd</sup> day of March, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers  
STAN FEATHERS, Budget Officer

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

Finance/Debra Eggerman/3/22/01

Attachment E  
Midyear Financial Report  
Budget Detail Adjustments

Department	Budget changes	Amount	Accounts			
<b>City Manager</b>	Cable negotiation					
	Professional Services	75,000	0100	020	0201	0235
	(Adjustment to target)					
	DCM recruitment					
	Professional Services	10,000	0100	020	0201	0235
	Equipment	11,400	0100	020	0201	5400
	Workstation modification	3,600	0100	020	0201	5500
	Cable settlement	1,100,000	0100	020	0201	****
	Designated Reserve	1,100,000	0100	800	8000	****

The City Manager's office has been in long term negotiations on a variety of issues concerning provision of cable TV service to the citizens of Modesto. While the City recently received the \$1.1 million settlement from AT & T, many issues remain outstanding. Therefore, we are requesting an additional \$75,000 to assist in the procurement of consulting services to assist in the next stage of negotiations. In addition, we are asking to set aside \$1.1 million temporarily until we can better estimate the impact of the Public Education Government Program (PEG) and other costs. The other adjustments are for additional costs associated with the recruitment of the Deputy City Manager and for various equipment. All adjustments are in the General Fund (0100).

<b>Community Development</b>	ABS Carryover	50,000	0100	140	1401	8099
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This recommended adjustment in the General Fund (0100), reimburses the Community Development Department's ABS Savings account \$50,000 for an erroneous adjustment made during the budget adoption process.

<b>Finance</b>	Traffic Safety Grant Vehicle Release					
	Transfer In	25,471	0100	700	7000	9060
	Transfer Out	25,471	0600	700	7000	7010

This transfer of \$25,471 from the Traffic Safety Fund (0600) to the General Fund (0100) moves the remaining monies of the Fiscal Year 2000 Traffic Grant to the General Fund where it will be spent on traffic safety.

	Tenth Street Place Cost of Issuance					
	Transfer In	41,855	9450	700	7000	9210
	Transfer Out	41,855	2100	700	7000	7945

This transfer moves \$41,855, the unspent portion of Tenth Street Place bond proceeds budgeted for costs associated with issuing the bonds, from the Public Financing Authority's Capital Project Fund (2100) to the Authority's Debt Service Fund (9450) in accordance with the bond indenture.

	Garbage Billing	130,000	0100	120	1223	4093
--	-----------------	---------	------	-----	------	------

Revenue for Finance Utilities division will increase by \$130,000 due to a two phase garbage increase. This increase was passed by council and agreed to by contract with the haulers, beginning FY99/00 with the second half of the increase to become effective FY00/01.

Attachment E  
 Midyear Financial Report  
 Budget Detail Adjustments

Department	Budget changes	Amount	Accounts			
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<b>Police</b>	Copy fees (Adjustment to target)	(75,000)	0100	190	1921	4092
---------------	-------------------------------------	----------	------	-----	------	------

Fees for the sale of police reports were reduced this year eliminating an annual estimate of \$75,000 to \$80,000.

**Recreation and Neighborhoods**

	Centre Plaza					
	Stage/equipment	92,400	6700	340	3412	5500
	High speed internet	30,000	6700	340	3412	5400

This adjustment increases the appropriations and reduces the fund balance in the Community Center Fund (6700).

This fund accounts for all the operations of the Centre Plaza. The new appropriations will enable staff to add high speed internet capability to the building as well as replace a variety of aging equipment at the 14 year old facility.

<b>All Departments</b>	PERS	(1,800,000)	Various	****	0160
	Leave reimbursement	1,800,000	Various	****	0168

This item allows us to more properly classify these expenditures as employee earned leave costs rather than employee pension related costs in all funds recording employee costs and will assist in the reduction of the \$18 million unfunded liability of the Employee Benefits Fund.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-127**

**A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE MASTER AGREEMENT AMONG THE COUNTY OF STANISLAUS, THE CITY OF MODESTO, THE CITY-COUNTY CAPITAL IMPROVEMENTS AND FINANCING AGENCY, AND THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO**

WHEREAS, Amendment No. 2 to the Master Agreement (hereinafter referred to as "Amendment No. 2") is by and between the County of Stanislaus (the "County"), the City of Modesto (the "City"), the City-County Capital Improvements and Financing Agency, a Joint Powers Agency between the City of Modesto and the County of Stanislaus (the "JPA") and the Redevelopment Agency of the City of Modesto, a public body, corporate and politic (the "RDA"), collectively referred to as the "Parties", and

WHEREAS, on July 22, 1997, the Parties approved the Master Agreement, which Agreement was amended on February 10, 1998, which provides that the JPA is responsible for the design and construction of a public administration building, parking garage, a plaza area and certain street improvements, and

WHEREAS, on August 21, 1997, the RDA entered into a Disposition and Development Agreement (the "DDA") with Civic Partners Modesto, Inc, a California corporation (the "Developer"), which DDA was amended on February 6, 1998 and which was further amended on January 19, 1999. Said DDA contemplates the construction of a cinema and the construction of a freestanding retail/office building adjacent to the parking garage situated on the Garage Retail Parcel as defined in said DDA, and

WHEREAS, the Parties desire to avoid damage to the plaza and sidewalk adjacent to and abutting the Garage Retail Parcel which damage may arise from the construction on the Garage Retail Parcel, and

WHEREAS, on March 30, 1999, the JPA authorized the RDA to assume responsibility to complete portions of the work in the plaza and sidewalk areas as set forth in the "Exhibit A", which is attached hereto and made a part hereof by this reference, and

WHEREAS, the RDA is willing to assume responsibility for said work as set forth in said Exhibit A to complete the plaza and sidewalk area adjacent to and abutting the Garage Retail Parcel in compliance with the terms and conditions set forth in said Amendment No. 2.

NOW, THEREFORE, BE IT RESOLVED THAT the Parties hereby agree as follows:

1. Assumption by the RDA of the responsibility to construct plaza and sidewalk work as set forth in said "Exhibit A": The JPA is hereby released from the responsibility to construct the work identified in said Exhibit A. The RDA hereby assumes the responsibility to construct said work located in the area identified as "Area A" on said

Exhibit A in accordance with the terms and conditions of this Agreement.

2. Construction of Improvements: The RDA shall ensure that said work as set forth in said "Exhibit A" is constructed strictly in accordance with the plans and specifications on file and approved by the JPA. The RDA shall ensure that a construction inspector satisfactory to the JPA inspects said work as set forth in said Exhibit A to ensure compliance with the approved plans and specifications, which inspection approval and/or JPA approval shall not be unreasonably withheld. The RDA shall ensure that said work as set forth in said Exhibit A is constructed upon the completion of the freestanding retail/office building.
3. Insurance: The RDA shall require that any contractor installing said work as set forth in said Exhibit A shall provide general liability insurance with limits of no less than \$1,000,000. Said policy of insurance shall name the City of Modesto, the County of Stanislaus and the JPA as additional insured by separate endorsement.
4. Cost of the Plaza and Sidewalk work: Except as provided in 4(a) and 4(b), the work as set forth in said Exhibit A shall be completed by the RDA at no cost to the JPA.
  - a. Change order with McCarthy Brothers Construction ("McCarthy") to eliminate the work set forth in said Exhibit A from the existing Construction Agreement: The JPA has negotiated a change order with the McCarthy to eliminate the work as set forth in said Exhibit A from McCarthy's scope of work. The JPA received a credit of \$14,441 for this change order as set forth in said Exhibit A. The JPA agrees to pay the RDA \$14,441 or credit the RDA \$14,441 in accordance with the existing cost allocations.
  - b. Transfer of Material from McCarthy to the RDA: McCarthy has previously ordered some material for the construction of work as set forth in said Exhibit A ("Construction Materials"). Said Construction Materials have been turned over to the RDA, and the RDA hereby acknowledges receipt of same. The JPA will also provide at its expense the pavers which have been ordered in connection with its existing contract with McCarthy. The RDA agrees that said Construction Materials provided by the JPA shall be used exclusively for work as set forth in said Exhibit A to be performed by the RDA.
5. Effect of this Modification: Except as modified by the Agreement, all other provisions of the Master Agreement shall remain unchanged and in full force and effect.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Amendment No. 2 to the Master Agreement among the County of Stanislaus, the City of Modesto, the City-County Capital Improvements and Financing Agency, and the Redevelopment Agency of the City of Modesto is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Amendment No. 2 by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

**AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith**

**NOES: Councilmembers: Serpa**

**ABSENT: Councilmembers: Sabatino**

**ATTEST:**

  
\_\_\_\_\_  
**JEAN ZAHR, City Clerk**

N STATE HIGHWAY 100

# Exhibit "A"

## PARCEL 1

50,085 S.F.  
(1.15 AC.)

## PARKING GARAGE

5' x 5' Easement to M.I.D.  
Inst. No. 039796, 6/1/89

NOTE: Building Line is 0.50'  
within Property Line

22 - 5 - 03

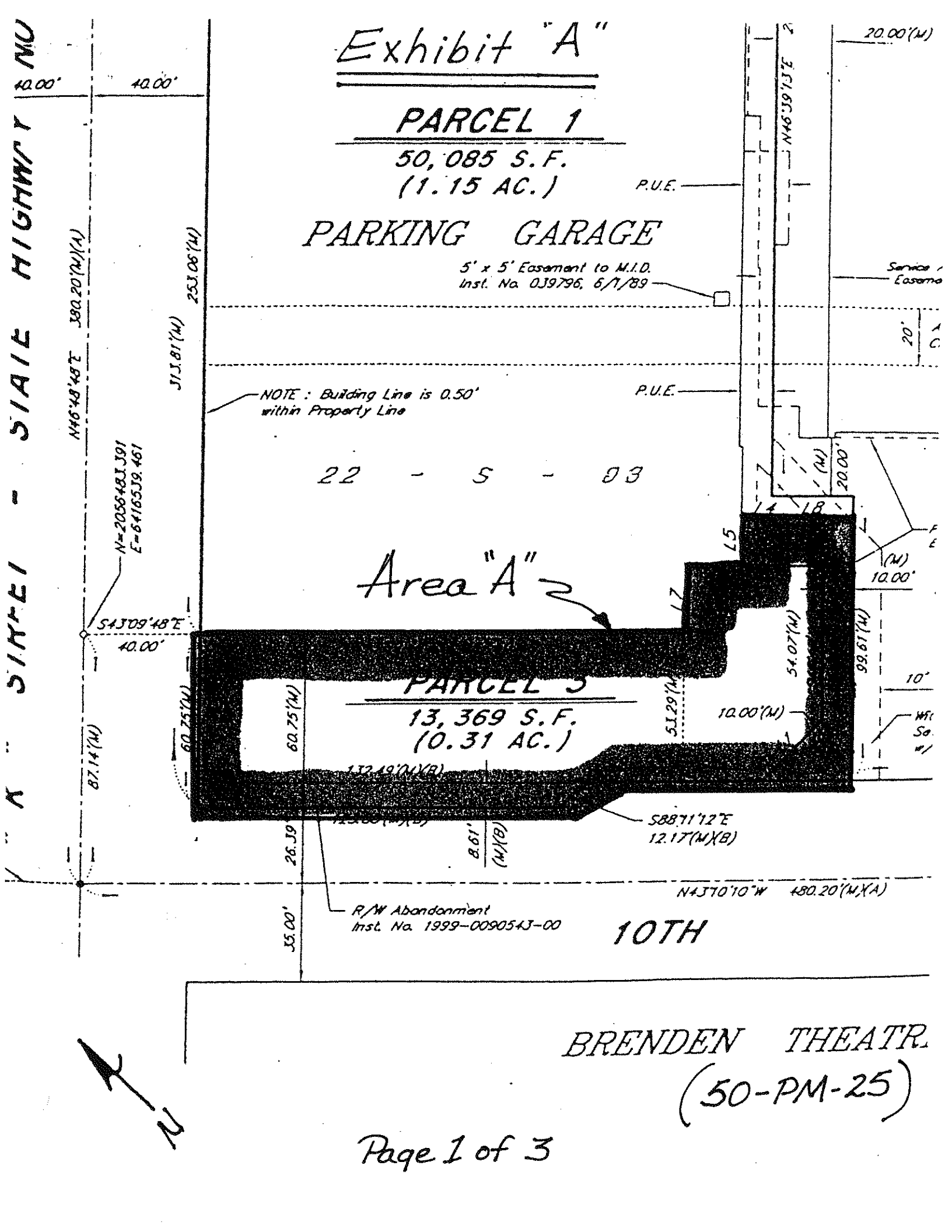
## Area "A"

## PARCEL 2

13,369 S.F.  
(0.31 AC.)

10TH

BRENDEN THEATR.  
(50-PM-25)



*Tenth Street Place  
Master Agreement  
Amendment No. 2*

***“EXHIBIT A”***

*Date: 03/20/01  
Garage Retail Parcel  
Construction  
Materials List  
Provided by RDA*

<b>Item</b>	<b>Storage Location</b>	<b>Contact</b>
◆ (5) Tree grates & frames - horseshoe-shaped	◆ Corporation Yard	◆ City - Operations & Maintenance Dept. for all materials
◆ (4) Tree grates & frames - square	◆ Corporation Yard	
◆ (7) Bollards	◆ 10th Street Garage	
◆ (5) Street Light poles	◆ Corp Yard - Electrical Division	
◆ Pavers - in sufficient quantity to complete the paved area in accordance with original Plans & Specifications on file with the RDA	◆ Stored at Nursery	
◆ (7) Planters - Black	◆ Temp. placed around Tenth Street & building	
◆ Light globes, transformers, receptacles, lamps	◆ Stored in First Floor of JPA Building	

*Tenth Street Place  
Master Agreement  
Amendment No. 2*

***“EXHIBIT A”***

*Date: 03/20/01  
Plaza/Sidewalk  
Work  
Cost Itemization*

Special Note:

1. All work is to be performed in accordance with the Plans and Specifications as approved by the JPA and the RDA in compliance with the Master Agreement. Said Plans and Specifications are on in file in the office of the Redevelopment Agency.
2. A certain portion of the materials for work itemized below will be provided by the RDA. The existing materials list is shown on Page 2 of Exhibit A.

<u>Item</u>	<u>Description</u>	<u>Cost Breakdown</u>
◆ Concrete/Paver Work	◆ Install concrete sidewalks and brick pavers surrounding the Garage Retail Parcel in accordance with the Plans & Specs.	Total Cost not to exceed: \$46,624
◆ Site Survey/Staking	◆ Complete survey work to install concrete sidewalks	
◆ Landscape/Irrigation	◆ Install irrigation lines, landscaping, planter pots and bollards surrounding the Garage Retail Parcel	
◆ Site electrical	◆ Install (5) street lights, electrical outlets in tree wells	

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-127A

A RESOLUTION ACCEPTING IMPROVEMENTS IN CHATEAU MAISON  
SUBDIVISION, IN THE PELANDALE-SNYDER SPECIFIC PLAN AREA, AND  
AUTHORIZING RELEASE OF BONDS

WHEREAS, Western Pacific Housing – Windsor Pointe, LLC, A Delaware Limited Liability Company, subdividers of Chateau Maison subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of \$724,370 and \$362,185 respectively to guarantee improvements in Chateau Maison subdivision and;

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The improvements in Chateau Maison Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$724,370 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of \$362,185 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-128

A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS OF THE EASTPORT UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Corn and Harris Development, LLC, a California Limited Liability Company, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 11.96 acres, known as Eastport Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 9<sup>th</sup> day of February, 1998, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Eastport Unit No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, the Engineering and Transportation Director has certified that all public improvements required by the City of Modesto have been completed in said tract to the satisfaction of the Engineering and Transportation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements in said tract be accepted; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract and file a Notice of Partial Completion on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-129

A RESOLUTION APPROVING THE FINAL MAP OF ATHERTON PLACE  
SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, JOHN T. VERNER and KATHLEEN M. VERNER, and EDWARD A. MACHADO, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 38.01 acres, known as ATHERTON PLACE in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25<sup>th</sup> day of January, 1999, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said ATHERTON PLACE meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in

forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-130

A RESOLUTION APPROVING THE FINAL MAP OF CRAWFORD ESTATES  
SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, SHERWOOD FOREST ESTATES, INC, a California corporation, KENT W. CRAWFORD AND LISA CRAWFORD, and PHILLIP AUSTIN AND IDA AUSTIN, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 1.73 acres, known as CRAWFORD ESTATES ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 16<sup>th</sup> day of October, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said CRAWFORD ESTATES meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in

forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-131

A RESOLUTION AFFIRMING THE CITY'S CO-SPONSORSHIP OF "CLEAN GREEN YARD MACHINE" MULCHING MOWER INCENTIVE PROGRAM, AND AUTHORIZING THE USE OF \$5,000 IN FUNDS FROM THE SOLID WASTE MANAGEMENT PROGRAM BUDGET FOR PARTICIPATION IN THIS PROGRAM IN PARTNERSHIP WITH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT.

WHEREAS, the California Integrated Waste Management Act of 1989 (AB 939) required Cities and Counties to develop comprehensive Source Reduction and Recycling Elements detailing how the jurisdiction will reach State-mandated disposal reduction goals of 25% by 1995 and 50% by the year 2000, and

WHEREAS, by Resolution No. 94-50, adopted January 25, 1994, the City Council adopted its Source Reduction and Recycling Element, and

WHEREAS, the City's Source Reduction and Recycling Element identified specific programs that the City committed to implement to achieve its disposal reduction mandates, and

WHEREAS, said programs included the use of refunds or rebates as incentives to reduce waste at the source (Program 6) and promoting the use of mulching lawn mowers (Program 10/"Grasscycling"), and

WHEREAS, The San Joaquin Valley Air Pollution Control District has allocated \$200,000 for a "Clean Green Yard Machine" - Mulching Lawn Mower Incentive program in an effort to reduce emissions generated by older gasoline-powered lawn mower engines, and,

WHEREAS, as an incentive to purchase non-polluting mulching lawn mowers, the District will be offering these non-polluting lawn mowers for purchase by Modesto residents at half the normal \$400 price beginning in April, 2001, and

WHEREAS, The District has requested that the City become a partner in this important effort and invest \$5,000 in this program as a partial match to the District's allocation, with the City to be recognized as a co-sponsor in all promotional materials related to the program, and

WHEREAS, the City would, by its participation in this program, take two important actions to protect the environment, by giving local residents an incentive to replace their older, polluting lawn mowers with non-polluting mulching mowers and reducing harmful air emissions, and by implementing two of the waste reduction programs identified in the City's AB 939 Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby affirms its co-sponsorship of the "Clean Green Yard Machine" Mulching Mower Incentive Program,

BE IT FURTHER RESOLVED by the Council that it hereby authorizes the use of \$5,000 in funds from the Solid Waste Management Program budget for participation in this program in partnership with the San Joaquin Valley Air Pollution Control District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa Smith, Mayor Sabatino

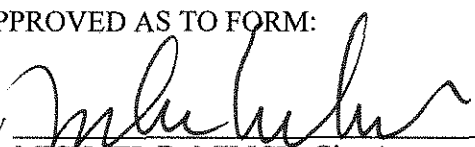
NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-132

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
KEN WESTERVELT FROM CITIZENS' ADVISORY COMMITTEE ON  
RECYLING, EFFECTIVE MARCH 27, 2001

WHEREAS, Ken Westervelt was appointed a member of the Citizens' Advisory  
Committee on Recycling on July 25, 2000 ; and

WHEREAS, Ken Westervelt has tendered his resignation from the Citizens'  
Advisory Committee on Recycling, effective March 27<sup>th</sup> 2001; and

WHEREAS, Ken Westervelt has been a devoted and sincere public servant and  
has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of Ken Westervelt  
from the Citizens' Advisory Committee on Recycling 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 this City, hereby expresses its sincere  
appreciation to Ken Westervelt for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of  
the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Frohman,  
who moved its adoption, which motion being duly seconded by Councilmember Fisher,  
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-133

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF EDWARD LOTKO FROM CITIZENS' ADVISORY COMMITTEE ON RECYCLING EFFECTIVE MARCH 27<sup>TH</sup>, 2001

WHEREAS, Edward Lotko was appointed a member of the Citizens' Advisory Committee on Recycling on July 25<sup>th</sup>, 2000; and

WHEREAS, Edward Lotko has tendered his resignation from the Citizens' Advisory Committee on Recycling, effective March 27<sup>th</sup>, 2001; and

WHEREAS, Edward Lotko has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of Edward Lotko from the Citizens' Advisory Committee on Recycling 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 this City, hereby expresses its sincere appreciation to Edward Lotko for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-134**

**A RESOLUTION APPROVING USE AND EXECUTION OF THE LEGAL  
DEPARTMENT'S "STANDARD AGREEMENT FOR LEGAL SERVICES"  
WITH THE LAW FIRM OF DAVIDOVITZ & BENNETT**

WHEREAS, City desires to obtain the law firm of Davidovitz & Bennett's services with respect to various issues, controversies, cases, arbitrations, and/or contentions arising from or related to City's defense in construction/public works related matters, and advise City with respect to them; and

WHEREAS, the law firm of Davidovitz & Bennett is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by this agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Attorney is authorized and directed to execute the attached "Agreement For Legal Services" with the Law Firm of Davidovitz & Bennett.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-135**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MODESTO AUTHORIZING THE ISSUANCE OF MULTIFAMILY  
HOUSING REVENUE BONDS AND THE LOAN OF THE PROCEEDS  
THEREOF FOR THE REFINANCING AND FINANCING OF  
IMPROVEMENTS TO THE SHADOWBROOK APARTMENTS AND  
APPROVING OTHER RELATED DOCUMENTS AND ACTIONS**

**WHEREAS**, the City Charter of the City of Modesto (the "City") provides that the City is authorized to issue revenue bonds pursuant to California law; and

**WHEREAS**, Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California, as amended, and the Charter of the City (the "Act") authorizes cities to issue revenue bonds for the purpose of financing or refinancing development of multifamily rental housing for persons of low and moderate income;

**WHEREAS**, the City Council hereby finds and declares that it is necessary, essential and a public purpose for the City to engage in a program (the "Program") of issuing revenue bonds of the City to finance and refinance the development of multifamily rental housing for persons of low and moderate income, and has determined to issue revenue bonds for such purpose as authorized by the Act;

**WHEREAS**, the City Council hereby finds and declares that this resolution is being adopted pursuant to the powers granted by the Act;

**WHEREAS**, Shadowbrook Properties, a California limited partnership (including any entity substituted therefor with the consent of the City) (the "Borrower"), has requested that the City issue and sell the Bonds (hereinafter defined) for the purpose of the refinancing of and financing of improvements to the Shadowbrook Apartments (the "Project");

**WHEREAS**, the City previously adopted Resolution No. 2000-577 on November 14, 2000 approving the issuance of bonds for the Project, and as a result of a change in the plan of

credit enhancement, the City hereby rescinds Resolution No. 2000-577 and replaces it with this Resolution; and

**WHEREAS**, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds and the implementation of the Program as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO THAT:**

1. The City Council hereby finds and declares that the above recitals are true and correct.

2. Pursuant to the Act and the Indenture (hereinafter defined), revenue bonds of the City, designated as "City of Modesto Variable Rate Demand Multifamily Housing Revenue Bonds (Shadowbrook Apartments) Series 2001A" and the "City of Modesto Taxable Multifamily Housing Revenue Bonds (Shadowbrook Apartments) Series 2001B" in an aggregate principal amount not to exceed \$11,000,000 (the "Bonds") are hereby authorized to be issued. The Bonds shall be executed by the manual or facsimile signature of the Mayor, the City Manager or the Director of Finance (or any such officer's designee), and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with the Indenture (as hereinafter defined).

3. The Trust Indenture (the "Indenture") between the City and U.S. Bank Trust, National Association (or such other trustee bank as is selected) (the "Trustee"), in the form on file with the City Clerk, is hereby approved. The City Manager or the Director of Finance (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Indenture, and the City Clerk, or such officer's designee, is hereby authorized and directed to attest such officer's signature (or the signature of such officer's designee) on the Indenture, in said form, with such additions thereto or changes therein as are

recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Indenture.

The date, maturity dates, interest rate or rates, remarketing, interest payment dates, denominations, form, registration privileges, manner of execution, place of payment, terms of redemption and tender and other terms of the Bonds, shall be as provided in the Indenture as finally executed.

4. The Financing Agreement between the City, the Trustee and the Borrower (the "Financing Agreement"), in the form on file with the City Clerk, is hereby approved. The City Manager or the Director of Finance (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Financing Agreement in said form, with such additions thereto or changes therein as are recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Financing Agreement.

5. The Tax Regulatory Agreement (the "Regulatory Agreement") among the City, the Trustee and the Borrower, in the form on file with the City Clerk, is hereby approved. The City Manager or the Director of Finance (or any such officer's designee), is hereby authorized and directed for and in the name of and on behalf of the City, to execute and deliver the Regulatory Agreement in said form, with such additions thereto or changes therein as are recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such changes to be conclusively evidenced by the execution and delivery by the City of such agreement.

6. The (a) Bond Purchase Agreement with respect to the Bonds (the "Purchase Agreement") among the City, the Borrower and Sutro & Co. Incorporated (the "Underwriter"),

and (b) a Remarketing Agreement with respect to the Bonds (the "Remarketing Agreement"), among the City, Sutro & Co. Incorporated, as remarketing agent, the Borrower, and the Trustee, in the forms on file with the City Clerk, are hereby approved. The City Manager or the Director of Finance (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to accept the offer of the Underwriter to purchase the Bonds contained in the Purchase Agreement (provided that the aggregate principal amount of the Bonds is not in excess of \$11,000,000, the initial true interest cost of the Bonds is not in excess of 10%, per annum, and the underwriter's discount or fee with respect to the Bonds is not in excess of 2% of the aggregate principal amount of the Bonds plus expenses), and to execute and deliver the Purchase Agreement and the Remarketing Agreement in said forms, with such additions thereto or changes therein as are recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Purchase Agreement and the Remarketing Agreement, respectively.

7. The preliminary Official Statements relating to the Bonds (the "Preliminary Official Statement"), in the form distributed to the City Council and on file with the City Clerk, with such additions thereto or changes therein as are recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Purchase Agreement, is hereby approved. The City Manager or the Director of Finance (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to deem such Preliminary Official Statement final, for purposes of Rule 15c2-12 promulgated under the Securities Exchange Act of 1934, as amended, and to bring to final form the Preliminary Official Statement with such information as is required by law to be included therein (the "Official Statement"), to execute the Official Statement in said form, with such additions thereto or changes therein as are recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Official Statement.

The Underwriter is hereby authorized to distribute copies of the Preliminary Official Statement, if such Preliminary Official Statement and distribution thereof is determined necessary by the City Manager or the Director of Finance, to persons who may be interested in the purchase of the Bonds and are directed under all circumstances to deliver copies of the Official Statement to all actual purchasers of the Bonds. Distribution by the Underwriter of the Preliminary Official Statement relating to the Bonds if determined necessary is hereby approved and authorized.

8. The Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's certificate of authentication and registration appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the Underwriter in accordance with written instructions executed on behalf of the City by the City Manager or the Director of Finance (or any such officer's designee), which instructions such officer (or such officer's designee) is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Trustee. Such instructions shall provide for the delivery of the Bonds to the Underwriter in accordance with the Purchase Agreement, upon payment of the applicable purchase price therefor.

9. All actions heretofore taken by the officers and agents of the City with respect to the establishment of the Program and the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City, including the City Manager and the Director of Finance, or their designees, are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds in accordance with this Resolution and resolutions heretofore adopted by the City in order to carry out the Program including, but not limited to, endorsement of mortgage notes and execution of remarketing agreements, subordination agreements, intercreditor agreements and assignments and execution of those certificates, agreements and other documents described in the Indenture, the Financing Agreement, the Regulatory Agreement, the Purchase Agreement, and

the other documents herein approved and any certificates, agreements or documents as may be necessary to further the purpose hereof, evidence credit support or additional security for the Bonds, carry out the defeasance and redemption of the bonds to be refunded with the Bonds, and evidence the obligation to purchase the Bonds, or any portion thereof, upon tender by the Bondholders (including a tender agent agreement), but which shall not create any obligation or liability of the City other than with respect to the revenues and assets derived from the proceeds of the Bonds.

10. This Resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-136

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO APPROVE ANY CASH-ON-HAND CHANGES UP TO \$10,000 IN TOTAL AND THAT CASH-ON-HAND WILL BE AUDITED ON AN REGULAR BASIS

WHEREAS, the Cash-on-Hand Account includes cash drawers used for the purpose of making change for customers making payments in various City Departments and for petty cash reimbursement to employees for small miscellaneous out-of-pocket business expenses, and

WHEREAS, City staff recommends that future changes to Cash-on-Hand be authorized by the Finance Director without requiring Council action; and

WHEREAS, the Financial Policy Committee reviewed and approved the changes to Cash-on-Hand at their January 29, 2001 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Finance shall have the authority to approve any Cash-on-Hand changes up to \$10,000 in total and that said Cash-on-Hand account will be audited on a regular basis.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

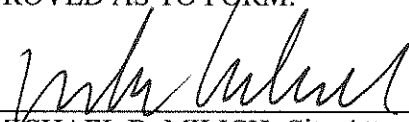
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-137

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MI PUEBLO, SAN JOSE, INC., TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1612 CROWSLANDING ROAD, MODESTO.

WHEREAS, the City of Modesto has contracted with businesses to operate as pay stations for the convenience of its customers,

WHEREAS, the City of Modesto has received a proposal from Mi Pueblo, San Jose, Inc., to retain the pay station at the location that was previously owned by New Deal Market at 1612 Crowslanding Road and has since been purchased by Mi Pueblo, San Jose, Inc.; and

WHEREAS, in order to provide continued customer service, staff recommends that the agreement between the City of Modesto and Mi Pueblo, San Jose, Inc., be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mi Pueblo, San Jose, Inc. to receive utility bill payments from customers at 1612 Crowslanding Road, Modesto be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-138

A RESOLUTION AUTHORIZING REQUESTS FOR PROPOSALS FOR REMOVAL  
AND BENEFICIAL REUSE OF PRIMARY WASTEWATER BIOSOLIDS

WHEREAS, Bio-solids are a by-product of the primary wastewater treatment process for the Modesto general area, and

WHEREAS, the Operations & Maintenance Department-Water Quality Control (WQC) has requested the removal and beneficial reuse of Primary Wastewater Biosolids for FY 2001/2002 with three one-year extensions for removal of de-watered bio-solids at the Primary Wastewater Treatment Plant located at 1221 Sutter Avenue, Modesto, California, and

WHEREAS, by soliciting competitive bids, the Finance Department-Purchasing Division will comply with the Modesto City Code, Section 8-3.204, formal bid procedures,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing Removal and Beneficial Reuse of Primary Wastewater Biosolids to be opened in the office of the City Clerk, 1010 10<sup>TH</sup> Street, in the City of Modesto, on April 17, 2001 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmemeber Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-139

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR POLICE SHOOTING RANGE.

WHEREAS, the Police Department has requested the purchase of a shooting range.

WHEREAS, by soliciting formal bids, the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the furnishing of a shooting range to be opened in the office of the City Clerk, 1010 10<sup>th</sup> Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
By: Michael D. Milich  
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-140

A RESOLUTION AUTHORIZING CALL FOR QUALIFICATIONS AND  
PROPOSALS FOR WEED CONTROL SERVICES.

WHEREAS, the Operations and Maintenance Department - Parks Service and Repair Division has requested the purchase of a weed control services.

WHEREAS, by soliciting formal proposals , the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed qualifications and proposals for the furnishing of weed control services to be opened in the office of the City Clerk, 1010 10<sup>th</sup> Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed qualifications and proposals in the time, form and manner provided by law.

SECTION 2. After the qualifications and proposals are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-141

A RESOLUTION IN SUPPORT OF SENATE BILL 10 (SOTO), HIGHWAYS: SAFE ROUTES TO SCHOOL PROGRAM.

WHEREAS, safe and convenient places to walk and bicycle are essential elements of retaining a high quality of life and a commitment to public safety in the City of Modesto, and

WHEREAS, the U.S. Centers for Disease Control estimates that while more than two-thirds of American children walked or biked to school three decades ago and now less than ten percent do, and

WHEREAS, walking or bicycling to school safely will improve public health as well as reduce neighborhood traffic congestion around schools, and

WHEREAS, getting kids to walk and bike to school can potentially reduce traffic congestion on local streets, and

WHEREAS, neighborhood traffic calming projects, crosswalks, sidewalks, bicycle paths and lanes, and other physical infrastructure investments are one of the most cost-effective means of reducing child bicycle and pedestrian injuries and fatalities, and

WHEREAS, the first round of Safe Routes to School grants received \$130 million in applications for only \$20 million in available grants, demonstrating the urgent need for the program in jurisdictions all across California, and

WHEREAS, local governments in California have a continuing need for additional financing to help fund needed infrastructure and transportation projects,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto supports Senate Bill 10, the Safe Routes to School reauthorization bill of 2001, and urges that the State Legislature and Governor approve the bill as soon as possible in order to make the program permanent.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

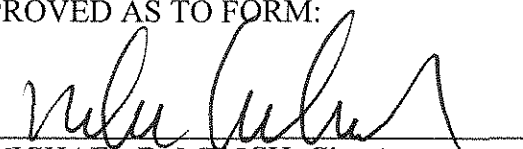
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-142

A RESOLUTION DESIGNATING THE PROPERTY AT 400  
TUOLUMNE BOULEVARD (MUNICIPAL GOLF COURSE) AS A  
MODESTO LANDMARK PRESERVATION SITE. (OWNER: CITY  
OF MODESTO)

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes  
Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate  
significant landmarks in the community, and

WHEREAS, a public hearing was held on August 16, 1999, in the City Council  
Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark  
Preservation Commission found and recommended in their Resolution No. 99-10, that the  
property at 400 Tuolumne Boulevard (Municipal Golf Course) is eligible for designation as a  
Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance or adaptive use is economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.
4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, the Human Services Committee met on February 21, 2001, and supported  
the Landmark Preservation Commission's recommendation to designate 400 Tuolumne  
Boulevard (Municipal Golf Course) as a Landmark Preservation Site, and

WHEREAS, after a public hearing held on March 13, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, the Council found and determined that the property at 400 Tuolumne Boulevard (Municipal Golf Course) is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 400 Tuolumne Boulevard (Municipal Golf Course) is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 400 Tuolumne Boulevard (Municipal Golf Course) has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

**Historical significance** - Associated with activities, processes, events, trends or persons of importance to the community, state or nation.

Municipal Golf Course was created in 1933 but the land had been City property since 1918. It has been determined that it is one of the oldest 9-hole golf courses in the area. Before becoming a golf course, it had been the City's fairgrounds.

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

Municipal Golf Course is a 54-acre course that has been planted with a variety of trees over the years. However, the predominant trees on the course are Italian Stone Pines. These trees are in their declining years and are subject to wind damage. The course has lost a large number of these trees over the years and we expect to lose more in the future. These declining trees will be replaced with trees that are more suitable for a golf course.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad, Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**

State of California -- The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
PRIMARY RECORD

Primary # \_\_\_\_\_  
HRI# \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_

Other Listings \_\_\_\_\_  
Review Code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 3 \*Resource Name or #: (Assigned by recorder) \_\_\_\_\_

P1. Other Identifier: \_\_\_\_\_

\*P2. Location:  Not for Publication  Unrestricted

\*a. County Stanislaus and (P2c, P2a, and P2b or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad \_\_\_\_\_ Date \_\_\_\_\_ T \_\_\_\_\_ : R \_\_\_\_\_ ;  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Sec \_\_\_\_\_ : \_\_\_\_\_ B.M.

c. Address 400 Tuolumne Blvd. City Modesto, CA Zip 95351

d. UTM: (Give more than one for large and/or linear resources) Zone R-1, \_\_\_\_\_ mE/ \_\_\_\_\_ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

54-acre, 9-hole golf course and clubhouse.

\*P3b. Resource Attributes: (List attributes and codes) HR31

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



P5b. Description of Photo: (view, date, accession #) east of

Neece Drive.

\*P6. Date Constructed/Age and Source:  Historic  Prehistoric

Both

1930's

\*P7. Owner and Address: \_\_\_\_\_

City of Modesto

801 11th St., Modesto, CA

95354

\*P8. Recorded by: \_\_\_\_\_

(Name, affiliation, and address)

Wayne A. Mathes

\*P9. Date Recorded: 8/5/99

\*P10. Survey Type: (Describe)

\*P11. Report Citation: (Cite survey report and other sources, or enter "none.")

\*Attachments:  NONE  Location Map  Continuation Sheet  Building, Structure, and Object Record

Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record

Artifact Record  Photograph Record  Other (List): Sketch Map

Primary # \_\_\_\_\_

HRI # \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

\*NRHP Status Code \_\_\_\_\_

\*Resource Name or #(Assigned by recorder) \_\_\_\_\_

- x 81. Historic Name: Municipal Golf Course
- x 82. Common Name: "Muni"
- x 83. Original Use: 9-Hole Golf Course (constructed for portion of 1920's airfield)
- x 84. Present Use: 9-Hole Golf Course
- \*85. Architectural Style: \_\_\_\_\_
- \*86. Construction History: (Construction date, alterations, and date of alterations) \_\_\_\_\_

Constructed in mid 1930's.

\*87. Moved?  No  Yes  Unknown Date: \_\_\_\_\_ Original Location: \_\_\_\_\_

\*88. Related Features:

Ian MacDonald, Golf Professional along with City Engineer in 1934.

89a. Architect I b. Builder: I

\*B10. Significance: Theme 9-Hole Golf Course Area: \_\_\_\_\_

Period of Significance: 1930's Property Type: \_\_\_\_\_ Applicable Criteria: \_\_\_\_\_

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.) Municipal Golf Course (400 Tuolumne Blvd., Modesto) was constructed in the mid 1930's. The land was originally part of the Modesto Aviation Field. On June 28, 1933, (Resolution No. 2630-N.S.) the City Council adopted plans for a municipal golf course and appointed Councilmember Neece as Chairman in Charge of the golf course plan. On August 23, 1933, the City Attorney drew up a contract with Ian MacDonald to be the Golf Professional and caretaker of the course. On November 15, 1933, R.T. Bush was awarded a bid for \$1,018 to remodel the clubhouse. On November 22, 1933, R.C. Cairns filed a petition with the City Council asking sanctions in the formation of a club to be known as the "Modesto Golf Course Club." On December 13, 1933, the City Council approved by-laws and constitution of the Modesto Golf Club.

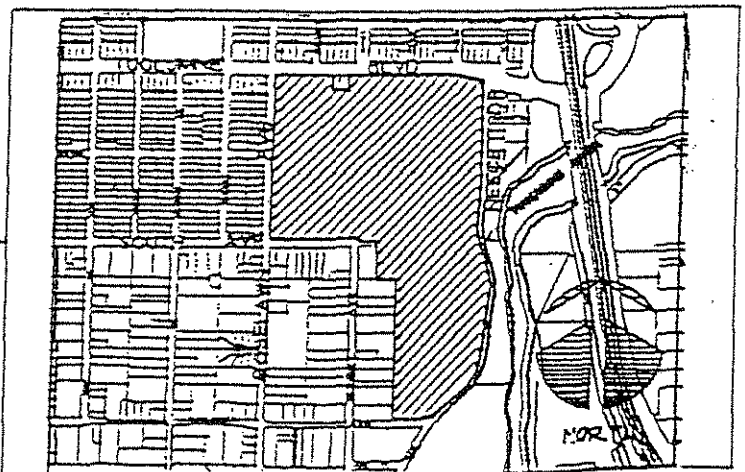
811. Additional Resource Attributes: (List attributes and codes) HR31

\*B12. References: City Clerk's records of Modesto City Council Resolution and Ordinances from 1918 - 1934.

813. Remarks:

\*B14. Evaluator:  
Wayne A. Mathes, Cultural Services  
Manager  
\*Date of Evaluation: 8/4/99

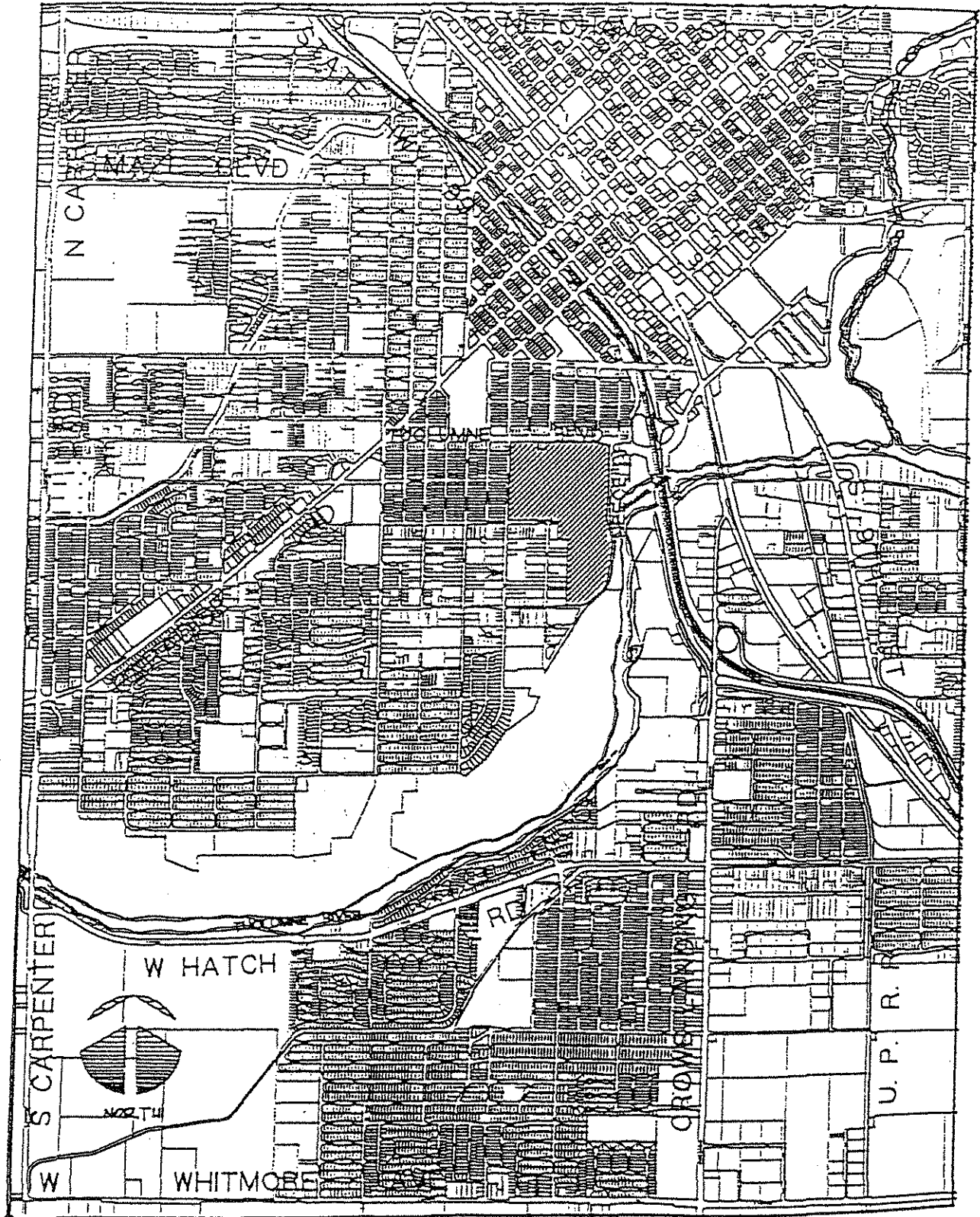
(This space reserved for official comments)

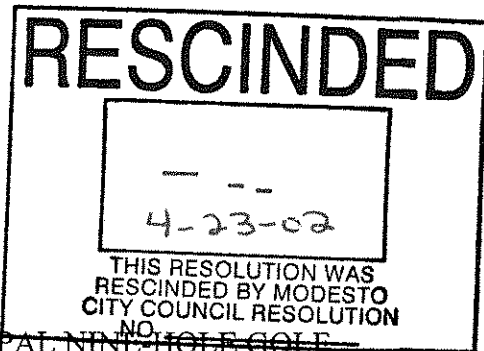


State of California -- The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
LOCATION MAP

Primary # \_\_\_\_\_  
HRI# \_\_\_\_\_  
Trinomial \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_ \*Resource Name or # (Assigned by recorder) \_\_\_\_\_  
\*Map Name: \_\_\_\_\_ \*Scale: \_\_\_\_\_ \*Date of map: \_\_\_\_\_





MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-143

A RESOLUTION RESTATING RATES AT THE MUNICIPAL NINE-HOLE GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, ESTABLISHING NEW RATES AT THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, AMENDING CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE, AND THE CREEKSIDE MUNICIPAL GOLF COURSE, AND RESCINDING RESOLUTION NO. 2000-188. 2002-206A

WHEREAS, in an effort to create golfer friendly courses and to attract new golfers as well as enhancing the play for existing golfers, City staff is recommending revising the nine-hole fee policy at Dryden Park Municipal Golf Course and Creekside Municipal Golf Course to allow the current fee to be effective all day, and changing the minimum number of players for shotgun tournaments from 144 to 120, and

WHEREAS, City staff is recommending a family tee program and related fees at the Municipal Nine-Hole Golf Course, and

WHEREAS, at City's Municipal Golf Courses, City staff is recommending a "play one round, get the second round at the same course on the same day for half price" policy, and permitting fivesome play, and an annual club membership, and

WHEREAS, the Golf Courses Committee met on February 26, 2001, and supported the recommendations of City staff regarding an annual Club Membership at City's Municipal Golf Courses, and a family tee program at Municipal Nine-Hole Golf Course, and

WHEREAS, the Human Services Committee met on February 14, 2001, and supported the recommendations of staff regarding an annual membership program and all changes in play policy, and

WHEREAS, by an agenda report to the City Council from the Recreation and Neighborhoods Department dated March 12, 2001, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on March 27, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> 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 amended golf fees and play policy, and

WHEREAS, the Council of the City of Modesto finds that play policy for golfers at the Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course needs to be revised and new fees for play need to be established,

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

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of \$2.25 per round shall continue to be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) Valu- Play Cards. Golfers can purchase a weekday 6, 8 or 10 Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) Family Tee Program. To promote family play, golfers may play from established "family tees" to be set no more than 175 yards from the greens at Municipal nine-Hole Golf Courses. Rates for play are \$5.00 weekdays and \$6.00 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) Play one round, get the second round free. This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Recreation and Neighborhoods Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit "C" attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. OFFICIALLY RECOGNIZED AFFILIATED GOLF CLUBS. Golf Clubs officially recognized under the terms of this resolution are: Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after April 1, 2001.

SECTION 10. REPEALS. Resolution No. 2000-188 is hereby rescinded effective March 28, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino  
NOES: Councilmembers: Conrad  
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO GOLF COURSES  
GREEN FEE SCHEDULE  
EFFECTIVE MARCH 15, 2001

DRYDEN PARK MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 12.50
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 10.50
Weekdays, 18-holes	\$ 17.00
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 14.00
Weekdays, 18-holes (juniors, after noon)	\$ 9.50
Weekdays Mid-day, 18-holes	\$ 13.00
Weekdays Super-Twilight, 18-holes	\$ 7.00
Weekdays afternoon League Play	\$ 12.00
Weekends/Holidays, 9-holes	\$ 14.50
Weekends/Holidays, 18-holes	\$ 23.00
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 12.50
Weekends/Holidays Mid-day, 18-holes	\$ 16.00
Weekends/Holidays Super-Twilight, 18-holes	\$ 10.00
6-play Valu-Play booklet	\$ 84.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 72.00
8-play Valu-Play booklet	\$112.00
8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 96.00
10-play Valu-Play booklet	\$140.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$120.00

CREEKSIDE MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 14.00
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 11.50
Weekdays, 18-holes	\$ 19.00
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 15.50
Weekdays, 18-holes (juniors, after noon)	\$ 10.50
Weekdays Mid-day, 18-holes	\$ 14.00
Weekdays Super-Twilight, 18-holes	\$ 8.00
Weekdays afternoon League Play	\$ 13.00
Weekends/Holidays, 9-holes	\$ 16.50
Weekends/Holidays, 18-holes	\$ 26.00
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 14.50
Weekends/Holidays Mid-day, 18-holes	\$ 18.00
Weekends/Holidays Super-Twilight, 18-holes	\$ 12.00
6-play Valu-Play booklet	\$ 84.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 72.00
8-play Valu-Play booklet	\$112.00
8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 96.00
10-play Valu-Play booklet	\$140.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$120.00

MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

Weekdays, 9-holes	\$ 10.00
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 8.00
Weekdays, 9-holes (juniors, after noon)	\$ 5.50
Weekdays Mid-day, 9-holes	\$ 8.00
Weekdays Super-Twilight, 9-holes	\$ 6.00
Weekdays afternoon League Play	\$ 7.00
Weekends/Holidays, 9-holes	\$ 12.00
Weekends/Holidays, 9-holes (juniors, after noon)	\$ 6.50
Weekends/Holidays Mid-day, 9-holes	\$ 9.00
Weekends/Holidays Super-Twilight, 9-holes	\$ 7.00
6-play Valu-Play booklet	\$ 42.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 36.00
8-play Valu-Play booklet	\$ 56.00
8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 48.00
10-play Valu-Play booklet	\$ 70.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$ 60.00
Weekdays, 9-holes, Family Tees	\$5.00
Weekends, 9-holes, Family Tees	\$6.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE AND CREEKSIDE MUNICIPAL GOLF COURSE

Annual Club Membership, Initial Membership	\$150.00
Annual Club Membership, Every Day	\$800.00
Annual Club Membership, Every Day, Jr./Sr.	\$700.00
Annual Club Membership, Every Day, Family	\$1,200.00
Annual Club Membership, Every Day, Family, Jr./Sr.	\$1,050.00
Annual Club Membership, Week Day	\$650.00
Annual Club Membership, Week Day, Jr./Sr.	\$550.00
Annual Club Membership, Week Day, Family	\$975.00
Annual Club Membership, Week Day, Family, Jr./Sr.	\$825.00

TOURNAMENT FEE SCHEDULE AND POLICY  
EFFECTIVE MARCH 15, 2001

	FEE PER PLAYER		
	<u>Regular Tee Time Style</u>	<u>Full Shotgun Tee Time Style</u>	<u>Modified Shotgun Tee Time Style</u>
<u>CREEKSIDE</u>			
Weekday	\$28.00	\$49.00	\$49.00
Weekends	\$35.00	\$57.00	\$57.00
<u>DRYDEN</u>			
Weekday	\$26.00	\$47.00	\$47.00
Weekends	\$32.00	\$54.00	\$54.00
<u>MUNI</u>			
Weekday	\$18.00	\$31.00	N/A
Weekend	\$22.00	\$35.00	N/A

In addition, a non-refundable deposit of \$50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees (\$18.00 weekdays/\$25.00 weekends at Creekside, \$16.00 weekdays/\$22.00 weekends at Dryden and \$10.00 weekdays/\$12.00 weekends at Muni); and Pro Shop merchandise credit (\$5.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni); and golf course restaurant credit (\$5.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees (\$22.00 weekdays/\$30.00 weekends at Creekside, \$20.00 weekdays/\$27.00 weekends at Dryden and \$12.00 weekdays/\$14.00 weekends at Muni); cart rental (\$13.00 at Creekside/Dryden and \$11.00 at Muni); and Pro Shop merchandise credit (\$7.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni); and golf course restaurant credit (\$7.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees (\$22.00 weekdays/\$30.00 weekends); cart rental (\$13.00 at Creekside, \$19.00 weekdays/\$26.00 weekends at Dryden); and Pro Shop merchandise credit (\$7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

PLAY DAY POLICY  
FOR PLAY AT THE CITY'S  
MUNICIPAL GOLF COURSES  
BY NON-AFFILIATED GROUPS

The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;
2. They commit to use the City's golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);
3. They have a minimum of twenty-four (24) players;
4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);
5. Their events do not promote a formal competition or championship; and
6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-144**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(478), AS AN ADDITION TO PLANNED  
DEVELOPMENT ZONE, P-D(478), (LEONARD SORANNO)**

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Leonard Soranno, on December 7, 2000, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(478), as an addition to Planned Development Zone, P-D(478), to allow for a medical clinic, County offices, and landscaped parking area, property located on the south side of Briggs Avenue, west of Martin Luther King Drive, described as follows:

R-1 to P-D (478), as an addition to P-D(478)

All that certain real property situate in a portion of Lot 3 of the "Re-Survey of Brichman's Addition to the City of Modesto", according to the Official Map thereof, filed for record in Volume 2 of Maps, Page 1, Stanislaus County Records, located in Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of said Lot 3; thence South 89°46'40" East along north line of said Lot 3, being also the south line of a 60.00 foot wide Briggs Avenue, a distance of 231.30 feet to the northwesterly corner of existing Planned Development Zone, P-D (478); thence southerly along the westerly line of said Planned Development Zone, P-D (478), the following five (5) courses:

- (1) South 0°25'50" East 54.00 feet,
- (2) South 44°34'10" West 131.95 feet,
- (3) South 0°25'50" East 105.25 feet,
- (4) South 45°25'50" East 93.34 feet, and
- (5) South 0°25'50" East 147.42 feet, to the south line of said Lot 3;

Thence North 89°48'40" West, along said south line of Lot 3, a distance of 204.00 feet, to the southwest corner of said Lot 3; thence North 0°25'50" West,

along the west line of said Lot 3, a distance of 466.40 feet to the point of beginning. Including also all of the south one-half of 60.00 foot wide Briggs Avenue located immediately adjacent to the above described project.

and

WHEREAS, after a public hearing held on February 5, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-12, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The property is located on a minor arterial street, and is located in close proximity to other office and commercial uses on Paradise Road and Martin Luther King Drive.
2. Office uses are compatible with the existing and planned surrounding land uses in the area.
3. The proposed rezoning is consistent with the Modesto Urban Area General Plan.

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 27, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Leonard Soranno for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-12 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3211-C.S. on the 27th day of March, 2001, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D (478), as an addition to Planned Development Zone, P-D(478).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(478), as an addition to Planned Development Zone, P-D(478), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan titled "West Modesto Clinic and County Offices" as amended in red, stamped approved by the City Council on March 27, 2001.
2. Prior to the issuance of a building permit a eight-foot-high masonry wall shall be constructed along the south, and west, property lines.
3. Prior to the issuance of a building permit, a landscape and irrigation plan shall be approved by the Chief Building Official. Landscaping along Briggs Avenue shall match the landscaping to the east. Landscaping and irrigation systems shall be installed and maintained in accordance with the approved plan.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Prior to the issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
6. Prior to the issuance of a building permit, the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
8. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department.
9. The developer shall in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plot plan.
10. Prior to the issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to the construction of any structures.
11. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, as required by the Community Development Director, shall be dedicated along all street frontages.

12. Existing underground and overhead electric facilities and existing irrigation lines within the property shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director. Appropriate easements for electric facilities and irrigation lines to remain shall be dedicated as necessary.
13. All signs shall comply with the requirements of the C-2 Zone.
14. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this development shall be based on the rates in effect at the time of issuance of a building permit.
15. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(478), as an addition to Planned Development Zone, P-D(478):

Construction to begin on or before March 27, 2003, and completion to be not later than March 27, 2004.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(478), as an addition to Planned Development Zone, P-D(478), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By: [Signature]  
Community Development Department  
Planning Division

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-145

A 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 (SCH NO. 92052017): AMENDING SECTION 31-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(478), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(478), PROPERTY LOCATED ON THE SOUTH SIDE OF BRIGGS AVENUE, WEST OF MARTIN LUTHER KING DRIVE. (LEONARD SORANNO)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Leonard Soranno has proposed an amendment to Section 31-3-9 of the Zoning Map to rezone property from Low Density Residential Zone, R-1 to Planned Development Zone, P-D(478) as an addition to Planned Development Zone, P-D(478), property located on the south side of Briggs Avenue, west of Martin Luther King Drive, in the City of Modesto to allow a medical clinic, County offices, and landscaped parking area (the"Project"), and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD2001-05 reviewed the proposed rezoning to P-D(478) to determine whether the Project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed Project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR,

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 amendment to the Zoning Map and rezone to P-D(478) 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. That the proposed Project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the Project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed Project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the Project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 27th day of March, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor  
Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Initial Study

EA/CDD 2001-05

City of Modesto  
Initial Study

**Rezoning R-1 to P-D(478) Soranno**

EA/CDD 2001-05  
January 16, 2001

**I. PURPOSE**

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

**II. PROJECT DESCRIPTION**

- A. Project Title:  
Rezone R-1 to P-D (478) Soranno
- B. Lead Agency Name and Address:  
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact Person and Phone Number:  
Barbara Denlis, Community Development Department, (209) 577-5276
- D. Project Location:  
409 Paradise Road, south of Briggs Avenue and west of Martin Luther King Drive, in the Modesto area.
- E. Project Sponsor:  
Lenny Soranno, 800 N. Carpenter Road, Modesto, Ca 95351
- F. General Plan Designation:  
Mixed Use (MU)
- G. Current Zoning:  
Low Density Residential (R-1)
- H. Description of Proposed Project:  
This is a rezoning from R-1 to P-D to allow for a medical clinic and County offices, and a landscaped parking area on the south side of Briggs Avenue, west of Martin Luther King Drive.

- I. Surrounding Land Uses:  
The project is surrounded by residential uses to the north, commercial uses to the east, and a mix of commercial and residential uses to the south and to the west.
- J. Other Public Agencies Whose Approval is Required:  
None.

### **III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

#### **A. Traffic and Circulation**

Although the proposed project is a rezoning to Planned Development, this rezone is nevertheless consistent with the General Plan in land use and intensity, because the General Plan anticipated professional office centers like this one in the Baseline Developed Area. Further, the access driveways proposed by the project have been approved by the City's Traffic Engineer as being consistent with City standards and the General Plan. Therefore, the traffic impacts analyzed in the Traffic and Circulation section of the MEIR (pages IV-1-1 through IV-1-37) are still valid, and no changes are needed to this Section.

#### **B. Degradation of Air Quality**

The air quality impacts for this project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this project will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV 2-25) are therefore still valid.

#### **C. Generation of Noise**

The proposed project will create some additional noise, but this additional noise is not significant in comparison to the general traffic noise on Paradise Road. Therefore, the conclusions in the Generation of Noise section of the MEIR (pages IV-3-1 through IV-3-33) are still valid, and this section of the MEIR does not need to be changed.

#### **D. Loss of Productive Agricultural Land**

This area is located in the urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

#### **E. Increased Demand for Water Supplies**

The proposed project will not generate increased demand for water supplies over what was assumed in the MEIR, and will provide the necessary infrastructure to provide water service to the project. The Existing Conditions, Impacts Analysis

and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

**F. Increased Demand for Sanitary Sewer Services**

The proposed project will not generate increased demand for sanitary sewer services over what was assumed in the MEIR, and will provide the necessary infrastructure to provide sanitary sewer service for the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The project is located in a build-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

**H. Disturbance of Archaeological and Historic Sites**

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

**I. Drainage, Flooding and Water Quality**

The proposed project will conform to the City's standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

**J. Increased Demand for Storm Drainage**

The proposed project will provide the necessary infrastructure to provide storm drainage to meet City standards. The mitigation measures contained within the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.

**K. Increased Demand for Parks and Open Space**

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facility Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are still valid.

**L. Increased Demand for Schools**

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project is a commercial project that would not create additional demand for schools, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

**M. Increased Demand for Police Services**

The proposed project will not result in any significant increase in the demand for police services in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

**N. Increased Demand for Fire Services**

The proposed project will not result in any significant increase in the demand for fire services in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. In addition, the project provides for emergency access to meet City standards. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are still valid.

**O. Generation of Solid Waste**

The proposed project will not result in any significant increase in the generation of solid waste in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are still valid.

**P. Generation of Hazardous Waste**

The proposed project will not result in any significant increase in the generation of hazardous materials in the context of the MEIR, because of the small size of the project and the fact that the General Plan anticipated medical facilities located throughout the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are still valid.

**Q. Landslides and Seismic Activity**

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are still valid.

**R. Energy**

The proposed project will not result in any significant increase in the demand for energy in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

**IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

- A. The proposed rezoning is within the scope of the General Plan Master EIR (SCH No. 92052017).
- B. No additional significant environmental effects will occur as a result of the proposed rezoning that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed rezoning that were not previously considered in the General Plan Master EIR.
- D. There are not specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Barbara Denlis  
Associate Planner

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-146

**A RESOLUTION EXTENDING THE PROVISIONAL APPOINTMENT OF  
JENNIFER BRINAR AS RECREATION SUPERVISOR II FOR A PERIOD OF  
SIXTY (60) DAYS.**

WHEREAS, Jennifer Brinar was provisionally appointed as Recreation Supervisor II on October 5, 2000, for a period of six months, and

WHEREAS, Modesto Personnel Rule 7.5(c) requires Council approval if a provisional appointment is to exceed the six month period authorized by said rule, and

WHEREAS, the Council desires to extend the provisional appointment of Jennifer Brinar for an additional sixty (60) day period,

NOW, THEREFORE, BE IT RESOLVED that the provisional appointment of Jennifer Brinar as Recreation Supervisor II is hereby extended for an additional 60 (sixty)-day period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-147**

**A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR SHARING COST OF OPERATING AND MAINTAINING A TRAFFIC SIGNAL AT THE PELANDALE / STATE ROUTE 108 (MCHENRY AVENUE) / CLARATINA INTERSECTION.**

WHEREAS, the City of Modesto wishes to install a new traffic signal at the Pelandale Avenue / State Route 108 (McHenry Avenue) / Claratina Avenue intersection; and

WHEREAS, the State of California Department of Transportation (CalTrans) will operate and maintain the new traffic signal; and

WHEREAS, the State of California Department of Transportation (CalTrans) requires a cost sharing Agreement to distribute costs incurred in operation and maintenance of the new traffic signal.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and the State of California Department of Transportation for sharing the cost of operating and maintaining traffic signal at the Pelandale / State Route 108 (McHenry Avenue) / Claratina Avenue intersection, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City of Modesto's City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-148**

**A RESOLUTION ACCEPTING THE BID OF ROBISON-PREZIOSO, INC. FOR  
THE PROJECT TITLED "RECOAT TANK INTERIOR – WATER TANK 5"**

WHEREAS, the bids received for Recoat Tank Interior – Water Tank 5 were opened at 11:00 a.m. on March 13, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$82,070.00 received from Robison-Prezioso, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Robison-Prezioso Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

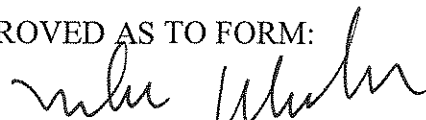
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-149

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE PROJECT TITLED "COLDWELL AVENUE AND NINTH STREET IMPROVEMENTS"

WHEREAS, the bids received for Coldwell Avenue and Ninth Street Improvements were opened at 11:00 a.m. on March 13, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$653,551 received from George Reed Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-150**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET TO  
RECOGNIZE ADDITIONAL LOCAL TRANSPORTATION FUND REVENUE,  
TO TRANSFER THOSE FUNDS TO THE GAS TAX FUND, AND TO  
ALLOCATE FUNDS TO APPROPRIATE CIP ACCOUNTS.**

WHEREAS, THE City has been awarded a supplemental apportionment from the State for the Local Transportation Fund, and

WHEREAS, the City has previously obtained funding from the State Transportation Improvement Program (STIP) to fund “Coldwell Avenue and Ninth Street Improvements” and the “Sisk Road Improvements”, and

WHEREAS, the cost for construction of these projects exceed the amount originally estimated for and funded by the state, and

WHEREAS, the City desires to complete the projects in a timely manner to insure the continued availability of state funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget to recognize the supplemental funds as additional revenue to the Local Transportation Fund. Further, said funds shall be transferred to the Gas Tax Funds, and allocated to the respective CIP accounts as shown.

**RECOGNIZE SUPPLEMENTAL ALLOCATION AS ADDITIONAL REVENUE FROM  
STATE FOR THE**

0520- Local Transportation Fund	\$ 356,920
---------------------------------	------------

**TRANSFER THE FULL AMOUNT TO THE GAS TAX FUND**

0700 – Gas Tax Fund	\$ 134,190
2300 – Gas Tax Fund – Additional Projects	\$ 222,730

ALLOCATE THE FUNDS AS FOLLOWS:

0700-430-L916 Coldwell Ave Improvements \$ 134,190

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-151

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT  
BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT  
FOR LIGHTHOUSE AVENUE AT MID LATERAL 6 CANAL CROSSING FOR  
MONTEREY BAY SUBDIVISION IMPROVEMENTS

WHEREAS, the Monterey Bay Subdivision requests a canal crossing at Lighthouse  
Avenue and the Modesto Irrigation District Lateral No. 6; and

WHEREAS, the Monterey Bay Subdivision will construct a canal crossing at Lighthouse  
Avenue and the Modesto Irrigation District Lateral No. 6 at no cost to the City; and

WHEREAS, the Modesto Irrigation District requires a Consent to Common Use  
Agreement for a street entering the District right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the  
agreement between the City of Modesto and Modesto Irrigation District for Lighthouse Avenue  
@ MID Lateral 6 canal crossing for the construction of the improvements of Monterey Bay  
Subdivision be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated  
city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 3rd of April, 2001, by Councilmember Fisher, who moved its adoption,  
which motion being duly seconded by Councilmember Friedman, was upon roll call carried and  
the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor  
Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-151A

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT  
BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT  
FOR PENINSULA DRIVE AT MID LATERAL 6 CANAL CROSSING FOR  
MONTEREY BAY SUBDIVISION IMPROVEMENTS

WHEREAS, the Monterey Bay Subdivision requests a canal crossing at Peninsula Drive  
and the Modesto Irrigation District Lateral No. 6; and

WHEREAS, the Monterey Bay Subdivision will construct a canal crossing at Peninsula  
Drive and the Modesto Irrigation District Lateral No. 6 at no cost to the City; and

WHEREAS, the Modesto Irrigation District requires a Consent to Common Use  
Agreement for a street entering the District right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the  
agreement between the City of Modesto and Modesto Irrigation District for Peninsula Drive @  
MID Lateral 6 canal crossing for the construction of the improvements of Monterey Bay  
Subdivision be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated  
city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Fisher, who moved its  
adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-152**

**A RESOLUTION IN OPPOSITION TO SENATE BILL 910 (DUNN),  
HOUSING ELEMENTS, FINES, PENALTIES, AND LITIGATION.**

WHEREAS, Senate Bill 910 establishes a legal rebuttable presumption of non-validity for a housing element or amendment if the Department of Housing and Community Development has found that the housing element or amendment does not substantially comply with state law, for any lawsuit filed after January 1, 2002, and

WHEREAS, Senate Bill 910 requires a court to levy a penalty up to \$1,000 per unit of the total projected housing needs for a city or county, if the court finds that a local government's housing element is not in substantial compliance with the state law governing housing elements, and

WHEREAS, Senate Bill 910 requires a court to award plaintiff's attorney's fees and costs, on a finding that there is not substantial compliance, and

WHEREAS, Senate Bill 910 requires the State Controller to reduce the monthly allocation of funds disbursed under various fuel tax laws to any city or county that does not have a housing element in substantial compliance with state law and to redistribute those funds in the following month, and

WHEREAS, Senate Bill 910 requires the Department of Housing and Community Development to report to the State Controller monthly a list of non-compliant jurisdictions, and

WHEREAS, the Modesto City Council does not support the granting of authority to state employees that may effectively overrule decisions made by locally elected officials who are more knowledgeable about the community's needs and complex issues, and

WHEREAS, the Modesto City Council cares deeply about the housing needs of the community and places a great deal of effort in addressing those needs, and

WHEREAS, the state's housing needs require a productive working relationship between local governments and the state and a discussion involving all issues affecting housing production, and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto opposes Senate Bill 910 (Dunn) and urges the State Legislature and Governor also oppose this legislation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Micheal D. Milich  
MICHEAL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-153**

**A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC  
IMPROVEMENTS OF THE LEGACY UNIT NO. 2 SUBDIVISION OF THE CITY OF  
MODESTO.**

WHEREAS, THE FITZPATRICK COMPANY, a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 8.45 acres, known as Legacy Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 25<sup>th</sup> day of January, 1999 and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Legacy Unit No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, the Engineering and Transportation Director has certified that all public improvements required by the City of Modesto have been completed in said tract to the satisfaction of the Engineering and Transportation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements in said tract be accepted; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract and file a Notice of Completion on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino  
NOES: Councilmembers: Conrad  
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-154**

**A RESOLUTION APPROVING A NONEXCLUSIVE AGREEMENT WITH THE  
SPORTSMEN OF STANISLAUS CLUB (SOS) TO PROVIDE SERVICES IN  
ADMINISTERING THE CITY OF MODESTO ANNUAL GOLF PASS PROGRAM AND  
CO-MARKETING WITH THE SOS CLUB ON THE CITY'S ANNUAL GOLF PASS  
AND THEIR MEMBERSHIP PROGRAM.**

WHEREAS, City staff and the Golf Courses Committee have recommended introduction of an annual pass program for the City's Municipal Golf Courses, and

WHEREAS, in the process of researching the marketing and introduction of this pass, City staff has had several discussions with the Sportsmen of Stanislaus (SOS) Club, an athletic club located in close proximity to Dryden Park Municipal Golf Course and Municipal Nine-Hole Golf Course, and

WHEREAS, the SOS Club has expressed an interest in cross-marketing with the City's annual pass program, and

WHEREAS, the SOS Club feels that they have services and facilities that could benefit golf members as part of their annual pass purchase, and

WHEREAS, the SOS Club has the ability to produce membership cards, and

WHEREAS, the Human Services Committee met on March 14, 2001 and supported the recommendation to enter into an agreement with the SOS Club, and

WHEREAS, a hearing was held by the Council of the City of Modesto on March 27, 2001 to consider and approve the fees for the annual membership program, and

WHEREAS, said fees were duly adopted by the Council of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a nonexclusive agreement with the Sportsmen of Stanislaus (SOS) Club to provide services in administering the City of Modesto annual pass program and co-marketing with the SOS Club on the City's annual pass and their membership program.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-155**

**A RESOLUTION APPROVING A POLICY TO ALLOW ULTRALIGHT  
VEHICLES THE USE OF MODESTO CITY-COUNTY AIRPORT**

WHEREAS, California Aero Sports has requested that the City allow the opening of an ultralight flight school at Modesto City-County Airport, and

WHEREAS, the operation of ultralights is regulated by Federal Aviation Regulation (FAR) Part 103, and it requires that an ultralight operation in Class D Airspace (Modesto Airport is Class D when the tower is staffed) is to be approved by the Air Traffic Manager (ATM), and

WHEREAS, City staff and an ad-hoc committee consisting of the ATM, Airport Advisory Committee members, and airport tenants create a letter of agreement and an operation policy, and

WHEREAS, the City retained Environmental Science Associates to complete an initial study to assess the ultralight operation under the California Environmental Quality Act (CEQA), and

WHEREAS, the CEQA initial study resulted in the preparation of a Mitigated Negative Declaration that required a 30-day public comment period, and

WHEREAS, the Negative Declaration comment period was between January 15, 2001 and February 14, 2001, and

WHEREAS, the City received seven (7) comments during the review period of which five (5) of those comments required additional response and they are adequately addressed in the Final Mitigated Negative Declaration, and

WHEREAS, the Council Transportation Policy Committee considered allowing ultralight operations at its July 2000 meeting and agreed the City Council should consider the activity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the airport's ultralight operation policy, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of April 2001 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY-COUNTY AIRPORT**  
**Ultralight Operations Policy**  
**February 2001**

Scope: This policy is to establish operational rules to assure the safe operation of an ultralight vehicle at Modesto City-County Airport by a non-pilot air vehicle operator. This policy shall become part of the City of Modesto Municipal Code, Section 7, Chapter 3.

Definition: Ultralight Vehicle – a flying vehicle that is used for sport or recreational use, weighs less than 254 lbs., cannot sustain an airspeed of more than 55 knots while in level flight, has a power off stall speed no greater than 24 knots, and a fuel capacity does not exceed 5 U.S. gallons.

Operator – An individual who has received the proper training in the areas of airport communications and procedures, airport familiarization, wake turbulence avoidance, operating in a controlled airspace, and avoidance of residential sensitive areas.

Letter of Agreement – Letter with the air traffic control operating company that authorizes Ultralight activity within Modesto City-County Airport airspace. The Ultralight operator and air traffic manager must sign a Letter of Agreement and said letter must be on file with the Modesto City-County Airport Manager.

Insurance - Certificate of insurance with a combined single-limit general liability of at least \$300,000 (the same amount required for permanently based private aircraft) naming the City of Modesto as an additional insured. The City of Modesto may change the limits as required by MMC Section 7-3.108.1 when the City's risk manager recommends a change.

Introduction and Purpose:

1. This policy is designed to allow recreational aviators with limited aviation knowledge the opportunity to use the Modesto City-County Airport. It is to establish requirements and course rules for the operation of ultralight vehicles based at Modesto City-County Airport.
2. Transient ultralight operators will be required to comply with the registration requirements before receiving authorization to operate an ultralight at Modesto City-County Airport. The airport manager will make all reasonable efforts to disseminate these course rules as widely as possible, and will secure compliance with transient operators to the maximum extent possible.
3. These requirements do not pertain to ultralights that are registered with the Federal Aviation Administration (FAA) as an aircraft, and which have received an "N" number. Ultralight Operations Policy Ultralights with "N" numbers shall be governed by FAR Parts 61, 91, and other airport rules that govern FAR Part 139 operations, as well as any other rules or regulations adopted hereafter.

Application:

1. All ultralights operating at Modesto City-County Airport shall have a Letter of Agreement with the air traffic manager. The Letter of Agreement shall be valid for one year and must be renewed annually.
2. Ultralights authorized at Modesto City-County Airport will be registered with U. S. Ultralight Association (USUA), Experimental Aircraft Association (EAA), or the Aero Sports Connection. The vehicle must have the registration number assigned by one of these organizations displayed on the underside of the aircraft where it is clearly visible. A copy of the vehicle registration, operator license issued, and a photo of the vehicle will be presented to the airport manager at the time of registration.
3. Operations at the Modesto City-County Airport and within the airport's airspace shall be conducted in accordance with FAR Part 103 – Ultralight Vehicle Operations.
4. Ultralight operators shall restrict their activities to RW10R/28L unless otherwise directed by the Airport's air traffic controller. No multiple landings (touch & go's) will be permitted without the approval of the air traffic controller on duty and no touch & go's will be permitted when the airport's tower is unstaffed and the airport is in a class G airspace.
5. Ultralights shall have an engine muffler to suppress intrusive noise levels.
6. Owners and operators will provide the City of Modesto with a certificate of insurance and a signed Assumption of Risks and Waiver of Liability.
7. The ultralight operator will agree to pay the City of Modesto an annual access fee in lieu of fuel purchases and aircraft taxes paid by fixed-wing and rotor aircraft. The City access fee will become part of the City's resolution for airport rates and charges and will be periodically reviewed and may be revised after proper notice is given.

Procedure:

Before operating an ultralight vehicle, it is the responsibility of the operator to assure that a current "Letter of Agreement" is on file with the airport manager, and that all operations are conducted in compliance with all federal and local regulations that pertain to the vehicle operation. Failure to comply with all rules and regulations will result in the revocation of airport use.

The Modesto City Council approved this policy on April 3, 2001.

Attachment: City of Modesto and Modesto FCT Letter of Agreement

## LETTER OF AGREEMENT

Effective Date:

**SUBJECT:** Ultralight Vehicle (UV) Operation at Modesto City-County Airport

1. **PURPOSE:** To specify procedures to be followed by persons operating UVs at Modesto City-County Airport.
2. **RESPONSIBILITIES:** To establish requirements which, when met by the Signatory, authorizes them to operate UVs in Modesto Class D airspace. This letter of agreement (LOA) does not alter any requirements of CFR 103.
3. **PROCEDURES:**
  - a. Radio contact must be established/maintained with Modesto Tower prior to operating in Modesto Class D airspace or airport movement areas.
  - b. All operations will be on Runways 10R/28L (depending on which runway is most aligned with the wind), unless otherwise approved or directed by air traffic control (ATC).
  - c. Pattern Altitude for UVs is 500 feet MSL. (Note: General aviation single-engine is 1,000 feet MSL and Jet/Turboprop aircraft is 1,500 feet MSL).
  - d. Arrivals – Runway 10R/28L: From Highway 99 follow the Tuolumne River eastbound for a downwind entry into the pattern.
  - e. Departures – Runway 10R/28L: Westbound along the Tuolumne River to Highway 99, then on course.

**Note: While in the traffic pattern, remain as close to the airport as possible in order to reduce noise complaints.**

4. **REQUIREMENTS:** Signatory agrees to the following:
  - a. Attend an approved course concerning this LOA, Communications, Towered Airport Procedures and Wake Turbulence Avoidance.

**NOTE:** Course length and content may be adjusted dependent on participants, questions, and scope.
  - b. Satisfactorily completing an oral interview after receiving the above subject areas.

- c. Compliance with all requirements imposed by the Airport Manager.
- d. Compliance with FBO requirements if a rental UV is involved.
- e. General/periodic review of UV procedures at Modesto Airport by the Air Traffic Manager (ATM) for the purpose of improving safety and expediting traffic flow.
- f. Attend a counseling session with a designated specialist if the air traffic manager determines non-adherence to this LOA.

**5. General**

- a. UV operation at Modesto City-County Airport is a new endeavor and parties involved must understand that open/frank communication is essential in continuation of this program.
- b. Periodic revisions to this LOA may be required in order to improve operations. Should a revision be necessary, all parties will have 30 days to review/sign or decline the revision.

LOA/Communication Briefing                      Instructor \_\_\_\_\_ Date \_\_\_\_\_

Wake Turbulence/Airspace Training                      Instructor \_\_\_\_\_ Date \_\_\_\_\_

Refresher Training                      Instructor \_\_\_\_\_ Date \_\_\_\_\_

Oral Interview                      Date \_\_\_\_\_

\_\_\_\_\_  
ATM SIG Block

\_\_\_\_\_  
UV Operator SIG Block

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-156

A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE FOLLOWING PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO CITY-COUNTY AIRPORT MASTER PLAN (SCH NO. 90020512).

WHEREAS, on April 20, 1993, by Resolution No. 93-229, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master Plan EIR") (SCH No. 90020512) for the Modesto City-County Airport Master Plan, and

WHEREAS, the owner of California Aero Sports, an ultralight training school, has requested the City of Modesto approve the use of the Modesto City-County Airport for the operation of ultralight vehicles, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, Section 15070 of the CEQA Guidelines authorizes preparation of a Mitigated Negative Declaration if the Initial Study identifies potentially significant effects, but revisions in the project plans or proposals made by, or agreed to by the proponent before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and there is no significant evidence in light of the whole record that the project, as revised, may have a significant effect on the environment, and

WHEREAS, the City's Community Development Department prepared an Initial Study EA - E-T-2001-06 leading to a proposed Mitigated Negative Declaration which reviewed the proposed subsequent project to the Modesto City-County Airport Master Plan EIR. The Initial Study identified potentially significant environmental effects that were not analyzed in the Master Plan EIR in terms of Traffic and Circulation, Generation of Noise and Generation of Hazardous Materials, and

WHEREAS, proposed revisions in the project plans or proposals were made by, or agreed to by, the City which would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and such revisions were made before the proposed Mitigated Negative Declaration and Initial Study were released for public review pursuant to CEQA Section 21092, and

WHEREAS, the Initial Study and the proposed Mitigated Negative Declaration were circulated for a 30-day public review and comment period beginning January 15, 2001, and ending February 14, 2001, and

WHEREAS, public agencies, individuals and groups submitted written comments on the draft Mitigated Negative Declaration which have been responded to in writing and which are included in the Final Mitigated Negative Declaration, and

WHEREAS, on April 3, 2001, the City Council heard and considered the proposed Ultralight Policy and Modesto Municipal Code amendment, together with the Initial Study and Final Mitigated Negative Declaration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study and the Final Mitigated Negative Declaration prepared for the proposed project, copies of which are on file in the City Clerk's Office, and based on the substantial evidence included in said Initial Study and the Final Mitigated Negative Declaration makes the following findings:

1. An Initial Study, prepared pursuant to CEQA Guidelines Section 15177, has identified additional potentially significant environmental effects that were not analyzed in the Modesto City-County Airport Master Plan Environmental Impact Report (Master Plan EIR). These additional significant effects are potential impacts to Traffic and Circulation, Generation of Noise, and Generation of Hazardous Materials.
2. Proposed revisions in the project plans or proposals were made by, or agreed to by the City which would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and such revisions were made before the proposed Negative Declaration and Initial Study were released for public review pursuant to CEQA Guidelines Section 15073 and Public Resources Code Section 21092.
3. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, will have a significant effect on the environment and the Final Mitigated Negative Declaration reflects the City's independent judgment and analysis.
4. Based on the above-referenced Initial Study and measures incorporated as a part of the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, Council finds that a Final Mitigated Negative Declaration should be adopted pursuant to Public Resources Code Section 21094 and CEQA Guidelines Section 15162, for the adoption of an ultralight policy and Modesto Municipal Code amendment to allow ultralights at the Modesto City-County Airport.
5. Although the proposed project could have a potentially significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project.
6. Pursuant to CEQA Guidelines Section 15097, a mitigation monitoring and reporting program is hereby adopted by incorporating the mitigation measures into the project plan and by establishing a program for annually reporting on and monitoring the project revisions which have been made to mitigate or avoid significant environmental effects.
7. The City of Modesto hereby adopts the Final Mitigated Negative Declaration (SCH 90020512) dated March 13, 2001, for the adoption of an ultralight policy and Modesto Municipal Code amendment to allow ultralights at the Modesto City-County Airport, and hereby designates the Airport Manager as the custodian of the documents or other material which constitute the record of proceedings upon which this decision is based, and specifies the Airport Administration Office, 617 Airport Way, Modesto, California, as the location of said documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or 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 3<sup>rd</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-156A

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO ENTER INTO AGREEMENTS WITH COMPANIES WHO DESIRE TO PROVIDE NON-CONSENSUAL TOW SERVICES TO THE CITY OF MODESTO AND TO BE PLACED ON CITY'S ROTATION LIST, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENTS.

WHEREAS, the City of Modesto desires to enter into agreements with companies who desire to perform services required by the City of Modesto in connection with official police business, more specifically, non-consensual tows where a vehicle is picked up and towed within the City of Modesto and stored at a facility that is two (2) driving miles from the nearest City of Modesto boundary line, and

WHEREAS, companies desiring to provide non-consensual tow services to the City of Modesto and to be placed on the City's rotation list shall first enter into an agreement with the City of Modesto, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, the Public Safety Committee met on February 15, 2001, and supported the recommendations of City staff, and

WHEREAS, by an agenda report to the City Council from the Police Department, dated March 16, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a meeting of the City Council to be held at 5:15 p.m. on March 27, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager or his authorized designee to execute agreements with companies who desire to provide non-consensual tow services to the City of Modesto and to be placed on City's rotation list.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich  
MICHAEL D. MILICH, City Attorney

# AGREEMENT FOR TOW SERVICES

**THIS AGREEMENT FOR TOW SERVICES** is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by and between the CITY OF MODESTO ("CITY"), a municipal corporation and \_\_\_\_\_ ("TOWING CARRIER").

## RECITALS

A. CITY and TOWING CARRIER enter into this Agreement for the performance of services required by CITY in connection with official police business, more specifically, non-consensual tows where the vehicle is picked up and towed within the City of Modesto and stored at a facility that is two (2) driving miles from the nearest City of Modesto boundary line.

B. The Council of the City of Modesto by Resolution No. \_\_\_\_\_ passed on \_\_\_\_\_, required all TOWING CARRIERS who desire to provide non-consensual tow services to the City of Modesto, and to be placed on the City's rotation list, to first enter into an agreement containing the terms and conditions set forth herein.

## AGREEMENT

**NOW, THEREFORE**, the parties hereto agree as follows:

1. **DEFINITIONS**. The following words and phrases shall have the meanings set forth below when used in this Agreement:

(a) Abandoned vehicle tows mean:

(i) Non-consensual tows of vehicles left standing for a period of time greater than permitted under applicable State laws or municipal ordinances, and which vehicles have been tagged and marked for removal from public streets or property or from private property in accordance with law; and

(ii) Non-consensual tows of motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state, are hereby declared a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county, or city.

(b) Police emergency tows mean non-consensual tows of vehicles involved in accidents, and/or stalled vehicles obstructing traffic, and/or tows of vehicles whose driver is incapacitated or physically unable to drive the vehicle, and/or tows of vehicles whose driver has been arrested and/or detained and cannot drive the vehicle.

(c) Police-generated tows mean non-consensual tows requested by the Police Department in connection with official police business, and which tows may be of the following type: police-impounded vehicles; police emergency tows; VIN tows; and abandoned vehicle tows.

(d) Rotation tow lists mean lists maintained by the Modesto Police Department of tow operators who have executed an Agreement with the CITY for non-consensual tow services and from which the Police Department/County Dispatch will make calls for non-consensual towing services on a sequential basis.

(e) Tow truck means a truck as defined in Section 615 of the California Vehicle Code. It also includes slide back carriers and wheel lift vehicles.

(f) VIN tows means tows of vehicles necessitating special procedures to ascertain vehicle identification numbers in compliance with the requirements of California Vehicle Code Section 10751.

2. **TERM.** This Agreement shall take effect when each signatory has signed it. For the purposes of this Agreement, the "date of this Agreement" is the date on which the Agreement takes effect. This Agreement shall commence as of the effective date and shall continue to a date three (3) years from the effective date.

3. **REQUIREMENTS FOR ALL TOWING CARRIERS.** All TOWING CARRIERS shall:

(a) Have available by October 1, 2002, a minimum of two (2) tow trucks as defined in Section 615 of the California Vehicle Code to dispatch for all non-consensual tows identified on page 2 of the Agreement.

(b) Have three (3) years of verifiable experience as an owner/operator and shall produce verification of such upon request by the Police Chief and within the time limitation established by the Police Chief.

(c) Have a minimum storage space for thirty (30) vehicles with a minimum of five (5) inside spaces; outside storage lots must be adequately lighted.

(d) Have an attendant on call twenty-four (24) hours a day, seven (7) days a week for all requests initiated by City of Modesto for non-consensual towing services and to release vehicles to their owners.

(e) Have no more than two (2) telephone numbers listed with the Modesto Police Department.

(f) Store towed vehicles in a safe and protected space where the vehicles and their contents will not be accessible to thieves nor be damaged by activity in the carrier establishment or from the elements or by vandals.

(g) Post a tag on the windshield on all cars ordered impounded by CITY.

(h) Collect all towing or hauling and storage charges on each vehicle from the owner.

(i) Furnish each owner with a fully itemized billing.

(j) Release no impounded vehicle, or stored non-impounded vehicle, without first having obtained a release from the CITY to do so.

(k) Agree to a rotation system established by the CITY.

(l) Have adequate equipment to handle calls from the CITY.

(m) Carry a broom, trash can and sand and clean and remove broken glass, spilled oil, or gasoline from the area before departing, unless directed to not do so by police officers and/or designated City employees at the scene.

(n) Enroll in the Pull Notice Program prior to entering into this Agreement. Upon the addition of new drivers, a TOWING CARRIER will be granted a maximum of thirty (30) days to enroll drivers in the Pull Notice Program. Pull Notices shall be kept on file, signed and dated by the TOWING CARRIER, with a copy submitted to Modesto Police Department.

(o) Agree that recognized holidays with regard to City of Modesto police-generated tows shall be the same as those recognized by the California Highway Patrol.

(p) Maintain all tow company records, commencing on the date the Agreement is executed, and make them available for inspection at any time by the Modesto Police Department for the three(3) year term of this Agreement.

(q) Permit any duly authorized representative of the Police Chief and/or City personnel access to and the right to examine and transcribe any and all records kept or maintained by the TOWING CARRIER which pertain to the operations, affairs, transactions or property of the towing carrier with respect to this Agreement with the City of Modesto. If any such records are not kept within the City of Modesto, then upon request by the City, TOWING CARRIER shall make them available within two (2) working days for examination in the City.

(r) Agree that he or she is not directly involved in the towing business of any other operator within the City of Modesto. Directly involved shall mean anything in common between TOWING CARRIERS with regards to:

- (i) Business licenses;
- (ii) Insurance;
- (iii) Tow truck or equipment ownership, rental or lease; and
- (iv) Employees.

(s) Agree that sale or transfer of the controlling interest in a tow company shall immediately terminate this Agreement.

4. **CITY OF MODESTO ROTATION SYSTEM** The City of Modesto shall establish two (2) rotation tow lists. Each TOWING CARRIER entering into a contractual agreement with the City of Modesto shall be placed on both rotation lists. There will be one list for non-consensual tows of “junk” vehicles and a second list for the remaining categories of non-consensual tows identified in this Agreement. Any TOWING CARRIER who refuses or fails to respond for a non-consensual tow more than three (3) times in a ninety (90) day period, when in the *number one position* on either of the rotation lists, shall be suspended from both rotation lists for a period not to exceed thirty (30) days. The Modesto Police Department will provide the TOWING CARRIER with verbal and written notification of suspension from the rotation lists. The thirty (30) day suspension shall commence on the date of verbal notification. Any TOWING CARRIER who is suspended from the rotation lists more than three (3) times during the term of this Contract shall be permanently removed from both lists for the remaining period of the Agreement.

5 **DISPATCH BY CITY**. Whenever a vehicle has been involved in an accident or a traffic violation, and the owner or someone delegated by him is present and is capable of removing the vehicle from the street with reasonable dispatch, and the vehicle is not

needed for criminal evidence, CITY and/or TOWING CARRIER shall permit the owner or his delegatee to remove the vehicle or call a towing company of his or her own choice to remove the same. However, if the street cannot be cleared for safe public use with reasonable dispatch by the above method, and in all situations other than above set forth, a TOWING CARRIER from the top of the rotation list will be called by the CITY to conduct a non-consensual police-generated tow.

6        **INSURANCE REQUIREMENTS.** Each TOWING CARRIER shall maintain insurance as follows:

(a)        **Insurance Levels.**

(i)        Minimum level of financial responsibility (as required by Section 34631.5 of the California Vehicle Code) - bodily injury and property damage with a combined single limit of not less than seven hundred and fifty thousand dollars (\$750,000.00).

(ii)        Uninsured motorist coverage with a minimum limit of thirty thousand dollars (\$30,000.00) combined single limit.

(iii)        The coverage set forth above shall apply to all owned, non-owned and hired vehicles used by the grantee in response to police-generated tows.

(iv)        Garage keepers legal liability with a minimum limit of fifty thousand dollars (\$50,000.00) combined single limit.

(v)        Garage liability - includes premises and operations.

Coverage for bodily injury and property damage with a combined single limit of not less than five hundred thousand dollars (\$500,000.00).

(vi) Workers' compensation insurance policy - legal minimum requirement.

(b) A true, certified and correct copy of the entire policy including copies of all endorsements shall be mailed to the Risk Manager, City of Modesto, P. O. Box 642, Modesto, California 95354 directly from the authorized agent, broker or insuring company, for each policy required under this Agreement **prior to execution of the Agreement by the TOWING CARRIER**. Carrier is to immediately provide the Risk Manager with notification of cancellation of any insurance policy required by this Agreement. All policies shall be on file and effective at the time this Agreement takes effect. All policies and coverages shall be valid during the entire term of this Agreement. If at any time the entire insurance requirements or any portion thereof expires without immediate proof of renewal or is canceled without proof of reinstatement prior to the effective date of cancellation, the Agreement shall be immediately suspended, and the Police Chief is hereby authorized to enforce such suspension after receiving written notice from the City Risk Manager that no proof of renewal or reinstatement has been submitted by the TOWING CARRIER.

(c) All policies and coverages required by this Agreement are subject to approval by the City Risk Manager as to content and form, and **no TOWING CARRIER shall provide tow services to CITY until such approval is issued in writing to the Police Chief by the City Risk Manager**. If at any time in the judgment of the City Risk Manager said policies and/or coverages are not sufficient for any cause or reason, the City Risk Manager may require the TOWING CARRIER to replace said policies and/or coverages within ten (10) days with other policies and/or coverages acceptable in accordance with this

Agreement. If the TOWING CARRIER fails to replace said policies and/or coverages within said ten (10) day period with good and sufficient policies and/or coverages then, at the termination of that period, the TOWING CARRIER, by such failure, shall automatically be suspended until such time as this requirement is complied with, and the Police Chief is hereby authorized to enforce such suspension after receiving written notice from the City Risk Manager that the policies and/or coverages have not been replaced with good and sufficient policies and/or coverages.

(d) The City of Modesto shall be named as an additional insured on all policies including the workers' compensation policies. TOWING CARRIERS shall provide to the City Risk Manager an endorsement to each policy showing the CITY as an additional insured.

7 **TOW TRUCK REQUIREMENTS.** Every TOWING CARRIER shall:

(a) Utilize tow vehicles appropriate for the job;

(b) Respond to calls for service by the CITY with tow trucks clearly marked on both sides of the cab with the name and telephone number of the TOWING CARRIER; and

(c) Provide documentation evidencing inspection by the California Highway Patrol of all trucks used for all non-consensual tows and/or placement on the current California Highway Patrol rotation list.

8 **RESPONSE TO CALLS.** The requirements are:

(a) Each TOWING CARRIER shall respond at the location requested by CITY within thirty (30) minutes after receipt of a call.

(b) A failure to respond and/or repeated failures to meet the required response time set forth herein shall constitute failure to comply with the terms and conditions of this Agreement and may result in either suspension or termination of TOWING CARRIER'S services pursuant to this Agreement as deemed appropriate by the Police Chief.

(c) Any refusal to respond or to perform the required towing service is a breach of the terms of this Agreement and may result in either suspension or termination of this Agreement as deemed appropriate by the Police Chief.

9 **TOW CHARGES.** Time expended on a non-consensual tow, as identified on page 2 of this Agreement, shall be charged at a rate not to exceed the rates set forth hereinafter. There shall be no additional charges for towing after 5:00 p.m., weekend tows, holiday tows, use of a dolly, mileage and labor, which includes crane charges, winching and recovery from areas not accessible to a tow truck.

The flat rate for tow charges for the next three (3) years shall be as follows:

3/27/01 to 3/27/02	3/27/02 to 3/27/03	3/27/03 to 3/27/04
\$70.00 (per tow)	\$80.00 (per tow)	\$90.00 (per tow)

The parties will renegotiate the flat rate prior to the expiration of this Agreement. Negotiations will begin approximately six (6) months before the expiration date of March 27, 2004.

10. **STORAGE COSTS.** The parties will renegotiate the flat rate prior to the expiration of this Agreement. Negotiations will begin approximately six (6) months before the expiration date of March 27, 2004.

3/27/01 to 3/27/02	3/27/02 to 3/27/03	3/27/03 to 3/27/04
\$20.00	\$21.00	\$22.00

11. **STANDBY CHARGES.** Standby time for tow trucks shall begin one (1) hour after receipt of calls from the CITY and is defined to mean the time consumed after the first hour in necessary preparations in order to tow the disabled vehicle and in cleaning up the immediate surrounding area and is due to or caused by instructions given to the TOW CARRIER by the tow scene commander for the Modesto Police Department. A standby fee in the amount of THIRTEEN DOLLARS AND 50/100 (\$13.50) per each fifteen (15) minute increment after the first hour may be charged. The invoice for standby charges shall be sent to the police department, and the customer shall not be charged for any standby time.

12. **LOCATION OF TOWING CARRIER.** The TOWING CARRIER shall maintain an office and storage yard within two (2) driving miles of any City of Modesto boundary line.

13. **COMPLIANCE WITH RULES, REGULATIONS, LAWS AND RESOLUTION.** TOWING CARRIER shall comply with all rules, regulations, and all State and Federal laws, and City of Modesto Ordinances including all provisions of the resolution of the City Council of the City of Modesto establishing standard criteria for companies to provide tow services for the City of Modesto as that resolution exists and/or as the resolution may be amended from time to time.

14. **RIGHT TO INSPECT.** Any authorized representative of the CITY has the right to inspect TOWING CARRIER'S towing and storage facilities at all times for the

purpose of evaluating TOWING CARRIER'S performance pursuant to this Agreement. City officials and inspectors shall have the right to conduct periodic site visits, during reasonable business hours, to inspect for conformance or to respond to citizens' complaints. City officials and representatives shall have unrestricted access to all of the premises subject to this Agreement and to make whatever announced or unannounced visits deemed appropriate.

15. **COMPLIANCE WITH AGREEMENT.**

(a) TOWING CARRIER agrees, as a condition of inclusion on the rotation tow lists, to comply with the terms and conditions of this Agreement for tow services. Furthermore, TOWING CARRIER agrees that failure by the carrier or his/her agents to comply with these terms and conditions shall be cause for suspension or termination from the City of Modesto rotation tow list. Alleged violations of this Agreement will be investigated by the Modesto Police Department. The TOWING CARRIER will be notified of the Police Department's findings within thirty (30) days of the conclusion of the investigation.

(b) Nothing herein shall be deemed to prohibit CITY from immediately suspending any TOWING CARRIER whose conduct, or that of his/her employees, in the discretion of the Police Chief, is deemed to be a danger to the motoring public or who has engaged in conduct constituting a flagrant violation of this Agreement for tow services.

16. **PERMITS AND LICENSES.** TOWING CARRIER and his/her officers, officials, employees and agents shall obtain and maintain during the term of this Agreement all necessary licenses, permits and certificates required by law for the conduct of TOWING CARRIER'S activities and for the provision of services hereunder, including a business license issued by the City of Modesto.

17. **RESOLUTION OF DISPUTES.** Any dispute between the parties as to the nature and extent of the services to be performed under this Agreement, the level and manner of performance, the interpretation or application of any provisions of this Agreement must be submitted to the Police Chief for resolution. If no resolution is reached, the dispute shall be resolved through good faith negotiations between the City of Modesto and the parties. The determination made by the City Manager, or his/her designee, shall be final and conclusive as between the parties.

18. **INDEMNIFICATION.** TOWING CARRIER shall protect, defend, indemnify and hold harmless CITY, its officers, officials, employees and agents from and against any and all claim, cause of action, disability, liability, loss, damage, expenses, costs (including without limitation, costs and fees of litigation of every nature) for bodily injury or property damage or liability for workers' compensation of any person, including the CITY, arising out of or in connection with TOWING CARRIER'S performance of its services under this Agreement, or its failure to comply with any of its obligations contained in this Agreement by TOWING CARRIER, its officers, agents or employees, except such loss or damage which was caused by the sole negligence or willful misconduct of the CITY.

19. **ENTIRE AGREEMENT.** This Agreement constitutes the entire understanding among the parties with regard to the matters herein. The terms of this Agreement are contractual and not a mere recital. There have been no representations, promises, or inducements of any kind made by any party other than those that appear as signatories hereto. Each covenant and condition mentioned in this Agreement is material consideration for each party to enter into this Agreement.

20. **PARTIES TO AGREEMENT.** This Agreement is intended to confer rights and benefits only on the signatories hereto and is not intended to confer any right or benefit upon any other person or entity. No person or entity other than the signatories hereto shall have any legally enforceable right under this Agreement. All rights of action of any breach of this Agreement are hereby reserved to the signatories hereto.

21. **VOLUNTARY AND KNOWING AGREEMENT.** Each of the parties hereto states that this Agreement is executed voluntarily and with knowledge of its significance and legal effect.

22. **AUTHORITY AND COMPETENCY.** Each party hereto expressly warrants and represents that the person executing this Agreement on its behalf is legally competent to and is authorized to enter into this Agreement and to bind said party to their representations, terms, conditions, and covenants as set forth herein.

23. **BINDING EFFECT.** This Agreement shall be binding upon and shall inure to the benefit of the signatories and their respective heirs, executors, administrators, trustors, trustees, beneficiaries, predecessors, successors, affiliated and related entities, officers, directors, principals, agents, employees, assigns, representatives, and all persons, firms, associations, and/or corporations connected with them including, with limitation, their insurers, insureries, and/or attorneys.

24. **SEVERABILITY.** If any provision or any part of any provision of this Agreement is for any reason held to be invalid, unenforceable, or contrary to any public policy, law, statute and/or ordinance, the remainder of this Agreement shall not be affected thereby and shall remain valid and fully enforceable.

25. **ASSIGNMENTS.** The TOWING CARRIER shall not assign, subcontract or transfer by operation of law any obligation hereunder without prior written consent of the City.

26. **Independent Contractor.** The TOWING CARRIER is and shall at all times remain as to the City a wholly independent contractor. Neither the City nor any of its officers, employees nor agents shall have control over the conduct of the TOWING CARRIER nor any of the TOWING CARRIER's officers, employees nor agents, except as herein set forth. The TOWING CARRIER shall not at any time or in any manner represent that it or any of its officers, employees or agents are in any manner officers, employees or agents of the City.

27. **NOTICE.**

(a) This Agreement may be terminated by either party, without prejudice, upon thirty (30) days written notice to the other party.

(b) Any notice to be given pursuant to this Agreement by either party to the other shall be deposited with the United States Postal Service, postage prepaid, and addressed as follows:

CITY: Police Chief  
Modesto Police Department  
601 11<sup>th</sup> Street  
P. O. Box 1746  
Modesto, CA 95353

TOWING CARRIER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) Nothing in this paragraph shall be construed to prevent the giving of notice by personal service.

IN WITNESS WHEREOF, the parties hereto have Executed this Agreement on the day and date first shown above.

CITY OF MODESTO

By \_\_\_\_\_  
JACK R. CRIST, City Manager

TOWING CARRIER

\_\_\_\_\_  
(Name of Company)

By \_\_\_\_\_

ATTEST:

By \_\_\_\_\_  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
MICHAEL D. MILICH, City Attorney

By \_\_\_\_\_  
CAROL A. SCHMIDT  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-157**

**A RESOLUTION AUTHORIZING THE ADDITIONAL POSITION OF DEPUTY  
CITY MANAGER IN THE CITY MANAGER'S OFFICE AND  
ORGANIZATIONAL REALIGNMENT REFLECTING THE CITY'S VISION.**

WHEREAS, Council and staff have been working toward development of a Vision and Strategic Plan for the City; and

WHEREAS, the present organization structure does not encourage teamwork and is not efficient; and

WHEREAS, the vision-based organization model utilizes two Deputy City Managers to manage vision-oriented department teams; and

WHEREAS, the vision-based organization model provides a business-based structure that is more efficient and effective; and

WHEREAS, the vision-based organization model will improve accountability, responsiveness, communication and technology within the organization; and

WHEREAS, the vision-based organization model will reduce conflict areas or tension points within the organization; and

WHEREAS, the addition of a second Deputy City Manager position in the City Manager's Office will eliminate the position of Assistant to the City Manager in the City Manager's Office.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that an additional deputy city manager position be established in the City Manager's Office, the Assistant to the City Manager position be eliminated, and the organization be realigned to reflect the City's vision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-158

A RESOLUTION DECLARING EMERGENCY REPAIRS OF MAIN SEWER LINE IN THE MODESTO HIGH SCHOOL TO BE OF URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH OR PROPERTY, AND AUTHORIZING THE COMPLETION OF SAID REPAIRS WITHOUT COMPLYING WITH THE FORMAL BIDDING REQUIREMENTS OF SECTION 1307 OF THE MODESTO CITY CHARTER.

WHEREAS, on March 27, 2001, an 18" main sewer line collapsed in the area of Modesto High School, and

WHEREAS, the collapsed sewer line must be repaired immediately to allow sewage flows to continue to the Primary Treatment Site and to avoid discharge of sewage into the Modesto High School, homes, and streets, and

WHEREAS, City staff has been arranging for contractors to start this work, and

WHEREAS, the cost of this project is estimated to be anywhere from \$50,000 to \$300,000 since the extent of the repair is unknown at this time because of location of the collapse, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that based on the facts as set forth above, the Council does hereby declare that the repair work to the main sewer line is of urgent necessity for the preservation of life, health, or property and is hereby authorized without compliance with the formal bidding process set forth in Section 1307 of the Modesto City Charter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

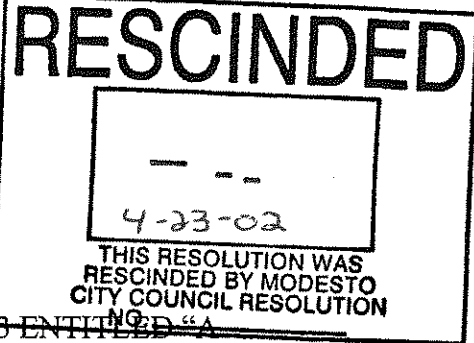
AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk



MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-159

A RESOLUTION AMENDING RESOLUTION NO. 2001-143 ENTITLED "A  
RESOLUTION RESTATING RATES AT THE MUNICIPAL NINE-HOLE GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, ESTABLISHING NEW RATES AT THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, AMENDING CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE, AND THE CREEKSIDE MUNICIPAL GOLF COURSE, AND RESCINDING RESOLUTION NO. 2000-188." 2002-206 A

WHEREAS, on March 27, 2001, the City Council adopted Resolution No. 2001-143, and

WHEREAS, on April 3, 2001, the City Council reconsidered Resolution No. 2001-143 as it relates to the ability of Council to limit the tee times available to the purchasers of annual passes, and

WHEREAS, Resolution No. 2001-143 is hereby amended solely with respect to Exhibit "A" so that the annual passes do not apply to tee times before 1:00 p.m. on Saturdays, Sundays, and Holidays, and

WHEREAS, Resolution No. 2001-143 is reaffirmed in every other respect and repeated in its entirety herein for the sake of administrative convenience, and

WHEREAS, in an effort to create golfer friendly courses and to attract new golfers as well as enhancing the play for existing golfers, City staff is recommending revising the nine-hole fee policy at Dryden Park Municipal Golf Course and Creekside Municipal Golf Course to allow the current fee to be effective all day, and changing the minimum number of players for shotgun tournaments from 144 to 120, and

WHEREAS, City staff is recommending a family tee program and related fees at the Municipal Nine-Hole Golf Course, and

WHEREAS, at City's Municipal Golf Courses, City staff is recommending a "play one round, get the second round at the same course on the same day for half price" policy, and permitting fivesome play, and an annual club membership, and

WHEREAS, the Golf Courses Committee met on February 26, 2001, and supported the recommendations of City staff regarding an annual Club Membership at City's Municipal Golf Courses, and a family tee program at Municipal Nine-Hole Golf Course, and

WHEREAS, the Human Services Committee met on February 14, 2001, and supported the recommendations of staff regarding an annual membership program and all changes in play policy, and

WHEREAS, by an agenda report to the City Council from the Recreation and Neighborhoods Department dated March 12, 2001, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on March 27, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> 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 amended golf fees and play policy, and

WHEREAS, the Council of the City of Modesto finds that play policy for golfers at the Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course needs to be revised and new fees for play need to be established,

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

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of \$2.25 per round shall continue to be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and

display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) Valu- Play Cards. Golfers can purchase a weekday 6, 8 or 10 Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) Family Tee Program. To promote family play, golfers may play from established "family tees" to be set no more than 175 yards from the greens at Municipal nine-

Hole Golf Courses. Rates for play are \$5.00 weekdays and \$6.00 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) Play one round, get the second round free. This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Recreation and Neighborhoods Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit "C" attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. OFFICIALLY RECOGNIZED AFFILIATED GOLF CLUBS. Golf Clubs officially recognized under the terms of this resolution are: Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after April 1, 2001.

SECTION 10. REPEALS. Resolution No. 2000-188 is hereby rescinded effective March 28,2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith,  
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO GOLF COURSES  
GREEN FEE SCHEDULE  
EFFECTIVE MARCH 15, 2001

DRYDEN PARK MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 12.50
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 10.50
Weekdays, 18-holes	\$ 17.00
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 14.00
Weekdays, 18-holes (juniors, after noon)	\$ 9.50
Weekdays Mid-day, 18-holes	\$ 13.00
Weekdays Super-Twilight, 18-holes	\$ 7.00
Weekdays afternoon League Play	\$ 12.00
Weekends/Holidays, 9-holes	\$ 14.50
Weekends/Holidays, 18-holes	\$ 23.00
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 12.50
Weekends/Holidays Mid-day, 18-holes	\$ 16.00
Weekends/Holidays Super-Twilight, 18-holes	\$ 10.00
6-play Valu-Play booklet	\$ 84.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 72.00
8-play Valu-Play booklet	\$112.00
8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 96.00
10-play Valu-Play booklet	\$140.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$120.00

CREEKSIDE MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 14.00
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 11.50
Weekdays, 18-holes	\$ 19.00
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 15.50
Weekdays, 18-holes (juniors, after noon)	\$ 10.50
Weekdays Mid-day, 18-holes	\$ 14.00
Weekdays Super-Twilight, 18-holes	\$ 8.00
Weekdays afternoon League Play	\$ 13.00
Weekends/Holidays, 9-holes	\$ 16.50
Weekends/Holidays, 18-holes	\$ 26.00
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 14.50
Weekends/Holidays Mid-day, 18-holes	\$ 18.00
Weekends/Holidays Super-Twilight, 18-holes	\$ 12.00
6-play Valu-Play booklet	\$ 84.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 72.00
8-play Valu-Play booklet	\$112.00

8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 96.00
10-play Valu-Play booklet	\$140.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$120.00

MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

Weekdays, 9-holes	\$ 10.00
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 8.00
Weekdays, 9-holes (juniors, after noon)	\$ 5.50
Weekdays Mid-day, 9-holes	\$ 8.00
Weekdays Super-Twilight, 9-holes	\$ 6.00
Weekdays afternoon League Play	\$ 7.00
Weekends/Holidays, 9-holes	\$ 12.00
Weekends/Holidays, 9-holes (juniors, after noon)	\$ 6.50
Weekends/Holidays Mid-day, 9-holes	\$ 9.00
Weekends/Holidays Super-Twilight, 9-holes	\$ 7.00
6-play Valu-Play booklet	\$ 42.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 36.00
8-play Valu-Play booklet	\$ 56.00
8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 48.00
10-play Valu-Play booklet	\$ 70.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$ 60.00
Weekdays, 9-holes, Family Tees	\$5.00
Weekends, 9-holes, Family Tees	\$6.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE  
AND CREEKSIDE MUNICIPAL GOLF COURSE

*Annual Club Membership, Initial Membership	\$150.00
*Annual Club Membership, Every Day	\$800.00
*Annual Club Membership, Every Day, Jr./Sr.	\$700.00
*Annual Club Membership, Every Day, Family	\$1,200.00
*Annual Club Membership, Every Day, Family, Jr./Sr.	\$1,050.00
*Annual Club Membership, Week Day	\$650.00
*Annual Club Membership, Week Day, Jr./Sr.	\$550.00
*Annual Club Membership, Week Day, Family	\$975.00
*Annual Club Membership, Week Day, Family, Jr./Sr.	\$825.00

\*The annual passes provided for above shall not apply to tee times prior to 1:00 p.m. on Saturdays, Sundays, and Holidays.

**EXHIBIT "B"**

**TOURNAMENT FEE SCHEDULE AND POLICY  
EFFECTIVE MARCH 15, 2001**

	FEE PER PLAYER		
	<u>Regular Tee Time Style</u>	<u>Full Shotgun Tee Time Style</u>	<u>Modified Shotgun Tee Time Style</u>
<u>CREEKSIDE</u>			
Weekday	\$28.00	\$49.00	\$49.00
Weekends	\$35.00	\$57.00	\$57.00
<u>DRYDEN</u>			
Weekday	\$26.00	\$47.00	\$47.00
Weekends	\$32.00	\$54.00	\$54.00
<u>MUNI</u>			
Weekday	\$18.00	\$31.00	N/A
Weekend	\$22.00	\$35.00	N/A

In addition, a non-refundable deposit of \$50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees (\$18.00 weekdays/\$25.00 weekends at Creekside, \$16.00 weekdays/\$22.00 weekends at Dryden and \$10.00 weekdays/\$12.00 weekends at Muni); and Pro Shop merchandise credit (\$5.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni); and golf course restaurant credit (\$5.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees (\$22.00 weekdays/\$30.00 weekends at Creekside, \$20.00 weekdays/\$27.00 weekends at Dryden and \$12.00 weekdays/\$14.00 weekends at Muni); cart rental (\$13.00 at Creekside/Dryden and \$11.00 at Muni); and Pro Shop merchandise credit (\$7.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni); and golf course restaurant credit (\$7.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees (\$22.00 weekdays/\$30.00 weekends); cart rental (\$13.00 at Creekside, \$19.00 weekdays/\$26.00 weekends at Dryden); and Pro Shop merchandise credit (\$7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

**PLAY DAY POLICY  
FOR PLAY AT THE CITY'S  
MUNICIPAL GOLF COURSES  
BY NON-AFFILIATED GROUPS**

The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;
2. They commit to use the City's golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);
3. They have a minimum of twenty-four (24) players;
4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);
5. Their events do not promote a formal competition or championship; and
6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-160**

**A RESOLUTION APPROVING A PROJECT PRIORITIES LIST FOR THE CITY  
OF MODESTO'S TRANSPORTATION ADVOCATE, AARON READ AND  
ASSOCIATES.**

WHEREAS, there are a number of future transportation projects in and around the City of Modesto that are of high importance to the community, and

WHEREAS, resources from traditional funding mechanisms for these projects are not sufficient to provide timely delivery of these projects for the benefit of the community, and

WHEREAS, on January 23, 2001, the City Council approved a contract with Aaron Read and Associates to assist the City in securing additional transportation funding for these projects that would otherwise not be available to the City, and

WHEREAS, Aaron Read and Associates require direction as to which projects the City wishes their advocacy efforts to be focused on, and

WHEREAS, the City's Transportation Policy Committee approved this list of projects at its February 22, 2001 meeting, and

WHEREAS, that list has been presented to the City Council for consideration and approval,

WHEREAS, at its meeting of April 10, 2001, Council requested the addition of Kansas/99 Project to the list of projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves said list of projects as shown on Exhibit A attached, said list to be transmitted to Aaron Read and Associates for their direction and use.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## EXHIBIT A

### PROJECT PRIORITIES LIST

- Pelandale/Highway 99 Interchange
- Kiernan Avenue/SR 99 Interchange
- Kansas/Highway 99 Interchange
- Briggsmore Ave/Carpenter Road/Highway 99 Interchange
- Tuolumne Boulevard Extension/Underpass
- Altamont Commuter Express Extension to Stanislaus County/Modesto
- Citywide Street Repair and Rehabilitation

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-161**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "STOCKARD COFFEE  
PARK" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Stockard Coffee Park, has been completed by Duley's Landscape, Inc., in accordance with the contract agreement dated September 7, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Stockard Coffee Park be accepted from said contractor, Duley's Landscape, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$337,494.39 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

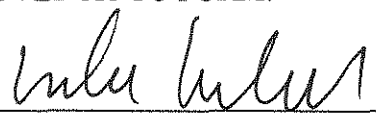
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 -162**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE  
APPLICATION FOR THE FEDERAL 2001 COPS MORE GRANT**

WHEREAS, the Federal Office of Community Oriented Policing Services (COPS) is requesting grant applications from municipal law enforcement agencies for technological systems that will enhance local police operations, and

WHEREAS, the City of Modesto, may make application for such a project, and

WHEREAS, the City of Modesto desires to make an application for \$500,000 for thirty Mobile Data Computers for police vehicles and for a LiveScan Fingerprint System, and

WHEREAS, the requirements of the grant award process require that municipal recipients provide a cash match of twenty-five percent, and

WHEREAS, that cash match of twenty-five percent for the City of Modesto 2001 COPS MORE application is \$125,000, and

WHEREAS, the State of California is expected to fund the California Law Enforcement Equipment Purchase program for fiscal year 2001/2002 in an amount for the City of Modesto Police Department that will be sufficient to make this \$125,000 match, and

WHEREAS, it is legally permissible to match federal grant funds with State grant funds, and

WHEREAS, the matching funds for the 2001 COPS MORE grant project from the California Law Enforcement Equipment Purchase program will become available to the City at approximately the same time as the 2001 COPS MORE grant contract is issued, and

WHEREAS, at its March 5, 2001 meeting the Public Safety Committee unanimously recommended adoption of a resolution to apply for the 2001 COPS MORE Grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager be authorized to make application for a 2001 COPS MORE Grant for \$500,000 for thirty Mobile Data Computers for police vehicles and for a LiveScan Fingerprint System.

The foregoing resolution was introduced at a regular meeting of the Council of the city of Modesto held on the 10<sup>th</sup> day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYE: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino  
NO: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, CITY CLERK

APPROVED AS TO FORM:

  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-163**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A  
REQUEST FOR QUALIFICATIONS (RFQ) TO CONSIDER AN  
ORGANIZATION/GROUP CAPABLE OF MANAGING THE PUBLIC,  
EDUCATION AND GOVERNMENT (PEG) STUDIO AND PROGRAMMING ON  
THE CABLE NETWORK.**

WHEREAS, on February 13, 2001 the City Council approved a settlement agreement between Cable One, AT&T Broadband and the City of Modesto, and

WHEREAS, the agreement required Cable One to pay \$1.1 million dollars to the City for the upgrade of the existing Institutional Network (I-NET) and cover expenses related to the improvements of the Public-Education-Government (PEG) studio, and

WHEREAS, on March 1, 2001 the transfer of ownership of the Modesto cable system was completed between Cable One and AT&T Broadband, naming United Cable Television Corporation as operator of the cable system, and

WHEREAS, AT&T agreed to continue management of the PEG studio for a 12-month period beginning with the approval of the franchise agreement with United Cable Television Corporation on February 13, 2001, and

WHEREAS, the City must find a qualified applicant to manage the PEG, and

WHEREAS, based on the recommendation by City Council at the February 13, 2001 Public Hearing, several of the PEG users, the Local Cable Programming Committee and the Utility Services and Franchise Committee, and the transfer settlement agreement with AT&T, the City would like to issue a RFQ to identify organizations/groups interested in providing service and negotiating a the best possible contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorizes the City Manager to issue a RFQ for PEG.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-164**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A  
CONTRACT FOR THE PURCHASE OF THREE LOW FLOOR TRANSIT  
COACHES FROM THE GILLIG CORPORATION.**

WHEREAS, the Council of the City of Modesto, at its regular meeting held on the 6th day of March, 2001, adopted Resolution No. 2001-90, approving the purchase of three (3) transit buses from the Gillig Corporation at a cost of Nine Hundred Six Thousand Nine Hundred Forty-Eight And 81/100 Dollars (\$906,948.81) F.O.B. Modesto, including state and local sales taxes and

WHEREAS, a formal contract is necessary to authorize the purchase of the buses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is authorized to execute a contract in the amount mentioned above for the purchase of three low floor transit coaches from the Gillig Corporation .

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-165**

**A RESOLUTION DISMISSING ADMINISTRATIVE APPEAL OF  
NATIONAL MED, INC.**

WHEREAS, on January 18, 2001, the City's Finance Director, Robert Stout, issued his "Findings of Fact and Conclusions of Law Re Administrative Hearing Proceedings Pursuant to Modesto Municipal Code Section 6-1.117, and Stipulation Between the City of Modesto and NMI" (National Med, Inc.), and,

WHEREAS, the Finance Director's Findings of Fact and Conclusions of Law were based on evidence developed after an administrative proceeding that was originally calendared for hearing by written notice dated September 23, 2000, from Mr. Stout to NMI which document set an original date for the proceeding of October 25, 2000, and included notice that at the administrative hearing,

NMI may show cause and introduce evidence why the tax set forth in this notice should not be . . . fixed. In addition, NMI will have the right to be represented by counsel, to call, present, and to cross-examine witnesses. NMI should produce all documents, records and other things tending to support its claims of tax exemption for inclusion in the administrative record. At NMI's request, City will produce witnesses who are currently employed or otherwise subject to its authority. City requests that NMI produce [certain witnesses] at the hearing.

and Mr. Stout's notice further advised NMI of its appeal rights to the Modesto City Council in accordance with the procedure prescribed by Modesto Municipal Code Section 1-4.01 and following, and,

WHEREAS, the City Attorney's office was advised that NMI could not attend the October 25<sup>th</sup> hearing due to the sudden illness of its counsel, Mr. Charles Moll III, of the law firm of Morrison & Foerster, San Francisco, and pursuant to correspondence of November 7, 2000, from Mr. Stout to Robert W. Mills, Chief Executive Officer of NMI, a continued date of

November 14, 2000, was set for the administrative hearing, and,

WHEREAS, pursuant to correspondence of November 13, 2000, to Mr. Stout from Mr. Mills, NMI advised that it would be, “. . . unable to attend the administrative hearing the City has scheduled on November 14<sup>th</sup> at 1:00 p.m., [because] . . . I am unable to arrange for appearance with legal counsel that day.” and,

WHEREAS, pursuant to “Agreement to Waive Statute of Limitations” between the City and NMI dated November 13, 2000, which recites, “WHEREAS, NMI was unable to proceed with the administrative hearing [on October 25, 2000] due to the infirmity of its legal counsel; . . .”, and NMI was again unable to proceed with counsel, the agreement barred certain statute of limitations defenses, and “pursuant to NMI’s request, set the administrative hearing on January 18, 2001,” and,

WHEREAS, the administrative hearing did proceed in City Hall on January 18, 2001, pursuant to the aforementioned agreement, and NMI was given the opportunity and did present witnesses and introduce documentary evidence into the administrative record, and was given the opportunity to examine and re-examine its witnesses, and to cross-examine witnesses offered by the City, and to argue the merits of its case, and no evidence was refused which was offered by NMI, but evidence offered by the City was refused, and claims made on behalf of the City were rejected, and upon close of argument counsel for NMI did submit the matter to the Administrative Hearing Officer, Mr. Stout, for determination without objection, and,

WHEREAS, Mr. Stout’s Findings of Fact and Conclusions of Law were timely issued on February 16, 2001, in accordance with the procedure prescribed by the Modesto Municipal Code for the determination of amount of tax by the Finance Director, and did fix a tax and penalties as more completely set forth therein in the amount of \$1,021,228.44, and the Findings of Fact and Conclusions of Law did advise both NMI and its counsel that it might appeal the Administrative Determination of the Finance Director sitting as hearing officer to the Modesto City Council in accordance with the procedure prescribed by Modesto Municipal Code Section 1-4.01 and following, and,

WHEREAS, Modesto Municipal Code Section 1-4.02(a) provides that “When written

notice of the . . . decision, from which the appeal is taken is . . . given, a Notice of Appeal must be filed with the City Clerk within fifteen (15) days of such notice being given,” and,

WHEREAS, NMI’s Notice of Appeal filed on its behalf by its counsel was received by the Modesto City Clerk on March 7<sup>th</sup> at 3:31 p.m. and filed forthwith, and so was filed beyond the limit prescribed in the Modesto Municipal Code for the filing of appeals from written decisions of which notice is given, and,

WHEREAS, City staff determined that it would be in the interest of justice to offer NMI the opportunity to appeal in any event, having weighed the conflicting interest of the City in receiving the tax and penalties fixed by the hearing officer into its general fund, and did set the hearing of NMI’s appeal to be heard by the City’s Council at the regularly scheduled Council meeting on Tuesday, April 3, 2001, as prescribed by Modesto Municipal Code Section 1-4.03, and written notice of a change in the appeal hearing date from April 3, 2001, to April 10, 2001, was provided to NMI’s attorneys on March 28, 2001, and no objection was received from counsel for NMI to the changed hearing date, and,

WHEREAS, on April 10, 2001, the date of the continued hearing on NMI’s appeal, the City Attorney received, during the noon hour, a facsimile transmission from counsel for NMI requesting a continuance of the hearing scheduled five hours later that day due to another infirmity of NMI’s attorney, Mr. Moll, (true and correct copy attached as Exhibit “A”) and,

WHEREAS, the City Attorney advised NMI’s co-counsel by facsimile transmission two hours later on the afternoon of April 10, 2001, (true and correct copy attached as Exhibit “B”) that he found no reason why co-counsel for NMI, who had been present at the hearing, and involved in the matter, and was not claiming infirmity, could not be present in light of the longstanding financial uncertainty of the City generated by the matter, that he would argue to the Council that the appeal of NMI should not be continued, and urged counsel to appear on behalf of its client at the meeting as noticed, and,

WHEREAS, counsel for NMI provided written notice by facsimile transmission at the starting time of the council meeting, 5:15 p.m., April 10, 2001, that, “. . . pursuant to Modesto Municipal Code Section 1-4.03, NMI waives its right to a hearing before the City Council within

30 days after filing its Notice of Appeal,” (true and correct copy attached as Exhibit “C”) and,

WHEREAS, the Council, by motion, denied NMI’s written request to continue the hearing until May 15, 2001, and neither NMI’s counsel nor its co-counsel was present at the Council meeting designated for NMI’s appeal of the Finance Director’s fixing of NMI’s gross receipts tax obligation, and the City Council had read and reviewed the extensive record created in the matter, and was prepared to entertain NMI’s appeal at that time and place,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the Administrative Appeal of NMI is hereby dismissed due to the failure of any representative of NMI to appear at the time and place set for the appeal hearing.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

# **EXHIBIT A**

# MORRISON & FOERSTER LLP

SAN FRANCISCO  
LOS ANGELES  
DENVER  
PALO ALTO  
WALNUT CREEK  
SACRAMENTO  
CENTURY CITY  
ORANGE COUNTY  
SAN DIEGO

ATTORNEYS AT LAW  
  
425 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2482  
TELEPHONE (415) 268-7000  
TELEFACSIMILE (415) 268-7522

NEW YORK  
WASHINGTON, D.C.  
NORTHERN VIRGINIA  
LONDON  
BRUSSELS  
BEIJING  
HONG KONG  
SINGAPORE  
TOKYO

April 10, 2001

Writer's Direct Contact  
(415) 268-6125  
PSansone@mofo.com

By Telefacsimile  
By U.S. Mail

Modesto City Council  
c/o Ms. Jean Zahr  
City Clerk's Office  
1010 Tenth Street, Suite 6600  
Modesto, CA 95354

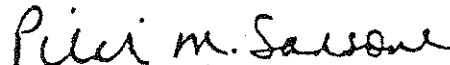
Re: Continuance of City Council Hearing

Dear Ladies and Gentlemen:

On behalf of National Med, Inc. ("NMI"), I am writing to request a continuance of the hearing currently scheduled before the City Council on April 10, 2001. Charles Moll, NMI's attorney, was injured this weekend and is unable to attend the hearing this evening. For this reason, I would like to request that NMI's hearing be rescheduled to May 15, 2001.

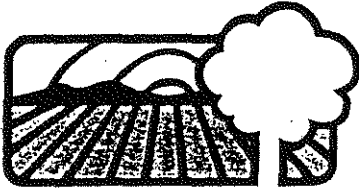
Thank you for your consideration of this matter.

Very truly yours,



Pilar M. Sansone

## **EXHIBIT B**



**CITY of MODESTO**

*Office of the  
City Attorney  
1010 Tenth Street  
Suite 6300  
P.O. Box 642  
Modesto, CA 95353  
209/577-5284  
209/544-8260 Fax*

*Hearing and Speech  
Impaired Only  
TDD 209/526-9211*

April 10, 2001

***Transmitted Via Facsimile  
and First Class Mail***

Pilar M. Sansone, Esq.  
MORRISON & FOERSTER, LLP  
425 Market Street  
San Francisco, CA 94105

*Re: Continuance of Appeal of NMI Adjudication.*

Dear Ms. Sansone:

The City Clerk has provided us with a copy of your request for a continuance (received via fax at 12:17 p.m. today).

I am aware that you personally are counsel of record for NMI, and that you appeared and were present throughout the January 18<sup>th</sup> hearing of the above-captioned matter. Accordingly there is no reason why you cannot be present at the Council meeting tonight to prosecute the appeal of NMI if required. I am informed that at least two past delays are chargeable to Mr. Moll's various injuries and illnesses.

Your request is also objectionable as it is coming from counsel for an entity we feel has fraudulently delayed payment of taxes for in excess of four years and has asserted the statute of limitations contrary to our position. Moreover, NMI's appeal was untimely filed by you. Regardless of that, we gave you the administrative courtesy of agreeing to hear your appeal, though late. For obvious financial reasons it is important to us to resolve a matter involving the sum claimed here as expeditiously as possible, and this has already dragged on for a great deal of time. We note that your request does not include a waiver of any applicable ordinances. You should be advised that our ordinance requires the hearing of NMI's appeal prior to the date you suggest. If we were to allow the continuance you suggest, NMI might argue through you that Modesto had "blown time."

Pilar M. Sansone, Esq.

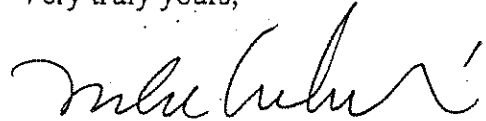
April 10, 2001

Page 2

For all of the foregoing reasons, my office will argue to the Council that the appeal of NMI should not be continued, and should be heard tonight. Having said that, it is entirely within the Council's discretion, at this point, to either hear the appeal or not hear the appeal as its wisdom may allow. Accordingly, for all these reasons, I again urge you to appear on behalf of your client tonight. Obviously, you should be prepared, if necessary, to argue the appeal should you be so directed by our City Council.

Please contact us by facsimile transmission today should you have any questions or comments or further information with respect to the appeal.

Very truly yours,



MICHAEL D. MILICH

City Attorney

MDM:am

cc: Mayor and Councilmembers  
Jack Crist, City Manager  
Jean Zahr, City Clerk  
Robert Stout, Finance Director  
Renee Ledbetter

# **EXHIBIT C**

# MORRISON & FOERSTER LLP

SAN FRANCISCO  
LOS ANGELES  
DENVER  
PALO ALTO  
WALNUT CREEK  
SACRAMENTO  
CENTURY CITY  
ORANGE COUNTY  
SAN DIEGO

ATTORNEYS AT LAW  
  
425 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2482  
TELEPHONE (415) 268-7000  
TELEFACSIMILE (415) 268-7522

NEW YORK  
WASHINGTON, D.C.  
NORTHERN VIRGINIA  
LONDON  
BRUSSELS  
BEIJING  
HONG KONG  
SINGAPORE  
TOKYO

April 10, 2001

Writer's Direct Contact  
(415) 268-6125  
PSansone@mofo.com

By Telefacsimile  
By U.S. Mail

Mr. Michael D. Milich, Esq.  
Office of the City Attorney  
1010 Tenth Street, Suite 6300  
Modesto, CA 95353

Re: Continuance of City Council Hearing

Dear Mr. Milich :

This letter is in response to your letter dated April 10, 2001, which contains several misrepresentations.

First, NMI has never before requested a delay due to the "various injuries and illnesses" of Mr. Moll. Second, NMI's notice of appeal was timely filed with the City Clerk on March 5, 2001. Third, NMI's filing position with the City is not fraudulent, and NMI looks forward to the opportunity to present its case and respond to the City's fraud allegations, which were raised for the first time at the hearing before the Finance Director on January 18, 2001.

In this regard, we must convey our serious concerns over your lack of objectivity in this matter. In both your letter to me and your recent statements to the press, you have proclaimed your opinion regarding the City's baseless fraud allegations. As an officer of the court, you should know better than to jump to a conclusion before all of the evidence has been heard.

As you must be aware, NMI and the City have discussed NMI's filing position over the years and the City has permitted taxpayers in circumstances similar to NMI's to file on the same basis as NMI, which you now claim is fraudulent.

The inflammatory rhetoric of your letter overlooks the following: NMI collects and remits contract premiums on behalf of certain service providers, entitling it to the agent/trustee exclusion as set forth in Modesto Municipal Code section 6-1.101(f)(6),

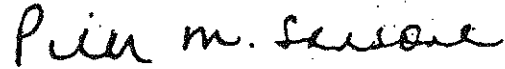
**MORRISON & FOERSTER LLP**

Mr. Michael D. Milich  
April 10, 2001  
Page Two

and a portion of the revenues sought to be taxed are earned outside of the City's limits, and thus may not be taxed by the City.

That said, pursuant to Modesto Municipal Code section 1-4.03, NMI waives its right to a hearing before the City Council within thirty days after filing its notice of appeal. We look forward to presenting our case on the merits before an unbiased City Council on May 15, 2001, as requested in my earlier letter.

Very truly yours,



Pilar M. Sansone

cc: City Council Members, c/o Jean Zahr  
Jack Christ, City Manager  
Robert Stout, Finance Director  
Robert Mills

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-166**

**A RESOLUTION SETTING A PUBLIC HEARING TO BE HELD ON JUNE 26, 2001, WITH THE INTENT TO CONSIDER THE PROPOSED WATER RATE INCREASE OF 2% ACROSS-THE-BOARD IN WATER ZONES 1, 2 AND THAT PORTION OF ZONE 3 THAT WILL RECEIVE FLUORIDATED WATER TO FUND OPERATIONS AND MAINTENANCE COSTS RELATED TO FLUORIDATION OF THE WATER, AND GIVING NOTICE AS PROVIDED BY LAW OF THE PROPOSED WATER RATE INCREASE.**

WHEREAS, under Proposition 218, certain fees or charges cannot be increased by any agency unless it meets certain requirements, and

WHEREAS, on June 27, 1995, the City Council adopted Resolution 95-324 establishing a rate structure with three (3) separate zones, and

WHEREAS, on May 30, 2000, the City Council adopted Resolution 2000-254, directing the City Manager to take appropriate measures toward the introduction of fluoride into the City water system, and

WHEREAS, by an Agenda Report dated March 26, 2001, from the Engineering and Transportation Department, City staff recommended a water rate increase to fund operations and maintenance costs related to the fluoridation of water in Zones 1, 2 and that portion of Zone 3 that will receive fluoridated water, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on April 10, 2001, the City Council considered City staff's recommendation to give notice as required by Proposition 218 and set a public hearing to be held on June 12, 2001, to consider a water rate increase to fund operations and maintenance costs related to the fluoridation of water in Zones 1, 2 and that portion of Zone 3 that will receive fluoridated water.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuesday, June 26, 2001, at 5:15 p.m., located in the Chambers at 1010 Tenth Street, Modesto, California, is hereby set as the date, time and place for a public hearing to consider a water rate increase to fund operations and maintenance costs related to the fluoridation of water in Zones 1, 2 and that portion of Zone 3 that will receive fluoridated water as recommended by City staff in Agenda Report dated March 26, 2001, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that staff is authorized to send notices as provided by law of the proposed water rate increase.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad, Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 -167**

**A RESOLUTION APPROVING AN APPROPRIATION TRANSFER TO  
APPROPRIATE \$195,372 FROM THE STORM DRAIN FUND CAPITAL  
IMPROVEMENT PROGRAM TO THE STORM DRAIN OPERATING BUDGET  
FOR THE CONSTRUCTION OF ROCKWELLS.**

BE IT RESOLVED that the Council of the City of Modesto that the following appropriation transfer is approved:

<u>FROM:</u> <u>Account</u>	<u>Project Name</u>	<u>Amount</u>
6280-480-L091-6040	Annual Catch Basin	-12,332
6280-480-M252-6040	Annual Catch Basin	-78,248
6280-480-L096-6040	Rockwell Repl/Add	-73,945
6280-480-K013-6040	College/Coldwell Lift St.	-22,270
6280-480-J261-6040	Coffee Rd. Storm Drain	-595
6280-480-J660-6040	Annual Catch Basin	-2,823
6280-480-J751-6040	Annual Positive Storm Repair	-698
6280-480-L095-6040	Storm Water Emerg. Gen/Pump	-318
6280-480-L099-6040	Sunken Sidewalks @ Rockwells	-4,143

<u>TO:</u>		
6280-480-5312-0235	Services, Professional & Other	195,372

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-168**

**A RESOLUTION APPOINTING SUSAN JOHNSEN TO THE COMMUNITY  
QUALITIES FORUM**

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

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

SECTION 1. Susan Johnsen is hereby appointed to the Community Qualities Forum with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 -169**

**A RESOLUTION IN SUPPORT OF RECOMMENDATIONS MADE BY THE  
LEAGUE OF CALIFORNIA CITIES ENERGY TASK FORCE AND DIRECTING  
STAFF TO INCLUDE RECOMMENDATIONS IN THE CITY OF MODESTO'S  
LEGISLATIVE PLATFORM.**

WHEREAS, California faces unprecedented energy challenges and severe electricity supply shortages; and

WHEREAS, the League of California Cities has appointed an Energy Task Force to advise the League's Board of Directors, policy committees, and staff on energy issues before the Legislature; and

WHEREAS, the recommendations of the Energy Task Force are as follows:

- a) Conservation in City Facilities
  - i) Support conservation recommendations proposed by the League and California State Association of Counties;
  - ii) Support legislation that provides direct funding for conservation and demand reduction projects in city facilities;
  - iii) Work to obtain the greatest level of funding for local governments and in crafting legislation that is effective and beneficial to local governments;
- b) Siting Energy Facilities
  - i) Support incentives that stimulate development and siting of more energy generation facilities;
- c) Power Plant Siting
  - i) Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above) and oppose legislation which decreases the threshold;
  - ii) Take no position on proposals to streamline the facility approval process except to suggest revisions which reflect technical comments from city experts on local government review and comment related provisions;

- iii) Explore exempting cities with municipal utilities completely from the Energy Commission review process for all power plant proposed within their jurisdiction, regardless of the size of the facility;
- d) Environmental Regulation of Power Plants
  - i) Do not get directly involved in legislative discussions and take no position on legislation to relax, suspend, or eliminate environmental regulations except to ensure that cities do not bear the burden of meeting the shortfall in environmental protection;
- e) Public Power Options
  - i) Support all bills that enhance the public power options available to cities and counties;
  - ii) Condition support and/or sponsorship upon correct language being written. Work with municipal utilities and others to ensure provisions are correctly drafted;
- f) Interruptible Rates
  - i) Take no position on legislation dealing with changes in interruptible rates, but monitor subject carefully;
  - ii) Express concern that resolution of this issue seeks equity for ratepayer classes and communities;
- g) Rotating Outages – Exemptions
  - i) Ensure that police and fire facilities are appropriately protected either legislatively or administratively if the range of exempted facilities is expanded;
  - ii) Seek legislation or administrative resolution to giving advance notification to those businesses that use hazardous materials which could pose a danger if the plant is not shut down properly;
  - iii) Seek grant or loan funding for essential services (i.e., police/fire, water/wastewater) to purchase new or replace existing back-up generators that are more energy efficient and less polluting;
- h) Wholesale Regional Price Caps – Federal Legislation
  - i) Take no position on federal legislation to give the Secretary of Energy authority to impose regional wholesale price caps on electricity;

i) Price Gouging by Electricity Suppliers

i) Support efforts to determine whether market abuse occurred and asking that appropriate action be taken to remedy the problem if illegal activity did occur; and

WHEREAS, the recommendations of the Energy Task Force have been adopted as interim League policy and will be used by League staff to lobby issues, support, or oppose bills and seek amendments favorable to California's cities; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it is in support of these recommendations from the League Energy Task Force.

BE IT FURTHER RESOLVED that the Council of the City of Modesto directs that these recommendations be included in the City's legislative platform.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-170**

**A RESOLUTION TO APPROVE THE ASSIGNMENT OF FOSTER FARMS' JULY 15, 1980 LEASE TO MODESTO EXECUTIVE AIR CHARTER, D/B/A SKY TREK AVIATION**

WHEREAS, the City of Modesto hereafter referred to as "CITY" and Foster Farms hereafter referred to as LESSEE entered into a long-term ground lease on July 15, 1980 for use of airport property at 829 Airport Way to construct a corporate aircraft hangar, and

WHEREAS, the lease agreement was extended by an amendment to the lease approved by the CITY on April 4, 2000, and

WHEREAS, LESSEE is constructing a new and larger corporate hangar on a new leasehold, and

WHEREAS, LESSEE desires to sell their hangar located at 829 Airport Way, and Sky Trek Aviation has agreed to purchase the hangar, and

WHEREAS, Sky Trek Aviation is an excellent airport tenant providing quality service to the airport and community, and

WHEREAS, the Transportation Policy Committee considered the lease assignment on March 15<sup>th</sup> and they supported the transfer of the ground lease from Foster Farms to Sky Trek Aviation and are requesting the City Council consider its approval,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an assignment of the Foster Farms ground lease for property at 829 Airport Way to Sky Trek Aviation.

BE IT FURTHER RESOLVED, the City Manager is authorized to execute the lease agreement on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the April 17, 2001 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahrt  
Jean Zahrt, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-171**

**A RESOLUTION APPROVING THE FINAL MAP OF ARBOR LANE NO. 2  
SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 16.44 acres, known as ARBOR LANE NO. 2 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 1<sup>ST</sup> day of May, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said ARBOR LANE NO. 2 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in

forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17<sup>th</sup> day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-172**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
SOLICIT REQUEST FOR BIDS FOR CONCRETE BOXES AND COVERS,  
CAST IRON AND DUCTILE IRON FITTINGS AND RELATED ACCESSORIES**

WHEREAS, the Finance Department has requested the purchase of concrete boxes and covers, cast iron and ductile iron fittings and related accessories (see Exhibit A) for FY 2001/2002 with three one-year extensions, and

WHEREAS, the Finance Department-Central Stores operations is responsible maintaining inventory for concrete boxes and covers, cast iron and ductile iron fittings and related accessories (see Exhibit A) for use by all City departments for City projects, and

WHEREAS, by soliciting competitive bids for concrete boxes and covers, cast iron and ductile iron fittings and related accessories, the Finance Department-Purchasing Division will comply with the Modesto City Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for concrete boxes and covers, and cast iron and ductile iron fittings and related accessories (see Exhibit A) to be opened in the office of the City Clerk, 1010 10<sup>TH</sup> Street, in the City of Modesto, on April 24, 2001 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17<sup>th</sup> day of April, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmemeber Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

Attachment 1) Exhibit A (Bid Materials)

## EXHIBIT A

### CENTRAL STORES ANNUAL BID QUANTITIES FOR WATER BOXES AND COVERS, CI COVERS AND FRAMES

#### GROUP I - BOXES & BOX COVERS CHRISTY ONLY

ITEM	QTY	UNIT	DESCRIPTION	STOCK NUMBER
01	421	EA	BOX, FIBRELYTE FLO8T BOX	100000
02	19	EA	BOX, FIBRELYTE 12" FL30 BOX 12	100060
03	123	EA	BOX, FIBRELYTE 12" FL36 BOX 12	100100
04	34	EA	BOX, CONCRETE UTILITY B9 BOX	100020
05	398	EA	BOX, CONCRETE UTILITY B12 BOX	100040
06	31	EA	BOX, CONCRETE UTILITY B36 BOX	100120
07	2	EA	BOX, CONCRETE UTILITY B48 BOX	100160
08	607	EA	BOX, CONCRETE VALVE TRAFFIC G5 BOX	100180
09	117	EA	BOX, CONCRETE ELECTRICAL N30 BOX	100080
10	421	EA	COVER, CAST IRON MARKED WATER CHRISTY # F8C / D & L # I 2820	101000
11	8	EA	COVER, CAST IRON MARKED WATER B9C	101020
12	26	EA	COVER, CONCRETE W/CI READ LID MARKED WATER B9G	101021
13	92	EA	COVER, CAST IRON MARKED WATER B12C	101040
14	396	EA	COVER, CONCRETE W/CI READ LID MARKED WATER B12G	101041
15	1	EA	COVER, FIBRELYTE W/CI READ LID MARKED WATER FL12G	998010
16	11	EA	COVER, CONCRETE W/CI READ LID MARKED WATER B16G	101200
17	11	EA	COVER, CONCRETE W/CI READ LID MARKED WATER B30G	101082
18	119	EA	COVER, CONCRETE MARKED ELECTRIC N30D	101081
19	10	EA	COVER, CONCRETE MARKED TRAFFIC SIGNAL N30D	998010
20	10	EA	COVER, CONCRETE MARKED STREET LIGHT N30D	998010
21	7	EA	COVER, FIBRELYTE MARKED ELECTRIC FL30D	101080
22	12	EA	COVER, FIBRELYTE MARKED WATER FL30D	101084
23	64	EA	COVER, CONCRETE W/CI READ LID MARKED WATER B36G	101121

ITEM	QTY	UNIT	DESCRIPTION	STOCK NUMBER
24	1	EA	COVER, CONCRETE MARKED TRAFFIC SIGNAL B36D	101120
25	2	EA	COVER, FIBRELYTE MARKED TRAFFIC SIGNAL FL36D	101123
26	25	EA	COVER, FIBRELYTE MARKED WATER FL36D	101124
27	646	EA	COVER, CAST IRON TRAFFIC MARKED WATER G5C	101180
28	5	EA	COVER, CAST IRON TRAFFIC MARKED MONUMENT G5C	105400
29	52	EA	RING, GRADE CI (RISER) G5 1" G5GR10	103181
30	52	EA	RING, GRADE CI (RISER) G5 1 1/2" G5GR15	103182
31	66	EA	RING, GRADE CI (RISER) G5 2" G5GR20	103183

**GROUP II - CI COVERS & FRAMES**

ITEM	QTY	UNIT	DESCRIPTION	STOCK NUMBER
01	31	EA	COVER, CAST IRON MARKED WATER BES # M2 / D & L # C 275	101220
02	80	EA	COVER, PLASTIC GREEN MARKED WATER <b><u>DRW/HPI</u></b> # D1200DISG LID	101370
03	20	EA	COVER, PLASTIC GREEN W/READ LID CARSON 1220-5	101375
04	51	EA	COVER, CAST IRON MANHOLE TO BE MARKED <b>"CITY OF MODESTO" SEWER OR STORM</b>	105100
05	47	EA	FRAME, CAST IRON MANHOLE A-624	106100

**CENTRAL STORES ANNUAL BID QUANTITIES FOR CI/DI FITTINGS, ACCESSORY AND GRIP RING KITS, GASKETS**

**GROUP I - CI & DI FITTINGS**

ITEM	QTY	UNIT	DESCRIPTION				STOCK NUMBER
01	3	EA	BEND DUCTILE IRON	MJ	4 X 45	LESS ACCESSORY	130500
02	3	EA	BEND DUCTILE IRON	MJ	6 X 45	LESS ACCESSORY	130510
03	10	EA	BEND DUCTILE IRON	MJ	8 X 45	LESS ACCESSORY	130520
04	6	EA	BEND DUCTILE IRON	MJ	10 X 45	LESS ACCESSORY	130530
05	6	EA	BEND DUCTILE IRON	MJ	12 X 45	LESS ACCESSORY	130540
06	1	EA	BEND DUCTILE IRON	MJ X F	4 X 45	LESS ACCESSORY	130700
07	4	EA	BEND DUCTILE IRON	MJ X F	6 X 45	LESS ACCESSORY	130710
08	1	EA	BEND DUCTILE IRON	MJ X F	8 X 45	LESS ACCESSORY	130720
09	1	EA	BEND DUCTILE IRON	MJ X F	10 X 45	LESS ACCESSORY	130730
10	1	EA	BEND DUCTILE IRON	MJ X F	12 X 45	LESS ACCESSORY	130740
11	18	EA	BEND CAST IRON FLANGE X FLANGE		4 X 90		131300
12	11	EA	BEND CAST IRON FLANGE X FLANGE		6 X 90		131310
13	7	EA	BEND CAST IRON FLANGE X FLANGE		8 X 90		131320
14	5	EA	BEND CAST IRON FLANGE X FLANGE		10 X 90		131330
15	1	EA	BEND CAST IRON FLANGE X FLANGE		12 X 90		131340
16	8	EA	BEND DUCTILE IRON	MJ	4 X 90	LESS ACCESSORY	131500
17	25	EA	BEND DUCTILE IRON	MJ	6 X 90	LESS ACCESSORY	131510
18	11	EA	BEND DUCTILE IRON	MJ	8 X 90	LESS ACCESSORY	131520
19	5	EA	BEND DUCTILE IRON	MJ	10 X 90	LESS ACCESSORY	131530
20	5	EA	BEND DUCTILE IRON	MJ	12 X 90	LESS ACCESSORY	131540
21	12	EA	BEND DUCTILE IRON	MJ X F	4 X 90	LESS ACCESSORY	131700
22	23	EA	BEND DUCTILE IRON	MJ X F	6 X 90	LESS ACCESSORY	131710
23	17	EA	BEND DUCTILE IRON	MJ X F	8 X 90	LESS ACCESSORY	131720
24	6	EA	BEND DUCTILE IRON	MJ X F	10 X 90	LESS ACCESSORY	131730

ITEM	QTY	UNIT	DESCRIPTION				STOCK NUMBER
25	2	EA	BEND DUCTILE IRON	MJ X F	12 X 90	LESS ACCESSORY	131740
26	28	EA	ADAPTER DUCTILE IRON	MJ X F	4 X 4	LESS ACCESSORY	132010
27	67	EA	ADAPTER DUCTILE IRON	MJ X F	6 X 6	LESS ACCESSORY	132020
28	36	EA	ADAPTER DUCTILE IRON	MJ X F	8 X 8	LESS ACCESSORY	132030
29	5	EA	ADAPTER DUCTILE IRON	MJ X F	10 X 10	LESS ACCESSORY	132040
30	4	EA	REDUCER DUCTILE IRON	MJ	6 X 4	LESS ACCESSORY	132300
31	9	EA	REDUCER DUCTILE IRON	MJ	8 X 6	LESS ACCESSORY	132400
32	7	EA	REDUCER DUCTILE IRON	MJ	12 X 10	LESS ACCESSORY	132500
33	1	EA	TEE DUCTILE IRON	MJ X MJ X F	4"	LESS ACCESSORY	133100
34	8	EA	TEE DUCTILE IRON	MJ X MJ X F	6"	LESS ACCESSORY	133120
35	7	EA	TEE DUCTILE IRON	MJ X MJ X F	8"	LESS ACCESSORY	133140
36	8	EA	TEE CAST IRON	FLG X FLG	4"		133300
37	9	EA	TEE CAST IRON	FLG X FLG	6"		133320
38	12	EA	TEE CAST IRON	FLANGE X FLANGE	8"		133340
39	5	EA	TEE CAST IRON	FLANGE X FLANGE	8" X 6"		998010
40	1	EA	TEE CAST IRON	FLANGE X FLANGE	10"		133360
41	5	EA	TEE CAST IRON	FLANGE X FLANGE	12"		133380
42	5	EA	TEE CAST IRON	FLANGE X FLANGE	12" X 6"		998010
43	6	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	4 X 12		134140
44	8	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	6 X 12		134160
45	5	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	8 X 12		134180
46	7	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	4 X 18		134340
47	3	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	6 X 18		134360
48	6	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	8 X 18		134380
49	1	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	10 X 24		134600
50	5	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	6 X 36		134760
51	6	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	8 X 36		134780
52	1	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	10 X 36		134800
53	6	EA	SPOOL DUCTILE IRON	FLANGE X FLANGE	4 X 72		134840

ITEM	QTY	UNIT	DESCRIPTION	STOCK NUMBER
54	1	EA	SPOOL DUCTILE IRON FLANGE X FLANGE 6 X 72	134860
55	1	EA	SPOOL DUCTILE IRON FLANGE X FLANGE 8 X 72	134880
56	1	EA	SPOOL DUCTILE IRON FLANGE X FLANGE 10 X 72	134900
57	3	EA	BURY HYDRANT DUCTILE IRON MJ X F 6 X 6 X 24 LESS ACCESSORY	136050
58	16	EA	BURY HYDRANT DUCTILE IRON MJ X F 6 X 6 X 36 LESS ACCESSORY	136100
59	124	EA	BURY HYDRANT DUCTILE IRON MJ X F 6 X 6 X 42 LESS ACCESSORY	136150
60	163	EA	RISER HYDRANT CAST IRON BREAK OFF FLANGE X FLANGE 6 X 6	136310
61	89	EA	RISER HYDRANT CAST IRON BREAK OFF FLANGE X FLANGE 6 X 8	136320
62	27	EA	RISER HYDRANT CAST IRON BREAK OFF FLANGE X FLANGE 6 X 10	136330
63	77	EA	RISER HYDRANT CAST IRON BREAK OFF FLANGE X FLANGE 6 X 12	136340

**GROUP II - KITS & GASKETS**

ITEM	QTY	UNIT	DESCRIPTION	STOCK NUMBER
01	74	EA	KIT MJ ACCESSORY 4"	130000
02	141	EA	KIT MJ ACCESSORY 6"	130010
03	115	EA	KIT MJ ACCESSORY 8"	130020
04	23	EA	KIT MJ ACCESSORY 10"	130030
05	39	EA	KIT MJ ACCESSORY 12"	130040
06	133	EA	KIT GRIP RING ACCESSORY 4" C900 <b>ROMAC ONLY NO SUB</b>	130100
07	495	EA	KIT GRIP RING ACCESSORY 6" C900 <b>ROMAC ONLY NO SUB</b>	130110
08	244	EA	KIT GRIP RING ACCESSORY 8" C900 <b>ROMAC ONLY NO SUB</b>	130120
09	52	EA	KIT GRIP RING ACCESSORY 10" C900 <b>ROMAC ONLY NO SUB</b>	130130
10	183	EA	KIT GRIP RING ACCESSORY 12" C900 <b>ROMAC ONLY NO SUB</b>	130140
11	42	EA	LUBRICANT PIPE 8LB BUCKET HERCULES CHEMICAL'S "DUCK BUTTER" NO SUB	130220
12	6	EA	GASKET RING RUBBER 1/8" THICKNESS 8"	142750
13	4	EA	GASKET RING RUBBER 1/8" THICKNESS 10"	142760
ITEM	QTY	UNIT	DESCRIPTION	STOCK

				NUMBER
14	29	EA	GASKET RING RUBBER 1/8" THICKNESS 12"	142770
15	858	EA	GASKET HYDRANT RUBBER 1/8" THICKNESS <b>BLACK RUBBER ONLY</b> 6"	142870
16	37	EA	GASKET RING ASBESTOS 1/16" THICKNESS DROP IN TYPE 3"	42920
17	231	EA	GASKET RING ASBESTOS 1/16" THICKNESS DROP IN TYPE 4"	142930
18	280	EA	GASKET RING ASBESTOS 1/16" THICKNESS DROP IN TYPE 6"	142940
19	213	EA	GASKET RING ASBESTOS 1/16" THICKNESS DROP IN TYPE 8"	142950
20	77	EA	GASKET RING ASBESTOS 1/16" THICKNESS DROP IN TYPE 10"	142960
21	76	EA	GASKET RING ASBESTOS 1/16" THICKNESS DROP IN TYPE 12"	142970

Quantities represent average issues at Central Stores for calendar year 1999-2000.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-173**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND NEW DEAL MARKET, STRICKLER ENTERPRISES, INC.,  
TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 832  
OAKDALE ROAD, MODESTO.**

WHEREAS, the City of Modesto has contracted with businesses to operate as pay stations for the convenience of its customers; and

WHEREAS, the City of Modesto has received a proposal from New Deal Market, Strickler Enterprises, Inc. to operate a utility payment station at 832 Oakdale Road; and

WHEREAS, in order to provide continued customer service, staff recommends that the agreement between the City of Modesto and New Deal Market, Strickler Enterprises, Inc., be approved; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and New Deal Market, Strickler Enterprises, Inc., to receive utility bill payments from customers at 832 Oakdale Road, Modesto be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17<sup>th</sup> day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-174**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND FLAMINGO VIDEO, A SOLE PROPRIETORSHIP, TO  
RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2549  
YOSEMITE BLVD., MODESTO.**

WHEREAS, the City of Modesto has contracted with businesses to operate as pay stations for the convenience of its customers,

WHEREAS, the City of Modesto has received a proposal from Flamingo Video, a Sole Proprietorship to operate a utility payment station at 2549 Yosemite Blvd.

WHEREAS, in order to provide continued customer service, staff recommends that the agreement between the City of Modesto and Flamingo Video, a Sole Proprietorship, be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Flamingo Video, a Sole Proprietorship to receive utility bill payments from customers at 2549 Yosemite Blvd., Modesto be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17<sup>th</sup> day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-175**

**A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF  
MODESTO 2000-2001 ANNUAL ACTION PLAN.**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD) and

WHEREAS, the City Council, at its June 27, 2000 meeting approved the adoption of the 2000-2001 Annual Action Plan and the Five Year Consolidated Plan (July 1, 2000 through June 30, 2005) and

WHEREAS, City staff has proposed amendments to the Annual Action Plan, and said proposed amendments are as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, notice has been duly given to notify the community of proposed amendments to the Annual Action Plan, and to provide a 30-day comment period, which began March 7, 2001 and ended on April 6, 2001, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its March 16, 2001 meeting and the Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of April 24, 2001 to consider the proposed amendments to the 2000-2001 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the 2000-2001 Annual Action Plan as presented to the Council is hereby approved, and a copy of said Amendment to the 2000-2001 Annual Action Plan is attached hereto as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City manager or his authorized designee is hereby authorized to execute any documents with respect to the Amendment to be submitted to the Regional HUD office. Any and all documents necessary to implement the Action Plan shall require further Council approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17<sup>th</sup> day of April, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**Attachment A**

Proposed Amendment to  
the City of Modesto 2000/2001 Annual Action Plan  
(Spring 2001)

I. Deallocation of CDBG funding for Existing Projects

A. Prescott Estates Loan Agreement

Decrease Account 1130-320-3256-0497 by \$300,000

Decrease Account 1150-320-3266-0497 by \$150,000

Decrease Account 1150-320-3266-0260 by \$ 50,000

**-\$500,000**

A loan to the Prescott Estates Homeowners Association will be cancelled, as the loan terms will not be met. The funds were intended to be used to pay for roof repairs.

B. MJC West Campus Business Park

Decrease Account 1160-320-3267-0497 by \$687,366

**-\$687,366**

A grant to the Modesto Junior College West Campus Business Park will be cancelled. The funds were intended to be used for street improvement associated with this commercial development. The commercial project would have been required to provide meaningful jobs to low-income residents.

C. Miscellaneous Revenue

Decrease Account 113-140-K018-6010 by \$ 26,016

Decrease Account 113-140-K018-6040 by \$170,163

Decrease Account 113-140-K018-6050 by \$ 13,008

Decrease Account 113-140-K018-6060 by \$ 20,813

Decrease Account 1150-320-3266-0260 by \$105,000

Decrease Account 1150-320-3266-0497 by \$150,000

Appropriate Revenue from Account 1150-320-3266-6301 of \$151,634

**-\$636,634**

The City has totaled cost savings from previous projects, included additional program income, and is proposing to reprogram the funding allocated to the Small Business Loan Program. Together, funds totaling \$636,634 will be recommended for reprogramming.

D. Total Funding Available for Reprogramming

The total amount of Community Development Block Grant funding available for reprogramming totals \$1,824,000 for Fiscal Year 2000/2001.

II. Reallocation of CDBG funding for Projects/Programs

A. Housing Maintenance Programs:

1. **Mandatory Housing Rehabilitation Program** **\$300,000**  
Allocate to 1130-320-3256-0497  
This funding allocation is for the City's mandatory housing rehabilitation program in designated target areas. This allocation would serve to provide housing rehabilitation loans to property owners that are required to bring their home(s) into building code compliance. Loans are based on the amount needed and the amount of equity in the home after it is repaired. This program previously focused its funding on multi-family projects outside of the City's designated target areas.

2. **Emergency Home Repair Program** **\$70,000**  
Allocate to 1130-320-3256-0495  
This funding allocation is for the City's Emergency Home Repair Program. This program provides loans up to \$10,000 to address emergency and hazardous conditions in homes in any part of the City. This program has been very popular this year and the current funding allocation has been exhausted.

3. **STANCO's 5<sup>th</sup> Street Project** **\$39,000**  
Allocate to 1150-320-3266-0497  
This funding allocation is to assist STANCO, a non-profit housing developer, complete the repair work on the property located at 607 5<sup>th</sup> Street. This rehabilitation project will result in the provision of 15 refurbished housing units that will be used in a transitional housing program. The project has previously received City funding and additional funds are needed to address unexpected rehabilitation costs.

**B. Public Improvements (Capital Improvement Projects)**

4. **Americans with Disabilities Act (ADA) Curbs** **\$50,000**  
Allocate to (increase) 1130-430-M162-6040  
The ADA curbs project provides funding to install or retrofit existing curbs for handicapped accessibility. This additional funding will result in the retrofitting of approximately 25 curb ramps in low-income areas. This additional allocation will result in a total commitment of \$152,550 for this program during fiscal year 2000/2001.

5. **Improvement of Hillside Drive** **\$100,000**  
Allocate to 1130-320-3262-5907  
Hillside Drive, in the Airport Neighborhood, is planned to be constructed. This project would connect the two portions of Hillside Drive located south of Orville Wright School. This project will also lend itself to the eventual development of the park site next to the school.

6. Improvement of Sutter Avenue **\$200,000**  
Allocate to 1130-320-3262-5908

Sutter Avenue, in Southwest Modesto is proposed to be improved. This road is located in both the City and the County. The street has been in a state of disrepair and continues to deteriorate. As this street is receives heavy use and is located in the City's low-income areas, it is eligible for funding. The City will attempt to collaborate with the County of Stanislaus to pay for part of the road improvement costs.

7. Street Improvements in Low-income Areas **\$150,000**  
Establish New CIP 1130-310-M164-6040

Additional street improvements consisting of curbs, gutters, sidewalks, street overlays, road construction are proposed for this year. A total of \$200,000 in CDBG funding has already been committed to this category. Together the \$350,000 in funding will be allocated to make these kinds of improvements in the City's neediest low-income areas.

8. Park Playground Improvements **\$100,000**  
Allocate to 1130-320-3262-5909

Park playgrounds in Modesto's west-side communities require refurbishment. This allocation will serve to either purchase or to refurbish playground apparatus in James Marshall Park.

9. Improvement of the Maddux Youth Center **\$200,000**  
Allocate to 1130-320-3262-5910

The Maddux Youth Center in west Modesto will be improved and equipped. A total of \$450,000 of CDBG and City funds are already proposed from two year's City Budget (\$150,000 in City 2000/2001 funds and \$300,000 in CDBG 2001/2002 funds). This allocation will be for an additional allocation for a total of \$650,000 to help pay for improvements and/or equipment. The improvements include the addition of air conditioning, roof replacement, expansion of the gym area, replacement of doors and windows, installation of new flooring, improvements to the ceilings in the office and computer rooms, addition of new cabinets and sink in the pool table room. The purchase of new recreation equipment include weights, exercise equipment, mats, mirrors, punching bags, computers and other youth related equipment.

10. Property Acquisition to Serve Homeless Populations **\$150,000**  
Allocate to 1130-320-3262-5911

The allocation of \$150,000 is proposed for the purchase of property within the City that would be used in the development of a homeless day facility. The Facility would be operated by a non-profit agency. It would provide office space for a drop-in center by other agencies that serve the homeless. The site is

intended to also provide job training, job placement, as well as assist in the furthering of educational attainment levels. A site and an administering non-profit agency have not been selected at this time.

#### D. Miscellaneous Projects

11. Installation of a Park Shelter **\$50,000**  
Allocate to 1130-320-3254-5912

A park shelter is proposed to be installed in Robertson Road Park. The shelter would serve to shelter residents from the rain and heat while visiting the park. There are no such improvements at the park at this time.

12. Neighborhood Clean-ups in Low-Income Areas **\$15,000**  
Allocate to 1130-320-3256-0318

The proposed allocation of \$15,000 to the Neighborhood Clean-ups is intended to pay for clean-up costs that have exceeded the previously budgeted amount of \$30,000. This program pays for the costs associated with Neighbors United and smaller neighborhood clean-up efforts conducted in low-income areas of the City.

13. Down Payment Assistance Program **\$50,000**  
Allocate to 1130-320-3254-0497

The allocation of \$50,000 is proposed as additional funds for the Down Payment Assistance Program. This additional allocation would be used to offer larger loans to qualified applicants. The Program is planned to be amended to address the changing housing market. The program would result in more homeownership opportunities.

14. Westside Service Center **\$25,000**  
Allocate to 1130-320-3256-5913

This allocation is proposed as a contribution to the planned service center that is located on James Marshal Park. The Center is a collaborative effort between the County and the City. Many County and City services will be offered at the Center and will benefit many low-income residents in southwest Modesto.

15. Non Profit Property Acquisition **\$125,000**  
Allocate to 1130-320-3256-5914

This allocation is proposed for the Non Profit Property Acquisition Program. Neighborhood-based non-profits would be able to use this money to purchase a property to operate their programs from. The City desires to further its partnership efforts with stakeholders in the community.

16. Contractor Support Center **\$50,000**  
Allocate to 1160-320-3267-0496

This allocation is proposed for the development and implementation of a Contractor Support Center. The Center would in operate in conjunction with the Workforce Development Program. Specifically, the Center would serve as a resource center for employees and contractors in the construction industry. The Center would coordinate training seminars, assist contractors in obtaining certification, bonding, and licenses. This program will help the City further employment and employee opportunities for the City's low-income residents.

17. Community Based Development Organization **\$100,000**  
Allocate to 1130-320-3254-0496

This allocation is proposed for neighborhood-based non-profits that are interested in providing job training and job placement opportunities. Local non-profits can assist the City in providing these opportunities with residents in their own neighborhood. The program will further the City's efforts in connecting residents with jobs.

18. Start-up Business Loan Program **\$50,000**  
Allocate to 1160-320-3267-0497

The allocation of \$50,000 is proposed for a new start-up Business Loan Program also known as a micro-enterprise loan program. This loan program would make loans to small start-up businesses such as home occupations. This loan program would be a modification of the current Small Business Loan Program. This program would provide some income and employment opportunities for low-income residents.

**TOTAL FUNDING ALLOCATIONS \$1,824,000**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-176**

**A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL  
OPERATING AND CAPITAL IMPROVEMENT PLAN BUDGETS TO  
REALLOCATE \$1,824,363 IN COMMUNITY DEVELOPMENT BLOCK GRANT  
FUNDS**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD) and

WHEREAS, the City Council, at its June 27, 2000 meeting approved the adoption of the 2000-2001 Annual Action Plan and the Five Year Consolidated Plan (July 1, 2000 through June 30, 2005) and

WHEREAS, since adoption of the Annual Action Plan, staff has determined that two proposed activities will no longer take place, specifically a loan to Prescott Estates (\$500,000) and the Capital Improvement Project for MJC West Campus Business Park (\$687,366), and

WHEREAS, staff has identified an additional \$636,634 in miscellaneous unallocated funds from savings from previous projects, program income and other loan payoffs, and

WHEREAS, staff desires to re-program these funds to other eligible projects as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its March 16, 2001 meeting and the Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of April 24, 2001 to consider the proposed amendments to the 2000-2001 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2000-01 Annual Operating and Capital Improvement Plan Budgets are hereby amended to reallocate Community Development Block Grant Funds as indicated below:

Account	Adjustment	Description
1130-320-3256-0497	(300,000)	Direct Loans
1150-320-3266-0497	(150,000)	Prescott Estates Loan Agreement
1150-320-3266-0260	(50,000)	Miscellaneous Services
	<b>(500,000)</b>	
1160-320-3267-0497	<b>(687,366)</b>	MJC West & Small business Loan Program
1130-140-k018-6010	(26,016)	Economic Development-College West
1130-140-k018-6040	(170,163)	Economic Development-College West
1130-140-k018-6050	(13,008)	Economic Development-College West
1130-140-k018-6060	(20,813)	Economic Development-College West
	<b>(230,000)</b>	
1150-320-3266-0260	(105,000)	Miscellaneous Services
1150-320-3266-0497	(150,000)	Housing Mtc Program
1150-320-3266-6301	(151,634)	RFL Principal Revenue - need to appropriate
	<b>(636,634)</b>	
	<b>(1,824,000)</b>	
1130-320-3256-0497	300,000	Mandatory Housing Rehab Program
1130-320-3256-0495	70,000	Emergency Home Repair Program
1150-320-3266-0497	39,000	Stanco's 5th Street Project
1130-430-m162-6040	50,000	Americans with Disabilities Act (ADA) Curbs
1130-320-3262-5907	100,000	Improvement of Hillside Drive
1130-320-3262-5908	200,000	Improvement of Sutter Avenue
1130-310-M164-6040	150,000	Street Improvements in Low-income Areas
1130-320-3262-5909	100,000	Park Playground Improvements
1130-320-3262-5910	200,000	Improvement of the Maddux Youth Center
1130-320-3262-5911	150,000	Property Acquisition to serve Homeless Populations
1130-320-3254-5912	50,000	Installation of a Park Shelter
1130-320-3256-0318	15,000	Neighborhood Clean-up in Low Income Areas
1130-320-3254-0497	50,000	Down payment Assistance Program
1130-320-3256-5913	25,000	Westside Service Center
1130-320-3256-5914	125,000	Non Profit Property Acquisition
1160-320-3267-0496	50,000	Contractor Support Center
1130-320-3254-0496	100,000	Community Based Development Organization
1160-320-3267-0497	50,000	Start up Business Loan Program

1,824,000

1160-700-7000-7113	(230,000)	Transfer between funds
1130-700-7000-9116	230,000	Transfer between funds
1150-700-7000-7113	(567,634)	Transfer between funds
1130-700-7000-9115	567,634	Transfer between funds
1160-700-7000-7113	(817,366)	Transfer between funds
1130-700-7000-9116	817,366	Transfer between funds

BE IT FURTHER RESOLVED that the Finance Director 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 17<sup>th</sup> day of April, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino


NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By:   
STAN FEATHERS, Budget Officer

Proposed Amendment to  
the City of Modesto 2000/2001 Annual Action Plan  
(Spring 2001)

I. Deallocation of CDBG funding for Existing Projects

A. Prescott Estates Loan Agreement

Decrease Account 1130-320-3256-0497 by \$300,000

Decrease Account 1150-320-3266-0497 by \$150,000

Decrease Account 1150-320-3266-0260 by \$ 50,000

**-\$500,000**

A loan to the Prescott Estates Homeowners Association will be cancelled, as the loan terms will not be met. The funds were intended to be used to pay for roof repairs.

B. MJC West Campus Business Park

Decrease Account 1160-320-3267-0497 by \$687,366

**-\$687,366**

A grant to the Modesto Junior College West Campus Business Park will be cancelled. The funds were intended to be used for street improvement associated with this commercial development. The commercial project would have been required to provide meaningful jobs to low-income residents.

C. Miscellaneous Revenue

Decrease Account 113-140-K018-6010 by \$ 26,016

Decrease Account 113-140-K018-6040 by \$170,163

Decrease Account 113-140-K018-6050 by \$ 13,008

Decrease Account 113-140-K018-6060 by \$ 20,813

Decrease Account 1150-320-3266-0260 by \$105,000

Decrease Account 1150-320-3266-0497 by \$150,000

Appropriate Revenue from Account 1150-320-3266-6301 of \$151,634

**-\$636,634**

The City has totaled cost savings from previous projects, included additional program income, and is proposing to reprogram the funding allocated to the Small Business Loan Program. Together, funds totaling \$636,634 will be recommended for reprogramming.

D. Total Funding Available for Reprogramming

The total amount of Community Development Block Grant funding available for reprogramming totals \$1,824,000 for Fiscal Year 2000/2001.

II. Reallocation of CDBG funding for Projects/Programs

A. Housing Maintenance Programs:

1. **Mandatory Housing Rehabilitation Program** **\$300,000**  
Allocate to 1130-320-3256-0497  
This funding allocation is for the City's mandatory housing rehabilitation program in designated target areas. This allocation would serve to provide housing rehabilitation loans to property owners that are required to bring their home(s) into building code compliance. Loans are based on the amount needed and the amount of equity in the home after it is repaired. This program previously focused its funding on multi-family projects outside of the City's designated target areas.

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Allocate to (increase) 1130-430-M162-6040  
  
The ADA curbs project provides funding to install or retrofit existing curbs for handicapped accessibility. This additional funding will result in the retrofitting of approximately 25 curb ramps in low-income areas. This additional allocation will result in a total commitment of \$152,550 for this program during fiscal year 2000/2001.

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intended to also provide job training, job placement, as well as assist in the furthering of educational attainment levels. A site and an administering non-profit agency have not been selected at this time.

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11. Installation of a Park Shelter **\$50,000**  
Allocate to 1130-320-3254-5912

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The allocation of \$50,000 is proposed as additional funds for the Down Payment Assistance Program. This additional allocation would be used to offer larger loans to qualified applicants. The Program is planned to be amended to address the changing housing market. The program would result in more homeownership opportunities.

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15. Non Profit Property Acquisition **\$125,000**  
Allocate to 1130-320-3256-5914

This allocation is proposed for the Non Profit Property Acquisition Program. Neighborhood-based non-profits would be able to use this money to purchase a property to operate their programs from. The City desires to further its partnership efforts with stakeholders in the community.

16. Contractor Support Center **\$50,000**  
Allocate to 1160-320-3267-0496

This allocation is proposed for the development and implementation of a Contractor Support Center. The Center would in operate in conjunction with the Workforce Development Program. Specifically, the Center would serve as a resource center for employees and contractors in the construction industry. The Center would coordinate training seminars, assist contractors in obtaining certification, bonding, and licenses. This program will help the City further employment and employee opportunities for the City's low-income residents.

17. Community Based Development Organization **\$100,000**  
Allocate to 1130-320-3254-0496

This allocation is proposed for neighborhood-based non-profits that are interested in providing job training and job placement opportunities. Local non-profits can assist the City in providing these opportunities with residents in their own neighborhood. The program will further the City's efforts in connecting residents with jobs.

18. Start-up Business Loan Program **\$50,000**  
Allocate to 1160-320-3267-0497

The allocation of \$50,000 is proposed for a new start-up Business Loan Program also known as a micro-enterprise loan program. This loan program would make loans to small start-up businesses such as home occupations. This loan program would be a modification of the current Small Business Loan Program. This program would provide some income and employment opportunities for low-income residents.

**TOTAL FUNDING ALLOCATIONS** **\$1,824,000**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-177**

**A RESOLUTION APPROVING THE USE OF AMPLIFIED MUSIC BY  
STANISLAUS COUNTY YOUTH FOR CHRIST FOR A CELEBRATION AT  
GRACEADA PARK ON APRIL 29, 2001**

WHEREAS, staff has received a letter from Stanislaus County Youth for Christ requesting amplified music for a Celebration at Graceada Park on April 29, 2001, and

WHEREAS, the City Council has a policy No. 6.007 prohibiting the use of amplified music in public without City Council approval, and

WHEREAS, the Human Services Committee at its March 26, 2001 meeting recommended that the City Council permit the use of amplified music for the Youth for Christ Celebration at Graceada Park on April 29, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the use of amplified music for the Stanislaus County Youth for Christ Celebration at Graceada Park on April 29, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17<sup>th</sup> day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-178**

**A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING  
BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF  
MODESTO, A PUBLIC BODY, CORPORATE AND POLITIC (THE  
“AGENCY”), THE CITY OF MODESTO (THE “CITY”) AND THE FMC  
CORPORATION, A CALIFORNIA CORPORATION ( “FMC”).**

WHEREAS, pursuant to the California Redevelopment Law (Health and Safety Code § 33000 *et seq.*) the Agency is undertaking the redevelopment of a portion of Modesto pursuant to the Modesto Redevelopment Plan (the “Redevelopment Plan”), and

WHEREAS, FMC owns certain property (the “FMC Property”) located within the project area (the “Project Area”) for the Redevelopment Plan, and

WHEREAS, FMC has conducted preliminary certain studies of the FMC Property and determined that it contains certain contaminants that will require remediation, and

WHEREAS, in order to encourage the redevelopment and revitalization of the area, the City intends to prepare a Concept Master Plan (the “Concept Master Plan”) for a portion of the City that includes the FMC Property and adjacent properties and is within the Project Area, and

WHEREAS, in addition, the Community Redevelopment Law contains provisions that provide certain immunities for property owners and their successors in interest if contaminated property is remediated in accordance with an approved plan.

WHEREAS, the Agency, the City and FMC desire to enter into this MOU to set forth their agreements and understanding at this point. The matters contained herein shall not be construed as final commitments by any party but to state generally the basis upon which they intend to cooperate in the formulation of the Master Plan and eventual disposition of the FMC Property.

NOW, THEREFORE, BE IT RESOLVED THAT the City Manager is hereby authorized and directed to execute the Memorandum of Understanding with the FMC Corporation which is attached hereto and made a part hereof by this reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17<sup>th</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-179**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND CALIFORNIA PUBLIC EMPLOYEE'S RETIREMENT  
SYSTEM (CalPERS)**

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Public Employee's Retirement System to provide Section 21362.2 and Section 21574.5 for police safety members; authorize the City Clerk to certify the Council's action; authorize the City Clerk to certify compliance with Government Code Section 7507; approve by resolution an agreement to pool 1959 Survivor Benefits between the City and CalPERS; and, introduce an ordinance and set for final adoption on May 15, 2001 to amend the contract between the City and CalPERS to provide 3% @ 50 retirement formula and Indexed Level of 1959 Survivor's Benefits for police safety members be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHN City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-180**

**A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO  
CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS)  
AND THE CITY OF MODESTO**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21362.2 (3% at 50 Full formula) and Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local police members only.

NOW THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk



**EXHIBIT**

California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Modesto

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective August 1, 1946, and witnessed July 27, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, March 28, 1978, July 4, 1978, November 1, 1980, October 20, 1981, June 29, 1982, October 15, 1985, June 24, 1986, April 14, 1987, November 22, 1991, July 25, 1997 and November 7, 2000 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective November 7, 2000, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members and age 50 for local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).
4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **POLICE COURT EMPLOYEES; AND**
  - b. **ALL HOURLY RATED OR HOURLY BASIS EMPLOYEES HIRED ON AND AFTER OCTOBER 1, 1962.**
5. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to June 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

## PLEASE DO NOT SIGN "EXHIBIT ONLY"

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full). The required member contribution rate is 9% of reportable compensation.
9. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
  - b. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
  - c. Section 21319 (One-Time 15% Increase for Local Miscellaneous Members Who Retired or Died Prior to July 1, 1971).
  - d. Section 21571 (Basic Level of 1959 Survivor Benefits) for local fire members only.
  - e. Section 21572 (Increased Level of 1959 Survivor Benefits) for local miscellaneous members only.
  - f. Section 20042 (One-Year Final Compensation).
  - g. Section 21427 (Improved Nonindustrial Disability Allowance) for local miscellaneous members only.
  - h. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local safety members and those local miscellaneous members entering membership on or prior to October 20, 1981.
  - i. Section 21325 (One-Time 3% to 15% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1974).
  - j. Section 20475 (Different Level of Benefits Provided for New Employees). Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) are not applicable to local miscellaneous members entering membership after October 20, 1981.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- k. Section 21322 (One-Time 4% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1981).
  - l. Section 21317 (One-Time 15% Increase for Certain Local Safety Members Who Retired for Service Retirement).
  - m. Section 21024 (Military Service Credit as Public Service), Statutes of 1976.
  - n. Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local police members only.
10. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on March 28, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
11. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
12. Public Agency shall also contribute to said Retirement System as follows:
- a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
13. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

14. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION CITY COUNCIL  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM CITY OF MODESTO

BY \_\_\_\_\_  
KENNETH W. MARZION, CHIEF  
ACTUARIAL & EMPLOYER SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

Witness Date

Attest:

\_\_\_\_\_  
Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-181**

**A RESOLUTION ADOPTING THE GUIDANCE MANUAL FOR NEW DEVELOPMENT STORMWATER QUALITY CONTROL MEASURES IN COMPLIANCE WITH STATE WATER RESOURCES CONTROL BOARD ORDER WQ-2000-11.**

WHEREAS, in 1994 the City of Modesto was required to obtain a National Pollution Discharge Elimination System (NPDES) Permit for discharging stormwater into the Dry Creek and the Tuolumne River; and

WHEREAS, the City of Modesto's NPDES Permit includes various program elements for the control of stormwater run-off; and

WHEREAS, one such program element requires the City of Modesto develop and implement permanent stormwater pollution controls for all new development; and

WHEREAS, the City of Modesto met with local community groups and associations to create a Guidance Manual for New Development Stormwater Quality Control Measures; and

WHEREAS, the State Water Resources Control Board issued Order WQ-2000-11 on October 5, 2000, requiring adoption of Standard Urban Storm Water Mitigation Plans; and

WHEREAS, adoption of the Guidance Manual for New Development Stormwater Quality Control Measures is intended to comply with State Water Resources Control Board Order WQ-2000-11,

WHEREAS, the City Council's Utility Services & Franchises Committee reviewed and approved the Guidance Manual for New Development Stormwater Quality Control Measures at their meeting of March 28, 2001,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves the adoption and implementation of the Guidance Manual for New 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 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-182**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO  
RECOGNIZE ADDITIONAL REVENUE FROM THE STATE OF CALIFORNIA  
FOR CONSTRUCTION OF THE TRAFFIC SIGNAL AT HATCH ROAD AND  
DALLAS STREET AND INCREASE THE ANTICIPATED CONSTRUCTION  
EXPENSE.**

WHEREAS, on March 7, 2000, the City Council awarded a \$134,120.00 contract to Tennyson Electric, Inc. to install a traffic signal and appurtenant street improvements at the Hatch Road and Dallas Street intersection, and

WHEREAS, the City has previously received a Hazard Elimination and Safety (HES) grant that provides 100% funding for the project, and

WHEREAS, additional work in the form of street improvements were necessary on Dallas Street which will result in an additional \$8,100 in construction expense, and

WHEREAS, the original grant did not provide sufficient funding to cover all of the construction administration costs, and

WHEREAS, the City has received approval of \$10,000 in additional funding under the HES grant to fully fund the extra work and the construction administration costs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the "Traffic Signal at Hatch Road and Dallas Street" project to increase the amount of revenue recognized by the amount of \$10,000 and to increase the budgeted amount for construction by \$10,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-183**

**A RESOLUTION ACCEPTING THE BID OF PAUL ANDERSON  
CONSTRUCTION FOR THE PROJECT TITLED "MODESTO CITY/COUNTY  
AIRPORT T-HANGAR K CONSTRUCTION"**

WHEREAS, the bids received for the Modesto City/County Airport T-Hangar K Construction were opened at 11:00 a.m. on February 13, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$386,332.00 received from Paul Anderson Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Paul Anderson Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-184**

**A RESOLUTION AMENDING THE BUDGET BY \$106,555.00 TO FULLY FUND  
THE MODESTO CITY/COUNTY AIRPORT T-HANGAR K PROJECT.**

WHEREAS, the bids received for the Modesto City/County Airport T-Hangar K  
Construction were opened at 11:00 a.m. on February 13, 2001; and

WHEREAS, Stanislaus County collects an airport tax of which \$106,555.00 is  
budgeted to assist in the construction of the proposed T-Hangar K.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
budget account 6330-510-9510-3404 shall be increased by \$106,555.00, the increased funds  
coming from the county airport tax.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following  
budget expense accounts shall be increased by the following:

EXPENSES:	6320-440-M253-6010;	\$907.00
	6320-440-M253-6040;	\$86,332.00
	6320-440-M253-6050;	\$19,316.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-186**

**A RESOLUTION APPROVING THE APPLICATION FOR ASSISTANCE TO  
FIREFIGHTERS GRANT PROGRAM FUNDS**

WHEREAS, the Congress under Public Law 106-398 has authorized the establishment of Federal Fire Protection and Control Act and has appropriated \$100 million dollars to carry out the Assistance to Firefighter Grant Program, and

WHEREAS, the Federal Emergency Management Agency (FEMA) is responsible for administration of the program, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the Federal Emergency Management Agency require the applicant to provide 30% local matching funds and,

WHEREAS, the City of Modesto and Modesto Fire Department qualify to submit a grant request.

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

1. Approves the filing of an application for Assistance to Firefighters Grant Program funds; and
2. Certifies that said agency has matching funds from the following source: Fire Department Operating Budget, and can finance 100 percent of the project, 70% of which will be reimbursed; and

3. Appoints the City Manager as agent of the city to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-185**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO CITY-COUNTY AIRPORT MASTER PLAN (SCH NO. 90020512): APPROVING CONSTRUCTION OF T-HANGAR K AT THE MODESTO CITY-COUNTY AIRPORT.**

WHEREAS, on April 20, 1993, by Resolution No. 93-229, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (Master Plan EIR) (SCH No. 90020512) for the Modesto City-County Airport Master Plan, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the Engineering and Transportation Department, by Initial Study, EA/ET 2000-44, reviewed the proposed construction of T-Hangar K project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measures or alternatives will be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

WHEREAS, on April 17, 2001, the City Council considered said matter,

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 construction of T-Hangar K 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. There are no substantial changes proposed in the project which will require major revisions of the Modesto City-County Airport Master Plan Environmental Impact Report (Master Plan EIR).
2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Modesto City-County Airport Master Plan Environmental Impact Report (Master Plan EIR)
3. No new information, which was not known and could not have been known at the time the Modesto City-County Airport Master Plan Environmental Impact Report (Master Plan EIR) was certified as complete has become available.
4. This initial study provides substantial evidence to support finds 1, 2, and 3 above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or 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 24<sup>th</sup> day of April, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-187**

**A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #5)**

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 96-544, adopted on October 8, 1996, (the "Resolution of Formation") establish Community Facilities District No. 1996-1 ("the District"), and

WHEREAS, by its Resolution No. 97-520 adopted on September 9, 1997, this Council resolved to complete annexation #1 to the District, and

WHEREAS, by its Resolution No. 99-13 adopted on January 5, 1999, this Council resolved to complete annexation #2 to the District, and

WHEREAS, by its Resolution No. 99-615 adopted on December 14, 1999, this Council resolved to complete annexation #3 to the District, and

WHEREAS, by its Resolution No. 2000-413 adopted on August 1, 2000, this Council resolved to complete Annexation #4 to the District, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the “Annexed Territory”) under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California” on file with the County Recorder of the County of Stanislaus, at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 70.

SECTION 4. District boundaries after the most recent annexation (Annexation #4) are shown on a map entitled “Annexation No. 4 to Community Facilities District No. 1996-1 (Village One)” on file with the County Recorder of the County of Stanislaus at Volume 3 of Maps of Assessment and Community Facilities Districts, at Page 37.

SECTION 5. The Annexed Territory is described in Exhibit “A” to this Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation No. 5 to Community Facilities District No. 1996-1 (Village One)", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 6. The types of public facilities and services authorized to be provided to the District are set forth in the Resolution of Formation. These same types of facilities and services plus a comprehensive signage program as described in Resolution No. 97-174, adopted by the City Council on April 1, 1997, will be provided to the Annexed Territory.

SECTION 7. The Maintenance Special Tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax to be levied in the Annexed Territory shall be slightly higher than that levied in the original District, to account for the additional cost of the community signage program, as referenced in Section 5 hereof. The Facilities Special Tax for the Annexed Territory is described in the City's Public Report, on file with the City Clerk, amended April, 1997. It is the intention of the City Council that in the

event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

Pursuant to the Public Report, the maximum Maintenance Special Tax and the maximum Facilities Special Tax shall be adjusted annually. The tax rates in effect as of July 1, 2000, are as follows:

*Facilities Special Tax*

<b>Land Use</b>	<b>Facilities Special Tax (per Gross Acre) Effective July 1, 2000</b>
<i>Village Low-Density Residential</i>	\$22,176.69
<i>Village Residential</i>	\$33,159.87
<i>Multi-Family Residential</i>	\$85,932.86
<i>Commercial</i>	\$97,431.22
<i>Industrial</i>	\$45,628.98

*Maintenance Special Tax*

<b>Land Use</b>	<b>Maintenance Special Tax Effective July 1, 2000</b>
<b>Developed</b>	
<i>Very Low Density Residential</i>	\$131.53 (per lot)
<i>Village Residential</i>	
<i>Multi-Family Residential</i>	\$85.39 (per unit)
<i>Commercial/Industrial</i>	\$461.28 (per acre)
<b>Undeveloped</b>	
<i>Very Low Density Residential</i>	\$65.76 (per lot)
<i>Village Residential</i>	
<i>Multi-Family Residential</i>	\$42.69 (per unit)
<i>Commercial/Industrial</i>	\$461.28 (per acre)

SECTION 8. A public hearing upon this Resolution shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, June 5, 2001, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than 30 or more than 60 days following the adoption thereof.

SECTION 9. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests

shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

SECTION 11. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**

Site #1 - Papatone Property

That portion shown as the "Remainder" on Volume 34 of Parcel Maps, Page 4, Stanislaus County Records, described as follows:

Lots 16, 17, 18 and 19 of Santa Fe Colony, as per Map filed December 29, 1908 in volume 4 of Maps, at page 12, Stanislaus County Records.

Excepting therefrom the East 25 feet of Lots 16 and 19; and

Also excepting therefrom Parcels 1 and 2 as per Parcel Map filed May 10, 1983 in volume 34 of Parcel Maps, at page 4, Stanislaus County Records.

Also Excepting therefrom:

That portion deeded to The Village One Community Facilities District No. 1996-1 on September 14, 2000, more particularly described as follows:

Beginning at the northwest corner of said Remainder; thence South  $00^{\circ}18'20''$  West along the west line of said Remainder, a distance of 1323.25 feet to the southwest corner of said Remainder; thence South  $88^{\circ}53'00''$  East along the south line of said Remainder also being the south line of said Section 11, a distance of 368.32 feet; thence North  $00^{\circ}18'20''$  East, a distance of 1323.25 feet to the north line of said Remainder; thence North  $88^{\circ}53'00''$  West along said north line, a distance of 368.32 feet to the point of beginning.

Assessor's Parcel No: 77-09-54

**Site #2 - The Renaissance**

Parcels "1" and "2" as shown on Parcel Map filed March 10, 1967 in Book 3 of Parcel Maps at Page 17, Stanislaus County Records, being a portion of Lot 1 of the McHenry Ranch.

APN: 085-04-01

Site #3 - Sundance Lake Phase 1 & 2

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

JOSEPH DARWIN COLBY, Trustee of the Joseph Darwin Colby Trust dated April 1, 1994

3. The land referred to in this report is situated in the State of California, County of Stanislaus and is described as follows:

The Southeast quarter of the Southeast quarter of Section Twelve (12) and the South half of the South half of the Northeast quarter of the Southeast quarter of Section twelve (12), in Township three (3) South, Range nine (9) East, Mount Diablo Base and Meridian, in the City of Modesto.

Site 4 - Pimentel Corners

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

PETER A. REECE, SR. and CHARLENE M. REECE, husband and wife, as Community Property, as to an undivided 1/4 interest;  
JOSEPH L. PIMENTEL, JR. and SHERYL K. PIMENTEL, husband and wife, as Community Property, as to an undivided 1/4 interest;  
STEPHEN D. HUGHES and KATHLEEN HUGHES, husband and wife, as Community Property, as to an undivided 1/4 interest; and  
MICHAEL A. PIMENTEL and MARYA A. PIMENTEL, husband and wife, as Community Property, as to an undivided 1/4 interest, as tenants in common

3. The land referred to in this report is situated in the State of California, County of Stanislaus and is described as follows:

Parcel 3 as shown upon that certain Parcel Map filed in the office of the recorder of Stanislaus County, California on August 30, 1966 in Vol. 2 of Parcel Maps, Page 48, located in the City of Modesto ; being a portion of the Southeast quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Site #5 - Davante Villas 2 & 3

**Description:** The land referred to herein is situated in the State of California, County of STANISLAUS, CITY OF MODESTO, and is described as follows:

PARCEL B AS PER PARCEL MAP FILED APRIL 23, 1976 IN VOLUME 22 OF PARCEL MAPS, PAGE 91, STANISLAUS COUNTY RECORDS.

ASSESSOR'S PARCEL NO.: 085-02-42-070

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-188**

**A RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER  
CONSERVATION FUNDS FOR THE MARK TWAIN NEIGHBORHOOD PARK  
PICNIC SHELTER PROJECT**

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-in-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the state, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said application to the state, and,

WHEREAS, the proposed Mark Twain Neighborhood Park Picnic Shelter Project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan 1994; and,

WHEREAS, the project must be compatible with the land use plans of those jurisdictions immediately surrounding the project,

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

1. Approves the filing of an application for Land and Water Conservation Fund assistance;  
and

2. Certifies that said agency has matching funds from the following source: Capital Facilities Fees-Parks, and can finance 100 percent of the project, half of which will be reimbursed; and
3. Appoints the City Manager as agent of the city to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-189**

**A RESOLUTION DEFINING THE TERMS OF AN AGREEMENT WITH THE SPORTSMEN OF STANISLAUS CLUB (SOS) TO PROVIDE SERVICES IN ADMINISTERING THE CITY OF MODESTO ANNUAL GOLF PASS PROGRAM AND CO-MARKETING WITH THE SOS CLUB ON THE CITY'S ANNUAL GOLF PASS AND THEIR MEMBERSHIP PROGRAM.**

WHEREAS, City staff and the Golf Courses Committee recommended introduction of an annual pass program for the City's Municipal Golf Courses, and

WHEREAS, in the process of researching the marketing and introduction of this pass, City staff had several discussions with the Sportsmen of Stanislaus (SOS) Club, an athletic club located in close proximity to Dryden Park Municipal Golf Course and Municipal Nine-Hole Golf Course, and

WHEREAS, the SOS Club expressed an interest in cross-marketing with the City's annual pass program, and

WHEREAS, the SOS Club feels that they have services and facilities that could benefit golf members as part of their annual pass purchase, and

WHEREAS, the SOS Club has the ability to produce membership cards, and

WHEREAS, the Human Services Committee met on March 14, 2001 and supported the recommendation to enter into an agreement with the SOS Club, and

WHEREAS, a hearing was held by the Council of the City of Modesto on March 27, 2001 to consider and approve the fees for the annual membership program, and

WHEREAS, said fees were duly adopted by the Council of the City of Modesto, and

WHEREAS, at its meeting on April 3, 2001, by Resolution No. 2001-154, the City Council approved entering into an agreement with the SOS Club to provide services in administering the City of Modesto annual pass program and co-marketing with the SOS Club on the City's annual pass and their membership program, and

WHEREAS, staff desires to clarify the terms of the agreements which are:

- that the SOS process will include payment collection, photography, card generation and record keeping,
- that the SOS Club will charge the City \$25.00 for processing each annual membership card,
- that there will be no processing fee to the City for those who purchase a golf/health club membership package,
- that cash and check payments will be delivered to the City daily for deposit, and a separate credit card machine will be available at the SOS to process payments to the City, and
- that the SOS will invoice the City monthly for the processing fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby acknowledges the terms of the agreement as set forth above with the Sportsmen of Stanislaus (SOS) Club.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

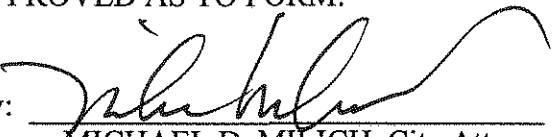
AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad, Frohman

ABSENT: Councilmembers: None

Attest:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-190**

**A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL OPERATING BUDGET TO APPROPRIATE \$18,000 FROM 0100-800-8000-8003, GENERAL FUND RESERVE TO PROVIDE DIRECT CITY ASSISTANCE TO THE CONVENTION AND VISITORS BUREAU FOR THE WEST COAST-NATIONAL SOFTBALL ASSOCIATION GIRLS FASTPITCH WORLD SERIES TO BE HELD IN MODESTO JULY 14-22, 2001.**

WHEREAS, the City of Modesto has received a request from the Modesto Convention and Visitors Bureau (CVB) for \$13,000 in direct city assistance for the West Coast-National Softball Association Girls Fastpitch World Series to be held in Modesto July 14-22, 2001, and

WHEREAS, the Human Services Committee at its April 4, 2001 meeting recommended allocating \$18,000, with the additional \$5,000 to be used for Website updates and hyperlinks,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves request from the Modesto Convention and Visitors Bureau for direct City assistance and the Fiscal Year 2000-01 Annual Operating Budget is hereby amended as indicated below:

Account	Adjustment	Description
0100-800-8000-8003	(\$18,000)	General Fund Reserve
0100-360-3622-1000	\$18,000	Recreation and Neighborhoods Department Cultural Promotions

BE IT FURTHER RESOLVED that the Finance Director 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 24<sup>th</sup> day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers  
STAN FEATHERS, Budget Officer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-191**

**A RESOLUTION AMENDING THE FY 2000-01 BUDGET TO ESTIMATE APPROXIMATELY \$350 IN REVENUE AND APPROPRIATE THE SAME AMOUNT IN EXPENDITURES TO PROVIDE DIRECT CITY ASSISTANCE TO THE MODESTO SUNRISE ROTARY FOR THE \$.35 PER PERSON ATTENDANCE CHARGE FOR THE 12<sup>th</sup> ANNUAL MODESTO SUNRISE ROTARY HIGH SCHOOL ALL-STAR BASEBALL CLASSIC TO BE HELD AT JOHN THURMAN FIELD ON SATURDAY, JUNE 2, 2001.**

WHEREAS, the City of Modesto has received a request from the Modesto Sunrise Rotary requesting that the \$.35 per person attendance charge be waived for the 12<sup>th</sup> Annual Modesto Sunrise Rotary High School All-Star Baseball Classic to be held at John Thurman Field on Saturday, June 2, 2001, and

WHEREAS, the Human Services Committee at its April 4, 2001, meeting recommended that the Modesto Sunrise Rotary pay the \$.35 per person attendance charge and that the City of Modesto reimburse the Rotary Foundation for the actual amount of this charge, and

WHEREAS, the estimated amount of reimbursement is \$350.00, based on an attendance of 1,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a request from the Modesto Sunrise Rotary for direct City assistance and the Fiscal Year 2000-01 budget is hereby amended as indicated below:

Account	Adjustment	Description
0100-360-3622-8155	\$350.00	Cultural Promotions, Miscellaneous Revenue
0100-360-3622-1000	\$350.00	Cultural Promotions, Miscellaneous Promotions

BE IT FURTHER RESOLVED that the Finance Director 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 24<sup>th</sup> day of April, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By:   
STAN FEATHERS, Budget Officer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-192**

**A RESOLUTION AWARDING A CONTRACT TO CALLANDER ASSOCIATES  
FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR ORVILLE  
WRIGHT NEIGHBORHOOD PARK AND SCHOOL, AUTHORIZING STAFF  
TO NEGOTIATE AN AGREEMENT WITH MODESTO CITY SCHOOLS FOR  
DEVELOPMENT OF SCHOOL PROPERTY AND AMENDING THE CAPITAL  
IMPROVEMENT PLAN**

WHEREAS, the City of Modesto owns the 2.8 acre neighborhood park site immediately to the south of Orville Wright School, and

WHEREAS, the CITY and Modesto City Schools desire to jointly develop a .6 acre portion of the property owned by Modesto City Schools for park purposes and community use, and

WHEREAS, Phase I will provide for the development of a Master Plan, Design Development Report, and Construction Documents for the park, with these three documents to be used as a blueprint for developing future phases of park development, the final design of which will be consistent with the City of Modesto Urban Area General Plan and will be based on input from community workshops, and

WHEREAS, staff interviewed four architectural firms and determined that Callander Associates is the most qualified, and

WHEREAS, Callander Associates has agreed to provide the Master Plan, Design Development Report and Construction Drawings at a cost not to exceed \$72,500, with the Master Plan to be developed with community input, and

WHEREAS, an additional \$7,500 is needed for staff project management, and

WHEREAS, \$20,000 has been allocated to Capital Project 1400-310-M186, Orville Wright NBH Park, and

WHEREAS, an additional \$60,000 is available from the Park Fund (Fund 1400) Reserve to appropriate to this project, and

WHEREAS, at its April 4, 2001 meeting, the Human Services Committee supported the recommendation to award the contract to Callander Associates, to authorize staff to negotiate an agreement with Modesto City Schools for development of school property, and to approve amending the Capital Improvement Program to appropriate funds from the Park Fund Reserve to this project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby awards a contract to Callander Associates for professional landscape architectural services to prepare a Master Plan, Design Development Report and Construction Documents for Orville Wright Neighborhood Park and School and authorizes the City Manager to execute said consultant agreement and related documents.

BE IT FURTHER RESOLVED that staff is hereby authorized to negotiate an agreement with Modesto City Schools for the development and joint use of a .6 acre portion of school property.

BE IT FURTHER RESOLVED that the Capital Improvement Plan is hereby amended to appropriate \$60,000 from Parks Fund Reserve (Fund 1400) to the capital project account no. 1400-310-M186-6010, Orville Wright NBH Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-193**

**A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST  
FOR PROPOSALS FOR THE PREPARATION OF SCHEMATIC DESIGN,  
DESIGN DEVELOPMENT AND CONTRACT DOCUMENTS FOR A NEW  
JOINT FIRE, POLICE AND RECREATION & NEIGHBORHOODS BUILDING**

WHEREAS the Recreation and Neighborhoods Department, by an Agenda Report dated April 9, 2001, has recommended that authorization be given for City staff to proceed with a Request for Proposals (RFP) for the preparation of schematic design, design development and contract documents for a new joint Fire, Police and Recreation & Neighborhoods Department building, a copy of the Agenda Report is on file in the office of the City Clerk, and

WHEREAS the Fire, Police and Recreation & Neighborhoods Departments desire to develop a joint facility at the southwest corner of Sutter and Chicago Avenues on the site of an existing park, and

WHEREAS, a Capital Improvement Program Project has been established in Community Development Block Grant Fund 1130, project number M163, Westside Service Center, in the amount of \$382,000, and

WHEREAS, the Human Services Committee met on April 4, 2001, and supported staff's recommendation to solicit RFP's for professional services to prepare schematic design, design development and contract documents for a new joint Fire, Police and Recreation and Neighborhoods building, and

WHEREAS, at its meeting of April 24, 2001, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with a Request for Proposals for the preparation

of schematic design, design development and contract documents for a new joint Fire, Police and Recreation & Neighborhoods Department facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-194**

**A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT  
BETWEEN THE CITY OF MODESTO AND JONES & STOKES ASSOCIATES  
INC. FOR THE PROVISION OF SERVICES RELATED TO THE MODESTO  
MASTER ENVIRONMENTAL IMPACT REPORT**

WHEREAS, the City and Jones & Stokes (“Consultant”) executed an Agreement to update the City’s Master Environmental Impact Report (“MEIR”) for the City’s General Plan, dated April 11, 2000, (“Agreement”), and

WHEREAS, the City has identified additional traffic analysis work that it desires to be completed as part of the MEIR update, and

WHEREAS, the City has identified SB50 school impact fee legislation that it desires to be completed as part of the MEIR update, and

WHEREAS, the parties now wish to amend the Agreement to amend the payment schedule, revise the performance schedule, and to revise the Scope of Work for the agreement.

NOW, THEREFORE, BE IT RESOLVED that because of the nature and large scope of this Agreement, further change orders may be required to complete the project in a timely manner. Therefore the City Manager is hereby authorized to execute further amendments in an amount up to but not to exceed \$13,000.00.

BE IT FURTHER RESOLVED that the City Manager or his designee is 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 24<sup>th</sup> day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

MICHAEL D. MILICH, City Attorney

By Alison Barratt-Green  
ALISON BARRATT-GREEN, Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-195**

**A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 70-831 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-PD(73) (MEMORIAL HOSPITAL ASSOCIATION OF STANISLAUS COUNTY)", AS PREVIOUSLY AMENDED BY MODESTO CITY COUNCIL RESOLUTION NOS. 79-24, 79-1216, 85-256 AND 86-597. (MEMORIAL HOSPITAL ASSOCIATION)**

WHEREAS, the City Council, by Ordinance No. 1048-C.S., which was finally adopted on September 8, 1970, and which became effective on October 8, 1970, amended Section 15-3-9 of the Zoning Map to prezone to Planned Development Zone, P-D(73), and to Professional Office , P-O, for a five-story hospital complex including a five-story convalescent hospital and a five-story mental health center, property located on the northeast corner of Briggsmore Avenue and Coffee Road, and

WHEREAS, City Council Resolution No. 70-831, adopted on August 24, 1970, approved the development plan for Planned Development Zone, P-D(73), and contained conditions of approval thereof, and

WHEREAS, on November 4, 1970, the area prezoned to Planned Development Zone, P-D(73), was annexed to the City of Modesto, and

WHEREAS, City Council Ordinance No. 1795-C.S., which was introduced on January 9, 1979, finally adopted on January 23, 1979, and which became effective on February 22, 1979, amended Planned Development Zone, P-D(73), to allow additional uses, and

WHEREAS, City Council Resolution No. 79-24, adopted on January 9, 1979, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, City Council Resolution No. 79-1216, adopted on November 20, 1979, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, City Council Ordinance No. 2330-C.S., which was introduced on May 7, 1985, finally adopted on May 14, 1985, and which became effective on June 14, 1985, amended Planned Development Zone, P-D(73), to allow additional uses, and

WHEREAS, City Council Resolution No. 85-256, adopted on May 7, 1985, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, Planning Commission Resolution No. 86-80, adopted May 5, 1986, approved a second heliport facility for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, City Council Resolution No. 86-597, adopted on June 24, 1986, approved on appeal a second heliport facility for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, Planning Commission Resolution No. 87-196, adopted on November 20, 1987, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, Planning Commission Resolution No. 90-44, adopted on May 7, 1990, approved a comprehensive sign package for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, Planning Commission Resolution No. 92-12, adopted on March 16, 1992, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval to allow an expansion/remodel of the existing hospital, and

WHEREAS, Planning Commission Resolution No. 94-25, adopted on May 16, 1994, approved an additional sign for Planned Development Zone, P-D(73), and

WHEREAS, Planning Commission Resolution No. 97-63, adopted on September 8, 1997, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval to allow for office and parking structure expansions to the hospital, and

WHEREAS, the City Council, by Ordinance No. 3139-C.S., which was finally adopted on May 18, 1999, and which became effective on June 18, 1999, amended Section 15-3-9 of the Zoning Map to rezone from Professional Office Zone, P-O, to Planned Development Zone, P-D(73), as an addition to P-D(73), for an expansion of Memorial Hospital, property located on the north side of Spanos Court east of Coffee Road, and

WHEREAS, City Council Resolution No. 99-222, adopted on May 11, 1999, approved the development plan for Planned Development Zone, P-D(73), as an addition to P-D(73), and contained conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(73), was filed by Memorial Hospital Association on November 27, 2000, to allow for the

addition of a seven-story tower, one-story birthing center and one-story physical plant to the Memorial Hospital campus, and

WHEREAS, after a public hearing held on March 19, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-22, that amendment of Planned Development Zone, P-D(73), as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The hospital site is large enough to accommodate additional expansions without creating significant impacts on the surrounding area.
2. The conditions of approval will help to ensure compatibility with the surrounding area.
3. The proposed amendment to P-D(73) is consistent with the Modesto Urban Area General Plan, because the General Plan anticipated that the hospital would continue to expand, and because a traffic analysis has shown that no additional significant traffic impacts would result from the proposed addition that were not anticipated by the General Plan Master EIR.

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 24, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Memorial Hospital Association for an amendment to Planned Development Zone,

P-D(73), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-22 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3218-C.S. on the 24th day of April, 2001, amending Section 2 of Ordinance No. 1048-C.S., to allow the addition of a seven-story tower, one-story birthing center and physical plant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of City Council Resolution No. 70-831 entitled "A Resolution Approving a Development Plan for Prezoned Planned-Development Zone, P-PD(73). (Memorial Hospital Association of Stanislaus County" as previously amended by Resolution Nos. 79-24, 79-1216, 85-256, and 86-597 (Memorial Hospital Association) is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The revised development plan for Planned Development Zone, P-D(73), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Memorial Medical Center Modesto - Concepts" as amended in red, stamped approved by the City Council on April 24, 2001.
2. Prior to issuance of a building permit for any structure, the applicant shall submit detailed plot plans for that structure in accordance with Section 10-2.1704 of the Modesto Municipal Code.
3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
6. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
7. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department Director.
8. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
9. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.
10. All conditions of City Council Resolution No. 99-222 not in conflict with this action shall remain in full force and effect.

11. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless."

SECTION 2. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 3. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 4. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance amending Planned Development Zone, P-D(73), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: *Jean Zahr*  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *Michael D. Milich*  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-196**

**A 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 (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE P-D(73), PROPERTY LOCATED ON THE EAST SIDE OF COFFEE ROAD NORTH OF EAST BRIGGSMORE AVENUE, TO ALLOW SEVEN-STORY TOWER, BIRTHING CENTER AND PHYSICAL PLANT ADDITIONS TO MEMORIAL HOSPITAL. (MEMORIAL HOSPITAL ASSOCIATION)**

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Memorial Hospital Association has proposed an amendment to Planned Development Zone, P-D(73), to allow the addition of a seven-story tower, birthing center and physical plant to the Memorial Hospital campus, in the City of Modesto ("the project"), and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. EA/CDD 2001-14 reviewed the proposed amendment to Planned Development Zone, P-D(73), to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that

the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

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 amendment to Planned Development Zone, P-D(73), 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. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 24th day of April, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
Initial Study  
EA/CDD 2001-14

City of Modesto  
Initial Study

**Amendment to P-D(73)**

**EA/CDD 2001-14**  
March 7, 2001

**I. PURPOSE**

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

**II. PROJECT DESCRIPTION**

- A. Project title:  
Amendment to P-D(73)
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:  
Steve Mitchell, Community Development Department, (209) 577-5287
- A. Project Location:  
The east side of Coffee Road north of Briggsmore Avenue.
- E. Project Sponsor:  
Memorial Hospital Association, 1700 Coffee Road, Modesto, CA 95355
- F. General Plan Designation:  
Mixed Use (MU)
- G. Current Zoning:  
Planned Development Zone P-D(73)
- H. Description of Proposed Project:  
This is an amendment to P-D(73) to allow the construction of a seven-story hospital tower, a one-story birthing center, and a physical plant, all as expansions of the existing Memorial Hospital.
- I. Surrounding land uses:  
The project is bounded on the west by an existing church and existing offices across

Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are therefore still valid.

**F. Increased Demand for Sanitary Sewer Services**

The General Plan Master EIR anticipated expansion of the hospital, and the City's Engineering and Transportation Department, which oversees the City's sanitary sewer system, did not identify any problems in supplying sanitary sewer services for the proposed additions. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are therefore still valid.

**H. Disturbance of Archaeological and Historic Sites**

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

**I. Drainage, Flooding and Water Quality**

Since the proposed additions will be constructed on existing parking lots, no significant additional storm water run-off should result from the project. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid.

**J. Increased Demand for Storm Drainage**

Since the proposed additions will be constructed on existing parking lots, no significant additional storm water run-off should result from the project. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

**Q. Landslides and Seismic Activity**

The MEIR did not identify any significant hazards due to landslides and seismic activity in the Modesto Urban Area. Since this project is located in the Modesto Urban Area, there should be no significant impacts due to landslides or seismic activity. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

**R. Energy**

The General Plan Master EIR anticipated expansion of the hospital. Although an expansion of the hospital will most likely result in additional need for energy, this was anticipated in the General Plan Master EIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are still valid.

**IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

- A. The proposed amendment is within the scope of the General Plan Master EIR (SCH No. 92052017).
- B. No additional significant environmental effects will occur as a result of the proposed amendment that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed amendment that were not previously considered in the General Plan Master EIR.
- D. There are not specific features unique to this amendment that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

  
Steve Mitchell,  
Principal Planner

Attachment: Traffic Analysis - Memorial Hospital Addition

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-197**

**A RESOLUTION GRANTING AN EXEMPTION OF CAPITAL FACILITIES FEES TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS ON BEHALF OF WOODSTONE ASSOCIATES FOR A 56-UNIT MULTI-FAMILY HOUSING DEVELOPMENT AT PELANDALE AVENUE AND TULLY ROAD**

WHEREAS, Chris Davidson of the Housing Authority of the County of Stanislaus, submitted a letter dated September 21, 2000, on behalf of Woodstone Associates, requesting a Waiver of Capital Facilities Fees (CFF) totaling \$143,136.000 for 56 moderate and low income apartment units, limited to 60% of the Median Area Income, and

WHEREAS, the complex is located at the intersection of Pelandale Avenue and Tully Road, a southeast portion of Parcel 2-205/046-07-06-075, fronting on Tully Road, and

WHEREAS the proposed project will consist of two, three and four bedroom apartments, thirty-nine (39) of which are targeted to households at fifty percent (50%) of the Area Median Income (AMI) and seventeen (17) of which are targeted at households at sixty percent (60%) of the AMI, and

WHEREAS, by an Agenda Report to the City Council from the Recreation and Neighborhoods Department dated March 30, 2001, City staff recommended approval of a CFF exemption for this project, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, this request for exemption of CFF is considered to be in conformance with the Council's policy to expand eligibility for CFF exemptions and deferrals, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on April 17, 2001 in the Tenth Street Place Chambers located at 1010 Tenth Street,

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-197**

**A RESOLUTION GRANTING AN EXEMPTION OF CAPITAL FACILITIES FEES TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS ON BEHALF OF WOODSTONE ASSOCIATES FOR A 56-UNIT MULTI-FAMILY HOUSING DEVELOPMENT AT PELANDALE AVENUE AND TULLY ROAD**

WHEREAS, Chris Warden of the Housing Authority of the County of Stanislaus, submitted a letter dated September 21, 2000, on behalf of Woodstone Associates, requesting a Waiver of Capital Facilities Fees (CFF) totaling \$143,136.000 for 56 moderate and low income apartment units, limited to 60% of the Median Area Income, and

WHEREAS, the complex is located at the intersection of Pelandale Avenue and Tully Road, a southeast portion of Parcel 2-205/046-07-06-075, fronting on Tully Road, and

WHEREAS the proposed project will consist of two, three and four bedroom apartments, thirty-nine (39) of which are targeted to households at fifty percent (50%) of the Area Median Income (AMI) and seventeen (17) of which are targeted at households at sixty percent (60%) of the AMI, and

WHEREAS, by an Agenda Report to the City Council from the Recreation and Neighborhoods Department dated March 30, 2001, City staff recommended approval of a CFF exemption for this project, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, this request for exemption of CFF is considered to be in conformance with the Council's policy to expand eligibility for CFF exemptions and deferrals, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on April 17, 2001 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 matter, relative to the request for a CFF exemption for this project,

NOW, THEREFORE, BE IT RESOLVED that, subject to the execution of a Capital Facilities Fee Exemption Agreement for the project approved by the Council, the Council of the City of Modesto hereby grants an exemption of the Capital Facilities Fees to the Housing Authority of the County of Stanislaus on behalf of Woodstone Associates for a 56-unit apartment complex for households earning less than sixty percent (60%) of the Median Area Income.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the Capital Facilities Fees Exemption Agreement with Woodstone Associates.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-198**

**A RESOLUTION REAPPOINTING COUNCILMEMBER TIM FISHER TO THE  
HOUSING REHABILITATION LOAN COMMITTEE**

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

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

SECTION 1. Councilmember Tim Fisher is hereby reappointed to the Housing Rehabilitation Loan Committee with a term expiration of April 24, 2003.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Housing Rehabilitation 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 24th day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHK, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-199**

**A RESOLUTION REVISING 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. 88-338 pursuant to Rule 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 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications, as the result of a job audit completed for Community Service Officers assigned to the Police Department Identification Unit:

Identification Technician I and Identification Technician II

The specifications for the classifications of Identification Technician I (Range 123), and Identification Technician II (Range 127), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 1, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-200**

**A RESOLUTION AMENDING EXHIBIT A OF RESOLUTION NO. 95-26 TO  
REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES  
TO ESTABLISH A SALARY FOR THE CLASSIFICATIONS OF  
IDENTIFICATION TECHNICIAN I AND II.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26 to revise the Class Range Table for General Non-Sworn Classes to establish a salary range for the classifications of Identification Technician I and II, effective May 1, 2001.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective May 1, 2001," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Identification Technician I (Range 123) and Identification Technician II (Range 127) to the Class Range Table.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 1, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-201**

**A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION  
DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR  
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY  
CREEK MEADOWS SUBDIVISION NOS. 1-6.**

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 12, 1988, initiated proceedings for the formation of Landscape 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.

WHEREAS, said assessment district 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 order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions No. 1-6 the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, 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 1<sup>st</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-202**

**A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION  
DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR  
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY  
CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS  
SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS NO. 1 & 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 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 No. 1 & 2, and

WHEREAS, said assessment district 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 order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions No. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units No. 1 & 2, the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, 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 1<sup>st</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-203**

**A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST  
FOR PROPOSALS FOR THE PROFESSIONAL SERVICES OF AN  
ARCHITECT TO COMPLETE DESIGN DEVELOPMENT AND CONTRACT  
DOCUMENTS FOR THE MADDUX YOUTH CENTER ADDITION/REMODEL**

WHEREAS the Recreation and Neighborhoods Department, by an Agenda Report dated April 13, 2001, has recommended that authorization be given for City staff to proceed with a Request for Proposals (RFP) for the preparation of design development and contract documents for an addition and remodel project at Maddux Youth Center, a copy of the Agenda Report is on file in the office of the City Clerk, and

WHEREAS, the City of Modesto owns Maddux Youth Center, a 7,200 square foot wood frame and concrete block structure built in 1952, and

WHEREAS, the facility is used by 3,500 to 4,000 youth per month, and due to building age and use, improvements are desired, and

WHEREAS, a Capital Improvement Program Project has been established in the Park Fund 1400, project number M182, Maddux Youth Center Improvements, in the amount of \$150,000, and

WHEREAS, the Human Services Committee met on February 21, 2001, and supported staff's recommendation to proceed with the project, and

WHEREAS, at its meeting of May 1, 2001, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with a Request for Proposals for the preparation of design development and contract documents for the Maddux Youth Center Addition/Remodel.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-204**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND MINAGAR & ASSOCIATES FOR CONSULTING SERVICES  
FOR THE CITY OF MODESTO TRAFFIC SIGNAL RETIMING PROJECT  
OUTSIDE MODESTO'S CENTRAL BUSINESS DISTRICT**

WHEREAS, the City has determined that a Traffic Signal Timing and Coordination Study for Traffic Signals Outside of Modesto's Central Business District should be prepared for the City to improve traffic signal coordination, and

WHEREAS, the City of Modesto applied for and received Congestion Management Air Quality (CMAQ) and RSTP/CMAQ match funds for the project, and

WHEREAS, the City of Modesto sent a Request for Proposals (RFP) to qualified consultants, and

WHEREAS, a selection panel appointed by the City Manager reviewed the proposals, interviewed consultants, and

WHEREAS, the selection panel recommended Minagar and Associates be awarded the project to retime the traffic signals outside the central business district,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Minagar & Associates for consulting services for the City of Modesto Traffic Signal Retiming Project Outside Modesto's Central Business District be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-206**

**A RESOLUTION APPROVING AN AMENDMENT TO A LEASE AGREEMENT  
BETWEEN THE CITY OF MODESTO AND OATES, SIERRA PACIFIC-  
SACRAMENTO, LLC AND HOULIHAN; AND SIERRA PACIFIC-  
SACRAMENTO, LLC, A CALIFORNIA GENERAL PARTNERSHIP, FOR THE  
NORTHWEST AREA COMMAND OFFICE**

WHEREAS, the City of Modesto entered into a Lease Agreement with Oates, Sierra Pacific-Sacramento, LLC and Houlihan; and Sierra Pacific-Sacramento, LLC, a California General Partnership, on October 7, 1997, to lease office space for a Northwest Area Command Office located at 2005 Evergreen Avenue, Suite 600, Modesto; and

WHEREAS, said lease was amended March 9, 1999; and

WHEREAS, said lease was again amended on January 18, 2000; and

WHEREAS, said lease expired on January 31, 2001; and

WHEREAS, said lease needs to be extended, and the parties hereto are willing to amend said lease to extend the lease term.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the Lease Agreement between the City of Modesto and Oates, Sierra Pacific-Sacramento, LLC and Houlihan; and Sierra Pacific-Sacramento, LLC, a California General Partnership, for the Northwest Area Command Office be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to the Lease Agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
Michael D. Milich  
MICHAEL D. MILICH  
City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-205**

**A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE  
CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR A  
BICYCLE PATH WITHIN THE MID LATERAL 6 RIGHT-OF-WAY,  
ADJACENT TO BANGS AVENUE BETWEEN DALE ROAD AND AMERICAN  
AVENUE**

WHEREAS, the Kiernan Business Park Specific Plan designates Bangs Avenue to include a Class I Bicycle Path; and

WHEREAS, the Modesto Irrigation District Lateral No. 6 right-of-way is adjacent to the southerly property line of Bangs Avenue; and

WHEREAS, all dedicated right-of-way for improvements would need to come from the properties on the north side of Bangs Avenue; and

WHEREAS, a compromise was reached to place the bicycle path on Modesto Irrigation District right-of-way; and

WHEREAS, the Modesto Irrigation District requires a License Agreement for a bicycle path entering the District right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for a 10' wide bicycle path on Modesto Irrigation District Lateral No. 6 right-of-way be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of May, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-207**

**A RESOLUTION AMENDING THE FISCAL YEAR 2000-01  
ANNUAL CAPITAL IMPROVEMENT PLAN BUDGET TO  
ALLOCATE \$422,000 IN FEDERAL TRANSPORTATION  
ENHANCEMENT ACT FUNDS TO PROJECT 170-310-D247-6040,  
DRY CREEK TRAIL CONSTRUCTION**

WHEREAS, the City of Modesto has been awarded \$422,000 in Federal Transportation Enhancement Program grant funding through the State Transportation Improvement Program, and

WHEREAS, this funding is for construction of approximately three miles of pedestrian/Class I bicycle path along the south bank of Dry Creek from El Vista Avenue to Claus Road, and

WHEREAS, the City Council, at its May 2, 2000 meeting, by Resolution No. 2000-196, authorized the City Manager to execute all program related documents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2000-01 Annual Capital Improvement Plan Budget is hereby amended to estimate revenue from the Federal Transportation Enhancement Act and appropriate expenditures to project 170-310-D247-6040, Dry Creek Park Trail Construction.

BE IT FURTHER RESOLVED that the Finance Director 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 8<sup>th</sup> day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

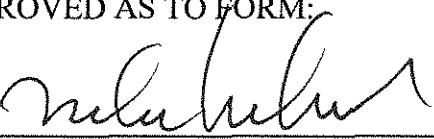
ABSENT: Councilmembers: None

Attest:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
\_\_\_\_\_  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By:

  
\_\_\_\_\_  
STAN FEATHERS, Budget Officer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-208**

**A RESOLUTION AUTHORIZING CALL FOR BIDS FOR JANITORIAL  
SERVICES**

WHEREAS, the Recreation and Neighborhoods Department has requested the purchase of janitorial services for the Modesto Centre Plaza, and

WHEREAS, by soliciting formal bids, the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the furnishing of janitorial services to be opened in the office of the City Clerk, 1010 10<sup>th</sup> Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM: ,  
By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-210**

**A RESOLUTION AUTHORIZING THE FIRE DEPARTMENT'S RECORDS  
MANAGEMENT SYSTEM UPGRADE AND APPROVING THE PURCHASE OF  
THE SUNPRO SOFTWARE SYSTEM UPGRADE**

WHEREAS, the City of Modesto has deemed it necessary to upgrade the Fire Department's Records Management System (RMS), and

WHEREAS, the request for an upgrade is being made due to a change in the State of California reporting requirements, and

WHEREAS, the new reporting requirements will facilitate Federal Grant reporting, and

WHEREAS, the current version of Fox Pro 3.0, the platform the current version of SunPro is built on, is no longer supported by Microsoft, and will not be supported by SunPro in one to two years, and

WHEREAS, the City of Modesto Municipal Code allows for this action in Section 8-3.203.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the upgrade of the Fire Department's Records Management System is hereby authorized.

BE IT FURTHER RESOLVED that purchase of the SunPro software system upgrade is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None


ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-209**

**A RESOLUTION AUTHORIZING CALL FOR BIDS FOR A DIRECTIONAL  
BORING UNIT**

WHEREAS, the Operations and Maintenance Department has requested the purchase of a directional boring unit, and

WHEREAS, the Water Department has requested the unit as a means of providing "trenchless" waterline replacement, and

WHEREAS, by soliciting formal bids, the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the furnishing of a directional boring unit to be opened in the office of the City Clerk, 1010 10<sup>th</sup> Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-211**

**A RESOLUTION PROCLAIMING MAY 13-19, 2001 "BIKE COMMUTE WEEK  
2001"**

WHEREAS, traffic congestion and air quality issues are of concern to the citizens of Modesto, and bicycle commuting is an effective means to reduce air pollution, and

WHEREAS, biking as a means of alternative transportation can reduce traffic congestion as well as fuel consumption, thereby conserving energy, and

WHEREAS, bicycle transportation is an integral part of the multi-modal transportation system planned for the federal, state, regional, and local transportation planning agencies, and

WHEREAS, the California Bicycle Coalition, the American Lung Association of California, and the California Department of Transportation have worked cooperatively with many public and private groups and individuals to promote a single day of bicycle commuting, and

WHEREAS, the month of May is "Clean Air Month" as part of the American Lung Association of California's efforts to promote air quality, and

WHEREAS, the month of May is also the National Month to promote the bicycle as a means of transportation and recreation, and

WHEREAS, May 19, 2001, will be celebrated with the "Modesto Family Cycling Festival",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto City Council urges all citizens to recognize the importance and benefits of bicycling as

a zero-polluting transportation alternative, and hereby proclaims May 13-19,2001, as "Bike Commute Week 2001".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 8<sup>th</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-212**

**A RESOLUTION APPOINTING FRED HERMAN TO THE COMMUNITY  
QUALITIES FORUM**

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

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

SECTION 1. Fred Herman is hereby appointed to the Community Qualities Forum with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of May, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-213**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2000-272  
TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND  
CONFIDENTIAL NON-SWORN CLASSES TO REVISE THE SALARY RANGE  
FOR THE CLASSIFICATION OF LAND SURVEYOR.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2000-272 to amend the Class Range Table for Management and Confidential Non-Sworn Classes to revise the Salary Range for the Classification of Land Surveyor,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2000-272. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 20, 2000", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective May 15, 2001", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the salary range for Land Surveyor from Range 434 to Range 438.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 15, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15<sup>th</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective **May 15, 2001**

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RANGE	TITLE
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Accountant I (Confidential) Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Systems Technician Workers' Compensation Claims Examiner I

**EXHIBIT A**

RANGE	TITLE
421	
422	Office Supervisor
423	Custodian Supervisor
424	Assistant Planner Assistant City Clerk/Auditor Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Stores Manager Police Support Services Supervisor
427	Legal Services Administrator
428	Senior Buyer Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Airport Operations and Maintenance Supervisor
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Senior Crime Analyst Social Services Program Supervisor Events Supervisor I Neighborhood Preservation Supervisor

RANGE	TITLE
431	Administrative Analyst II Personnel Analyst Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst Equal Opportunity Officer
432	Plant Maintenance Supervisor Recreation Supervisor II Senior Accountant Youth Program Supervisor Industrial Waste Supervisor Water Quality Control Operations Supervisor Secondary Treatment Facilities Supervisor Operations and Maintenance Supervisor
433	Organizational Development Specialist
434	Senior Programmer Analyst Electrical Supervisor Senior Housing Rehabilitation Specialist Operations Supervisor Arborist Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator Events Supervisor II SCADA Supervisor

City of Modesto  
Class Range Table – Management and Confidential Non-Sworn Classes  
Page – 4

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RANGE	TITLE
435	Management Analyst Senior Personnel Analyst Integrated Waste Specialist Business Analyst Cultural Services Manager
436	Senior Planner
437	Deputy City Attorney I
438	Transportation Planner Housing Program Supervisor Communications and Marketing Manager Property Agent Budget Officer Financial/Investment Officer Systems Engineer Development and Operations Coordinator Senior Business Analyst Purchasing Supervisor <b>Land Surveyor</b>
439	Administrative Services Officer
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Solid Waste Program Manager Transit Manager Streets Superintendent Parks Operations Superintendent Risk Manager Assistant Personnel Director Recreation Superintendent Fleet Manager Urban Forestry Superintendent Wastewater Collections Superintendent (Range 441 continues on next page)

City of Modesto  
Class Range Table – Management and Confidential Non-Sworn Classes  
Page – 5

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RANGE	TITLE
441	(Continued) Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II Parks Planning and Development Manager
442	Supervising Building Inspector Supervising Construction Inspector Manager of Budget and Financial Analysis Information Services Manager Customer Services Division Manager
443	Deputy Chief Building Official Senior Deputy City Attorney I
444	General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Chief Building Official Assistant to City Manager Planning Division Manager Senior Civil Engineer Traffic Engineer

City of Modesto  
Class Range Table – Management and Confidential Non-Sworn Classes  
Page – 6

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RANGE      TITLE

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448

449            Senior Deputy City Attorney II

450

451

452            Deputy Director – Cultural and Enterprise Services  
Deputy Director – Recreation and Neighborhoods  
Deputy Director of Engineering and Transportation

453

455            Assistant City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-214**

**A RESOLUTION SUPPORTING CALTRANS EFFORTS TO INSTALL A  
MEDIAN BARRIER ON STATE ROUTE 99 THROUGH MODESTO AND  
ENCOURAGING CALTRANS TO COMPLETE THE PROJECT AT THE  
EARLIEST POSSIBLE DATE.**

WHEREAS, the City Council of the City of Modesto has adopted a Vision Statement that calls for Modesto to be a healthy and safe community; and

WHEREAS, State Route 99 traverses through Modesto carrying not only statewide and regional traffic, but local traffic as well; and

WHEREAS, on March 29, 2001, Mr. Gerardo Medina, an 18-year old Modesto High School Senior lost his life in a traffic accident on State Route 99 in Modesto when a pick-up truck traveling in the southbound direction crossed over into the northbound lanes and landed on the vehicle being driven by Mr. Medina; and

WHEREAS, five other people were injured as a result of this accident; and

WHEREAS, Caltrans is currently in the process of designing a project to install a median barrier at various locations on State Route 99, one of which is at the location of the accident; and

WHEREAS, the citizens of Modesto and the City Council desire that this project be implemented as soon as possible to enhance the safety of the traveling public on State Route 99; and

WHEREAS, the Transportation Policy Committee considered this matter at its April 26, 2001, meeting and recommended presenting the matter to the full Council to adopt a resolution of support,

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

1. The median barrier proposed for installation by Caltrans on State Route 99 will enhance the safety of the travelling public on State Route 99.

2. There is urgency involved in getting the median barrier installed and therefore, Caltrans is requested to complete the project and install the median barrier on State Route 99 through Modesto at the earliest possible date.
3. That Caltrans consider taking the actions suggested on Exhibit A, attached hereto, to ensure timely delivery and completion of the median barrier project.
4. That this resolution is adopted in recognition of Mr. Gerardo Medina.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers	None

ATTEST:   
JEAN ZAHR, City Clerk

## Exhibit A

- Install “temporary” median barriers (as you would in a construction zone when work is being done in the median) as soon as is legal and practical, even prior to the start of construction.
- Complete the design work on the project ASAP.
- Put the project out to bid as soon as design is complete, regardless of any prearranged or set advertising schedule.
- Shorten the advertisement period to the minimum required by law.
- Include an “Order of Work” clause in the contract specifications that requires the contractor to complete the median barrier installation in the downtown Modesto section of SR 99 as the first order of work.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-215**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO  
RECOGNIZE ADDITIONAL REVENUE FROM THE SEWER FUND RESERVE  
TO FUND A DEWATERING CLAIM SETTLEMENT FILED BY RUTHERFORD  
AND SMITH CONSTRUCTION, INC. FOR CONSTRUCTION OF THE "RANCH  
CANNERY PUMP STATION AND FORCEMAIN" PROJECT.**

WHEREAS, on August 25, 1998, the City Council awarded a \$3,428,570.00 contract to Rutherford and Smith Construction, Inc. for the project entitled "Construction of Ranch Cannery Pump Station and Forcemain", and

WHEREAS, the Contractor filed a dewatering claim in the amount of \$109,412.00 for additional construction costs related to the removal of groundwater, and

WHEREAS, on September 5, 2000, City Council accepted the improvements entitled "Construction of Ranch Cannery Pump Station and Forcemain", and

WHEREAS, the Contractor filed for claim resolution through binding arbitration, and

WHEREAS, City Council approved the claim settlement in closed session,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the "Ranch Cannery Pump Station and Forcemain" project, account number 621-440-K731, to increase the amount of revenue in the amount of \$80,000 transferred from Sewer Fund Reserves, account number 6210-800-8000-8003, to increase the budgeted amount for construction by \$80,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-217**

**A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY  
QUALITIES FORUM**

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

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

SECTION 1. The following individuals are hereby appointed to the Community Qualities Forum with term expirations of January 1, 2005: James Dorroh, Larry Dovichi, Peter Gartner, Elizabeth Graham, Steve Olson, Donna Polite, Bob Schmal, and George Shoemaker.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15<sup>th</sup> day of May, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 -216**

**A RESOLUTION APPROVING A SODA VENDING MACHINE LICENSE  
AGREEMENT BETWEEN THE CITY OF MODESTO AND THE PEPSI  
BOTTLING COMPANY FOR INSTALLATION OF COIN-OPERATED SODA  
VENDING MACHINES IN VARIOUS CITY PARKS.**

WHEREAS, the City of Modesto is the owner of Chrysler Park, Davis Park, Downey Park, Graceada Park, East LaLoma Park, Eisenhut Park, Garrison Park, Kewin Park, Muncy Park, Orchard Park, Sipherd Park, Sutter Park, Whitmore Park, Sylvan Park, John Thurman Soccer Field Park, Sherwood Park, Enslen Park, and Roosevelt Park (collectively referred to as "Parks"); and

WHEREAS, the City of Modesto desires that coin operated soft drink vending machines be available at the Parks for users of the Parks to purchase soft drinks for refreshment; and

WHEREAS, The Pepsi Bottling Company desires to install vending machines at the Parks to sell soft drinks to Park users; and

WHEREAS, The City of Modesto desires to license The Pepsi Bottling Company and The Pepsi Bottling Company desires to receive the license to the non-exclusive right to install vending machines at the Parks; and

WHEREAS, the City Council Human Services Committee reviewed and endorsed this license with The Pepsi Bottling Company at their meeting of May 2, 2001,

NOW THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the soda vending machine license agreement between the City of Modesto and The Pepsi Bottling Company for installation of coin-operated soda vending machines in various City parks be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15<sup>th</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-217A**

**A RESOLUTION APPROVING AN AGREEMENT WITH THE CITY OF  
MODESTO SWIM TEAM**

WHEREAS, the City of Modesto has had an agreement with the City of Modesto Swim Team (Swim Team), a California non-profit corporation, which expired in 2000, and

WHEREAS, the City desires to enter into a new agreement with the Swim Team, and

WHEREAS, the terms of the agreement state that the City will provide use of swimming pools at no or reduced costs, payment of national dues and financial support for equipment, awards, etc., and

WHEREAS, at its May 2, 2001 meeting, the Human Services Committee supported approval of the agreement with the City of Modesto Swim Team,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the City of Modesto Swim Team is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-218**

**A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO  
STANISLAUS WATER POLO**

WHEREAS, the City of Modesto has had an agreement with Modesto Stanislaus Water Polo, a California non-profit corporation, which expired in 2000, and

WHEREAS, the City desires to enter into a new agreement with Modesto Stanislaus Water Polo, and

WHEREAS, the terms of the agreement state that the City will provide use of swimming pools at no or reduced costs, and

WHEREAS, at its May 2, 2001 meeting, the Human Services Committee supported approval of the agreement with Modesto Stanislaus Water Polo,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Stanislaus Water Polo is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-219**

**A RESOLUTION ACCEPTING \$20,000 IN FUNDING FROM THE GREAT VALLEY CENTER LEGACI GRANT PROGRAM FOR PHASE I DESIGN SERVICES AT THE TUOLUMNE RIVER REGIONAL PARK**

WHEREAS, the City of Modesto has been notified by the Great Valley Center that \$20,000 has been awarded to the Tuolumne River Regional Park from the LEGACI program, and

WHEREAS, this funding is for Phase I Design Services for the Gateway Parcel, which includes a schematic design phase, a design development phase, a construction document phase, bid review and negotiations and construction observation construction, and

WHEREAS, the Tuolumne River Regional Park Citizens Advisory Committee, at its May 14, 2001 meeting, supported acceptance of the grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the \$20,000 in grant funding from the Great Valley Center LEGACI Program is hereby accepted.

BE IT FURTHER RESOLVED that the execution of the letter of acceptance by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers  
STAN FEATHERS, Budget Officer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-220**

**A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL CAPITAL  
IMPROVEMENT PLAN BUDGET TO ALLOCATE THE \$20,000 IN LEGACI  
GRANT FUNDS TO PROJECT 8910-310-M269-6010, TRRP GATEWAY  
CONSTRUCTION DOCUMENTS**

WHEREAS, the City of Modesto has been notified by the Great Valley Center that \$20,000 has been awarded to the Tuolumne River Regional Park from the LEGACI program, and

WHEREAS, this funding is for Phase I Design Services for the Gateway Parcel, which includes a schematic design phase, a design development phase, a construction document phase, bid review and negotiations and construction observation construction, and

WHEREAS, the Tuolumne River Regional Park Citizens Advisory Committee, at its May 9, 2001 meeting, supported acceptance of the grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2000-01 Annual Capital Improvement Plan Budget is hereby amended to estimate \$20,000 in revenue from the Great Valley Center LEGACI Program and appropriate expenditures to project 8910-310-M269-6010, TRRP Gateway Construction Documents.

BE IT FURTHER RESOLVED that the Finance Director 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 22<sup>nd</sup> day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHIR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers  
STAN FEATHERS, Budget Officer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-221**

**A RESOLUTION APPROVING A REQUEST FROM THE JUNETEENTH CELEBRATION COMMITTEE FOR \$4,670 IN DIRECT CITY ASSISTANCE FOR THE 2001 JUNETEENTH CELEBRATION TO BE HELD AT MELLIS PARK AND KING-KENNEDY MEMORIAL CENTER ON JUNE 14, 15 AND 16, 2001.**

WHEREAS, Juneteenth is a celebration of the day African-Americans gained their freedom from physical slavery, and

WHEREAS, the purpose of the event is to promote cultural awareness to the community, and

WHEREAS, the City has co-sponsored this event for a number of years, and

WHEREAS, the request for City assistance is for a cash contribution of \$4,670 to assist with funding for new components of the event to include African dance, increased youth activities, a keynote speaker and a Buffalo Soldiers reenactment group, and

WHEREAS, the City Council, by Resolution No. 80-1066, as amended by Resolution No. 83-128, adopted a "policy for Evaluating Requests for Direct City Assistance", and

WHEREAS, at its May 2, 2001 meeting, the Human Services Committee supported awarding the sum of \$4,670 in funding to the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from the Juneteenth Celebration Committee for \$4,670 in direct City assistance for the Juneteenth Celebration to be held at Mellis Park and King-Kennedy Memorial Center on June 14, 15 and 16, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-222**

**A RESOLUTION AMENDING THE BUDGET TO TRANSFER \$4,670 FROM  
THE GENERAL FUND RESERVE TO PROVIDE DIRECT CITY ASSISTANCE  
TO THE 2001 JUNETEENTH CELEBRATION.**

WHEREAS, Juneteenth is a celebration of the day African-Americans gained their freedom from physical slavery, and

WHEREAS, the purpose of the event is to promote cultural awareness to the community, and

WHEREAS, the City has co-sponsored this event for a number of years, and

WHEREAS, the request for City assistance is for a cash contribution of \$4,670 to assist with funding for new components of the event to include African dance, increased youth activities, a keynote speaker and a Buffalo Soldiers reenactment group, and

WHEREAS, at its May 2, 2001 meeting, the Human Services Committee supported awarding the sum of \$4,670 in funding to the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2000-01 operating budget is hereby amended to transfer \$4,670 from the General Fund Reserve, 0100-800-8000-8003, to King-Kennedy Memorial Center, Services Professional & Other, 0100-370-3731-0235 to provide direct City assistance for the 2001 Juneteenth celebration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-223**

**A RESOLUTION APPROVING A REQUEST FROM THE HISPANIC  
LEADERSHIP COUNCIL FOR \$1,000 IN CITY FINANCIAL SUPPORT FOR  
COLLEGE SCHOLARSHIPS.**

WHEREAS, the City Manager's Office received a request from a coalition of Hispanic organizations requesting a contribution of \$1,000 for worthy student candidates to help them further their college education, and

WHEREAS, the funds will be presented at the Noche de Becas/Evening of Scholarships event at California State Stanislaus on Saturday, July 14, 2001, and

WHEREAS, the Human Services Committee met on May 2, 2001 and supported awarding the sum of \$1,000 in funding for scholarships, and

WHEREAS, the funds will be deposited with the Hispanic Leadership Council, a non-profit organization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from the Hispanic coalition for \$1,000 in City funding for college scholarships.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-224**

**A RESOLUTION AMENDING THE BUDGET TO TRANSFER \$1,000 FROM  
THE GENERAL FUND RESERVE TO PROVIDE FUNDING TO THE HISPANIC  
LEADERSHIP COUNCIL FOR COLLEGE SCHOLARSHIPS.**

WHEREAS, the City Manager's Office received a request from a coalition of Hispanic organizations requesting a contribution of \$1,000 for worthy student candidates to help them further their college education, and

WHEREAS, the funds will be presented at the Noche de Becas/Evening of Scholarships event at California State Stanislaus on Saturday, July 14, 2001, and

WHEREAS, the Human Services Committee met on May 2, 2001 and supported awarding the sum of \$1,000 in funding for scholarships, and

WHEREAS, the funds will be deposited with the Hispanic Leadership Council, a non-profit organization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2000-01 operating budget is hereby amended to transfer \$1,000 from the General Fund Reserve, 0100-800-8000-8003, to Cultural Promotions, Miscellaneous, 0100-360-3622-1000 to provide funding for scholarships.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-225**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN LEGENDS VILLAGE  
UNIT NO.2 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA,  
AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, JKB Homes, Corp., a California Corporation, subdividers of Legends Village Unit No. 2 subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of \$769,700 and \$384,850, respectively, and,

WHEREAS, JKB Homes, Inc., has filed a warranty bond in the amount of \$76,970 to guarantee improvements in Legends Village Unit No. 2 subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Legends Village Unit No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of \$769,700 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of \$384,850 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty to guarantee improvements in the amount of \$76,970 one year and one day following 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 22<sup>nd</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR / City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-226**

**A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF  
\$11,000.00 TO FULLY FUND THE CONSTRUCTION OF ADVANCED TRAFFIC  
MANAGEMENT SYSTEM PROJECT**

WHEREAS, on September 26, 1995, the City Council awarded a \$1,529,971.00 contract to L. K. Comstock & Company, Inc. to install a traffic management network within the City of Modesto, and

WHEREAS, the material quantities associated with constructing the Advanced Traffic Management System project varied from the quantities specified by the original contract, and

WHEREAS, this resulted in adjustments having to be made in the quantities and additional funds being required.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an appropriation transfer of \$11,000.00 from Account Number 141-160-K382-6040, Intersection Upgrades Various, to Account Number 141-160-C630-6040, Centralized Traffic Signal Control, to fully fund the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-227**

**A RESOLUTION APPROVING SUPPORT OF ASSEMBLY BILL 30 (1<sup>ST</sup>  
EXTRAORDINARY SESSION).**

WHEREAS, on January 17, 2001, California Governor Davis proclaimed pursuant to the Emergency Services Act (State Government Code Section 8625) a State of Emergency due to an electrical energy shortage; and

WHEREAS, the Governor cited the need for extraordinary measures by government in order to address the extreme peril caused by the threat of imminent power outages and their probable impact on emergency services; and

WHEREAS, this State of Emergency is ongoing until the energy crisis is resolved; and

WHEREAS, the City of Modesto and its citizens have been and will continue to be affected by rotating black-outs for an undetermined amount of time; and

WHEREAS, the energy crisis and its resultant rotating black-outs pose serious public safety challenges of staffing and response by City of Modesto public safety agencies; and

WHEREAS, existing and additional City of Modesto resources are necessary to deal with immediate public safety issues related to the rotating black-outs; and

WHEREAS, these City of Modesto resources are most efficient and effective when immediate notification of an impending rotating black-out is reported to our public safety agencies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Assembly Bill X1 30, authored by Assembly member Cardoza, relating to public safety

notification by electrical suppliers of loss of power as soon as the planned loss becomes known as to when and where that power loss will occur, is supported 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 22<sup>nd</sup> of May, 2001, by Council member Friedman, who moved its adoption, which motion being duly seconded by Council member Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Council members: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Council members: None

ABSENT: Council members: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, CITY CLERK

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-228**

**A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #6)**

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 96-544, adopted on October 8, 1996, (the "Resolution of Formation") establish Community Facilities District No. 1996-1 ("the District"), and

WHEREAS, by its Resolution No. 97-520 adopted on September 9, 1997, this Council resolved to complete annexation #1 to the District, and

WHEREAS, by its Resolution No. 99-13 adopted on January 5, 1999, this Council resolved to complete annexation #2 to the District, and

WHEREAS, by its Resolution No. 99-615 adopted on December 14, 1999, this Council resolved to complete annexation #3 to the District, and

WHEREAS, by its Resolution No. 2000-413 adopted on August 1, 2000, this Council resolved to complete Annexation #4 to the District, and

WHEREAS, Annexation #5 has not been completed, but this Council is scheduled to adopt a resolution ordering Annexation #5 on June 19, 2001.

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the "Annexed Territory") under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled "Proposed Boundaries of Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 70.

SECTION 4. District boundaries after the most recent annexation (Annexation #5) are shown on a map entitled "Annexation No. 5 to Community Facilities District No. 1996-1 (Village One)" on file with the County Recorder of the County of Stanislaus at Volume 3 of Maps of Assessment and Community Facilities Districts, at Page 47.

SECTION 5. The Annexed Territory is described in Exhibit "A" to this Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation No. 6 to Community Facilities District No. 1996-1 (Village One)", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 6. The types of public facilities and services authorized to be provided to the District are set forth in the Resolution of Formation. These same types of facilities and services plus a comprehensive signage program as described in Resolution No. 97-174, adopted by the City Council on April 1, 1997, will be provided to the Annexed Territory.

SECTION 7. The Maintenance Special Tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax to be levied in the Annexed Territory shall be slightly higher than that levied in the original District, to account for the additional cost of the community signage program, as referenced in Section 5 hereof. The Facilities Special Tax for the Annexed Territory is described in the City's Public Report, on file with the City Clerk, amended April, 1997. It is the intention of the City Council that in the

event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

Pursuant to the Public Report, the maximum Maintenance Special Tax and the maximum Facilities Special Tax shall be adjusted annually. The tax rates in effect as of July 1, 2001, are as follows:

*Facilities Special Tax*

<b>Land Use</b>	<b>Facilities Special Tax (per Gross Acre) Effective July 1, 2000</b>
<i>Village Low-Density Residential</i>	\$24,239.12
<i>Village Residential</i>	\$36,243.74
<i>Multi-Family Residential</i>	\$93,924.62
<i>Commercial</i>	\$106,492.33
<i>Industrial</i>	\$49,872.48

*Maintenance Special Tax*

<b>Land Use</b>	<b>Maintenance Special Tax Effective July 1, 2000</b>
<b>Developed</b>	
<i>Very Low Density Residential</i>	\$143.76 (per lot)
<i>Village Residential</i>	
<i>Multi-Family Residential</i>	\$93.33 (per unit)
<i>Commercial/Industrial</i>	\$504.17 (per acre)
<b>Undeveloped</b>	
<i>Very Low Density Residential</i>	\$71.88 (per lot)
<i>Village Residential</i>	
<i>Multi-Family Residential</i>	\$46.66 (per unit)
<i>Commercial/Industrial</i>	\$504.17 (per acre)

SECTION 8. A public hearing upon this Resolution shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, June 26, 2001, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than 30 or more than 60 days following the adoption thereof.

SECTION 9. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests

shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

SECTION 11. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**“EXHIBIT A”**

Site No. 1 - Fairmont Pointe

All that certain real property situate in the, County of Stanislaus, State of California, described as follows:

PARCEL NO. 1:

ALL THAT PORTION OF LOT 15 OF SANTA FE COLONY, AS PER MAP THEREOF, FILED DECEMBER 29, 1908 IN VOLUME 4 OF MAPS, AT PAGE 12, STANISLAUS COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 15, ON THE WESTERLY LINE OF A 25 FOOT AVENUE, AND RUNNING THENCE NORTHERLY ALONG SAID WESTERLY LINE OF SAID AVENUE 1320.50 FEET TO A POINT IN THE CENTER LINE OF A 40 FOOT COUNTY ROAD; THENCE WESTERLY ALONG SAID CENTERLINE 386.472 FEET TO A POINT; THENCE SOUTHERLY 1320.57 FEET TO THE SOUTH LINE OF SAID LOT 15; THENCE EASTERLY ALONG SAID SOUTH LINE 386.40 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE COUNTY OF STANISLAUS BY DEED RECORDED JUNE 21, 1979 IN VOLUME 3205 OF OFFICIAL RECORDS, AT PAGE 219, AS INSTRUMENT NO. 83755, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE NORTH 89 DEGREES 38' 15" WEST, ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, 25.00 FEET; THENCE SOUTH 0 DEGREES 19' 53" EAST, 20.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89 DEGREES 38' 15" WEST, ON THE SOUTH LINE OF PRESENT 40-FOOT WIDE SYLVAN AVENUE, A DISTANCE OF 250.00 FEET; THENCE SOUTH 0 DEGREES 21' 45" WEST, 30.00 FEET; THENCE SOUTH 89 DEGREES 38' 15" EAST, 30.00 FEET SOUTHERLY OF AND PARALLEL WITH THE SAID SOUTH LINE OF SYLVAN AVENUE, A DISTANCE OF 210.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 89 DEGREES 18' 22"; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, 23.38 FEET; THENCE NORTH 89 DEGREES 40' 07" EAST, 25.00 FEET TO THE WEST LINE OF PRESENT 70-FOOT WIDE ROSELLE AVENUE; THENCE NORTH 0 DEGREES 19' 53" WEST, ON SAID WEST LINE, 44.52 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:

ALL THAT PORTION OF LOT 15 OF SANTA FE COLONY, AS PER MAP THEREOF FILED DECEMBER 29, 1908 IN VOLUME 4 OF MAPS, AT PAGE 12, STANISLAUS COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 15 WHICH POINT BEARS WESTERLY 386.40 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 15; THENCE WESTERLY ALONG SAID SOUTH LINE OF SAID LOT 15 A DISTANCE OF 128.80 FEET TO A POINT; THENCE NORTHERLY 1320.60 FEET TO A POINT IN THE CENTER LINE OF A 40 FOOT WIDE COUNTY ROAD; THENCE EASTERLY ALONG SAID CENTER LINE 128.824 FEET TO A POINT; THENCE SOUTHERLY 1320.67 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 3:

ALL THAT PORTION OF LOTS 14 AND 15 OF SANTA FE COLONY, AS PER MAP THEREOF, FILED DECEMBER 29, 1908 IN VOLUME 4 OF MAPS, AT PAGE 12, STANISLAUS COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 14, WHICH POINT BEARS EAST 515.20 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 14; THENCE FROM SAID POINT OF BEGINNING EASTERLY ALONG THE SOUTH LINE OF SAID LOTS 14 AND 15 A DISTANCE OF 257.60 FEET; THENCE NORTHERLY 1320.60 FEET TO THE CENTER LINE OF A 40 FOOT WIDE COUNTY ROAD; THENCE WEST ALONG SAID CENTER LINE 257.648 FEET; THENCE SOUTHERLY 1320.65 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT PORTION DESCRIBED AS FOLLOWS:

A PORTION OF LOTS 14 AND 15 OF SANTA FE COLONY, AS PER MAP THEREOF, FILED DECEMBER 29, 1908 IN VOLUME 4 OF MAPS, AT PAGE 12, STANISLAUS COUNTY RECORDS, OF THAT PROPERTY IN THE QUITCLAIM DEED TO THE MAXINE SORRENTINO TRUST RECORDED SEPTEMBER 20, 1991, AS INSTRUMENT NO. 073325 IN THE STANISLAUS COUNTY RECORDS.

BEGINNING AT THE NORTHWEST CORNER OF SAID SORRENTINO PROPERTY; THENCE SOUTH 89 DEGREES 44' 50" EAST ALONG THE NORTH LINE OF SAID PROPERTY AND THE SOUTH LINE OF SYLVAN AVENUE, A DISTANCE OF 214.19 FEET; THENCE SOUTH 76 DEGREES 47' 35" WEST, A DISTANCE OF 214.40 FEET TO THE WEST LINE OF SAID PROPERTY; THENCE NORTH 00 DEGREES 30' 39" WEST ALONG SAID WEST LINE, A DISTANCE OF 12.94 FEET TO THE POINT OF BEGINNING.

APN: 2-132/077-09-43-271

Site No. 2 - Fairmont Pointe II

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

Isabella S. Chiappone, Surviving Trustee, U.D.T. (Under Declaration of Trust), dated May 7, 1987

3. The land referred to in this report is situated in the State of California, County of Stanislaus and is described as follows:

A portion of Lot 14 of SANTA FE COLONY, as per Map filed December 29, 1908 in Vol. 4 of Maps, page 12, Stanislaus County Records, described as follows:

COMMENCING at a point on the Southerly line of said Lot 14; which point bears East 257.60 feet from the Southwest corner of said Lot 14; thence from said point of beginning Easterly along the Southerly line of said Lot 14, 257.60 feet to a point; thence Northerly 1320.65 feet to a point in the centerline of a 40 foot County Road; thence Westerly along said centerline 257.648 feet; thence Southerly 1320.70 feet to the point of beginning.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-229**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A  
REQUEST FOR QUALIFICATIONS (RFQ) FOR FEDERAL LEGISLATIVE  
LOBBYIST SERVICES.**

WHEREAS, the City of Modesto has determined it is desirable to retain a consultant to represent the City's interests at the federal level; and

WHEREAS, since October 1993, the City has enlisted the services of Ball Janik LLP to represent the City's federal interests; and

WHEREAS, on June 30, 2001, the consultant contract agreement with Ball Janik LLP will expire; and

WHEREAS, on May 3, 2001, the Economic Development, Community and Intergovernmental Relations Committee recommended Council approve issuance of a Request for Qualifications (RFQ) for Federal Legislative Lobbyist Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorizes the City Manager to issue a RFQ for Federal Legislative Lobbyist Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-230**

**A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF  
THE ANNUAL TRANSPORTATION CLAIM FOR FISCAL YEAR  
2001/02, FOR TRANSIT PURPOSES ONLY, TO THE STANISLAUS  
COUNCIL OF GOVERNMENTS (STANCOG)**

WHEREAS, the greatest portion of the City's funding for the Modesto Area Transit (MAX) and Dial-A-Ride (DAR) Service Programs, other than fare revenues and federal funds, is the Local Transportation Fund (LTF), and

WHEREAS, the funding is apportioned by the State in accordance with the Transportation Development Act through the Stanislaus Council of Governments (StanCOG) to the City, and

WHEREAS, the City's total claim for Fiscal Year 01/2002 is \$5,089,698, and the total transit and capital budget is \$12,839,941 for FY 01/2002, and

WHEREAS, Council action authorizing the claim is required by StanCOG prior to the funds being released.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the claim for apportionment of Local Transportation Development funds on behalf of the City of Modesto, and the submission of the City of Modesto's claim to the Stanislaus Council of Governments (StanCOG) in the amount of \$5,089,689 for the Fiscal Year 2001-2002 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Michael D. Milich

MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-231**

**A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF  
THE ANNUAL TRANSPORTATION CLAIM FOR FISCAL YEAR  
2000/01, FOR TRANSIT PURPOSES ONLY, TO THE STANISLAUS  
COUNCIL OF GOVERNMENTS (STANCOG)**

WHEREAS, on June 13, 2000, the City Council approved the annual claim for Local Transportation Funds for transit purposes only, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the Finance Department that the non-transit dollars are available to be claimed, and

WHEREAS, the claim includes \$2,672,778 for street purposes, \$10,000 for the "Save the Train", project, and \$106,366 for non-motorized projects, and

WHEREAS, the City is also requesting that \$217,300 of carryover funds originally apportioned for transit and Amtrak purposes be reallocated for general street maintenance, and

WHEREAS, Council action authorizing the claim is required by StanCOG prior to the funds being released.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his authorized designee, is hereby authorized to execute and submit the claim for apportionment of Local Transportation Development Funds to the Stanislaus Council of Governments (StanCOG) to obtain non-transit funds and carryover transit revenues to be reallocated for street purposes, and the submission of the City's claim to the Stanislaus Council of Governments (StanCOG) in the amount of \$3,006,444 for Fiscal Year 2000/01 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-232**

**A RESOLUTION ESTABLISHING WEBSITE LINK FEES RELATED TO AN INTERACTIVE WEB BUSINESS DIRECTORY ON THE CITY OF MODESTO WEBSITE AND AMENDING THE CITY'S MASTER FEES GUIDE TO INCLUDE THESE FEES.**

WHEREAS, it is not the intent of the City's website to promote commercial services, advertising or other similar ventures; and

WHEREAS, it is in the best interest of visitors to the City's website to provide a complete listing of all for-profit and non-profit business license holders within the Modesto community; and

WHEREAS, the Information Services staff will extract information from the Finance Department Business License database and convert it into an Internet-based application; and

WHEREAS, costs for the initial design and implementation of the directory will be absorbed by Information Services as part of the Internet/Intranet Technology Plan, approved by the City Council on September 5, 2000; and

WHEREAS, as a "value-added" benefit, the City will develop links to websites of those interested businesses on the Web Business Directory and charge a setup fee of \$60.00 per year to establish Web Link Accounts for those businesses; and

WHEREAS, a reduced annual renewal fee after the first year, of \$20.00 per year will be charged to participating businesses to offset ongoing account and website maintenance costs; and

WHEREAS, non-profits are exempt from business license fees, any non-profits participating as a link on the Web Business Directory will be charged fees for account and website maintenance costs; and

WHEREAS, all costs are based on the percentage of businesses using the Web Business Directory service; and

WHEREAS, links from the City of Modesto website to all external sites are required to comply with the External Website Link Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this resolution establishing Website Link Fees related to a Web Business Directory for the City of Modesto Internet Website and amending the City's Master Fees Guide to include fees of \$60.00 per year for new Web Business Directory Accounts and \$20.00 per year for renewed Web Business Directory Accounts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-233**

**A RESOLUTION ESTABLISHING A WEBSITE EXTERNAL LINKS POLICY  
FOR THE CITY OF MODESTO WEBSITE**

WHEREAS, links from the City of Modesto website to all external sites, including organizations, agencies, churches, associations, groups, profit and non-profit businesses and all other entities shall comply with the following policy:

WHEREAS, for-profit and non-profit businesses requesting links from the City of Modesto Web Business Directory must complete a Release of Liability Application, which relieves the City of Modesto from any liability incurred by visitors to those business websites; and

WHEREAS, the linked website must not discriminate based upon gender, race, ethnic origin, or other factors; and

WHEREAS, the linked website must not contain material generally considered offensive. Links to sites containing nudity, adult language, hate language and similar material are strictly prohibited; and

WHEREAS, when a City website visitor activates an external link, the City's Webmaster shall notify the visitor that he/she is leaving the City of Modesto site; and

WHEREAS, all link requests, including those links on Department pages of the City's website, must be submitted for approval, in writing, to the City Manager's Office; and

WHEREAS, local, state and federal government agencies and educational institutions requesting links from the City of Modesto website are exempt from this policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this resolution establishing a Website External Links Policy for the City of Modesto Internet Website hereto attached.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Fahr  
JEAN ZAHR, City Clerk

***CITY of MODESTO***  
***EXTERNAL WEBSITE LINK POLICY***

Links from the City of Modesto website to external sites, including organizations, agencies, churches, associations, groups, profit and non-profit businesses and all other entities shall comply with the following policy:

1. For-profit and non-profit businesses requesting links from the City of Modesto Web Business Directory must complete a Release of Liability Application, which relieves the City of Modesto from any liability incurred by visitors to those business websites.
2. The linked website must not discriminate based upon gender, race, ethnic origin, or other factors.
3. The linked website must not contain material generally considered offensive. Links to sites containing nudity, adult language, hate language and similar material are strictly prohibited
4. The linked website must provide a link back to the City of Modesto website.
5. When a City website visitor activates an external link, the City's Webmaster shall notify the visitor that he/she is leaving the City of Modesto site.
6. All link requests, including those links on Department pages of the City's website, must be submitted for approval, in writing, to the City Manager's Office.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-234**

**A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 79-1151 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-PD(247) (GERRIT VANDER POL)," AS AMENDED BY RESOLUTION NO. 89-605 (PHILLIP D. OVERHOLTZER)**

WHEREAS, the City Council, by Ordinance No. 1892-C.S., which was introduced on November 6, 1979, finally adopted on November 20, 1979, and which became effective on December 20, 1979, amended Section 8-4-9 of the Zoning Map to prezone to Planned Development Zone, P-D(247), for a development of "M-1 Zone uses which are agriculturally related", property located on the northwest corner of Whitmore Avenue and Crows Landing Road, and

WHEREAS, City Council Resolution No.79-1151, adopted on November 6, 1979, approved the development plan for Prezone Planned Development, P-PD(247), and contained conditions of approval thereof, and

WHEREAS, effective April 4, 1980, the area prezoned to Planned Development Zone, P-D(247), was annexed to the City of Modesto, as a part of the Crows Landing-Whitmore annexation, and

WHEREAS, City Council Ordinance No. 2670-C.S., which was introduced on June 6, 1989, finally adopted on June 13, 1989, and which became effective on July 13, 1989, rezoned a portion of P-D(247) to R-1, Low-Density Residential Zone, and

WHEREAS, City Council Resolution No.89-605, adopted on June 6, 1989, approved a revised development plan for a reduced area of Planned Development Zone,

P-D(247), and contained conditions of approval, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(247), was filed by Michael E. Beckwith on February 20, 2001, to allow a mini-storage facility which application was expanded to consider other nonagricultural industrial/commercial uses on the remainder of the site, property located on the west side of Crows Landing Road north of Whitmore Avenue, and

WHEREAS, after a public hearing held on April 16, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-26, that amendment of Planned Development Zone, P-D(247), as requested and expanded is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed amendment to P-D(247), by reason of it's plot plan design and the conditions of approval, is compatible with surrounding land uses.
2. That the requested Planned Development Zone for a mini-storage complex along with other nonagricultural M-1 Zone and Commercial uses is within an area designated for commercial uses by the General Plan and that this development is consistent with uses included with this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 22, 2001, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Michael E. Beckwith for an amendment to Planned Development Zone, P-D(247),

should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-26 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3224-C.S. on the 22<sup>nd</sup> day of May, 2001, amending Section 2 of Ordinance No. 1892-C.S., to allow the development of a mini-storage facility and other nonagriculturally-oriented industrial/commercial uses on the remainder of the site.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 and 2 of City Council Resolution No. 79-1151 entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(247). (Gerrit Vander Pol)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The revised development plan for Planned Development Zone, P-D(247), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plans titled "U-Stor Crows Landing, Modesto California" as amended in red, stamped approved by the Planning Commission on April 16, 2001.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Recreation and Neighborhoods Director. Screen landscaping shall be installed along the west property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Climbing vines shall be planted along the chain link fencing on the north and south property lines.
3. Fences or walls shall be constructed prior to occupancy and shall be eight-

foot-high chain link along the entire north, south and west property lines.

Crows Landing Road frontage shall be wrought iron.

4. All landscaping, fences and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Street dedication/reservation consistent with Standard Specifications and the City's Street Exaction's Policy shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Street improvements including but not limited to a standard drop-curb approach and ten-foot-wide sidewalk, consistent to Standard Specifications shall be provided prior to occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety or traffic problem in the area.
7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
9. All outdoor lighting shall be shielded from nearby residential properties as

required by the Engineering and Transportation Director.

10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department Director.
11. The developer shall, in a matter approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the south, substantially as shown in red on the plot plan.
12. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, as required by the Recreation and Neighborhoods Director, be dedicated along all street frontages.
13. All signs shall comply with the sign requirements of the M-1 Zone.
14. All conditions of City Council Resolution Nos. 79-1151 and 89-605 not in conflict with this action shall remain in full force and effect.
15. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify,

or hold City harmless.”

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(247):

That the entire construction program be accomplished in one phase, construction to begin on or before April 16, 2003, and be completed by not later than April 16, 2004.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance amending Planned Development Zone, P-D(247), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-235**

**A 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 (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE P-D(247), PROPERTY LOCATED ON THE WEST SIDE OF CROWS LANDING ROAD NORTH OF WHITMORE AVENUE, TO ALLOW A MINI-STORAGE FACILITY AND OTHER NONAGRICULTURAL INDUSTRIAL/COMMERCIAL USES (MICHAEL E. BECKWITH)**

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Michael E. Beckwith has proposed an amendment to Planned Development Zone, P-D(247), to allow a mini-storage facility and other nonagricultural industrial/commercial uses in the City of Modesto ("the project"), and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. EA/CDD 2001-18 reviewed the proposed amendment to Planned

Development Zone, P-D(247), to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the

determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

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 amendment to Planned Development Zone, P-D(247), 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. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 22<sup>nd</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
Initial Study  
EA/CDD 2001-18

City of Modesto  
Initial Study

**Amend P-D(247) to Allow Mini-Storage**

**EA/CDD 2001-18**

March 27, 2001

**I. PURPOSE**

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

**II. PROJECT DESCRIPTION**

- A. Project title:  
Public Hearing - Application of Michael E. Beckwith to amend P-D(247) to allow mini-storage, property located on the west side of Crows Landing Road, north of Whitmore Avenue.
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:  
Brad Wall  
City of Modesto Community Development Department  
1010 10<sup>th</sup> Street, Suite 3100  
Modesto, CA 95353  
(209) 577-5282
- D. Project Location:  
West side of Crows Landing Road, north of Whitmore Avenue.
- E. Project Sponsor:  
Michael E. Beckwith  
P.O. Box 577827  
Modesto, CA 95357
- F. General Plan Designation:  
Commercial (C)
- G. Current Zoning:  
Planned Development (247)

H. Description of Proposed Project:

This is a review of an application for a P-D amendment to allow mini-storage on property located on the west side of Crows Landing Road and north of Whitmore Avenue. This development is proposed on vacant property containing 4.1 acres. The surrounding area is developed with single-family residential to the west, commercial to the north, and County lands to the south and east. The proposed mini-storage would consist of 514 units totaling 68,000 square feet.

I. Surrounding land uses: (See "H." above.)

J. Other public agencies whose approval is required: None.

**III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR (MEIR) for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the MEIR.

**A. Traffic and Circulation**

Development of the proposed mini-storage use may tend to contribute to increased traffic in the area. However, the proposed development is consistent with the Traffic and Circulation Needs section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid.

**B. Degradation of Air Quality**

The air quality impacts for the proposed project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, the proposed project will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

**C. Generation of Noise**

The proposed project is consistent with the General Plan in land use and intensity. Although it is located within the noise contours shown on Figure 3-2 of the MEIR, no additional noise-attenuation measures are necessary due to the nature of the project. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

**D. Loss of Productive Agricultural Land**

The project area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

**E. Increased Demand for Water Supplies**

The proposed project is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide water service to the site. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

**F. Increased Demand for Sanitary Sewer Services**

The proposed project is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide sanitary sewer service to the project site. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

**H. Disturbance of Archaeological and Historic Sites**

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

**I. Drainage, Flooding and Water Quality**

The proposed project is consistent with the General Plan in land use and intensity, and will conform to the City's standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

**J. Increased Demand for Storm Drainage**

The proposed project is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide the necessary storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the

Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

**K. Increased Demand for Parks and Open Space**

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are still valid.

**L. Increased Demand for Schools**

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

**M. Increased Demand for Police Services**

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are still valid.

**N. Increased Demand for Fire Services**

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are still valid.

**O. Generation of Solid Waste**

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are still valid.

**P. Generation of Hazardous Materials**

The proposed subdivision is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-15) are still valid.

**Q. Landslides and Seismic Activity**

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

**R. Energy**

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are still valid.

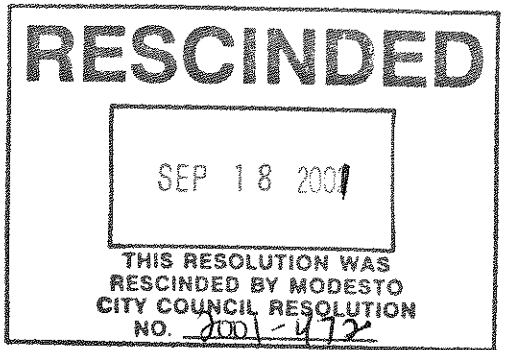
**IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

- A. The proposed project is within the scope of the General Plan Master EIR (SCH No. 92052017).
- B. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.
- D. There are not specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Brad Wall,  
Associate Planner



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-236**

**A RESOLUTION ADJUSTING RENTAL CHARGES AND FEES FOR  
ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY  
AIRPORT/HARRY SHAM FIELD, RESCINDING COUNCIL RESOLUTION NO.  
99-289**

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, a duly noticed public hearing was held by the Council on May 22, 2001 at 5:15 p.m. in the City Council Chambers at the City/County Administration Building (Tenth Street Place), 1010 Tenth Street, Modesto, California to consider increasing rates and charges for Modesto City-County Airport's aircraft hangars, office space, and tie-down rentals, and

WHEREAS, the Transportation Policy Committee considered rate increases at their meeting on April 26, 2001, and are recommending the City Council conduct a hearing to consider a 6.8% rate increase in general aviation, hangars, offices, and tie-downs, and

WHEREAS, during the public hearing the recommended increase in rents and fees was amended to 3.6% to be effective for six (6) months, at which time the City should know whether the aircraft taxes paid to Stanislaus County have increased substantially enough to off-set the need for a full 6.8% increase in general aviation hangars, offices, and aircraft tiedowns, and

WHEREAS, the City Manager was asked to review the rate of aircraft tiedown rent; and if he deems necessary, the City Manager is authorized to lower the rent on tiedowns so the rent can be an incentive to aircraft owners not based at Modesto Airport to relocate to the local airport.

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

Modesto as follows:

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(1) T-Hangars

Hangar A	.....	\$107.00 unit per month
End Units	.....	\$124.00 unit per month
Hangar B	.....	\$130.00 unit per month
End Units	.....	\$160.00 unit per month
Hangar C	.....	\$137.00 unit per month
End Units	.....	\$165.00 unit per month
Hangar D	.....	\$122.00 unit per month
End Units	.....	\$145.00 unit per month
Hangar E	.....	\$179.00 unit per month
End Units	.....	\$209.00 unit per month
Hangar F	.....	\$179.00 unit per month
End Units	.....	\$209.00 unit per month
Hangar G	.....	\$179.00 unit per month
Hangar H	.....	\$179.00 unit per month
Hangar I	.....	\$349.00 unit per month
Hangar J	.....	\$179.00 unit per month
Portable Land Rent	.....	\$53.00 unit per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid in advance.

(b) Storage Hangars:

Hangar No. 1	....	\$1,341.00 – Sheriff Aero Squadron lease rate (is discounted to \$888.00 per month)
Hangar No. 2	....	\$1,091.00 per month
Hangar No. 3	....	\$575.00 per month
Hangar No. 4	....	\$978.00 per month
Hangar No. 5	....	\$974.00 per month
Hangar No. 6	....	\$570.00 per month

SECTION 2. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) Tail-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) \$32.00 per month
- (b) Taxi-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) \$53.00 per month
- (c) Taxi-in Tie-Down – Permanent, large multi-engine (over 12,500 lbs.) \$.038 per square foot per month
- (d) Taxi-in Tie-Down – Transient, helicopter/single-engine aircraft \$6.00 per day
- (e) Taxi-in Tie-Down – Transient, twin-engine aircraft (under 12,500 lbs.) \$8.00 per day
- (f) Taxi-In Tie-Down – Transient, twin-engine aircraft (over 12,000 lbs.) \$12.00 per day
- (g) Jets – \$12.00 per day

A five-percent (5%) discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (under 12,500 lbs.) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The monthly charge for office spaces at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

- (a) Old Administration Building ..... \$.71 per square foot
- (b) Office Building No. 1 ..... \$.71 per square foot
- (c) Office Building No. 2 ..... \$.71 per square foot
- (d) Hangar Office Space ..... \$.326 per square foot

SECTION 4. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

- (a) Ticket counter ..... \$.067 per square foot
- (b) Other areas ..... \$.067 per square foot

SECTION 5. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single, multi-engine aircraft and helicopters - \$10.00 per landing
- (b) All large single and multi-engine aircraft – \$.66 per 1,000 pounds of gross weight, but not less than \$10.00 per landing
- (c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

- (a) Enplane passenger by airline \$3.00 per ticket passengers.

SECTION 7. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<u>Display Size</u>	<u>Display Only</u>	<u>Display &amp; Telephone</u>
7.5” x 9.5”	\$30.00	\$50.00
7.5” x 21”	\$35.00	\$55.00
19” x 21”	\$40.00	\$60.00

SECTION 8. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

- (a) Incoming Service ..... \$.50 per page
- (b) Outgoing Service ..... Area code 209 - \$1.00 per page  
Other area codes - \$2.00 first page  
\$1.50 - all other pages

SECTION 9. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of six cents (\$.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 11. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths (\$200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto the greater of ten percent (10%) of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and callboard phone service. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths (\$25.00) Dollars per month, payable in advance.

SECTION 14. PENALTIES. A five percent (5%) penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 2001, the rents, fees and charges set forth in Sections 1, 2, and 3 of this resolution may be adjusted within six (6) months or on the first day of January ("the Adjustment Date"), as follows:

The base for computing the adjustment is the National Consumer Price Index for the West Urban (all urban consumers), published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). The Index published most immediately preceding the Adjustment Date in question ("Adjustment Index") is to be used in determining the amount of the adjustment. If the Adjustment Index has increased over the Beginning Index, the rents, fees and charges set forth in this resolution shall

be set by multiplying the rents, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index.

In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges nor shall any increase in a year be greater than five (5%) percent. If the indexes change so that the base year differs from that in effect on July 1, 2001, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 16. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 2001.

SECTION 17. SUPERSEDE. This resolution rescinds Council Resolution No. 99-289.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001 by Councilmember who Smith, moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-237**

**A RESOLUTION APPROVING ALLOCATION OF \$368,850 IN FISCAL YEAR  
2001-2002 COMMUNITY DEVELOPMENT BLOCK GRANT AND  
EMERGENCY SHELTER GRANT FUNDING**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (H.U.D.), and

WHEREAS, the City receives a Community Development Block Grant (CDBG) and an Emergency Shelter Grant (ESG), and

WHEREAS, the City receives these grants annually because of its population size, number of households living below the poverty level, and the number of housing units that are considered substandard, and

WHEREAS, a maximum of fifteen percent of the City's annual CDBG grant may be allocated to local non-profit organizations for the purposes of providing assistance that is consistent with the functions of CDBG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, in Fiscal Year 2001-2002, fifteen percent of the City's CDBG grant is \$281,850, which is the amount recommended for allocation, and

WHEREAS, the City allocates one hundred percent of its annual ESG to local non-profit organizations for the purposes of providing assistance that is consistent with the functions of ESG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, in Fiscal Year 2001-2002, the City's ESG grant is \$87,000, which is the amount recommended for allocation, and

WHEREAS, local non-profit organizations were invited to submit Requests for Proposals (RFPs), and

WHEREAS, at a public meeting on April 20, 2001, the Citizens Housing and Community Development Committee recommended funding as set forth in Exhibits "A" and "B" attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of \$368,850 in Fiscal Year 2001-2002 Community Development Block Grant and Emergency Shelter Grant funding as set forth in Exhibits "A" and "B" attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute any documents with respect to implementation of the allocation of Fiscal Year 2001-2002 CDBG/ESG Public Service Grant funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

Attest: Jean Zahir  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Phase I Applications		Requested Funding		Recommended Funding	
FY 2001-2002					
Agency	Program Name	Requested Funding		Recommended Funding	
		Amounts		Amounts	
		CDBG	ESG	CDBG	ESG
Center for Human Services	Hutton House	41,269	36,685	20,000	20,000
Center for Senior Employment	Experience Counts	27,518		0	
Children's Crisis Center	Crisis Center	19,975	18,850	14,850	14,000
Community Housing and Shelter Services	Housing Counseling/Search	25,371		20,000	
Community Housing and Shelter Services	Emergency Shelter/Supportive Services		56,269		32,000
Disability Resource Agency for Independent Living	Adaptive Aids Durable Medical Equipment	20,000		20,000	
Latino Family Alcohol & Drug Resource Center	Latino Alcohol & Drug Services	98,617		0	
Modesto Fire Department	Smoke Detector Program	10,600		0	
Modesto Love Center Ministries	Commodity Food Supplement Program	27,376		0	
Nirvana Drug and Alcohol Treatment Program	Shelter and Treatment Program		60,080		0
Parent Resource Center	Infant/Toddler Childcare Center	60,000		60,000	
Project Sentinel	Fair Housing Services	50,000		15,000	
The Salvation Army	Subsidized Childcare Program	15,600		0	
The Salvation Army	Senior Meals Program	25,000		15,000	
The Salvation Army	Emergency Grocery Basket	16,000		16,000	
San Joaquin Food Bank	Food Assistance Program	32,000		32,000	
Sierra Vista Children's Center	Families and Schools Together	81,609		0	
Stanislaus Cty. Affordable Housing Corp.	Transitional Housing Program	10,872	42,000	0	21,000
<b>Total Requests/Recommendations</b>		<b>561,807</b>	<b>213,884</b>	<b>212,850</b>	<b>87,000</b>

Phase II Applications FY 2001-2002		Requested Funding Amounts	Recommended Funding Amounts
Agency	Program Name		
Catholic Charities	Laura's House	27,332	20,000
Center for Human Services	Liferoads	34,042	24,000
Center for Senior Employment	National Caregiver Program	13,358	0
Center for Senior Employment	Computer Training for Older Workers	10,000	0
Community Housing and Shelter Services	Families in Transition	15,000	15,000
Hold Your Horses	Therapeutic Riding	15,000	0
Latino Alcohol and Drug Services	Family Alcohol & Drug Resource Center	75,000	0
Modesto Love Center Ministries	Small Beginnings Childcare Center	28,489	0
Modesto Love Center Ministries	Emergency Food Pantry	7,000	0
Modesto Police Department	Wake Up	9,833	0
Nirvana Drug & Alcohol Treatment Program	Alcohol/Drug Detox Services	36,500	0
Stanislaus County Library	West Side Read/Succeed Program	19,359	0
Stanislaus Literacy Center	Literacy Services	15,000	0
United Way of Stanislaus County	Information & Referral Program	10,000	10,000
<b>Total Requests/Recommendations</b>		<b>315,913</b>	<b>69,000</b>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-238**

**A RESOLUTION SETTING A PUBLIC HEARING TO BE HELD ON AUGUST 14, 2001, WITH THE INTENT TO CONSIDER THE PROPOSED SEWER SERVICE CHARGE INCREASES OF 5%, 4%, 4% AND 3% ACROSS-THE-BOARD EFFECTIVE OCTOBER 1, 2001, 2002, 2003, AND 2004 RESPECTIVELY, TO FUND CAPITAL IMPROVEMENTS AND OPERATIONS AND MAINTENANCE COSTS RELATED TO THE CITY OF MODESTO'S SEWER SYSTEM, AND GIVING NOTICE AS PROVIDED BY LAW OF THE PROPOSED SEWER SERVICE CHARGE INCREASE.**

WHEREAS, Section 11-6.10 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, on, November 14, 2000, the City Council adopted 2000-581, amending the sewer service charge, and

WHEREAS, under Proposition 218, certain fees or charges cannot be increased by any agency unless it meets certain requirements, and

WHEREAS, by an Agenda Report dated May 7, 2001, from the Engineering & Transportation Department, City staff recommended a sewer service charge increase, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on May 22, 2001, the City Council considered City staff's recommendation to give notice as required by Proposition 218 and set a public hearing to be held on August 14, 2001, to consider a sewer service charge increase to fund capital improvement and operations and maintenance costs related to the sewer system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuesday August 14, 2001, at 5:15 p.m., located in the Chambers at 1010 Tenth Street, Modesto, California, is hereby set as the date, time and place for a public hearing to consider a sewer service charge increase to fund capital improvements and operations and maintenance costs related to the sewer system as recommended by City staff in an Agenda Report dated May 7, 2001, from the Engineering & Transportation Director, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that staff is authorized to send notices as provided by law of the proposed sewer service charge increase.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-239**

**A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$29,000  
TO FULLY FUND THE MAILING OF A NOTICE OF PUBLIC HEARING FOR  
THE SEWER SERVICE CHARGE RATE INCREASE.**

WHEREAS, the Engineering and Transportation Department budget did not include the cost for the mailing of a Notice of Public Hearing for the Sewer Service Charge Increase, and

WHEREAS, this was a result of not anticipating the need to increase the Sewer Service Charge rates,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 6210-800-8000-8003; \$29,000.00

TO: 6210-440-5201-0235; \$29,000.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-239**

**A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$29,000  
TO FULLY FUND THE MAILING OF A NOTICE OF PUBLIC HEARING FOR  
THE SEWER SERVICE CHARGE RATE INCREASE.**

WHEREAS, the Engineering and Transportation Department budget did not include the cost for the mailing of a Notice of Public Hearing for the Sewer Service Charge Increase, and

WHEREAS, this was a result of not anticipating the need to increase the Sewer Service Charge rates,

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AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-240**

**A RESOLUTION AUTHORIZING AND DIRECTING STAFF TO NEGOTIATE AGREEMENTS WITH FORECAST HOMES AND PACIFIC UNION HOMES FOR THE PROVISION OF CERTAIN FACILITIES IN CFD NO. 1996-1 (VILLAGE ONE), WITH MODESTO IRRIGATION DISTRICT FOR THE DISPOSAL OF STORM WATER RUNOFF TO ITS CAVIL DRAIN, DIRECTING STAFF TO INITIATE A PRECISE PLAN AMENDMENT, AND ALL NECESSARY ACTIONS TO PLAN, DESIGN, ACQUIRE, FINANCE AND CONSTRUCT THE CFD NO. 1996-1 STORM DRAINAGE SYSTEM AND TO DECOMMISSION CERTAIN EXISTING TEMPORARY STORM DRAINAGE BASINS LOCATED WITHIN CFD NO. 1996-1 (VILLAGE ONE)**

WHEREAS, according to existing authorities, past development in CFD No. 1996-1 has constructed portions of the permanent storm drainage system planned for inclusion in that CFD, but connectors between the CFD's proposed West Basin, the Central Basin and Claus Road force main do not exist, and

WHEREAS, completion of the permanent storm drainage system will provide pumping stations and force mains allowing timely removal of storm water from drainage basins in CFD No. 1996-1 that do not percolate water, but rather retain it, and

WHEREAS, the City Council desires to facilitate and assist development prior to completion of the permanent storm drainage system in CFD No. 1996-1, and

WHEREAS, the City Council is desirous of facilitating development of dual use park/drainage basins in lieu and instead of the construction of temporary on-site storm water retention basins benefiting only individual subdivisions, and

WHEREAS, two developers, Forecast Homes and Pacific Union Homes, have requested that they be allowed to receive tax credits in return for the provision of certain storm drainage facilities prior to their completion, contrary to the City's existing requirement that facilities be completed before tax credits are offered, and

WHEREAS, the aforementioned developers may agree in return to construct the CFD No. 1996-1 West Basin in accordance with plans and specifications approved by the City's District Engineer, and in accordance with the tax policies specified below, and

WHEREAS, the above-referenced developers wish to use CFD No. 1996-1's West Basin as a temporary drainage basin for subdivisions in its area before the permanent system is complete, and

WHEREAS, developers have provided calculations of the drainage performance of the West Basin performed by engineer Tom Delamare of Delamare-Fultz, and the City's Community Facilities District Group has retained the engineering firm of Garcia-Davis-Ringler to independently provide calculations of such performance, and

WHEREAS, it is assumed by City staff that the aforementioned developers have agreed to:

1. Construct the CFD No. 1996-1 West Basin as a dual use basin and install irrigation, turf and landscaping to City standards in the upper two levels of the basin in return for tax credits, with earth removal credits at \$3.50 and the irrigation, turf and landscaping reimbursement based on verified invoices (subject to the limitation that tax credit reimbursement for all of the above-referenced facilities shall in no event exceed the sum of all of the tax credits available, less the noncreditable administration and recoupment portion of the CFD tax, for completion of those facilities/segments under current authority).
2. Design the extension of Bear Cub Lane to Hillglen Avenue and other nearby street segments, suitable to the City's District Engineer and construct the same, including a 42-inch storm drain pipe in Bear Cub Lane, in return for tax credits, as specified in paragraph 1 above, and relocate the existing water line to the new alignment of Bear Cub Lane.
3. Assume all financial responsibility for maintenance of the CFD No. 1996-1 West Basin and any water pumping costs, including but not limited to the cost of portable pumping equipment suitable to the District Engineer, while the basin serves in a temporary basin status prior to completion of the CFD No. 1996-1 storm drainage permanent system.
4. Provide temporary fencing around that portion of the CFD No. 1996-1 West Basin below the 100-year flood inundation level at the developer's sole cost

during the entire time that the subject West Basin serves in a temporary basin status as above.

5. Construct a 24-inch force main adjacent to the Papatone property in accordance with design and specifications approved by the City's District Engineer in return for tax credit (see paragraph 1).
6. Pay the additional costs, if any, incurred by the City to transform the temporary CFD 1996-1 West Basin into a permanent facility, which costs are associated with de-watering, slope and landscape restoration relating to or arising out of the transition of the West Basin from a temporary to a completed, pumped basin.

WHEREAS, the amount needed to be financed to complete the CFD No. 1996-1 permanent storm drainage system is currently unknown, and may be substantially larger than the 1996 estimate, and

WHEREAS, it is possible that the CFD No. 1996-1 West Basin may come into existence without the planned associated complete drainage system due to failure of debt financing or for some other reason, and

WHEREAS, there may be no outlet for accumulated storm drainage waters in the CFD No. 1996-1 West Basin, and

WHEREAS, unusual storm activity coupled with the existence of the CFD No. 1996-1 West Basin in the condition described in the next preceding paragraph may result in area-wide flooding, and

WHEREAS, staff has prepared an initial study for this project in accordance with the California Environmental Quality Act and Environmental Assessment No. EA/CA2001-01 found that the projects described herein are within the scope of the previously approved Village One Specific Plan program as amended by the Village One Supplemental EIR (SCH No. 90020181),

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

1. Staff is authorized to negotiate agreements with the above-named developers containing all of the conditions, qualifications and limitations described above for the planning, specification, design, grading and completion of the CFD No. 1996-

- 1 Dual Use West Basin/Park as well as the extension of Bear Cub Lane to Hillglen Avenue, and the acquisition of other related street facilities, subject to final approval upon presentation of the subject agreements to this Council.
2. Contingent upon successful negotiation of the above-referenced agreements, staff is authorized to take the necessary steps to authorize one-time community facilities tax credits prior to completion of the subject facilities at the time the tax would ordinarily be paid by the developers, subject to all of the conditions and limitations set forth above.
  3. Staff is hereby directed to initiate community meetings with residents of the CFD No. 1996-1 (Village One) area and a public planning process to plan the amenities to be required in the West Basin Park and adjacent Dual Use Basin.
  4. Staff is directed to initiate a precise plan amendment sufficient to permit the realignment of Bear Cub Lane to comport with the eventual design of the Dual-Use Basin/Park.
  5. Staff is authorized to enter into negotiations with Modesto Irrigation District to enter into an agreement for the pumping of storm drainage water from the CFD No. 1996-1 West Basin to the cavil drain until the complete Village One drainage system is constructed and operational.
  6. City staff is authorized, as appropriate, to initiate all necessary actions required to complete the area-wide Village One storm drainage system including, but not limited to, planning studies, system design, right-of-way acquisition, bond financing and construction of the system as well as the decommissioning of all existing temporary in tract subdivision drainage basins and their connection to the Village One permanent drainage system.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 22<sup>nd</sup> day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

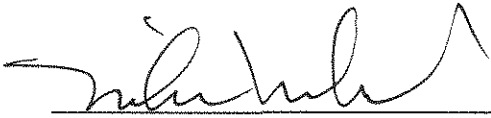
NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-241**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND BRADFORD & BRADFORD, A GENERAL PARTNERSHIP, FOR  
THE ACQUISITION OF PROPERTY LOCATED AT 300-310 BEECH STREET,  
MODESTO, FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT**

WHEREAS, the Council of the City of Modesto has approved a project to construct an  
overcrossing at Kansas Avenue and Needham Avenue; and

WHEREAS, right of way needs to be acquired for this project; and

WHEREAS, Agreements are needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the  
Agreement between the City of Modesto and Bradford & Bradford, a General Partnership, for the  
acquisition of property located at 300-310 Beech Street, Modesto, for the Kansas/Needham  
Overcrossing project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreement by the designated City  
officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of  
Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which  
motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-242**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN  
ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF  
PROPERTY OWNED BY BRADFORD & BRADFORD, A GENERAL  
PARTNERSHIP, LOCATED AT 300-310 BEECH STREET, MODESTO, FOR THE  
KANSAS/NEEDHAM OVERCROSSING 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, City desires to acquire right of way from Bradford & Bradford, a General Partnership, located at 300-310 Beech Street, Modesto, for the Kansas/Needham Overcrossing project.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form for a Grant Deed for the acquisition of property owned by Bradford & Bradford, a General Partnership, located at 300-310 Beech Street, Modesto, for the Kansas/Needham Overcrossing project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-243**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND RAY WADE CHRISTIANSEN, JOHN ROBERT CHRISTIANSEN,  
AND THE BRADFORD FAMILY TRUST DATED 1/2/90 FOR THE ACQUISITION OF  
A PORTION OF THE PROPERTY LOCATED AT 309 BEECH STREET, MODESTO,  
FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT**

WHEREAS, the Council of the City of Modesto has approved a project to build an overcrossing at the Union Pacific Tracks at Kansas Avenue; and

WHEREAS, right of way needs to be acquired for this project; and

WHEREAS, an Agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and Ray Wade Christiansen, John Robert Christiansen, and the Bradford Family Trust Dated 1/2/90 for the acquisition of a portion of the property located at 309 Beech Street, Modesto, for the Kansas/Needham Overcrossing Project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-244**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY RAY WADE CHRISTIANSEN, JOHN ROBERT CHRISTIANSEN, AND THE BRADFORD FAMILY TRUST DATED 1/2/90 FOR THE ACQUISITION OF A PORTION OF THE PROPERTY LOCATED AT 309 BEECH STREET, MODESTO, FOR THE KANSAS/NEEDHAM OVERCROSSING 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, City desires to acquire right of way from Ray Wade Christiansen, John Robert Christiansen, and the Bradford Family Trust Dated 1/2/90 for the acquisition of a portion of the property located at 309 Beech Street, Modesto, for the Kansas/Needham Overcrossing Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form for a Grant Deed for the acquisition of property owned by Ray Wade Christiansen, John Robert Christiansen, and the Bradford Family Trust Dated 1/2/90 for the acquisition of a portion of the property located at 309 Beech Street, Modesto, for the Kansas/Needham Overcrossing Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-245**

**A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING  
REVENUE FOR THIRD QUARTER OF THE FISCAL YEAR 2000-2001  
ANNUAL BUDGET**

WHEREAS, the third quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2000-2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2000-2001 budget have been adjusted as shown in Attachment E.

BE IT FURTHER RESOLVED that the Finance Director 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 5<sup>th</sup> day of June, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers  
STAN FEATHERS, Budget Officer

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

**Attachment E**  
**Third Quarter Report**  
**Closed Capital Improvement Projects**

FUND	AGENCY	PROJECT	BUDGET	FINAL BUDGET	BUDGET ADJUSTMENT	ACTION
<b>CLOSED PROJECTS</b>						
052	310	K136 Dry creek regl prk trail-rep	77,000	70,787.02	(6,212.98)	Close
0520	140	L924 Cycling festival/bike to work	20,000	19,797.23	(202.77)	Close
070	160	C930 Mchenry/leveland t/signal	45,874	45,873.32	(0.68)	Close
070	430	H063 Pavement maintenance	360,000	360,000.00	-	Close
070	430	H064 Public facilities 12 norwegi.	19,828	19,827.82	(0.18)	Close
070	430	H065 Public facilities 13 elm/emr.	8,279	8,278.86	(0.14)	Close
070	430	H066 Sidewalks special assessment	74,440	74,440.00	-	Close
070	160	H980 Signaliztn-install led's city	731	730.79	(0.21)	Close
070	160	H983 Intersection illuminatn project	274,650	274,649.86	(0.14)	Close
070	160	H984 Citywide pavement delineation	80,000	80,000.00	-	Close
070	160	H985 Changeable message signs	200,000	138,298.08	(61,701.92)	Close
070	430	J485 Curb/sidewalk repairs	210,000	210,000.00	-	Close
070	140	K086 Showers & lockers 10th street	87,500	63,261.98	(24,238.02)	Close
070	430	K169 Curb/sidewalk repairs	200,000	200,000.00	-	Close
070	160	K368 Restriping various new loctn	2,979	2,978.49	(0.51)	Close
070	160	K388 Replace mechanical controller	60,000	45,231.62	(14,768.38)	Close
0700	160	L028 Jefferson st:mz/prds-lght up	32,000	29,553.32	(2,446.68)	Close
0700	160	L033 Street name signs various locations	20,000	19,641.95	(358.05)	Close
0700	430	L035 Curb/sidewalk repairs	200,000	177,382.66	(22,617.34)	Close
0700	140	L925 City rideshare program	40,664	39,754.33	(909.67)	Close
0700	160	M159 Street name signs various locations	20,000	19,165.87	(834.13)	Close
0700	160	M161 Street lights various new locations	20,000	18,551.26	(1,448.74)	Close
113	140	E945 Handicapped barrier remvl-ADA	13,574	13,573.33	(0.67)	Close
113	430	H056 Airport nbhd public impt	57,000	57,000.00	-	Close
113	140	J026 Sisk Road Landscaping	23,000	15,020.00	(7,980.00)	Close
113	480	J234 Airport Street	1,389,357	1,039,260.00	(350,097.00)	Close
113	140	K017 Street paving-low income area	367,387	367,386.76	(0.24)	Close
113	140	K020 Traffic light-sisk rd&earl	110,000	110,000.00	-	Close
113	140	K021 Traffic lght-prescott/chrysler	66,200	66,165.43	(34.57)	Close
113	140	K022 Street lights-paradise road	110,000	98,940.01	(11,059.99)	Close
113	140	K024 Handicap accessible curb ramp	9,999	9,999.00	-	Close
113	140	K025 Empire/Monterey Ave Improvements	25,000	3,008.00	(21,992.00)	Close
113	140	K026 Audible Pedestrian Signals	15,000	10,888.00	(4,112.00)	Close
113	140	K027 School Flasing Beacons	12,000	7,285.00	(4,715.00)	Close
113	140	K028 Sidewalk improvements	46,933	46,933.00	-	Close
113	430	K160 Handicap barrier removal-curb	20,000	19,561.71	(438.29)	Close
130	310	H006 Mchenry museum stairs	80,466	79,629.65	(836.35)	Close
130	190	J209 Copy machinges	66,719	66,718.74	(0.26)	Close
130	310	J890 Thurman field projects	408,602	408,601.85	(0.15)	Close
130	430	J896 Merle ave wasterwater/storm	60,862	60,861.13	(0.87)	Close
130	310	K047 Thurman field capital project	32,013	32,012.34	(0.66)	Close
1300	310	L013 Thurman field capital project	50,000	48,839.66	(1,160.34)	Close
1300	480	L108 Building services relocation	100,000	99,983.98	(16.02)	Close
1350	310	L005 Parks equipment	178,000	171,204.99	(6,795.01)	Close
140	310	H007 E. la loma nbh park parkng	16,065	16,064.53	(0.47)	Close
140	310	J346 Mchenry mansion ext paint	48,025	48,024.14	(0.86)	Close
140	310	J404 Park amenities replacement	28,000	28,000.00	-	Close
140	310	J413 Park lghtng rpmt-downey/davi.	103,080	103,079.44	(0.56)	Close
140	310	J423 Park restroom renovatn-various	86,031	86,030.48	(0.52)	Close
140	310	K051 School fac infrastr contrb	154,000	153,561.99	(438.01)	Close
1400	310	L006 Tennis court renovation	135,000	94,516.52	(40,483.48)	Close
1400	310	L009 Park partners	117,200	116,897.53	(302.47)	Close
1400	310	L012 School fac infrastr contrb	54,000	53,367.60	(632.40)	Close
1400	310	L014 Miscellaneous improvements	34,000	28,224.98	(5,775.02)	Close
141	430	E443 Carpenter/maze/hatch planline	29,848	29,847.19	(0.81)	Close
141	160	H040 T/s modify orangeburg/oakdale	28,690	28,689.92	(0.08)	Close
141	160	H041 T/s modify orangeburg/sunrise	62,000	62,000.00	-	Close
141	430	J924 Pelandale expressway: phase	1,084,466	1,084,433.96	(32.04)	Close
141	430	K171 North&west expswy cnctn stdy	514	513.92	(0.08)	Close
136	160	P854 T/s central control system	719,985	689,097.62	(30,887.38)	Close
143	310	K037 Bike trail(trrp)-city contrib	114,900	114,900.00	-	Close
2300	160	M201 School flashing beacons	24,000	-	(24,000.00)	Close
2600	040	L120 Park site land acqtn-beck	50,000	50,000.00	-	Close
600	160	P859 City hall lot seal coat	1,432	1,431.89	(0.11)	Close
610	480	J501 Replace water mains (610)	140,941	140,940.82	(0.18)	Close
610	480	J503 Install gac at well 32 (610)	75,000	75,000.00	-	Close
610	480	K029 Resid. h20 meters zone 1	176,700	176,700.00	-	Close
610	440	K493 Drill test holes (610)	9,394	9,393.38	(0.62)	Close
610	440	K500 Scada improvements (610)	10,899	10,898.70	(0.30)	Close

**Attachment E**  
**Third Quarter Report**  
**Closed Capital Improvement Projects**

FUND	AGENCY	PROJECT	BUDGET	FINAL BUDGET	BUDGET ADJUSTMENT	ACTION
610	440	K515 Extend mains (610) village l	18,899	18,898.10	(0.90)	Close
610	440	K531 Extend mains (610) carvr-ban	73,374	73,373.85	(0.15)	Close
610	440	K538 Extend mains (610) pelndl-sn	13,335	13,335.00	-	Close
6100	480	L044 Extend water mains-village l	15,000	14,999.92	(0.08)	Close
6100	480	L049 Extend water mains pelandl/s	32,000	32,000.00	-	Close
610	480	L054 Strengthen water system (615)	200,000	200,000.00	-	Close
612	480	J944 24" trans main,mchenry-carver	1,515,000	1,297,958.35	(217,041.65)	Close
612	480	J963 12" mains-hatch,morgan,glen	33,081	28,094.59	(4,986.41)	Close
615	480	H364 Replace water mains (615)	350,000	350,000.00	-	Close
615	480	J517 Replace water mains (615)	294,951	294,037.55	(913.45)	Close
615	480	J520 Strengthen water system (615)	21,049	21,049.00	-	Close
615	440	K558 Rebuild dew pit wells (615)	99,850	99,849.96	(0.04)	Close
615	440	K570 Install new services (615)	9,987	9,986.63	(0.37)	Close
615	440	K583 Drill test holes (615)	9,178	9,177.17	(0.83)	Close
615	440	K596 Purchase generators (615)	52,200	51,839.31	(360.69)	Close
615	440	L055 Install new services (615)	3,734	3,734.00	-	Close
6150	480	L057 Purchase generators (615)	80,000	50,326.47	(29,673.53)	Close and combine with 6150-480-M228
616	480	J552 Strengthen water system (616)	50,000	50,000.00	-	Close
616	440	K627 Purchase generator (616)	18,931	18,930.22	(0.78)	Close
616	440	K636 Install new services (616)	5,000	5,000.00	-	Close
616	440	K643 Strengthen water system (616)	50,000	50,000.00	-	Close
616	440	K645 Drill test holes zone 3 (616)	1,817	1,816.67	(0.33)	Close
616	440	K648 Install scada (616)	4,935	4,934.17	(0.83)	Close
6160	480	L065 Drill test holes zone 3 (616)	15,000	15,000.00	-	Close
6160	480	L066 Install scada (616)	5,000	5,000.00	-	Close
6160	480	L067 Wellhead treatment-graysn(616)	30,000	30,598.18	598.18	Close
6160	480	L068 Well treatmt electro-dialysis	150,000	149,999.70	(0.30)	Close
621	480	D321 Vari spd-influent/effluent	364,408	364,407.09	(0.91)	Close
621	480	E540 Drain ditch bulkhead	76,366	76,365.65	(0.35)	Close
621	480	E556 Parallel 60" outfall, phase l	215,520	215,519.06	(0.94)	Close
621	480	F709 Alice st/mchnry ave sew bypass	267,853	267,852.73	(0.27)	Close
621	480	F716 Cathodic protection	58,453	58,452.98	(0.02)	Close
621	480	F733 Reclamation partnership	2,100	2,099.88	(0.12)	Close
621	480	F810 Biosolids dredging project	888,860	855,931.77	(32,928.23)	Close and combined with 6210-K038
621	480	H378 Industrial billing program	50,000	50,000.00	-	Close
621	480	H829 Black & veatch	212,259	212,258.15	(0.85)	Close
621	480	H832 Wastewater flood restoration	64,339	58,367.83	(5,971.17)	Close
621	480	J001 Boiler replacement	42,261	42,260.66	(0.34)	Close
621	440	K001 Effluent pump station repair	324,605	298,557.02	(26,047.98)	Close
621	440	K676 Annual lift station rehab('99)	363,730	348,377.10	(15,352.90)	Close and combine with 6210-440-K653
621	440	K688 Daf drives replacement	5,392	5,391.14	(0.86)	Close
621	440	K689 Rebuild clarifier#2 catwtk	11,000	123.94	(10,876.06)	Close and combined with 6210-L072
621	440	K705 Re-bld clarifr#1 deck/arms	40,000	19,174.97	(20,825.03)	Close and combined with 6210-L072
6210	480	L073 Primary clarifiers1&2pmps&ct	27,000	-	(27,000.00)	Close and combined with 6210-L072
6210	480	L074 Reblid clarifier1 scum/add	90,000	-	(90,000.00)	Close and combined with 6210-L072
6210	480	L076 Clarifiers 1&2 control reloc	15,000	2,341.96	(12,658.04)	Close and combined with 6210-L072
6210	480	L080 Relocate lab-pondsite cntrl	5,000	-	(5,000.00)	Close and combine with 6210-K038
6210	480	L081 Cathodic protection	30,000	410.42	(29,589.58)	Close and combine with 6210-K038
6210	480	L082 Effluent gate control automt	60,000	-	(60,000.00)	Close
6210	480	L085 Emergency genertr for ponds	4,881	97.54	(4,783.46)	Close and combine with 6210-K038
623	480	J610 Stowaway hoists	9,162	9,161.52	(0.48)	Close
623	480	J620 Infrared scanning camera	39,242	39,241.03	(0.97)	Close
623	480	J622 Fiber optics (uimp)	47,668	47,667.84	(0.16)	Close
623	480	J623 Chlorine analyzers	45,941	45,940.78	(0.22)	Close
623	480	J624 Sulfonator controllers	11,013	11,012.09	(0.91)	Close
623	480	J889 Parallel 60" outfall, cnstruction	1,793,187	1,729,704.69	(63,482.31)	Close
628	480	H083 Annual pos storm drain repai	23,486	23,485.47	(0.53)	Close
628	480	J740 Rockwell replacement/addition	482,204	482,203.65	(0.35)	Close
628	440	K786 Rockwell replcmnt/additn ('99)	406,264	406,263.44	(0.56)	Close
628	440	K790 Annual:sidewlk@rckwells('99)	60,000	60,000.00	-	Close
628	440	K808 Corp's-dry creek/flood study	50,000	314.65	(49,685.35)	Close
6280	480	L091 Annual catch basin&valley gt	11,254	11,253.35	(0.65)	Close
6280	480	L094 Rockwell rejuvenatn city wide	478,361	478,290.34	(70.66)	Close
6280	480	L095 Storm wtr emrgcy gen&pump	199,682	199,681.70	(0.30)	Close
6280	480	M252 Annual catch basin and valley	1,752	1,751.58	(0.42)	Close
632	480	F788 Rewire mwys&bwys ight crci	136,454	136,453.03	(0.97)	Close
632	480	J852 Reroof airport hangar #3	17,025	17,025.00	-	Close
651	160	F748 Purchase 3 new transit buses	292,000	282,378.97	(9,621.03)	Close
651	160	F773 Event tent	600	600.00	-	Close
651	160	F774 Install bus stop signs	30,000	29,756.42	(243.58)	Close
651	160	F775 Litter containers	4,647	4,556.97	(90.03)	Close

**Attachment E**  
**Third Quarter Report**  
**Closed Capital Improvement Projects**

FUND	AGENCY	PROJECT	BUDGET	FINAL BUDGET	BUDGET ADJUSTMENT	ACTION
651	160	F780 Spare allison elect transmn	13,500	13,499.81	(0.19)	Close
651	160	F781 Three passenger bus shelters	12,000	11,726.97	(273.03)	Close
651	480	F782 Hose reels (3) and pumps (2)	5,000	25.26	(4,974.74)	Close
651	160	H078 Bus stop improvements	25,000	25,000.00	-	Close
651	160	H079 Bus yrd tnk rmvl/above grd	100,000	99,999.99	(0.01)	Close
651	160	J840 Bus stop improvements	25,000	24,999.50	(0.50)	Close
651	160	K809 Bus stop improvements	30,000	29,454.89	(545.11)	Close
651	160	K813 Commuter bus for bart service	400,000	381,260.26	(18,739.74)	Close
651	160	K816 Police vehicle for max	25,910	25,909.72	(0.28)	Close
6510	160	L098 Bike racks for max buses	38,000	26,028.75	(11,971.25)	Close
6510	160	L103 Transn cntr video surveillan	40,000	29,894.40	(10,105.60)	Close
660	330	K095 Dryden clubhouse roof	30,000	833.68	(29,166.32)	Close
670	340	J956 Lanserver	30,000	28,006.93	(1,993.07)	Close
670	340	J962 Re-surface parking lot	8,800	5,845.00	(2,755.00)	Close
670	340	K036 Fiber cable-centre plaza	26,500	26,500.00	-	Close
720	480	H029 Main shop - add roll up door	7,000	7,000.00	-	Close
720	480	H400 Corp yard undergrnd tank removal	109,000	100,855.83	(8,144.17)	Close
7800	480	L111 Hvac repair/replace	25,000	6,213.00	(18,787.00)	Close and combine with 7800-490-4912-0360.
7800	480	L112 John thurman field maintenance	15,000	12,561.66	(2,438.34)	Close and combine with 7800-490-4912-0360.
7800	480	L113 Miscellaneous building repair	15,000	16,452.10	1,452.10	Close
7800	480	L115 Roof repairs/replacements	45,000	39,750.00	(5,250.00)	Close and combine with 7800-490-4912-0360.
891	310	F971 Trrp trail	305,330	305,266.27	(63.73)	Close
8910	310	L004 Legion hall annex building repair	60,000	60,000.00	-	Close
			20,502,357	19,024,446.92	(1,477,910.08)	
TRANSFERS OF CIP BUDGETS						
6150	480	M228 Strengthen and replace mains	252,676	282,349.00	29,673.00	Combined from above
6210	440	K653 Scenic lift station	530,000	545,352.00	15,352.00	Combined from above
6210	440	L072 Primary clarifiers 1&2	1,023,802	1,185,161.00	161,359.00	Combined from above
6210	440	K038 Laboratory remodel	126,883	199,183.00	72,300.00	Combined from above
7800	490	4912 Building Service	1,363,801	1,390,276.00	26,475.00	Combined from above
			3,297,162	3,602,321.00	305,159.00	
Net Reducitons					(1,172,751.08)	

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-246**

**A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5)  
AFFIRMATIVE VOTES AND AUTHORIZING PURCHASE OF EQUIPMENT  
FROM SHEPHERD MACHINE COMPANY AND HOLT OF CALIFORNIA**

WHEREAS, the Operations & Maintenance Department-Secondary Water Quality Control (WQC) has requested the purchase of one (1) used 1996 Caterpillar 330BL Excavator, S/N 6DR00627; and one (1) used 1999 Wheel Loader, S/N 5FW000945; and one (1) used 140H, 1997 Motor Grader, S/N 22K01805; and

WHEREAS, this equipment will be used for maintaining construction of new and existing facility systems at the Secondary Water Quality Control Plant located at 7007 Jennings Road, Modesto, California; and

WHEREAS, informal bids were received by the Operations & Maintenance Department-Secondary Wastewater Treatment Plant staff for said used equipment, and the lowest responsive and responsible bidders were identified based on the best value for the condition of the equipment, year model, hours of use, price and warranty, and

WHEREAS, time does not permit solicitation of formal bids since the City is purchasing used equipment; and

Now, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal bid procedures for the purchase of one used 1996 Caterpillar 330BL Excavator, S/N 6DR00627, and one 1999 Wheel Loader, S/N 5FW000945, from Holt of California in the amount of \$268,984.24, and one used 140H, 1997 Motor Grader, S/N 22K01805 from Sheperd Machinery Company in the amount of \$128,550.00, are hereby waived.

BE IT FURTHER RESOLVED that the purchase of one used 1996 Caterpillar Excavator and one 1999 Wheel Loader from Holt of California, and one used 1997 Motor Grader from Shepherd Machinery Company for the total amount of \$397,444.24 is hereby approved, and the Purchasing Supervisor is hereby authorized to issue purchase orders for said equipment as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-247**

**A RESOLUTION REVISING 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. 88-338 pursuant to Rule 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 1. CLASSIFICATION AMENDED.** The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Police Officer/Police Officer Trainee

As part of the restructuring of the ongoing effort of the Police Department to hire the best qualified candidates, the age requirement has been changed. Additional language has also been added regarding California Government Code Section 1031 (a), pertaining to citizenship.

The specifications for the classification of Police Officer/Police Officer Trainee, as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

**SECTION 2. EFFECTIVE DATE.** This resolution shall become effective on and after June 5, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

POLICE OFFICER/POLICE OFFICER TRAINEE

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 law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry level class in the Police Officer series. This class is distinguished from the Police Officer by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over 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

Patrol a designated area of the City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

EXHIBIT A

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Essential Functions:

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations. Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white-collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Essential Functions:

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

Essential Functions: (Continued)

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Police Officer Trainee

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (25 wpm).

QUALIFICATIONS: (Continued)

Ability to:

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.

Prepare accurate and grammatically correct written reports.

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:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver's license.

Additional Requirements:

- **Minimum of 20 years of age at time of application.**
- **According to California Government Code Section 1031(a), must be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.**

In addition to the qualifications for Police Officer Trainee

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

Ability to:

Use and care for firearms.

Use maps and learn City geography.

Handle multiple assignments.

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:

None required.

EXPERIENCE AND TRAINING GUIDELINES (Continued)

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

Completion of a California P.O.S.T. certified Basic Law Enforcement Academy.

License or Certificate

Possession of an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-248

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT POWERS AGREEMENT FORMING THE STANISLAUS COUNCIL OF GOVERNMENTS.

WHEREAS, on October 6, 1998, the Modesto City Council adopted a revised Joint Powers Agreement establishing the Stanislaus Area Association of Governments (RES. No. 98-527); and

WHEREAS, subsequent to that action, the Stanislaus Area Association of Governments has elected to change its name to the Stanislaus Council of Governments; and

WHEREAS, this change requires that the Joint Powers Agreement be revised to reflect the Organization's new name,

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto approves, endorses, and ratifies the Joint Powers Agreement establishing the Stanislaus Council of Governments, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to execute the Joint Powers Agreement with the Stanislaus Council of Governments 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 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-249**

**A RESOLUTION WITHDRAWING THE FLEUR DE VILLE  
SUBDIVISION FROM THE SALIDA HIGHWAY LIGHTING DISTRICT  
AND ASSUMING RESPONSIBILITY FOR 14 STREET LIGHTS ON  
DALE ROAD AND PELANDALE AVENUE.**

WHEREAS, the Fleur de Ville subdivision was annexed to the Salida Highway Lighting District on January 17, 1989, by the Stanislaus County Board of Supervisors (Resolution No. 89-102); and

WHEREAS, when the subdivision was annexed to the Lighting District, the maintenance of 14 street lights on Dale Road and Pelandale Avenue adjacent to the Fleur de Ville subdivision became the responsibility of the Salida Highway Lighting District; and

WHEREAS, on December 17, 1991, the Modesto City Council adopted Resolution No. 91-767 ordering the Fleur de Ville reorganization to the City of Modesto; and

WHEREAS, said resolution did not provide for the withdrawal of the Fleur de Ville subdivision and the associated 14 street lights from the Salida Highway Lighting District, and

WHEREAS, Stanislaus County has requested that the City of Modesto withdraw the Fleur de Ville subdivision and associated street lighting from the Salida Highway Lighting District; and

WHEREAS, Section 19290 of the Streets and Highways Code provides that whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may be withdrawn from the district by resolution of the legislative body of the City; and

WHEREAS, the City currently operates and maintains street lights on public streets within the City of Modesto, and the aforementioned 14 street lights are located on public streets in the City, specifically Dale Road and Pelandale Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fleur de Ville subdivision is hereby withdrawn from the Salida Highway Lighting District.

BE IT FURTHER RESOLVED that the 14 street lights abutting the Fleur de Ville subdivision along Dale Road and Pelandale Avenue shall become the responsibility of the City of Modesto to maintain and operate once the withdrawal from the Salida Highway Lighting District legally takes effect.

BE IT FURTHER RESOLVED that the street lights contained within the Fleur de Ville subdivision are and will continue to be the responsibility of the Home Owners Association to operate and maintain and nothing in this resolution will cause that responsibility to change.

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

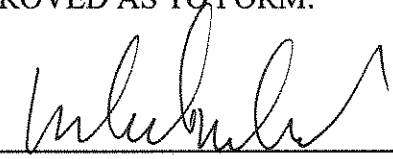
AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-250**

**A RESOLUTION ACCEPTING THE BID OF DELL ENGINEERING FOR THE  
PROJECT TITLED "AIRPORT NEIGHBORHOOD REPLACE WATER  
MAINS"**

WHEREAS, the bids received for Airport Neighborhood Replace Water Mains were opened at 11:00 a.m. on April 17, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$196,214.01 received from Dell Engineering be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Dell Engineering be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

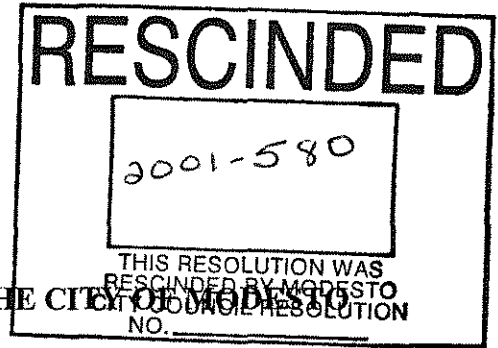
NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-251**

**A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF MODESTO  
AND RESCINDING RESOLUTION NO. 2000-319**

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and,

WHEREAS, Modesto Police Department has requested angle parking along the east side of 10<sup>th</sup> Street between G Street and F Street and the north side of F Street between 10<sup>th</sup> Street and 11<sup>th</sup> Street to maximize parking stall yields, and

WHEREAS, Mr. Hank Barrett, CEO of Valley First Credit Union has requested angle parking along the east side of 15<sup>th</sup> Street between K Street and H Street to maximize parking stall yields, and

WHEREAS, City staff has reviewed the geometrics and traffic flow at these locations and has concluded that angled parking can be accommodated as requested without creating a hazard and without impeding traffic flow, and

WHEREAS, by Agenda Report dated May 18, 2001, from the Engineering and Transportation Department, City staff recommended the installation of angle parking on the east side of 10<sup>th</sup> Street between G Street and F Street and the north side of F Street between 10<sup>th</sup> Street and 11<sup>th</sup> Street, and installation of angle parking on the east side of 15<sup>th</sup> Street between K Street and H Street, and

WHEREAS, the Transportation Policy Committee reviewed and approved at their April 26, 2001 meeting angle parking on 10<sup>th</sup> Street and F Street, and at their May 17, 2001 meeting angle parking on 15<sup>th</sup> Street, as requested by the Modesto Police Department and Mr. Hank Barrett respectively, and

WHEREAS, said matter was considered by City Council at its meeting of June 5, 2001,  
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:

- Portions of 10<sup>th</sup> Street, between I & K Streets (west side) (diagonal)
- 18<sup>th</sup> Street, between G and H Streets (west side) (diagonal)
- F Street, between 10<sup>th</sup> and 11<sup>th</sup> Streets (south side) (diagonal)
- I Street between 9<sup>th</sup> and 12<sup>th</sup> Streets (both sides) (diagonal)
- P Street, between 9<sup>th</sup> and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4<sup>th</sup> Street, between E Street and G Street (west side)
- 16<sup>th</sup> Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8<sup>th</sup> and Laurel Streets (diagonal)
- 13<sup>th</sup> Street, between H and L Streets (east side)
- J Street, between 7<sup>th</sup> Street and 8<sup>th</sup> Street (north side)
- 10<sup>th</sup> Street, between G Street and F Street (east side) (diagonal)
- F Street between, 10<sup>th</sup> Street and 11<sup>th</sup> Street (north side) (diagonal)
- 15<sup>th</sup> Street between K Street and H Street (east side) (diagonal)

SECTION 2. The Engineering and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2000-319 adopted by the Council on 27<sup>th</sup> day of June 2000 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

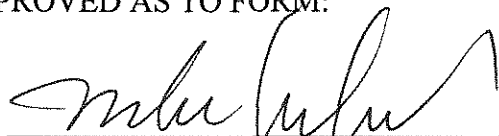
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-252**

**A RESOLUTION APPROVING THE FINAL MAP OF GENERATIONS  
SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, partner, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 19.18 acres, known as Generations (“Subdivision”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 22nd day of January, 2001, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said GENERATIONS SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in

forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-253**

**A RESOLUTION APPROVING A CONSENT TO COMMON USE  
AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO  
IRRIGATION DISTRICT FOR KANSAS AVENUE OVERCROSSING  
IMPROVEMENTS AT MID LATERAL 4.**

WHEREAS, the Kansas Avenue Overcrossing requires a portion of land and overhead space at the Modesto Irrigation District Lateral No. 4; and

WHEREAS, the City will construct the Kansas Avenue Overcrossing on the Modesto Irrigation District's right-of-way at Lateral No. 4 with State Grade Separation Grant Funds; and

WHEREAS, the Modesto Irrigation District requires a Consent to Common Use Agreement for a street entering the District right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for Kansas Avenue Overcrossing @ MID Lateral 4 for the construction of the improvements Kansas Avenue Overcrossing be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-254**

**A RESOLUTION APPROVING THE FINAL MAP OF MONTEREY BAY, UNIT  
NO. 2 SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, BRIGHT DEVELOPMENT, A California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.74 acres, known as MONTEREY BAY, UNIT NO. 2 in the Carver-Bangs Specific Plan Area (“Subdivision”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of April, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said MONTEREY BAY, UNIT NO. 2 SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-255**

**A RESOLUTION ACCEPTING THE OFF-SITE IMPROVEMENTS ONLY,  
OUTSIDE THE BLUFF AT SEVEN FALLS SUBDIVISION AND AUTHORIZING  
RELEASE OF BONDS**

WHEREAS, Wellington Cove Development, LLC, a California Limited Liability Company, subdividers of The Bluff at Seven Falls subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of \$117,000 and \$58,500 respectively to guarantee off-site improvements outside The Bluff at Seven Falls subdivision and;

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the public Subdivision Improvements only outside said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The public Subdivision Improvements only outside The Bluff at Seven Falls Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$117,000 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of \$58,500 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-256**

**A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE  
FEDERAL TRANSIT ADMINISTRATION FOR PUBLIC TRANSIT OPERATING AND  
CAPITAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE  
ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS**

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 to the Federal Transit Administration required for the project, and

WHEREAS, each year the City of Modesto submits a grant application for funds from the formula apportionment made available to the Modesto Urbanized area by the FTA, and

WHEREAS, the City of Modesto has received authority from the Designated Recipient, StanCOG, to apply for Urban Area Formula Program Assistance for no more than \$4,701,693 for FY 2000-2001, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto, and may require the city to provide the local share of the project costs, and

WHEREAS, by a report to the Council dated May 15, 2001, from the Engineering and Transportation Department, City staff recommended submitting a grant application for \$4,669,132 in formula funds to offset the operational and capital costs of the City's public transit program, a copy of said report is attached hereto and incorporated herein by reference, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his designee is authorized to execute and file an application for Federal assistance on behalf of the City of Modesto with the Federal Transit Administration (FTA) for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United State Code, or other Federal statues authorizing a project administered by the Federal Transit Administration.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute and file the annual certifications and assurances and other documents the Federal Transit Administration requires for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute grant agreements with the Federal Transit Administration 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 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-257**

**A RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT IN  
THE AMOUNT OF \$150,000 TO LARRY WALKER ASSOCIATES FOR  
NATIONAL POLLUTION ELIMINATION DISCHARGE SYSTEM (NPDES)  
PERMIT STUDIES.**

WHEREAS, on May 11, 2001, the City of Modesto's Wastewater Treatment Plant began operating under a new National Pollution Elimination Discharge System (NPDES) Permit and,

WHEREAS, new studies and testing will be required on certain constituents within the NPDES Permit, and

WHEREAS, Larry Walker Associates will develop studies on these constituents as required by the NPDES Permit, and

WHEREAS, the City Council has directed staff to study options and create guidelines on Source Control, and

WHEREAS, Larry Walker Associates has the level of expertise and knowledge of Modesto's Environmental Compliance Programs and/or NPDES permit necessary to conduct the required studies and establish guidelines for source control.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Council of the City of Modesto that the professional service contract with Larry Walker Associates for NPDES Permit studies in the amount of \$150,000 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said professional services contract by the City Manager or his designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

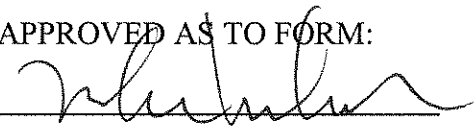
AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

  
MICHEAL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-258**

**A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE  
OF SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE  
QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO  
BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO.  
1996-1 (VILLAGE ONE - ANNEXATION #5)**

WHEREAS, this Council did, on April 24, 2001, adopt its Resolution No. 2001-187 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 1996-1 (the "District") in order to finance certain public facilities (the "Facilities") and services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, a copy of the Resolution of Intention to Annex, describing the territory proposed to be annexed, the list of Facilities and Services to be financed by the Annexed Territory, and the Special Tax to be levied in the Annexed Territory, and setting the hearing thereon, is on file with the City Clerk and is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, on June 5, 2001, this Council held the hearing as required by law related to the proposed annexation of territory and the levy of the Special Tax within the Annexed Territory and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set

forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council at the conclusion of the hearing was fully advised as to all matters related to the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the Special Tax therein have not been filed with the City Clerk by fifty percent or more of the registered voters, or six registered voters, whichever is more, residing within either the District or the Annexed Territory proposed to be annexed to the District, or the owners of one-half or more of the area of land in either the territory in the District or the Annexed Territory and not exempt from the Special Tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of territory and the levy of the Special Tax therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. (a) The Facilities to be financed by the Annexed Territory are set forth in EXHIBIT "A" attached hereto and by this reference incorporated herein.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the Annexed Territory as a result of development occurring therein.

(c) No land within the Annexed Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5. (a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.

SECTION 6. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7. (a) As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the Annexed Territory to estimate the maximum amount that he or she will have to pay, is described in EXHIBIT A hereto and by this reference incorporated herein.

(c) The Special Tax as apportioned to each parcel pursuant to EXHIBIT A is based on the cost of making the Facilities and Services available to each parcel of the Annexed Territory, or other reasonable basis, and is not based on or upon the ownership of real property.

(d) There is no ad valorem property tax currently being levied on property within the Annexed Territory for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the Annexed Territory.

SECTION 8. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory. This Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 9. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory on any one day during the ninety days preceding the close of the protest hearing. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

SECTION 10. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on or before Tuesday, the 12<sup>th</sup> day of June, 2001, the Election shall be held on that day, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots. Otherwise, the Election shall be held on the first Tuesday after that date which is 90 days after the date on which this Resolution is adopted.

The Election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a certified map of sufficient scale and clarity to show the boundaries of the Annexed Territory and a sufficient description to allow the City Clerk to determine the boundaries of the Annexed Territory within three business days after the adoption of this Resolution shall be conclusively evidenced by the signature of the City Clerk on the certificate of adoption relating to this Resolution.

In accordance with Section 53326 of the Act, the ballots for the election shall be distributed by mail or by personal service by the City Clerk, with return postage prepaid, to each Landowner, or Landowner's authorized representative for the purpose of voting its interests at the special election, within the Annexed Territory. The City Clerk shall certify the proper mailing or service of ballots by an affidavit, which shall constitute conclusive proof of mailing or service in the absence of fraud. The voted ballots shall be returned to the City Clerk in person or by mail, courier, messenger or other means of delivery not later than 7:00 p.m. on the day of the Election.

SECTION 11. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the "Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

SECTION 12. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 13. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;
2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;

3. Cause the official ballots to be mailed or personally delivered, as required by law;
4. 4. Receive the returns of the Election and supplies;
5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;
6. Canvass the returns of the Election;
7. Furnish a tabulation of the number of votes given in the Election;
8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and
9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

SECTION 14. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, this Council may levy the Special Tax in the Annexed Territory in the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT A.

SECTION 15. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in

the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 5<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

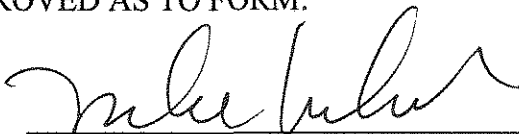
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**

COMMUNITY FACILITIES DISTRICT  
NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO  
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT  
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997  
FOR  
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION  
2033 Howe Ave., Ste. 220  
Sacramento, CA 95825  
(916) 929-3323

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)  
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)**  
*CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA*

**PUBLIC REPORT**  
*MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982*

**INTRODUCTION**

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

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

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

- (1) A description of the public capital facilities and services proposed for the District;
- (2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;
- (3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;
- (4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;
- (5) General Terms and conditions relating to the proceedings.

For particulars, reference is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following

PUBLIC REPORT  
*MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982*

I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the *Facilities Master Plan* for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Exoressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Expressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

**B. STORM DRAINAGE SYSTEM**

The storm drainage system for Village One consists of three basins for detention and retention:

1. West Basin (9.56 acres): Retention with pump out facilities to Central Basin.
2. Central Basin (15.59): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.
3. Industrial Basin (8 acres): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

**G. UTILITY RELOCATION**

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

**D. PARKS**

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS\*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*\*Street parkways includes median and roadside landscape and hardscape.*

## II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

### III. COST ESTIMATES

#### A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is \$48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads	\$20,509,278
Storm Drainage	\$13,240,470
Utility Relocation	\$1,120,458
Parks	\$10,863,967
Public Facilities	\$25,000
Other	<u>\$2,698,683</u>

Subtotal: \$48,457,856

Annual CFD Administration (1%) \$484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or \$484,579 over the life of the district.

Total district with administration is: \$48,942,435

**B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX**

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is \$850,000. A breakdown of these annual O&M costs are:

\* Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks .....	\$149,073
Street/Parkways: 1,500,000 sq. ft. x \$0.417 / sq. ft. ....	\$625,500
Pathway Landscaping: Subtotal Paths .....	\$44,965
Class I: 17,889 / 5,280 x \$4,020 =	\$13,560
Class II: 82,388 / 5,280 x \$1,500 =	\$23,405
Class III: 84,480 / 5,280 x \$500 =	<u>\$8,000</u>
	\$44,965
Weed and Litter Abatement .....	\$4,251
Misc. Annual Admin/Cont. (3%) .....	<u>\$26,211</u>
	Total Annual Cost \$850,000

\* Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is \$708,676. The amount attributed to the Village One CFD is \$149,073.

#### IV. RATE AND METHOD *(By David Taussig and Associates)*

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

##### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

"Final Subdivision Map" means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Gross Acreage" means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan #8*, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

"Industrial Property" means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

"Multi-Family Residential" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"Other Property" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"Other Undeveloped Property" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Subdivided Property" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Undeveloped Commercial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Industrial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

#### B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

*Step 1:* Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

*Step 2:* Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

*Step 3:* Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

*Step 4:* Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

*Step 5:* Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

*Step 6:* Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

*Step 1:* Determine the Gross-Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

*Step 2:* Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

*Step 3:* Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

CFD NO. 1996-1 (VILLAGE ONE)  
Public Report - Mello Roos Community Facilities Act of 1982

Table 1  
Per-Acre Special Tax to be Used in  
Calculation of Maximum Facilities Special Tax  
For Annexation Area No. 1  
(Fiscal Year 1996-97)

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	\$19,715 per Gross Acre
2	Village Residential	\$29,479 per Gross Acre
3	Multi-Family Residential	\$76,394 per Gross Acre
4	Commercial	\$86,616 per Gross Acre
5	Industrial	\$40,564 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Annual Maintenance Special Tax will be levied:

Table 2  
Maximum Annual Maintenance Special Tax  
(Fiscal Year 1996-97)

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	\$112.43 per lot
2	Village Residential	\$112.43 per lot
3	Multi-Family Residential	\$ 72.99 per unit
4	Commercial	\$394.30 per Gross Acre
5	Industrial	\$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source, if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

**Step 1:** Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan*.

**Step 2:** Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.

**Step 3:** Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

**Step 4:** Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

**D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX**

**1. Facilities Special Tax**

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 for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.

2. Maintenance Special Tax

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

- Step 1:* Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.
- Step 2:* Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.
- Step 3:* If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.
- Step 4:* Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

**E. LIMITATIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

**F. ENFORCEMENT**

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

## V. GENERAL TERMS AND CONDITIONS

### A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

### B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount or formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

### C. ADMINISTRATION OF FUNDS

#### 1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463:

2. **Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

**VI. CERTIFICATION**

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

---

Jerry L. Slinkard  
Vail Engineering Corporation

---

Date

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-259**

**A RESOLUTION ESTABLISHING BATTERY BACK-UP SYSTEMS FOR TRAFFIC SIGNALS IN THE CITY OF MODESTO AND INITIATION OF THE BIDDING PROCESS FOR THE PURCHASE OF BATTERY BACK-UP SYSTEMS EQUIPMENT**

WHEREAS, City staff has reviewed the need for battery back-up systems for traffic signals in the City of Modesto to provide continued traffic signal operation during power outages, and

WHEREAS, the Transportation Policy Committee reviewed and approved at their May 17, 2001 meeting the installation of a battery back-up system at the top fifteen locations throughout Modesto, and recommended budgeting \$200,000 for this project, and

WHEREAS, the Transportation Policy Committee recommended initiation of the bidding process for this project, and

WHEREAS, by authorizing the Purchasing Supervisor to accept the lowest responsive and responsible bid for Battery Back-up Systems for the fifteen locations without returning to City Council for subsequent approvals, delivery time and installation of said equipment will be improved, and,

WHEREAS, said matter was considered by City Council at its meeting of June 5, 2001,

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

**SECTION 1. BATTERY BACK-UP SYSTEMS FOR TRAFFIC SIGNALS.**

Installation of battery back-up systems is hereby established at the following intersections:

1. Claus-Briggsmore
2. Oakdale-Scenic
3. Oakdale-Briggsmore
4. Oakdale-Sylvan
5. Coffee-Briggsmore
6. Coffee-Sylvan
7. Tully-Standiford
8. Tully-Briggsmore

9. Prescott-Standiford
10. Prescott-Briggsmore
11. Standiford-Dale
12. Standiford-Sisk
13. Orangeburg-Oakdale
14. Carpenter-Blue Gum
15. Coffee-Scenic

SECTION 2. The Purchasing Supervisor is hereby authorized to accept the lowest responsive and responsible bid for battery back-up systems being purchased for an amount not to exceed \$200,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith,  
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahm  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-260**

**A RESOLUTION AMENDING THE BUDGET FOR GENERAL FUND RESERVES,  
TRANSFERRING THE APPROPRIATION TO SPECIAL FUND FOR CAPITAL  
OUTLAY AND CREATING A NEW CAPITAL PROJECT FOR \$200,000**

WHEREAS, City staff has reviewed the need for battery back-up systems for traffic signals in the City of Modesto to provide continued traffic signal operation during power outages, and

WHEREAS, the Transportation Policy Committee reviewed and approved at their May 17, 2001 meeting the installation of a battery back-up system at the top fifteen locations throughout Modesto, and budgeting \$200,000 for this project, and

WHEREAS, said matter was considered by City Council at its meeting of June 5, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the budget by \$200,000 for General Fund Reserves; transferring said money to the Special Fund for Capital Outlay, and creating a capital project: entitled "Battery Back-up System for Traffic Signals" as follows:

General Fund Reserves	0100-800-8000-8003	
\$200,000		
Transfer from General Fund	0100-700-7000-7130	
\$200,000		
Transfer to Special Fund for Capital Outlay	1300-700-7000-9010	
\$200,000		
Name of Project	1300-160-MXXX-6040	\$200,000

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith,  
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By



MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-261**

**A RESOLUTION ESTABLISHING ADOPTION OF CALTRANS' "SPECIFICATIONS FOR BACK-UP SYSTEMS FOR TRAFFIC SIGNALS" AS THE CITY STANDARD FOR THE CITY OF MODESTO**

WHEREAS, City staff has reviewed the need for battery back-up systems for traffic signals in the City of Modesto to provide continued traffic signal operation during power outages, and

WHEREAS, the Transportation Policy Committee reviewed and approved at their May 17, 2001 meeting the installation of a battery back-up system at the top fifteen locations throughout Modesto, and recommended adopting Caltrans' specifications for battery back-up system for traffic signals as the City Standard, and

WHEREAS, said matter was considered by City Council at its meeting of June 5, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves adopting the Caltrans' "Specification for Battery Back-up System for Traffic Signals" as the City Standard for the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of June 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith,  
Mayor Sabatino


NOES: Councilmembers: Serpa

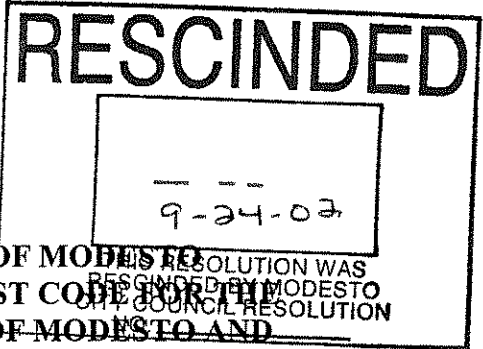
ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
\_\_\_\_\_  
MICHAEL D. MILICH, CITY ATTORNEY



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-262A**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
OFFICE OF THE CITY ATTORNEY OF THE CITY OF MODESTO AND  
RESCINDING RESOLUTION NO. 94-696**

2002-448

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of amended conflict of interest codes for various City departments, including the Office of the City Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Office of the City Attorney of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 94-696 adopted by the Council is hereby rescinded.

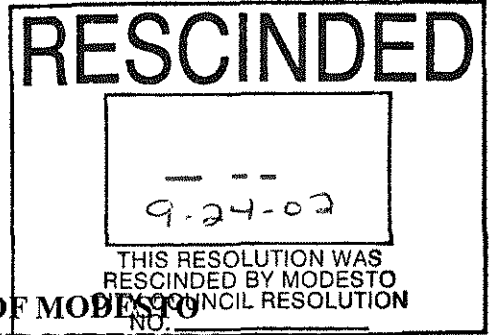
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-262B**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
OFFICE OF THE CITY MANAGER OF THE CITY OF MODESTO AND  
RESCINDING RESOLUTION NO. 2000-490**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of amended conflict of interest codes for various City departments, including the Office of the City Manager.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Office of the City Manager of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-490 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**RESCINDED**

9-24-02

THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-262C**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
FINANCE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING 2002 -  
RESOLUTION NO. 98-593 451**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of amended conflict of interest codes for various City departments, including the Finance Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Finance Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 98-593 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**RESCINDED**  
9-24-02  
THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
COUNCIL RESOLUTION  
NO. 2002-452

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-263**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY OF MODESTO  
AND RESCINDING RESOLUTION NO. 2000-491**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of amended conflict of interest codes for various City departments, including the Community Development Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Community Development Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-491 adopted by the Council is hereby rescinded.

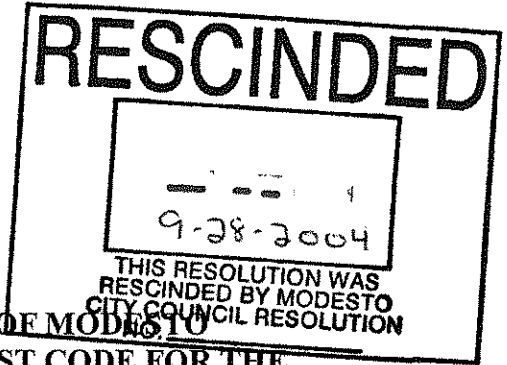
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-264**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
ENGINEERING & TRANSPORTATION DEPARTMENT OF THE CITY OF  
MODESTO AND RESCINDING RESOLUTION NO. 2000-492**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of amended conflict of interest codes for various City departments, including the Engineering & Transportation Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Engineering & Transportation Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-492 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-265**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE FIRE  
DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING  
RESOLUTION NO. 2000-493**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of amended conflict of interest codes for various City departments, including the Fire Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Fire Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-493 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-266**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
POLICE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING  
RESOLUTION NO. 2000-496**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of amended conflict of interest codes for various City departments, including the Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Police Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-496 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**RESCINDED**  
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9-24-02  
THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION  
NO. 2002-454

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-266A**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
OPERATIONS & MAINTENANCE DEPARTMENT OF THE CITY OF  
MODESTO AND RESCINDING RESOLUTION NO. 2000-494**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of amended conflict of interest codes for various City departments, including the Operations & Maintenance Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Operations & Maintenance Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-494 adopted by the Council is hereby rescinded.

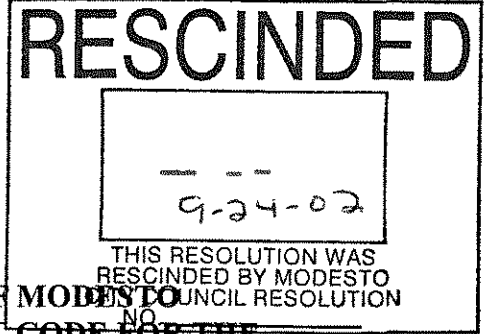
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-267**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE  
RECREATION & NEIGHBORHOODS DEPARTMENT OF THE CITY OF  
MODESTO AND RESCINDING RESOLUTION NO. 2000-497**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of amended conflict of interest codes for various City departments, including the Recreation & Neighborhoods Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Recreation & Neighborhoods Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-497 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-268**

**A RESOLUTION APPROVING A SECOND AMENDMENT WITH VANIR  
CONSTRUCTION MANAGEMENT INC. FOR CONSTRUCTION  
MANAGEMENT SERVICES DURING CONSTRUCTION OF THE MODESTO  
POLICE BUILDING EXPANSION PROJECT AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE SAID AMENDMENT TO AGREEMENT.**

WHEREAS, on March 17, 1998, the City Council entered into an agreement with Vanir Construction Management for construction management services during Phase I of the Modesto Police Building Expansion project for a not-to-exceed amount of \$128,000.00, and

WHEREAS, on November 10, 1998, the City entered into a first amendment to contract for an additional \$382,388.00 for construction management services during construction of Phases II & III of the project, and

WHEREAS, due to soil contamination and subsequent delays in Phase I work which delayed the start of Phase II work, Vanir's efforts exceeded the contract amount anticipated in the original contract and first amendment, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second amendment to the contract with Vanir Construction Management Inc. in the not-to-exceed amount of \$85,000.00 for continued professional services through project close-out.

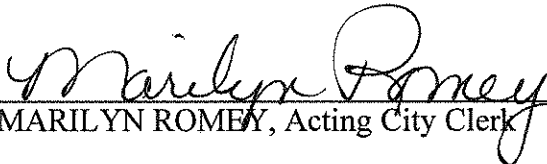
BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the amendment to the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
MARILYN ROMEY, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-269**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "CONSTRUCTION OF  
ADVANCED TRAFFIC MANAGEMENT SYSTEM" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Construction of Advanced Traffic Management System, has been completed by L. K. Comstock & Company, Inc., in accordance with the contract agreement dated September 26, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Construction of Advanced Traffic Management System project be accepted from said contractor, by L. K. Comstock & Company, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$1,605,852.54 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-270**

**A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO  
MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING  
CHARTER OFFICERS, AND RESCINDING RESOLUTION NO. 2000-272**

WHEREAS, by Resolution No. 95-530 which became effective on November 7, 1995, the City Council amended the salary schedules for unrepresented Management and Confidential employees to incorporate a 9-Step Salary Step Plan, and

WHEREAS, the Council of the City of Modesto desires to approve a four (4%) percent across-the-board salary increase for unrepresented Management and Confidential employees, effective June 19, 2001, subject to provisions of the Pay-for-Performance Plan, and

WHEREAS, the Council desires to approve a four (4%) across-the-board salary increase for Charter Officers, effective June 19, 2001, and

WHEREAS, the Council desires to approve a four (4%) increase in salary ranges for unrepresented Management and Confidential employees and Executives, including Charter Officers.

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 are hereby established and approved effective June 19, 2001, to provide for a four (4%) percent across-the-board salary adjustment for unrepresented Management and Confidential employees and a four (4%) percent across-the-board salary

adjustment for Charter Officers:

1. Exhibit "A" entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 19, 2001".
2. Exhibit "B" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 01/02 Effective June 19, 2001 - Schedule D Management/Confidential - General".
3. Exhibit "C" entitled "City Of Modesto Class Range Table, Fire Management Classes, Effective June 19, 2001".
4. Exhibit "D" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 01/02, Effective June 19, 2001 - Schedule E Management/Confidential - Fire- 80 hours - Division Chief".
5. Exhibit "E" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 01-02, Effective June 19, 2001 - Schedule X, Fire Management - 80 Hrs. - Battalion Chief".
6. Exhibit "F" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY01-02, Effective June 19, 2001 - Schedule Y, Fire Management - 112 Hrs. - Battalion Chief".
7. Exhibit "G" entitled "City Of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 19, 2001".
8. Exhibit "H" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 01/02, Effective June 19, 2001 - Schedule G Management/Confidential - Police - Unrepresented".
9. Exhibit "I" entitled "City Of Modesto Class Range Table, Executive Management, Effective June 19, 2001", which includes Charter Officers.
10. Exhibit "J" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 01/02, Effective June 19, 2001 - Executive Management".

SECTION 2. CHARTER OFFICERS. Effective June 19, 2001, the salaries for the positions of the Charter Officers shall be as follows:

<u>TITLES</u>	<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
City Manager	\$69.2585	\$5540.68	\$12050.99
City Attorney	\$61.3206	\$4905.65	\$10669.79
City Clerk	\$34.7920	\$2783.36	\$ 6053.81

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. HEALTH, DENTAL AND VISION BENEFITS. The City's contribution to health, dental and vision benefits are hereby increased, as follows:

<u>Increase</u>	<u>Effective Date</u>	<u>Coverage</u>
\$30.00 mo.	August 1, 2001	Family
\$40.00 mo.	August 1, 2002	Family
\$30.00 mo.	August 1, 2003	Family & Single
\$30.00 mo.	August 1, 2004	Family & Single

SECTION 9. MANAGEMENT AND CONFIDENTIAL LEAVE. Management Leave for Management employees, currently set at 60 hours annually, shall be increased to 80 hours annually, effective January 1, 2002. Leave for Confidential employees, currently set at 18 hours annually, shall be increased to 20 hours annually, effective January 1, 2002. The number of hours available for cashout shall be 40 hours annually for Management employees, 18 hours annually for Confidential employees, and 60 hours annually for Executives.

SECTION 10. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, shall be increased, as follows:

<u>Positions</u>	<u>Effective Date</u>	<u>Increase</u>
Sworn Police	January 1, 2002	\$5.00 mo.
	January 1, 2003	\$3.33 mo.
Non-Sworn Police	July 1, 2001	\$5.00 mo.
	July 1, 2002	\$5.00 mo.
	July 1, 2003	\$5.00 mo.
	July 1, 2004	\$5.00 mo.
Fire Management	July 1, 2001	\$3.33 mo.
	January 1, 2002	\$2.08 mo.
	January 1, 2003	\$2.08 mo.
	January 1, 2004	\$2.08 mo.

SECTION 11. WATER CERTIFICATION PAY. Management employees in the Water and Wastewater divisions, below the level of Superintendent, who have obtained a Grade V Wastewater Treatment Plant Operator or Grade V Water Distribution Operator Certification, shall be granted a 7.5% pay differential, effective June 19, 2001.

SECTION 12. CALL-DUTY PAY. Confidential employees in the classification of Systems Technician shall be eligible for Call-Duty pay and Call-Back pay, effective June 19, 2001. The provisions of Call-Duty and Call-Back pay shall parallel those found in the MCEA MOU, as set forth in Exhibit "K," and shall continue to parallel the MCEA MOU provisions as they may be amended from time to time.

SECTION 13. REPEAL. Resolution No. 2000-272 is hereby rescinded, effective June 19, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective June 19, 2001

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RANGE	TITLE
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Accountant I (Confidential) Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Systems Technician Workers' Compensation Claims Examiner I
421	
422	Office Supervisor

**EXHIBIT "A"**

061901

City of Modesto  
Class Range Table – Management and Confidential Non-Sworn Classes  
Page 2

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RANGE	TITLE
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Stores Manager Police Support Services Supervisor
427	Legal Services Administrator Assistant City Clerk/Auditor
428	Senior Buyer Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Airport Operations and Maintenance Supervisor
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Senior Crime Analyst Social Services Program Supervisor Events Supervisor I Neighborhood Preservation Supervisor
431	Administrative Analyst II Personnel Analyst Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst Equal Opportunity Officer

RANGE	TITLE
432	Plant Maintenance Supervisor Recreation Supervisor II Senior Accountant Youth Program Supervisor Industrial Waste Supervisor Water Quality Control Operations Supervisor Secondary Treatment Facilities Supervisor Operations and Maintenance Supervisor
433	Organizational Development Specialist
434	Senior Programmer Analyst Electrical Supervisor Senior Housing Rehabilitation Specialist Operations Supervisor Arborist Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator Events Supervisor II SCADA Supervisor
435	Management Analyst Senior Personnel Analyst Integrated Waste Specialist Business Analyst Cultural Services Manager
436	Senior Planner
437	Deputy City Attorney I

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RANGE	TITLE
438	Transportation Planner Housing Program Supervisor Communications and Marketing Manager Property Agent Budget Officer Financial/Investment Officer Systems Engineer Development and Operations Coordinator Senior Business Analyst Purchasing Supervisor Land Surveyor
439	Administrative Services Officer
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Solid Waste Program Manager Transit Manager Streets Superintendent Parks Operations Superintendent Risk Manager Assistant Personnel Director Recreation Superintendent Fleet Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II Parks Planning and Development Manager
442	Supervising Building Inspector Supervising Construction Inspector Manager of Budget and Financial Analysis Information Services Manager Customer Services Division Manager

City of Modesto  
Class Range Table – Management and Confidential Non-Sworn Classes  
Page 5

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RANGE	TITLE
443	Deputy Chief Building Official Senior Deputy City Attorney I
444	General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Chief Building Official Assistant to City Manager Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Recreation and Neighborhoods Deputy Director of Engineering and Transportation
453	
455	Assistant City Attorney

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01-02**  
**EFFECTIVE June 19, 2001**

**SCHEDULE - D**  
**MANAGEMENT/CONFIDENTIAL GENERAL**  
**HOURLY**

4.00%

Range	1	2	3	4	5	6	7	8	9
0405	11.7739	12.0682	12.3699	12.6791	12.9961	13.3210	13.6540	13.9954	14.3453
0406	12.0682	12.3699	12.6791	12.9961	13.3210	13.6540	13.9954	14.3453	14.7039
0407	12.3699	12.6791	12.9961	13.3210	13.6540	13.9954	14.3453	14.7039	15.0715
0408	12.6791	12.9961	13.3210	13.6540	13.9954	14.3453	14.7039	15.0715	15.4483
0409	12.9961	13.3210	13.6540	13.9954	14.3453	14.7039	15.0715	15.4483	15.8345
0410	13.3210	13.6540	13.9954	14.3453	14.7039	15.0715	15.4483	15.8345	16.2304
0411	13.6540	13.9954	14.3453	14.7039	15.0715	15.4483	15.8345	16.2304	16.6362
0412	13.9954	14.3453	14.7039	15.0715	15.4483	15.8345	16.2304	16.6362	17.0521
0413	14.3453	14.7039	15.0715	15.4483	15.8345	16.2304	16.6362	17.0521	17.4784
0414	14.7039	15.0715	15.4483	15.8345	16.2304	16.6362	17.0521	17.4784	17.9154
0415	15.0715	15.4483	15.8345	16.2304	16.6362	17.0521	17.4784	17.9154	18.3633
0416	15.4483	15.8345	16.2304	16.6362	17.0521	17.4784	17.9154	18.3633	18.8224
0417	15.8345	16.2304	16.6362	17.0521	17.4784	17.9154	18.3633	18.8224	19.2930
0418	16.2304	16.6362	17.0521	17.4784	17.9154	18.3633	18.8224	19.2930	19.7753

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0405	941.91	965.46	989.59	1,014.33	1,039.69	1,065.68	1,092.32	1,119.63	1,147.62
0406	965.46	989.59	1,014.33	1,039.69	1,065.68	1,092.32	1,119.63	1,147.62	1,176.31
0407	989.59	1,014.33	1,039.69	1,065.68	1,092.32	1,119.63	1,147.62	1,176.31	1,205.72
0408	1,014.33	1,039.69	1,065.68	1,092.32	1,119.63	1,147.62	1,176.31	1,205.72	1,235.86
0409	1,039.69	1,065.68	1,092.32	1,119.63	1,147.62	1,176.31	1,205.72	1,235.86	1,266.76
0410	1,065.68	1,092.32	1,119.63	1,147.62	1,176.31	1,205.72	1,235.86	1,266.76	1,298.43
0411	1,092.32	1,119.63	1,147.62	1,176.31	1,205.72	1,235.86	1,266.76	1,298.43	1,330.90
0412	1,119.63	1,147.62	1,176.31	1,205.72	1,235.86	1,266.76	1,298.43	1,330.90	1,364.17
0413	1,147.62	1,176.31	1,205.72	1,235.86	1,266.76	1,298.43	1,330.90	1,364.17	1,398.27
0414	1,176.31	1,205.72	1,235.86	1,266.76	1,298.43	1,330.90	1,364.17	1,398.27	1,433.23
0415	1,205.72	1,235.86	1,266.76	1,298.43	1,330.90	1,364.17	1,398.27	1,433.23	1,469.06
0416	1,235.86	1,266.76	1,298.43	1,330.90	1,364.17	1,398.27	1,433.23	1,469.06	1,505.79
0417	1,266.76	1,298.43	1,330.90	1,364.17	1,398.27	1,433.23	1,469.06	1,505.79	1,543.44
0418	1,298.43	1,330.90	1,364.17	1,398.27	1,433.23	1,469.06	1,505.79	1,543.44	1,582.02

MONTHLY	1	2	3	4	5	6	7	8	9
0405	2,048.65	2,099.88	2,152.36	2,206.17	2,261.33	2,317.85	2,375.80	2,435.20	2,496.07
0406	2,099.88	2,152.36	2,206.17	2,261.33	2,317.85	2,375.80	2,435.20	2,496.07	2,558.47
0407	2,152.36	2,206.17	2,261.33	2,317.85	2,375.80	2,435.20	2,496.07	2,558.47	2,622.44
0408	2,206.17	2,261.33	2,317.85	2,375.80	2,435.20	2,496.07	2,558.47	2,622.44	2,688.00
0409	2,261.33	2,317.85	2,375.80	2,435.20	2,496.07	2,558.47	2,622.44	2,688.00	2,755.20
0410	2,317.85	2,375.80	2,435.20	2,496.07	2,558.47	2,622.44	2,688.00	2,755.20	2,824.09
0411	2,375.80	2,435.20	2,496.07	2,558.47	2,622.44	2,688.00	2,755.20	2,824.09	2,894.71
0412	2,435.20	2,496.07	2,558.47	2,622.44	2,688.00	2,755.20	2,824.09	2,894.71	2,967.07
0413	2,496.07	2,558.47	2,622.44	2,688.00	2,755.20	2,824.09	2,894.71	2,967.07	3,041.24
0414	2,558.47	2,622.44	2,688.00	2,755.20	2,824.09	2,894.71	2,967.07	3,041.24	3,117.28
0415	2,622.44	2,688.00	2,755.20	2,824.09	2,894.71	2,967.07	3,041.24	3,117.28	3,195.21
0416	2,688.00	2,755.20	2,824.09	2,894.71	2,967.07	3,041.24	3,117.28	3,195.21	3,275.09
0417	2,755.20	2,824.09	2,894.71	2,967.07	3,041.24	3,117.28	3,195.21	3,275.09	3,356.98
0418	2,824.09	2,894.71	2,967.07	3,041.24	3,117.28	3,195.21	3,275.09	3,356.98	3,440.89

**EXHIBIT "B"**

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01-02**  
**EFFECTIVE June 19, 2001**

**SCHEDULE - D**  
**MANAGEMENT/CONFIDENTIAL GENERAL**  
**HOURLY**

4.00%

Range	1	2	3	4	5	6	7	8	9
0419	16.6362	17.0521	17.4784	17.9154	18.3633	18.8224	19.2930	19.7753	20.2697
0420	17.0521	17.4784	17.9154	18.3633	18.8224	19.2930	19.7753	20.2697	20.7764
0421	17.4784	17.9154	18.3633	18.8224	19.2930	19.7753	20.2697	20.7764	21.2958
0422	17.9154	18.3633	18.8224	19.2930	19.7753	20.2697	20.7764	21.2958	21.8282
0423	18.3633	18.8224	19.2930	19.7753	20.2697	20.7764	21.2958	21.8282	22.3739
0424	18.8224	19.2930	19.7753	20.2697	20.7764	21.2958	21.8282	22.3739	22.9332
0425	19.2930	19.7753	20.2697	20.7764	21.2958	21.8282	22.3739	22.9332	23.5065
0426	19.7753	20.2697	20.7764	21.2958	21.8282	22.3739	22.9332	23.5065	24.0942
0427	20.2697	20.7764	21.2958	21.8282	22.3739	22.9332	23.5065	24.0942	24.6966
0428	20.7764	21.2958	21.8282	22.3739	22.9332	23.5065	24.0942	24.6966	25.3140
0429	21.2958	21.8282	22.3739	22.9332	23.5065	24.0942	24.6966	25.3140	25.9469
0430	21.8282	22.3739	22.9332	23.5065	24.0942	24.6966	25.3140	25.9469	26.5956
0431	22.3739	22.9332	23.5065	24.0942	24.6966	25.3140	25.9469	26.5956	27.2605
0432	22.9332	23.5065	24.0942	24.6966	25.3140	25.9469	26.5956	27.2605	27.9420
<b>BY-WEEKLY</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
0419	1,330.90	1,364.17	1,398.27	1,433.23	1,469.06	1,505.79	1,543.44	1,582.02	1,621.58
0420	1,364.17	1,398.27	1,433.23	1,469.06	1,505.79	1,543.44	1,582.02	1,621.58	1,662.11
0421	1,398.27	1,433.23	1,469.06	1,505.79	1,543.44	1,582.02	1,621.58	1,662.11	1,703.66
0422	1,433.23	1,469.06	1,505.79	1,543.44	1,582.02	1,621.58	1,662.11	1,703.66	1,746.26
0423	1,469.06	1,505.79	1,543.44	1,582.02	1,621.58	1,662.11	1,703.66	1,746.26	1,789.91
0424	1,505.79	1,543.44	1,582.02	1,621.58	1,662.11	1,703.66	1,746.26	1,789.91	1,834.66
0425	1,543.44	1,582.02	1,621.58	1,662.11	1,703.66	1,746.26	1,789.91	1,834.66	1,880.52
0426	1,582.02	1,621.58	1,662.11	1,703.66	1,746.26	1,789.91	1,834.66	1,880.52	1,927.54
0427	1,621.58	1,662.11	1,703.66	1,746.26	1,789.91	1,834.66	1,880.52	1,927.54	1,975.73
0428	1,662.11	1,703.66	1,746.26	1,789.91	1,834.66	1,880.52	1,927.54	1,975.73	2,025.12
0429	1,703.66	1,746.26	1,789.91	1,834.66	1,880.52	1,927.54	1,975.73	2,025.12	2,075.75
0430	1,746.26	1,789.91	1,834.66	1,880.52	1,927.54	1,975.73	2,025.12	2,075.75	2,127.65
0431	1,789.91	1,834.66	1,880.52	1,927.54	1,975.73	2,025.12	2,075.75	2,127.65	2,180.84
0432	1,834.66	1,880.52	1,927.54	1,975.73	2,025.12	2,075.75	2,127.65	2,180.84	2,235.36
<b>MONTHLY</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
0419	2,894.71	2,967.07	3,041.24	3,117.28	3,195.21	3,275.09	3,356.98	3,440.89	3,526.94
0420	2,967.07	3,041.24	3,117.28	3,195.21	3,275.09	3,356.98	3,440.89	3,526.94	3,615.09
0421	3,041.24	3,117.28	3,195.21	3,275.09	3,356.98	3,440.89	3,526.94	3,615.09	3,705.46
0422	3,117.28	3,195.21	3,275.09	3,356.98	3,440.89	3,526.94	3,615.09	3,705.46	3,798.12
0423	3,195.21	3,275.09	3,356.98	3,440.89	3,526.94	3,615.09	3,705.46	3,798.12	3,893.05
0424	3,275.09	3,356.98	3,440.89	3,526.94	3,615.09	3,705.46	3,798.12	3,893.05	3,990.39
0425	3,356.98	3,440.89	3,526.94	3,615.09	3,705.46	3,798.12	3,893.05	3,990.39	4,090.13
0426	3,440.89	3,526.94	3,615.09	3,705.46	3,798.12	3,893.05	3,990.39	4,090.13	4,192.40
0427	3,526.94	3,615.09	3,705.46	3,798.12	3,893.05	3,990.39	4,090.13	4,192.40	4,297.21
0428	3,615.09	3,705.46	3,798.12	3,893.05	3,990.39	4,090.13	4,192.40	4,297.21	4,404.64
0429	3,705.46	3,798.12	3,893.05	3,990.39	4,090.13	4,192.40	4,297.21	4,404.64	4,514.76
0430	3,798.12	3,893.05	3,990.39	4,090.13	4,192.40	4,297.21	4,404.64	4,514.76	4,627.64
0431	3,893.05	3,990.39	4,090.13	4,192.40	4,297.21	4,404.64	4,514.76	4,627.64	4,743.33
0432	3,990.39	4,090.13	4,192.40	4,297.21	4,404.64	4,514.76	4,627.64	4,743.33	4,861.91

**EXHIBIT "B"**

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01-02**  
**EFFECTIVE June 19, 2001**

**SCHEDULE - D**  
**MANAGEMENT/CONFIDENTIAL GENERAL**  
**HOURLY**

4.00%

Range	1	2	3	4	5	6	7	8	9
0433	23.5065	24.0942	24.6966	25.3140	25.9469	26.5956	27.2605	27.9420	28.6406
0434	24.0942	24.6966	25.3140	25.9469	26.5956	27.2605	27.9420	28.6406	29.3566
0435	24.6966	25.3140	25.9469	26.5956	27.2605	27.9420	28.6406	29.3566	30.0905
0436	25.3140	25.9469	26.5956	27.2605	27.9420	28.6406	29.3566	30.0905	30.8428
0437	25.9469	26.5956	27.2605	27.9420	28.6406	29.3566	30.0905	30.8428	31.6139
0438	26.5956	27.2605	27.9420	28.6406	29.3566	30.0905	30.8428	31.6139	32.4042
0439	27.2605	27.9420	28.6406	29.3566	30.0905	30.8428	31.6139	32.4042	33.2143
0440	27.9420	28.6406	29.3566	30.0905	30.8428	31.6139	32.4042	33.2143	34.0447
0441	28.6406	29.3566	30.0905	30.8428	31.6139	32.4042	33.2143	34.0447	34.8958
0442	29.3566	30.0905	30.8428	31.6139	32.4042	33.2143	34.0447	34.8958	35.7682
0443	30.0905	30.8428	31.6139	32.4042	33.2143	34.0447	34.8958	35.7682	36.6624
0444	30.8428	31.6139	32.4042	33.2143	34.0447	34.8958	35.7682	36.6624	37.5790
0445	31.6139	32.4042	33.2143	34.0447	34.8958	35.7682	36.6624	37.5790	38.5185
0446	32.4042	33.2143	34.0447	34.8958	35.7682	36.6624	37.5790	38.5185	39.4815

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0433	1,880.52	1,927.54	1,975.73	2,025.12	2,075.75	2,127.65	2,180.84	2,235.36	2,291.25
0434	1,927.54	1,975.73	2,025.12	2,075.75	2,127.65	2,180.84	2,235.36	2,291.25	2,348.53
0435	1,975.73	2,025.12	2,075.75	2,127.65	2,180.84	2,235.36	2,291.25	2,348.53	2,407.24
0436	2,025.12	2,075.75	2,127.65	2,180.84	2,235.36	2,291.25	2,348.53	2,407.24	2,467.42
0437	2,075.75	2,127.65	2,180.84	2,235.36	2,291.25	2,348.53	2,407.24	2,467.42	2,529.11
0438	2,127.65	2,180.84	2,235.36	2,291.25	2,348.53	2,407.24	2,467.42	2,529.11	2,592.34
0439	2,180.84	2,235.36	2,291.25	2,348.53	2,407.24	2,467.42	2,529.11	2,592.34	2,657.14
0440	2,235.36	2,291.25	2,348.53	2,407.24	2,467.42	2,529.11	2,592.34	2,657.14	2,723.58
0441	2,291.25	2,348.53	2,407.24	2,467.42	2,529.11	2,592.34	2,657.14	2,723.58	2,791.66
0442	2,348.53	2,407.24	2,467.42	2,529.11	2,592.34	2,657.14	2,723.58	2,791.66	2,861.46
0443	2,407.24	2,467.42	2,529.11	2,592.34	2,657.14	2,723.58	2,791.66	2,861.46	2,932.99
0444	2,467.42	2,529.11	2,592.34	2,657.14	2,723.58	2,791.66	2,861.46	2,932.99	3,006.32
0445	2,529.11	2,592.34	2,657.14	2,723.58	2,791.66	2,861.46	2,932.99	3,006.32	3,081.48
0446	2,592.34	2,657.14	2,723.58	2,791.66	2,861.46	2,932.99	3,006.32	3,081.48	3,158.52

MONTHLY	1	2	3	4	5	6	7	8	9
0433	4,090.13	4,192.40	4,297.21	4,404.64	4,514.76	4,627.64	4,743.33	4,861.91	4,983.47
0434	4,192.40	4,297.21	4,404.64	4,514.76	4,627.64	4,743.33	4,861.91	4,983.47	5,108.05
0435	4,297.21	4,404.64	4,514.76	4,627.64	4,743.33	4,861.91	4,983.47	5,108.05	5,235.75
0436	4,404.64	4,514.76	4,627.64	4,743.33	4,861.91	4,983.47	5,108.05	5,235.75	5,366.64
0437	4,514.76	4,627.64	4,743.33	4,861.91	4,983.47	5,108.05	5,235.75	5,366.64	5,500.81
0438	4,627.64	4,743.33	4,861.91	4,983.47	5,108.05	5,235.75	5,366.64	5,500.81	5,638.34
0439	4,743.33	4,861.91	4,983.47	5,108.05	5,235.75	5,366.64	5,500.81	5,638.34	5,779.28
0440	4,861.91	4,983.47	5,108.05	5,235.75	5,366.64	5,500.81	5,638.34	5,779.28	5,923.79
0441	4,983.47	5,108.05	5,235.75	5,366.64	5,500.81	5,638.34	5,779.28	5,923.79	6,071.86
0442	5,108.05	5,235.75	5,366.64	5,500.81	5,638.34	5,779.28	5,923.79	6,071.86	6,223.68
0443	5,235.75	5,366.64	5,500.81	5,638.34	5,779.28	5,923.79	6,071.86	6,223.68	6,379.25
0444	5,366.64	5,500.81	5,638.34	5,779.28	5,923.79	6,071.86	6,223.68	6,379.25	6,538.75
0445	5,500.81	5,638.34	5,779.28	5,923.79	6,071.86	6,223.68	6,379.25	6,538.75	6,702.22
0446	5,638.34	5,779.28	5,923.79	6,071.86	6,223.68	6,379.25	6,538.75	6,702.22	6,869.78

**EXHIBIT "B"**

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01-02**  
**EFFECTIVE June 19, 2001**

**SCHEDULE - D**  
**MANAGEMENT/CONFIDENTIAL GENERAL**  
**HOURLY**

4.00%

Range	1	2	3	4	5	6	7	8	9
0447	33.2143	34.0447	34.8958	35.7682	36.6624	37.5790	38.5185	39.4815	40.4685
0448	34.0447	34.8958	35.7682	36.6624	37.5790	38.5185	39.4815	40.4685	41.4802
0449	34.8958	35.7682	36.6624	37.5790	38.5185	39.4815	40.4685	41.4802	42.5172
0450	35.7682	36.6624	37.5790	38.5185	39.4815	40.4685	41.4802	42.5172	43.5801
0451	36.6624	37.5790	38.5185	39.4815	40.4685	41.4802	42.5172	43.5801	44.6696
0452	37.5790	38.5185	39.4815	40.4685	41.4802	42.5172	43.5801	44.6696	45.7863
0453	38.5185	39.4815	40.4685	41.4802	42.5172	43.5801	44.6696	45.7863	46.9310
0454	39.4815	40.4685	41.4802	42.5172	43.5801	44.6696	45.7863	46.9310	48.1043
0455	40.4685	41.4802	42.5172	43.5801	44.6696	45.7863	46.9310	48.1043	49.3069
0456	41.4802	42.5172	43.5801	44.6696	45.7863	46.9310	48.1043	49.3069	50.5396
0457	42.5172	43.5801	44.6696	45.7863	46.9310	48.1043	49.3069	50.5396	51.8031
0458	43.5801	44.6696	45.7863	46.9310	48.1043	49.3069	50.5396	51.8031	53.0982
0459	44.6696	45.7863	46.9310	48.1043	49.3069	50.5396	51.8031	53.0982	54.4257
0460	45.7863	46.9310	48.1043	49.3069	50.5396	51.8031	53.0982	54.4257	55.7863

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0447	2,657.14	2,723.58	2,791.66	2,861.46	2,932.99	3,006.32	3,081.48	3,158.52	3,237.48
0448	2,723.58	2,791.66	2,861.46	2,932.99	3,006.32	3,081.48	3,158.52	3,237.48	3,318.42
0449	2,791.66	2,861.46	2,932.99	3,006.32	3,081.48	3,158.52	3,237.48	3,318.42	3,401.38
0450	2,861.46	2,932.99	3,006.32	3,081.48	3,158.52	3,237.48	3,318.42	3,401.38	3,486.41
0451	2,932.99	3,006.32	3,081.48	3,158.52	3,237.48	3,318.42	3,401.38	3,486.41	3,573.57
0452	3,006.32	3,081.48	3,158.52	3,237.48	3,318.42	3,401.38	3,486.41	3,573.57	3,662.90
0453	3,081.48	3,158.52	3,237.48	3,318.42	3,401.38	3,486.41	3,573.57	3,662.90	3,754.48
0454	3,158.52	3,237.48	3,318.42	3,401.38	3,486.41	3,573.57	3,662.90	3,754.48	3,848.34
0455	3,237.48	3,318.42	3,401.38	3,486.41	3,573.57	3,662.90	3,754.48	3,848.34	3,944.55
0456	3,318.42	3,401.38	3,486.41	3,573.57	3,662.90	3,754.48	3,848.34	3,944.55	4,043.17
0457	3,401.38	3,486.41	3,573.57	3,662.90	3,754.48	3,848.34	3,944.55	4,043.17	4,144.25
0458	3,486.41	3,573.57	3,662.90	3,754.48	3,848.34	3,944.55	4,043.17	4,144.25	4,247.86
0459	3,573.57	3,662.90	3,754.48	3,848.34	3,944.55	4,043.17	4,144.25	4,247.86	4,354.06
0460	3,662.90	3,754.48	3,848.34	3,944.55	4,043.17	4,144.25	4,247.86	4,354.06	4,462.90

MONTHLY	1	2	3	4	5	6	7	8	9
0447	5,779.28	5,923.79	6,071.86	6,223.68	6,379.25	6,538.75	6,702.22	6,869.78	7,041.52
0448	5,923.79	6,071.86	6,223.68	6,379.25	6,538.75	6,702.22	6,869.78	7,041.52	7,217.56
0449	6,071.86	6,223.68	6,379.25	6,538.75	6,702.22	6,869.78	7,041.52	7,217.56	7,398.00
0450	6,223.68	6,379.25	6,538.75	6,702.22	6,869.78	7,041.52	7,217.56	7,398.00	7,582.94
0451	6,379.25	6,538.75	6,702.22	6,869.78	7,041.52	7,217.56	7,398.00	7,582.94	7,772.51
0452	6,538.75	6,702.22	6,869.78	7,041.52	7,217.56	7,398.00	7,582.94	7,772.51	7,966.81
0453	6,702.22	6,869.78	7,041.52	7,217.56	7,398.00	7,582.94	7,772.51	7,966.81	8,165.99
0454	6,869.78	7,041.52	7,217.56	7,398.00	7,582.94	7,772.51	7,966.81	8,165.99	8,370.14
0455	7,041.52	7,217.56	7,398.00	7,582.94	7,772.51	7,966.81	8,165.99	8,370.14	8,579.40
0456	7,217.56	7,398.00	7,582.94	7,772.51	7,966.81	8,165.99	8,370.14	8,579.40	8,793.89
0457	7,398.00	7,582.94	7,772.51	7,966.81	8,165.99	8,370.14	8,579.40	8,793.89	9,013.74
0458	7,582.94	7,772.51	7,966.81	8,165.99	8,370.14	8,579.40	8,793.89	9,013.74	9,239.10
0459	7,772.51	7,966.81	8,165.99	8,370.14	8,579.40	8,793.89	9,013.74	9,239.10	9,470.08
0460	7,966.81	8,165.99	8,370.14	8,579.40	8,793.89	9,013.74	9,239.10	9,470.08	9,706.81

**EXHIBIT "R"**

CITY OF MODESTO  
CLASS RANGE TABLE  
FIRE MANAGEMENT CLASSES

Effective June 19, 2001

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RANGE	TITLE
512	
513	
514	
515	
516	
517	Fire Division Chief
812	Fire Battalion Chief (112 hrs)
1812	Fire Battalion Chief (80 hrs)

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**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01-02**

**Effective June 19, 2001**

**SCHEDULE - E**

**MANAGEMENT/CONFIDENTIAL FIRE - 80 hours**

**DIVISION CHIEF**

4.00%

Range	1	2	3	4	5	6	7	8	9
<b>HOURLY</b>									
515	34.7769	35.6463	36.5375	37.4509	38.3872	39.3469	40.3306	41.3389	42.3724
516	35.6463	36.5375	37.4509	38.3872	39.3469	40.3306	41.3389	42.3724	43.4317
517	36.5375	37.4509	38.3872	39.3469	40.3306	41.3389	42.3724	43.4317	44.5175
518	37.4509	38.3872	39.3469	40.3306	41.3389	42.3724	43.4317	44.5175	45.6304
519	38.3872	39.3469	40.3306	41.3389	42.3724	43.4317	44.5175	45.6304	46.7712
520	39.3469	40.3306	41.3389	42.3724	43.4317	44.5175	45.6304	46.7712	47.9405
521	40.3306	41.3389	42.3724	43.4317	44.5175	45.6304	46.7712	47.9405	49.1390
522	41.3389	42.3724	43.4317	44.5175	45.6304	46.7712	47.9405	49.1390	50.3675
523	42.3724	43.4317	44.5175	45.6304	46.7712	47.9405	49.1390	50.3675	51.6267
524	43.4317	44.5175	45.6304	46.7712	47.9405	49.1390	50.3675	51.6267	52.9174
525	44.5175	45.6304	46.7712	47.9405	49.1390	50.3675	51.6267	52.9174	54.2403
526	45.6304	46.7712	47.9405	49.1390	50.3675	51.6267	52.9174	54.2403	55.5963
527	46.7712	47.9405	49.1390	50.3675	51.6267	52.9174	54.2403	55.5963	56.9862
528	47.9405	49.1390	50.3675	51.6267	52.9174	54.2403	55.5963	56.9862	58.4109
<b>BI-WEEKLY</b>									
515	2,782.15	2,851.70	2,923.00	2,996.07	3,070.98	3,147.75	3,226.45	3,307.11	3,389.79
516	2,851.70	2,923.00	2,996.07	3,070.98	3,147.75	3,226.45	3,307.11	3,389.79	3,474.54
517	2,923.00	2,996.07	3,070.98	3,147.75	3,226.45	3,307.11	3,389.79	3,474.54	3,561.40
518	2,996.07	3,070.98	3,147.75	3,226.45	3,307.11	3,389.79	3,474.54	3,561.40	3,650.43
519	3,070.98	3,147.75	3,226.45	3,307.11	3,389.79	3,474.54	3,561.40	3,650.43	3,741.70
520	3,147.75	3,226.45	3,307.11	3,389.79	3,474.54	3,561.40	3,650.43	3,741.70	3,835.24
521	3,226.45	3,307.11	3,389.79	3,474.54	3,561.40	3,650.43	3,741.70	3,835.24	3,931.12
522	3,307.11	3,389.79	3,474.54	3,561.40	3,650.43	3,741.70	3,835.24	3,931.12	4,029.40
523	3,389.79	3,474.54	3,561.40	3,650.43	3,741.70	3,835.24	3,931.12	4,029.40	4,130.14
524	3,474.54	3,561.40	3,650.43	3,741.70	3,835.24	3,931.12	4,029.40	4,130.14	4,233.39
525	3,561.40	3,650.43	3,741.70	3,835.24	3,931.12	4,029.40	4,130.14	4,233.39	4,339.22
526	3,650.43	3,741.70	3,835.24	3,931.12	4,029.40	4,130.14	4,233.39	4,339.22	4,447.70
527	3,741.70	3,835.24	3,931.12	4,029.40	4,130.14	4,233.39	4,339.22	4,447.70	4,558.90
528	3,835.24	3,931.12	4,029.40	4,130.14	4,233.39	4,339.22	4,447.70	4,558.90	4,672.87
<b>MONTHLY</b>									
515	6,051.18	6,202.45	6,357.53	6,516.45	6,679.38	6,846.36	7,017.53	7,192.96	7,372.79
516	6,202.45	6,357.53	6,516.45	6,679.38	6,846.36	7,017.53	7,192.96	7,372.79	7,557.12
517	6,357.53	6,516.45	6,679.38	6,846.36	7,017.53	7,192.96	7,372.79	7,557.12	7,746.05
518	6,516.45	6,679.38	6,846.36	7,017.53	7,192.96	7,372.79	7,557.12	7,746.05	7,939.69
519	6,679.38	6,846.36	7,017.53	7,192.96	7,372.79	7,557.12	7,746.05	7,939.69	8,138.20
520	6,846.36	7,017.53	7,192.96	7,372.79	7,557.12	7,746.05	7,939.69	8,138.20	8,341.65
521	7,017.53	7,192.96	7,372.79	7,557.12	7,746.05	7,939.69	8,138.20	8,341.65	8,550.19
522	7,192.96	7,372.79	7,557.12	7,746.05	7,939.69	8,138.20	8,341.65	8,550.19	8,763.95
523	7,372.79	7,557.12	7,746.05	7,939.69	8,138.20	8,341.65	8,550.19	8,763.95	8,983.05
524	7,557.12	7,746.05	7,939.69	8,138.20	8,341.65	8,550.19	8,763.95	8,983.05	9,207.62
525	7,746.05	7,939.69	8,138.20	8,341.65	8,550.19	8,763.95	8,983.05	9,207.62	9,437.80
526	7,939.69	8,138.20	8,341.65	8,550.19	8,763.95	8,983.05	9,207.62	9,437.80	9,673.75
527	8,138.20	8,341.65	8,550.19	8,763.95	8,983.05	9,207.62	9,437.80	9,673.75	9,915.61
528	8,341.65	8,550.19	8,763.95	8,983.05	9,207.62	9,437.80	9,673.75	9,915.61	10,163.49

**EXHIBIT "D"**

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01-02**  
**Effective June 19, 2001**

**SCHEDULE - X**

**FIRE MANAGEMENT - 80 HRS**

**BATTALION CHIEF**

4.00%

Range	1	2	3	4	5	6	7	8	9
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**HOURLY**

1812	32.8374	33.6583	34.4998	35.3623	36.2464	37.1526	38.0814	39.0334	40.0092
1813	33.6583	34.4998	35.3623	36.2464	37.1526	38.0814	39.0334	40.0092	41.0094
1814	34.4998	35.3623	36.2464	37.1526	38.0814	39.0334	40.0092	41.0094	42.0346
1815	35.3623	36.2464	37.1526	38.0814	39.0334	40.0092	41.0094	42.0346	43.0855
1816	36.2464	37.1526	38.0814	39.0334	40.0092	41.0094	42.0346	43.0855	44.1626
1817	37.1526	38.0814	39.0334	40.0092	41.0094	42.0346	43.0855	44.1626	45.2667
1818	38.0814	39.0334	40.0092	41.0094	42.0346	43.0855	44.1626	45.2667	46.3984
1819	39.0334	40.0092	41.0094	42.0346	43.0855	44.1626	45.2667	46.3984	47.5584
1820	40.0092	41.0094	42.0346	43.0855	44.1626	45.2667	46.3984	47.5584	48.7474
1821	41.0094	42.0346	43.0855	44.1626	45.2667	46.3984	47.5584	48.7474	49.9661
1822	42.0346	43.0855	44.1626	45.2667	46.3984	47.5584	48.7474	49.9661	51.2153
1823	43.0855	44.1626	45.2667	46.3984	47.5584	48.7474	49.9661	51.2153	52.4957
1824	44.1626	45.2667	46.3984	47.5584	48.7474	49.9661	51.2153	52.4957	53.8081

**BI-WEEKLY**

1812	2,626.99	2,692.66	2,759.98	2,828.98	2,899.71	2,972.21	3,046.51	3,122.67	3,200.74
1813	2,692.66	2,759.98	2,828.98	2,899.71	2,972.21	3,046.51	3,122.67	3,200.74	3,280.75
1814	2,759.98	2,828.98	2,899.71	2,972.21	3,046.51	3,122.67	3,200.74	3,280.75	3,362.77
1815	2,828.98	2,899.71	2,972.21	3,046.51	3,122.67	3,200.74	3,280.75	3,362.77	3,446.84
1816	2,899.71	2,972.21	3,046.51	3,122.67	3,200.74	3,280.75	3,362.77	3,446.84	3,533.01
1817	2,972.21	3,046.51	3,122.67	3,200.74	3,280.75	3,362.77	3,446.84	3,533.01	3,621.34
1818	3,046.51	3,122.67	3,200.74	3,280.75	3,362.77	3,446.84	3,533.01	3,621.34	3,711.87
1819	3,122.67	3,200.74	3,280.75	3,362.77	3,446.84	3,533.01	3,621.34	3,711.87	3,804.67
1820	3,200.74	3,280.75	3,362.77	3,446.84	3,533.01	3,621.34	3,711.87	3,804.67	3,899.79
1821	3,280.75	3,362.77	3,446.84	3,533.01	3,621.34	3,711.87	3,804.67	3,899.79	3,997.29
1822	3,362.77	3,446.84	3,533.01	3,621.34	3,711.87	3,804.67	3,899.79	3,997.29	4,097.22
1823	3,446.84	3,533.01	3,621.34	3,711.87	3,804.67	3,899.79	3,997.29	4,097.22	4,199.66
1824	3,533.01	3,621.34	3,711.87	3,804.67	3,899.79	3,997.29	4,097.22	4,199.66	4,304.65

**MONTHLY**

1812	5,713.70	5,856.54	6,002.96	6,153.03	6,306.87	6,464.56	6,626.16	6,791.81	6,961.61
1813	5,856.54	6,002.96	6,153.03	6,306.87	6,464.56	6,626.16	6,791.81	6,961.61	7,135.63
1814	6,002.96	6,153.03	6,306.87	6,464.56	6,626.16	6,791.81	6,961.61	7,135.63	7,314.02
1815	6,153.03	6,306.87	6,464.56	6,626.16	6,791.81	6,961.61	7,135.63	7,314.02	7,496.88
1816	6,306.87	6,464.56	6,626.16	6,791.81	6,961.61	7,135.63	7,314.02	7,496.88	7,684.30
1817	6,464.56	6,626.16	6,791.81	6,961.61	7,135.63	7,314.02	7,496.88	7,684.30	7,876.41
1818	6,626.16	6,791.81	6,961.61	7,135.63	7,314.02	7,496.88	7,684.30	7,876.41	8,073.32
1819	6,791.81	6,961.61	7,135.63	7,314.02	7,496.88	7,684.30	7,876.41	8,073.32	8,275.16
1820	6,961.61	7,135.63	7,314.02	7,496.88	7,684.30	7,876.41	8,073.32	8,275.16	8,482.04
1821	7,135.63	7,314.02	7,496.88	7,684.30	7,876.41	8,073.32	8,275.16	8,482.04	8,694.11
1822	7,314.02	7,496.88	7,684.30	7,876.41	8,073.32	8,275.16	8,482.04	8,694.11	8,911.45
1823	7,496.88	7,684.30	7,876.41	8,073.32	8,275.16	8,482.04	8,694.11	8,911.45	9,134.26
1824	7,684.30	7,876.41	8,073.32	8,275.16	8,482.04	8,694.11	8,911.45	9,134.26	9,362.61

**EXHIBIT "E"**

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01-02**  
**Effective June 19, 2001**

**SCHEDULE - Y**

**FIRE MANAGEMENT - 112 HRS**

**BATTALION CHIEF**

**4.00%**

Range	1	2	3	4	5	6	7	8	9
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**HOURLY**

812	23.4555	24.0419	24.6429	25.2590	25.8905	26.5378	27.2012	27.8812	28.5782
813	24.0419	24.6429	25.2590	25.8905	26.5378	27.2012	27.8812	28.5782	29.2927
814	24.6429	25.2590	25.8905	26.5378	27.2012	27.8812	28.5782	29.2927	30.0250
815	25.2590	25.8905	26.5378	27.2012	27.8812	28.5782	29.2927	30.0250	30.7756
816	25.8905	26.5378	27.2012	27.8812	28.5782	29.2927	30.0250	30.7756	31.5450
817	26.5378	27.2012	27.8812	28.5782	29.2927	30.0250	30.7756	31.5450	32.3336
818	27.2012	27.8812	28.5782	29.2927	30.0250	30.7756	31.5450	32.3336	33.1419
819	27.8812	28.5782	29.2927	30.0250	30.7756	31.5450	32.3336	33.1419	33.9704
820	28.5782	29.2927	30.0250	30.7756	31.5450	32.3336	33.1419	33.9704	34.8197
821	29.2927	30.0250	30.7756	31.5450	32.3336	33.1419	33.9704	34.8197	35.6902
822	30.0250	30.7756	31.5450	32.3336	33.1419	33.9704	34.8197	35.6902	36.5825
823	30.7756	31.5450	32.3336	33.1419	33.9704	34.8197	35.6902	36.5825	37.4971
824	31.5450	32.3336	33.1419	33.9704	34.8197	35.6902	36.5825	37.4971	38.4345

**BI-WEEKLY**

812	2,627.02	2,692.69	2,760.00	2,829.01	2,899.74	2,972.23	3,046.53	3,122.69	3,200.76
813	2,692.69	2,760.00	2,829.01	2,899.74	2,972.23	3,046.53	3,122.69	3,200.76	3,280.78
814	2,760.00	2,829.01	2,899.74	2,972.23	3,046.53	3,122.69	3,200.76	3,280.78	3,362.80
815	2,829.01	2,899.74	2,972.23	3,046.53	3,122.69	3,200.76	3,280.78	3,362.80	3,446.87
816	2,899.74	2,972.23	3,046.53	3,122.69	3,200.76	3,280.78	3,362.80	3,446.87	3,533.04
817	2,972.23	3,046.53	3,122.69	3,200.76	3,280.78	3,362.80	3,446.87	3,533.04	3,621.36
818	3,046.53	3,122.69	3,200.76	3,280.78	3,362.80	3,446.87	3,533.04	3,621.36	3,711.89
819	3,122.69	3,200.76	3,280.78	3,362.80	3,446.87	3,533.04	3,621.36	3,711.89	3,804.68
820	3,200.76	3,280.78	3,362.80	3,446.87	3,533.04	3,621.36	3,711.89	3,804.68	3,899.81
821	3,280.78	3,362.80	3,446.87	3,533.04	3,621.36	3,711.89	3,804.68	3,899.81	3,997.30
822	3,362.80	3,446.87	3,533.04	3,621.36	3,711.89	3,804.68	3,899.81	3,997.30	4,097.24
823	3,446.87	3,533.04	3,621.36	3,711.89	3,804.68	3,899.81	3,997.30	4,097.24	4,199.68
824	3,533.04	3,621.36	3,711.89	3,804.68	3,899.81	3,997.30	4,097.24	4,199.68	4,304.66

**MONTHLY**

812	5,713.77	5,856.60	6,003.00	6,153.10	6,306.93	6,464.60	6,626.20	6,791.85	6,961.65
813	5,856.60	6,003.00	6,153.10	6,306.93	6,464.60	6,626.20	6,791.85	6,961.65	7,135.70
814	6,003.00	6,153.10	6,306.93	6,464.60	6,626.20	6,791.85	6,961.65	7,135.70	7,314.09
815	6,153.10	6,306.93	6,464.60	6,626.20	6,791.85	6,961.65	7,135.70	7,314.09	7,496.94
816	6,306.93	6,464.60	6,626.20	6,791.85	6,961.65	7,135.70	7,314.09	7,496.94	7,684.36
817	6,464.60	6,626.20	6,791.85	6,961.65	7,135.70	7,314.09	7,496.94	7,684.36	7,876.46
818	6,626.20	6,791.85	6,961.65	7,135.70	7,314.09	7,496.94	7,684.36	7,876.46	8,073.36
819	6,791.85	6,961.65	7,135.70	7,314.09	7,496.94	7,684.36	7,876.46	8,073.36	8,275.18
820	6,961.65	7,135.70	7,314.09	7,496.94	7,684.36	7,876.46	8,073.36	8,275.18	8,482.09
821	7,135.70	7,314.09	7,496.94	7,684.36	7,876.46	8,073.36	8,275.18	8,482.09	8,694.13
822	7,314.09	7,496.94	7,684.36	7,876.46	8,073.36	8,275.18	8,482.09	8,694.13	8,911.50
823	7,496.94	7,684.36	7,876.46	8,073.36	8,275.18	8,482.09	8,694.13	8,911.50	9,134.30
824	7,684.36	7,876.46	8,073.36	8,275.18	8,482.09	8,694.13	8,911.50	9,134.30	9,362.64

**EXHIBIT "F"**

CITY OF MODESTO  
CLASS RANGE TABLE  
POLICE MANAGEMENT CLASSES (Unrepresented)

Effective June 19, 2001

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RANGE	TITLE
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1612

1613

1614

1615

1616

1617

1618

1619

1620

1621      Police Captain

**EXHIBIT "G"**

061901

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01-02**  
**EFFECTIVE June 19, 2001**

**SCHEDULE - G**  
**MANAGEMENT/CONFIDENTIAL - POLICE - UNREPRESENTED**  
**HOURLY**

4.00%

Range	1	2	3	4	5	6	7	8	9
1601	22.0742	22.6261	23.1918	23.7716	24.3659	24.9750	25.5994	26.2394	26.8954
1602	22.6261	23.1918	23.7716	24.3659	24.9750	25.5994	26.2394	26.8954	27.5678
1603	23.1918	23.7716	24.3659	24.9750	25.5994	26.2394	26.8954	27.5678	28.2570
1604	23.7716	24.3659	24.9750	25.5994	26.2394	26.8954	27.5678	28.2570	28.9634
1605	24.3659	24.9750	25.5994	26.2394	26.8954	27.5678	28.2570	28.9634	29.6875
1606	24.9750	25.5994	26.2394	26.8954	27.5678	28.2570	28.9634	29.6875	30.4297
1607	25.5994	26.2394	26.8954	27.5678	28.2570	28.9634	29.6875	30.4297	31.1904
1608	26.2394	26.8954	27.5678	28.2570	28.9634	29.6875	30.4297	31.1904	31.9702
1609	26.8954	27.5678	28.2570	28.9634	29.6875	30.4297	31.1904	31.9702	32.7695
1610	27.5678	28.2570	28.9634	29.6875	30.4297	31.1904	31.9702	32.7695	33.5887
1611	28.2570	28.9634	29.6875	30.4297	31.1904	31.9702	32.7695	33.5887	34.4284
1612	28.9634	29.6875	30.4297	31.1904	31.9702	32.7695	33.5887	34.4284	35.2891
1613	29.6875	30.4297	31.1904	31.9702	32.7695	33.5887	34.4284	35.2891	36.1713
1614	30.4297	31.1904	31.9702	32.7695	33.5887	34.4284	35.2891	36.1713	37.0756

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1601	1,765.94	1,810.09	1,855.34	1,901.73	1,949.27	1,998.00	2,047.95	2,099.15	2,151.63
1602	1,810.09	1,855.34	1,901.73	1,949.27	1,998.00	2,047.95	2,099.15	2,151.63	2,205.42
1603	1,855.34	1,901.73	1,949.27	1,998.00	2,047.95	2,099.15	2,151.63	2,205.42	2,260.56
1604	1,901.73	1,949.27	1,998.00	2,047.95	2,099.15	2,151.63	2,205.42	2,260.56	2,317.07
1605	1,949.27	1,998.00	2,047.95	2,099.15	2,151.63	2,205.42	2,260.56	2,317.07	2,375.00
1606	1,998.00	2,047.95	2,099.15	2,151.63	2,205.42	2,260.56	2,317.07	2,375.00	2,434.38
1607	2,047.95	2,099.15	2,151.63	2,205.42	2,260.56	2,317.07	2,375.00	2,434.38	2,495.23
1608	2,099.15	2,151.63	2,205.42	2,260.56	2,317.07	2,375.00	2,434.38	2,495.23	2,557.62
1609	2,151.63	2,205.42	2,260.56	2,317.07	2,375.00	2,434.38	2,495.23	2,557.62	2,621.56
1610	2,205.42	2,260.56	2,317.07	2,375.00	2,434.38	2,495.23	2,557.62	2,621.56	2,687.10
1611	2,260.56	2,317.07	2,375.00	2,434.38	2,495.23	2,557.62	2,621.56	2,687.10	2,754.27
1612	2,317.07	2,375.00	2,434.38	2,495.23	2,557.62	2,621.56	2,687.10	2,754.27	2,823.13
1613	2,375.00	2,434.38	2,495.23	2,557.62	2,621.56	2,687.10	2,754.27	2,823.13	2,893.70
1614	2,434.38	2,495.23	2,557.62	2,621.56	2,687.10	2,754.27	2,823.13	2,893.70	2,966.05

MONTHLY	1	2	3	4	5	6	7	8	9
1601	3,840.92	3,936.95	4,035.36	4,136.26	4,239.66	4,345.65	4,454.29	4,565.65	4,679.80
1602	3,936.95	4,035.36	4,136.26	4,239.66	4,345.65	4,454.29	4,565.65	4,679.80	4,796.79
1603	4,035.36	4,136.26	4,239.66	4,345.65	4,454.29	4,565.65	4,679.80	4,796.79	4,916.72
1604	4,136.26	4,239.66	4,345.65	4,454.29	4,565.65	4,679.80	4,796.79	4,916.72	5,039.63
1605	4,239.66	4,345.65	4,454.29	4,565.65	4,679.80	4,796.79	4,916.72	5,039.63	5,165.63
1606	4,345.65	4,454.29	4,565.65	4,679.80	4,796.79	4,916.72	5,039.63	5,165.63	5,294.78
1607	4,454.29	4,565.65	4,679.80	4,796.79	4,916.72	5,039.63	5,165.63	5,294.78	5,427.13
1608	4,565.65	4,679.80	4,796.79	4,916.72	5,039.63	5,165.63	5,294.78	5,427.13	5,562.82
1609	4,679.80	4,796.79	4,916.72	5,039.63	5,165.63	5,294.78	5,427.13	5,562.82	5,701.89
1610	4,796.79	4,916.72	5,039.63	5,165.63	5,294.78	5,427.13	5,562.82	5,701.89	5,844.44
1611	4,916.72	5,039.63	5,165.63	5,294.78	5,427.13	5,562.82	5,701.89	5,844.44	5,990.54
1612	5,039.63	5,165.63	5,294.78	5,427.13	5,562.82	5,701.89	5,844.44	5,990.54	6,140.31
1613	5,165.63	5,294.78	5,427.13	5,562.82	5,701.89	5,844.44	5,990.54	6,140.31	6,293.80
1614	5,294.78	5,427.13	5,562.82	5,701.89	5,844.44	5,990.54	6,140.31	6,293.80	6,451.16

**EXHIBIT "H"**

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01-02**  
**EFFECTIVE June 19, 2001**

**SCHEDULE - G**  
**MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED**  
**HOURLY**

4.00%

Range	1	2	3	4	5	6	7	8	9
1615	31.1904	31.9702	32.7695	33.5887	34.4284	35.2891	36.1713	37.0756	38.0025
1616	31.9702	32.7695	33.5887	34.4284	35.2891	36.1713	37.0756	38.0025	38.9526
1617	32.7695	33.5887	34.4284	35.2891	36.1713	37.0756	38.0025	38.9526	39.9264
1618	33.5887	34.4284	35.2891	36.1713	37.0756	38.0025	38.9526	39.9264	40.9246
1619	34.4284	35.2891	36.1713	37.0756	38.0025	38.9526	39.9264	40.9246	41.9477
1620	35.2891	36.1713	37.0756	38.0025	38.9526	39.9264	40.9246	41.9477	42.9964
1621	36.1713	37.0756	38.0025	38.9526	39.9264	40.9246	41.9477	42.9964	44.0713
1622	37.0756	38.0025	38.9526	39.9264	40.9246	41.9477	42.9964	44.0713	45.1731
1623	38.0025	38.9526	39.9264	40.9246	41.9477	42.9964	44.0713	45.1731	46.3024
1624	38.9526	39.9264	40.9246	41.9477	42.9964	44.0713	45.1731	46.3024	47.4600
1625	39.9264	40.9246	41.9477	42.9964	44.0713	45.1731	46.3024	47.4600	48.6465
1626	40.9246	41.9477	42.9964	44.0713	45.1731	46.3024	47.4600	48.6465	49.8627
1627	41.9477	42.9964	44.0713	45.1731	46.3024	47.4600	48.6465	49.8627	51.1093
1628	42.9964	44.0713	45.1731	46.3024	47.4600	48.6465	49.8627	51.1093	52.3870

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1615	2,495.23	2,557.62	2,621.56	2,687.10	2,754.27	2,823.13	2,893.70	2,966.05	3,040.20
1616	2,557.62	2,621.56	2,687.10	2,754.27	2,823.13	2,893.70	2,966.05	3,040.20	3,116.21
1617	2,621.56	2,687.10	2,754.27	2,823.13	2,893.70	2,966.05	3,040.20	3,116.21	3,194.11
1618	2,687.10	2,754.27	2,823.13	2,893.70	2,966.05	3,040.20	3,116.21	3,194.11	3,273.97
1619	2,754.27	2,823.13	2,893.70	2,966.05	3,040.20	3,116.21	3,194.11	3,273.97	3,355.82
1620	2,823.13	2,893.70	2,966.05	3,040.20	3,116.21	3,194.11	3,273.97	3,355.82	3,439.71
1621	2,893.70	2,966.05	3,040.20	3,116.21	3,194.11	3,273.97	3,355.82	3,439.71	3,525.70
1622	2,966.05	3,040.20	3,116.21	3,194.11	3,273.97	3,355.82	3,439.71	3,525.70	3,613.85
1623	3,040.20	3,116.21	3,194.11	3,273.97	3,355.82	3,439.71	3,525.70	3,613.85	3,704.19
1624	3,116.21	3,194.11	3,273.97	3,355.82	3,439.71	3,525.70	3,613.85	3,704.19	3,796.80
1625	3,194.11	3,273.97	3,355.82	3,439.71	3,525.70	3,613.85	3,704.19	3,796.80	3,891.72
1626	3,273.97	3,355.82	3,439.71	3,525.70	3,613.85	3,704.19	3,796.80	3,891.72	3,989.02
1627	3,355.82	3,439.71	3,525.70	3,613.85	3,704.19	3,796.80	3,891.72	3,989.02	4,088.74
1628	3,439.71	3,525.70	3,613.85	3,704.19	3,796.80	3,891.72	3,989.02	4,088.74	4,190.96

MONTHLY	1	2	3	4	5	6	7	8	9
1615	5,427.13	5,562.82	5,701.89	5,844.44	5,990.54	6,140.31	6,293.80	6,451.16	6,612.44
1616	5,562.82	5,701.89	5,844.44	5,990.54	6,140.31	6,293.80	6,451.16	6,612.44	6,777.76
1617	5,701.89	5,844.44	5,990.54	6,140.31	6,293.80	6,451.16	6,612.44	6,777.76	6,947.19
1618	5,844.44	5,990.54	6,140.31	6,293.80	6,451.16	6,612.44	6,777.76	6,947.19	7,120.88
1619	5,990.54	6,140.31	6,293.80	6,451.16	6,612.44	6,777.76	6,947.19	7,120.88	7,298.91
1620	6,140.31	6,293.80	6,451.16	6,612.44	6,777.76	6,947.19	7,120.88	7,298.91	7,481.37
1621	6,293.80	6,451.16	6,612.44	6,777.76	6,947.19	7,120.88	7,298.91	7,481.37	7,668.40
1622	6,451.16	6,612.44	6,777.76	6,947.19	7,120.88	7,298.91	7,481.37	7,668.40	7,860.12
1623	6,612.44	6,777.76	6,947.19	7,120.88	7,298.91	7,481.37	7,668.40	7,860.12	8,056.61
1624	6,777.76	6,947.19	7,120.88	7,298.91	7,481.37	7,668.40	7,860.12	8,056.61	8,258.04
1625	6,947.19	7,120.88	7,298.91	7,481.37	7,668.40	7,860.12	8,056.61	8,258.04	8,464.49
1626	7,120.88	7,298.91	7,481.37	7,668.40	7,860.12	8,056.61	8,258.04	8,464.49	8,676.12
1627	7,298.91	7,481.37	7,668.40	7,860.12	8,056.61	8,258.04	8,464.49	8,676.12	8,893.01
1628	7,481.37	7,668.40	7,860.12	8,056.61	8,258.04	8,464.49	8,676.12	8,893.01	9,115.34

Exhibit 'H'

pg 2

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01-02**  
**EFFECTIVE June 19, 2001**

**SCHEDULE - G**  
**MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED**  
**HOURLY**

4.00%

Range	1	2	3	4	5	6	7	8	9
1629	44.0713	45.1731	46.3024	47.4600	48.6465	49.8627	51.1093	52.3870	53.6967
1630	45.1731	46.3024	47.4600	48.6465	49.8627	51.1093	52.3870	53.6967	55.0391
1631	46.3024	47.4600	48.6465	49.8627	51.1093	52.3870	53.6967	55.0391	56.4151
1632	47.4600	48.6465	49.8627	51.1093	52.3870	53.6967	55.0391	56.4151	57.8255
1633	48.6465	49.8627	51.1093	52.3870	53.6967	55.0391	56.4151	57.8255	59.2711
1634	49.8627	51.1093	52.3870	53.6967	55.0391	56.4151	57.8255	59.2711	60.7529
1635	51.1093	52.3870	53.6967	55.0391	56.4151	57.8255	59.2711	60.7529	62.2717
1636	52.3870	53.6967	55.0391	56.4151	57.8255	59.2711	60.7529	62.2717	63.8285
1637	53.6967	55.0391	56.4151	57.8255	59.2711	60.7529	62.2717	63.8285	65.4242
1638	55.0391	56.4151	57.8255	59.2711	60.7529	62.2717	63.8285	65.4242	67.0598
1639	56.4151	57.8255	59.2711	60.7529	62.2717	63.8285	65.4242	67.0598	68.7363
1640	57.8255	59.2711	60.7529	62.2717	63.8285	65.4242	67.0598	68.7363	70.4547

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1629	3,525.70	3,613.85	3,704.19	3,796.80	3,891.72	3,989.02	4,088.74	4,190.96	4,295.74
1630	3,613.85	3,704.19	3,796.80	3,891.72	3,989.02	4,088.74	4,190.96	4,295.74	4,403.13
1631	3,704.19	3,796.80	3,891.72	3,989.02	4,088.74	4,190.96	4,295.74	4,403.13	4,513.21
1632	3,796.80	3,891.72	3,989.02	4,088.74	4,190.96	4,295.74	4,403.13	4,513.21	4,626.04
1633	3,891.72	3,989.02	4,088.74	4,190.96	4,295.74	4,403.13	4,513.21	4,626.04	4,741.69
1634	3,989.02	4,088.74	4,190.96	4,295.74	4,403.13	4,513.21	4,626.04	4,741.69	4,860.23
1635	4,088.74	4,190.96	4,295.74	4,403.13	4,513.21	4,626.04	4,741.69	4,860.23	4,981.74
1636	4,190.96	4,295.74	4,403.13	4,513.21	4,626.04	4,741.69	4,860.23	4,981.74	5,106.28
1637	4,295.74	4,403.13	4,513.21	4,626.04	4,741.69	4,860.23	4,981.74	5,106.28	5,233.94
1638	4,403.13	4,513.21	4,626.04	4,741.69	4,860.23	4,981.74	5,106.28	5,233.94	5,364.78
1639	4,513.21	4,626.04	4,741.69	4,860.23	4,981.74	5,106.28	5,233.94	5,364.78	5,498.90
1640	4,626.04	4,741.69	4,860.23	4,981.74	5,106.28	5,233.94	5,364.78	5,498.90	5,636.38

MONTHLY	1	2	3	4	5	6	7	8	9
1629	7,668.40	7,860.12	8,056.61	8,258.04	8,464.49	8,676.12	8,893.01	9,115.34	9,343.23
1630	7,860.12	8,056.61	8,258.04	8,464.49	8,676.12	8,893.01	9,115.34	9,343.23	9,576.81
1631	8,056.61	8,258.04	8,464.49	8,676.12	8,893.01	9,115.34	9,343.23	9,576.81	9,816.23
1632	8,258.04	8,464.49	8,676.12	8,893.01	9,115.34	9,343.23	9,576.81	9,816.23	10,061.64
1633	8,464.49	8,676.12	8,893.01	9,115.34	9,343.23	9,576.81	9,816.23	10,061.64	10,313.18
1634	8,676.12	8,893.01	9,115.34	9,343.23	9,576.81	9,816.23	10,061.64	10,313.18	10,571.00
1635	8,893.01	9,115.34	9,343.23	9,576.81	9,816.23	10,061.64	10,313.18	10,571.00	10,835.28
1636	9,115.34	9,343.23	9,576.81	9,816.23	10,061.64	10,313.18	10,571.00	10,835.28	11,106.16
1637	9,343.23	9,576.81	9,816.23	10,061.64	10,313.18	10,571.00	10,835.28	11,106.16	11,383.82
1638	9,576.81	9,816.23	10,061.64	10,313.18	10,571.00	10,835.28	11,106.16	11,383.82	11,668.40
1639	9,816.23	10,061.64	10,313.18	10,571.00	10,835.28	11,106.16	11,383.82	11,668.40	11,960.11
1640	10,061.64	10,313.18	10,571.00	10,835.28	11,106.16	11,383.82	11,668.40	11,960.11	12,259.13

Exhibit "H" pg 3.

CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT

Effective June 19, 2001

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RANGE	TITLE
1410	City Clerk/Auditor
1411 – 1417	
1418	Personnel Director
1419	
1420	Finance Director Recreation and Neighborhoods Director Operations and Maintenance Director
1421	
1422	Fire Chief Community Development Director
1423	Engineering and Transportation Director
1424	
1425	Police Chief
1426	
1427	Deputy City Manager
1428	City Attorney
1429 – 1432	
1433	City Manager

**EXHIBIT "I"**

061901

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01/02**  
**EFFECTIVE June 19, 2001**

**Executive Management**

4.00%

	HOURLY		Bi-weekly		Monthly	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405	29.2304	36.5380	2,338.43	2,923.04	5,086.09	6,357.61
1406	29.9612	37.4515	2,396.89	2,996.12	5,213.24	6,516.56
1407	30.7102	38.3877	2,456.82	3,071.02	5,343.58	6,679.47
1408	31.4779	39.3474	2,518.24	3,147.79	5,477.17	6,846.44
1409	32.2649	40.3311	2,581.19	3,226.49	5,614.09	7,017.62
1410	33.0715	41.3394	2,645.72	3,307.15	5,754.44	7,193.05
1411	33.8983	42.3729	2,711.86	3,389.83	5,898.30	7,372.88
1412	34.7458	43.4322	2,779.66	3,474.58	6,045.76	7,557.21
1413	35.6144	44.5180	2,849.15	3,561.44	6,196.90	7,746.13
1414	36.5048	45.6310	2,920.38	3,650.48	6,351.83	7,939.79
1415	37.4174	46.7717	2,993.39	3,741.74	6,510.62	8,138.28
1416	38.3528	47.9410	3,068.23	3,835.28	6,673.40	8,341.73
1417	39.3116	49.1395	3,144.93	3,931.16	6,840.22	8,550.27
1418	40.2944	50.3680	3,223.55	4,029.44	7,011.22	8,764.03
1419	41.3018	51.6273	3,304.14	4,130.18	7,186.50	8,983.14
1420	42.3343	52.9179	3,386.74	4,233.43	7,366.16	9,207.71
1421	43.3927	54.2409	3,471.42	4,339.27	7,550.34	9,437.91
1422	44.4775	55.5969	3,558.20	4,447.75	7,739.09	9,673.86
1423	45.5894	56.9868	3,647.15	4,558.94	7,932.55	9,915.69
1424	46.7291	58.4114	3,738.33	4,672.91	8,130.87	10,163.58
1425	47.8973	59.8716	3,831.78	4,789.73	8,334.12	10,417.66
1426	49.0947	61.3684	3,927.58	4,909.47	8,542.49	10,678.10
1427	50.3221	62.9026	4,025.77	5,032.21	8,756.05	10,945.06
1428	51.5802	64.4753	4,126.42	5,158.02	8,974.96	11,218.69
1429	52.8697	66.0871	4,229.58	5,286.97	9,199.34	11,499.16
1430	54.1914	67.7393	4,335.31	5,419.14	9,429.30	11,786.63
1431	55.5462	69.4328	4,443.70	5,554.62	9,665.05	12,081.30
1432	56.9349	71.1686	4,554.79	5,693.49	9,906.67	12,383.34
1433	58.3583	72.9479	4,668.66	5,835.83	10,154.34	12,692.93
1434	59.8173	74.7716	4,785.38	5,981.73	10,408.20	13,010.26
1435	61.3127	76.6409	4,905.02	6,131.27	10,668.42	13,335.51

## Call-Duty and Call-Back for Confidential Employees

### **ARTICLE A. CALL-DUTY PAY**

Employees who are released from active duty but are required by the department to leave notice where they can be reached and be available to return to active duty when required by the department, shall be assigned to call-duty. While on call-duty (sometimes referred to as on-call), an employee shall be free to use the time for his or her own purposes.

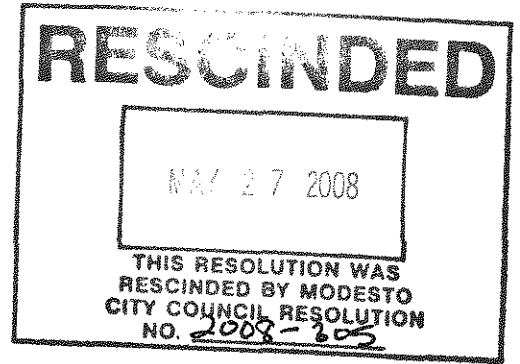
Call-duty requires that employees so assigned shall: (1) leave a telephone number where they can be reached or wear a communicating device; and (2) be able to respond to duty within a reasonable period of time, not to exceed thirty (30) minutes. Call-duty time shall not count as hours worked.

Assigned personnel shall receive call-duty pay in the amount of two (2) hours pay on their regularly scheduled workday and four (4) hours pay on the employee's regularly scheduled days off and fixed City holidays.

### **ARTICLE B. CALL BACK**

- (a) 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.
- (b) 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 Call-Duty as described in Article A, above;
  - (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 their regular work shift.
- (c) 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, an employee also receives time and one-half for actual time worked in excess of eighty (80) minutes.

## **Exhibit "K"**



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-271**

**A RESOLUTION AUTHORIZING EXECUTIVE VEHICLE ALLOWANCES IN THE AMOUNT OF \$400.00 PER MONTH, DEPUTY DIRECTOR ALLOWANCES IN THE AMOUNT OF \$300.00 PER MONTH AND CITY MANAGER DISCRETION TO GRANT ALLOWANCES IN THE AMOUNT OF \$100.00-\$200.00 PER MONTH TO DESIGNATED MANAGEMENT POSITIONS, AND RESCINDING RESOLUTION NO. 2000-127**

WHEREAS, by Resolution No. 92-348 adopted by the Council of the City of Modesto on June 23, 1992, the Council authorized the City Manager to grant monthly vehicle allowances to the Deputy City Manager and Public Works and Transportation Director, and

WHEREAS, by Resolution No. 92-349, adopted by the City Council on June 23, 1992, the Council authorized vehicle allowances for designated Management positions for use of personal vehicles during the course of conducting City business, and

WHEREAS, by Resolution No. 94-398 adopted by the Council of the City of Modesto on June 28, 1994, the Council authorized the City Manager to grant monthly vehicle allowances to the Community Development Director and Parks and Recreation Director, and

WHEREAS, by Resolution No. 97-605 adopted by the City Council on October 28, 1997, the Council authorized the City Manager to grant monthly vehicle allowances to the Community Services and Neighborhood Connections Director, Operations and Maintenance Director and Engineering and Transportation Director, and

WHEREAS, by Resolution No. 2000-127, adopted by the City Council on March 21, 2000, the Council established a uniform policy for permitting the City Manager to make the determination as to City vehicle or vehicle allowance for each City Manager-appointed Executive, and permitting the City Council to make such determinations as to City vehicle or vehicle allowance for Charter Officers.

WHEREAS, the Council desires to increase the vehicle allowance for Executives to \$400 per month and to authorize the City Manager to grant either a City Vehicle or a vehicle allowance to Deputy Directors (or the equivalent classification) in the amount of \$300 per month.

WHEREAS, the Council desires to authorize the City Manager the discretion to grant vehicle allowances in the amount of \$100 to \$200 per month to designated Management positions. Positions so designated shall require Department Director recommendation and justification on an annual basis, based on use of a personal vehicle during the course of conducting City business.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the vehicle allowances for Executives, including Charter Officers, shall be authorized in the amount of Four Hundred (\$400.00) Dollars per month, effective July 1, 2001.

BE IT FURTHER RESOLVED by the Council that the City Manager is authorized to grant an assigned City vehicle or a vehicle allowance to Deputy Directors in the amount of Three Hundred (\$300.00) Dollars per month, effective July 1, 2001.

BE IT FURTHER RESOLVED by the Council that the City Manager is authorized to grant vehicle allowances in the amounts ranging from One Hundred (\$100.00) Dollars to Two Hundred (\$200.00) Dollars per month, to employees in designated Management positions who use a personal vehicle during the course of conducting City business, effective July 1, 2001.

BE IT FURTHER RESOLVED that Resolution No. 2000-127 is hereby rescinded upon adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-272**

**A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FIRE STATION # 5  
REMODEL**

WHEREAS, the Fire Department has requested the remodel of Fire Station # 5, and

WHEREAS, Fire Station #5, is over 30 years old, and

WHEREAS, the kitchen cabinets are in a state of deterioration which cannot be effectively repaired nor can they accommodate the newer sized appliances, and

WHEREAS, the bathroom portion of the remodel project is in keeping with the Fire Department's goal to create separate bathroom/shower facilities for the male and female firefighters, and

WHEREAS, by soliciting formal bids, the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the remodel of Fire Station # 5 to be opened in the office of the City Clerk, 1010 10<sup>th</sup> Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-273**

**A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5)  
AFFIRMATIVE VOTES AND AUTHORIZING THE PURCHASE OF A USED  
1997 14-TON CRANE TRUCK FROM UNITED RENTALS FOR A TOTAL COST  
OF \$57,847.50**

WHEREAS, the Water Division is currently using a 14-ton crane on a daily basis for large construction projects for pipeline installation, and WHEREAS, the crane is rented at a rate of \$3,000 per month, and WHEREAS, the purchase price of a new crane is approximately \$94,000.00, and

WHEREAS, Fleet Services and the Water Division have researched available used units, and the cost of a used, 1997, 14-ton crane truck from United Rentals is \$57,847.50, and

WHEREAS, said used crane is 4 years old, has few hours on it, and is in excellent condition,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of the used 1997 14-ton crane truck are hereby waived.

BE IT FURTHER RESOLVED that the purchase of the 1997 14-ton crane truck from United Rentals in an amount not to exceed \$57,847.50 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-274**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE MODESTO CHAMBER OF COMMERCE FOR FUNDING TO THE CONVENTION AND VISITORS BUREAU AT \$20,416.69 PER MONTH BEGINNING 1<sup>ST</sup> OF JULY, 2001 AND ENDING THE 30<sup>TH</sup> OF JUNE, 2002.**

WHEREAS, the City of Modesto has had a long-standing relationship with the Modesto Chamber of Commerce (Chamber) related to funding to the Convention and Visitors Bureau (CVB), and

WHEREAS, the City now desires to establish an independent non-profit organization to provide the functions of a convention and visitors bureau, and

WHEREAS, until such time as a non-profit organization is established, the City desires that the Chamber continues to operate the Convention and Visitors Bureau, and

WHEREAS, the City's current agreement with the Chamber expires on June 30, 2001, and

WHEREAS, the City's proposed operating budget for Fiscal Year 2001-02 includes \$252,350 for the Convention and Visitors Bureau, with monthly funding to the Convention and Visitors Bureau of \$20,416.69, and

WHEREAS, the Financial Policy Committee met on May 31, 2001, and made the above recommendation approving a month-to-month agreement with the Modesto Chamber of Commerce until such time as a non-profit convention and visitors bureau is established,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and the Modesto Chamber of Commerce for funding to the Convention and Visitors Bureau for one year beginning 1<sup>st</sup> of July, 2001 and ending 30<sup>th</sup> of June, 2002 changing the contribution amount to 13.33% of the Transient Occupancy Tax (TOT), changing *develop* Countywide CVB to *explore* Countywide CVB, and striking the words "except in unusual circumstances" from Page 2, Item 4 is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-275**

**A RESOLUTION APPROVING THE CONCEPT OF ESTABLISHING A  
NON-PROFIT ORGANIZATION TO PERFORM CONVENTION AND  
VISITORS BUREAU FUNCIONS.**

WHEREAS, the City Council has directed staff to consider organizational options for the Convention and Visitors Bureau, and

WHEREAS, creation of an independent non-profit organization has been identified as the most viable option, and

WHEREAS, the current contract with the Convention and Visitors Bureau will expire on June 30, 2001, and

WHEREAS, by separate resolution, the City Council approved a one-year extension of the agreement with the Modesto Chamber of Commerce, and

WHEREAS, creation of an Ad Hoc Committee will provide Council with a thorough analysis of issues, challenges, logistics, and strategic steps involved in the formation of a non-profit organization, and

WHEREAS, the chamber of Commerce has raised viable issues regarding Convention and Visitor Bureau staff, extension of the City's agreement with the Chamber during a transition period, creation of an independent non-profit corporation, creation and composition of a new board to make decisions and oversee development, and minimizing competition for memberships which should be incorporated into any recommendations of the Ad Hoc Committee, and

WHEREAS, staff support from the City Attorney's Office and other appropriate departments will provide legal and other assistance as needed by the Ad Hoc Committee, and

WHEREAS, based on the master plan prepared by the Ad Hoc Committee, it is recommended that staff prepare plans and specifications and a budget for additional office space at the Modesto Centre Plaza to house the Convention and Visitors Bureau staff, and

WHEREAS, the Financial Policy Committee met on May 31, 2001, and made the above recommendations relating to the creation and development of an independent non-profit organization as set forth in this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the concept of establishing a non-profit organization to perform Convention and Visitors Bureau Functions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	Fisher
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-276**

**A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE TO  
DEVELOP BYLAWS AND ARTICLES OF INCORPORATION FOR A  
NON-PROFIT ORGANIZATION FOR THE CONVENTION AND  
VISITORS BUREAU.**

WHEREAS, the City Council has directed staff to consider organizational options for the Convention and Visitors Bureau, and

WHEREAS, creation of an independent non-profit organization has been identified as the most viable option, and

WHEREAS, the current contract with the Convention and Visitors Bureau will expire on June 30, 2001, and

WHEREAS, by separate resolution, the City Council approved a one-year extension of the agreement with the Modesto Chamber of Commerce, and

WHEREAS, creation of an Ad Hoc Committee will provide Council with a thorough analysis of issues, challenges, logistics, and strategic steps involved in the formation of a non-profit organization, and

WHEREAS, the chamber of Commerce has raised viable issues regarding Convention and Visitor Bureau staff, extension of the City's agreement with the Chamber during a transition period, creation of an independent non-profit corporation, creation and composition of a new board to make decisions and oversee development, and minimizing competition for memberships which should be incorporated into any recommendations of the Ad Hoc Committee, and

WHEREAS, staff support from the City Attorney's Office and other appropriate departments will provide legal and other assistance as needed by the Ad Hoc Committee, and

WHEREAS, based on the master plan prepared by the Ad Hoc Committee, it is recommended that staff prepare plans and specifications and a budget for additional office space at the Modesto Centre Plaza to house the Convention and Visitors Bureau staff, and

WHEREAS, the Financial Policy Committee met on May 31, 2001, and made the above recommendations relating to the creation and development of an independent non-profit organization as set forth in this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes an Ad Hoc Committee of City Manager Jack Crist, City Attorney Mike Milich, Deputy Director of Parks, Recreation & Neighborhoods Bob Quintella, Chamber of Commerce Representative Gary Plummer, and Convention & Visitors Bureau Representative Cindy T'Souvas to develop bylaws and articles of incorporation for a non-profit organization for the Convention & Visitors Bureau.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad, Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-277**

**A RESOLUTION DIRECTING STAFF TO INCLUDE \$20,000 IN THE  
BUDGET FOR A SITE FEASIBILITY STUDY FOR THE LOCATION OF  
THE CONVENTION AND VISITORS BUREAU.**

WHEREAS, the City Council has directed staff to consider organizational options for the Convention and Visitors Bureau, and

WHEREAS, creation of an independent non-profit organization has been identified as the most viable option, and

WHEREAS, the current contract with the Convention and Visitors Bureau will expire on June 30, 2001, and

WHEREAS, by separate resolution, the City Council approved a one-year extension of the agreement with the Modesto Chamber of Commerce, and

WHEREAS, creation of an Ad Hoc Committee will provide Council with a thorough analysis of issues, challenges, logistics, and strategic steps involved in the formation of a non-profit organization, and

WHEREAS, the chamber of Commerce has raised viable issues regarding Convention and Visitor Bureau staff, extension of the City's agreement with the Chamber during a transition period, creation of an independent non-profit corporation, creation and composition of a new board to make decisions and oversee development, and minimizing competition for memberships which should be incorporated into any recommendations of the Ad Hoc Committee, and

WHEREAS, staff support from the City Attorney's Office and other appropriate departments will provide legal and other assistance as needed by the Ad Hoc Committee, and

WHEREAS, based on the master plan prepared by the Ad Hoc Committee, it is recommended that staff prepare plans and specifications and a budget for additional office space at the Modesto Centre Plaza to house the Convention and Visitors Bureau staff, and

WHEREAS, the Financial Policy Committee met on May 31, 2001, and made the above recommendations relating to the creation and development of an independent non-profit organization as set forth in this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs staff to include \$20,000 in the budget for a site feasibility study for the location of the Convention & Visitors Bureau.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-278**

**A RESOLUTION APPROVING THE CITY OF MODESTO 2001-2002 ANNUAL ACTION PLAN AND AUTHORIZING SUBMISSION OF AN APPLICATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED NECESSARY DOCUMENTS**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City receives a Community Development Block Grant (CDBG) and a HOME Investment Partnership Grant, 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, a duly noticed public hearing was held by the City Council at its meeting of June 12, 2001, to consider submission of an application to the U.S. Department of Housing and Development (HUD) pertaining to the 2001-2002 Fiscal Year Annual Action Plan, which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Annual Action Plan as presented to the Council for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program is hereby approved, and a copy of said Annual Action Plan is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any and all documents necessary in relation to grant agreements, and City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2001-2002 Annual Action Plan which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahn  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-279**

**A RESOLUTION APPROVING THE EMERGENCY SHELTER GRANT OF  
THE CITY OF MODESTO 2001-2002 ANNUAL ACTION PLAN AND  
AUTHORIZING SUBMISSION OF AN APPLICATION AND AUTHORIZING  
THE CITY MANAGER TO EXECUTE RELATED NECESSARY DOCUMENTS**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City receives an Emergency Shelter Grant (ESG), and

WHEREAS, the City receives this grant 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, a duly noticed public hearing was held by the City Council at its meeting of June 12, 2001, to consider submission of an application to the U.S. Department of Housing and Development (HUD) pertaining to the 2001-2002 Fiscal Year Annual Action Plan, which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Annual Action Plan as presented to the Council for the Emergency Shelter Grant (ESG) is hereby approved, and a copy of said Annual Action Plan is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any and all documents necessary in relation to the grant agreement, and City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2001-2002 Annual Action Plan which

describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

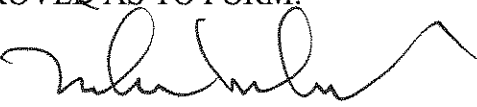
AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-280**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
ADOPTING A REVISED SCHEDULE OF MAXIMUM RATES AND CHARGES  
FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, AND  
SUPERSEDING RESOLUTION NO. 99-319.**

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. Instead, the City has an outside auditor perform a comprehensive review of cost information submitted by the contract garbage haulers. The City then sets a cap on the rate that the haulers may charge for the various types of services provided under the contracts. The maximum rates that may be charged are 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. Service charges and operations costs are reviewed annually, and adjustments become effective on July 1 of a year. The City's garbage collection companies have submitted formal written requests for rate adjustments. Macias, Gini & Company conducted the annual rate review analysis using the audited financial statements provided by the garbage haulers, and

WHEREAS, the Utility Services & Franchises Committee met on May 23, 2001, and supported the proposed recommendations to revise the schedule of maximum rates and charges for the collection of garbage in the City of Modesto, and

WHEREAS, a report dated June 12, 2001, from the Engineering and Transportation Department, Solid Waste Division, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, June 12, 2001, at 5:15 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, was set as the date, time and place for consideration of said recommendations, and

WHEREAS, 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,

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

1. That it hereby approves the Maximum Charges for Garbage Service as attached hereto, marked Exhibit "A" and incorporated herein by reference. Said Maximum Charges for Garbage Service includes all residential and other services as stipulated in the Service Agreements and shall become effective on July 1, 2001, 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. 99-319 is hereby superseded, effective July 1, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of June, 2001, by Councilmember Fisher who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

July 1, 2001

**MAXIMUM CHARGES FOR GARBAGE SERVICE**

**STANDARD CONTAINERS**

Maximum Monthly Rates  
(Once a Week Pickup Service)

Standard service shall include one 90 gallon container for garbage/recyclables, one 90 gallon container for green waste, blue bag recycling, and two bulky item collections per year by appointment. Customer may opt for smaller containers; however, maximum rates apply.

The maximum rate for new sign ups for service after July 1, 1996, or for customers who have changed service addresses after July 1, 1996, shall be \$17.50 per month regardless of size of container. The maximum rate for each additional garbage container shall be \$13.10 per month.

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 \$14.80. The maximum rate for each additional garbage container shall be \$13.10 per month.

The above maximum standard container rate shall apply for service when containers are placed in a location set forth in Section 5-5.11 of the Municipal Code.

**DETACHABLE CONTAINERS**

Number of Collections Per Week

Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$31.52	\$52.55	\$73.55	\$94.57	\$115.59	\$136.61
1½ CY	\$42.04	\$73.56	\$105.10	\$136.36	\$168.48	\$199.68
2 CY	\$52.54	\$94.57	\$136.61	\$178.64	\$220.66	\$262.69
3 CY	\$73.55	\$136.61	\$199.65	\$262.69	\$325.75	\$388.79
4 CY	\$94.57	\$178.64	\$262.69	\$346.76	\$430.82	\$514.89
5 CY	\$115.59	\$220.66	\$325.75	\$430.82	\$535.91	\$640.98
6 CY	\$136.61	\$262.69	\$388.79	\$514.89	\$640.98	\$767.08

**DETACHABLE CONTAINER RENTAL RATES  
ARE INCLUDED IN ABOVE SCHEDULE**

Detachable container size                      1 CY to 6 CY  
 Monthly rental rate                              \$10.00

**DROP BOX CONTAINERS**

Pick up charge \$191.35 per pick up  
 Rental                      \$.85 per day up to 7 day maximum rental. \$3.00 per day additional for boxes kept by customer in excess of 7 day maximum without servicing.  
 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.

**COMPACTORS\***

**Front Loader Type:**

Compactor Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	\$151.07	\$302.14	\$453.21	\$604.28	\$755.35	\$906.42
4 CY	\$200.32	\$400.64	\$600.96	\$801.28	\$1,001.60	\$1,201.92

\*The maximum rate is the third in a series of 4 annual adjustments approved in July, 1998, adjusted for reduction in disposal costs.

**Roll-Off Type:**

6 CY to 40 CY                                      \$191.35 per pickup  
 Washing of compactor at the request of customer      \$30.00  
 Disposal Charge:                                      Actual charge to be paid by customer

**EXTRA PICKUPS**

Standard containers or equivalent                      \$3.50 plus \$1.38/container  
 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**

<b>1 CY</b>	<b>1½ CY</b>	<b>2 CY</b>	<b>3 CY</b>	<b>4 CY</b>	<b>5 CY</b>	<b>6 CY</b>
\$10.12	\$11.00	\$12.10	\$15.40	\$20.24	\$25.08	\$29.92

**NOTATIONS**

1. The above maximum residential rates include the \$0.10 per month per household recycling fee payable to the City by the garbage company. Maximum residential rates also include twice-a-year bulky item pickup, blue bag recycling, and a separate container for green waste collection.
2. 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.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-281**

**A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS  
FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY  
CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS  
SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 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 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 No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this 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, Section 22623 of the Streets and Highways Code 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 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 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. 2 during the fiscal year 2001-02.
- 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 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. 2.
5. On Tuesday, the 17<sup>th</sup> day of July, 2001, at the hour of 5:15 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 10<sup>th</sup> 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 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 5<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-282**

**A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS  
FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY  
CREEK MEADOWS SUBDIVISIONS NOS. 1-6.**

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 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 Landscaping Act of 1972, (Street and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Cod requires the City 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 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, Section 22623 of the Street and Highways Code 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 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 2001-02.
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 Tuesday, the 17<sup>th</sup> of July, 2001, at the hour of 5:15 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 10<sup>th</sup> 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 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 12<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-283**

**A RESOLUTION SUPPORTING AMENDMENTS TO THE CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY - AIR RESOURCES  
BOARD OZONE TRANSPORT MITIGATION REGULATIONS**

WHEREAS, the City of Modesto, like rest of the San Joaquin Valley Air Basin, suffers from a severe air quality problem; and

WHEREAS, on May 18, 2001, the United States Environmental Protection Agency published a notice in the Federal Register proposing to bump-up the San Joaquin Valley Air Basin from a "Serious" Non-Attainment Area to a "Severe" Non-Attainment Area for Ozone; and

WHEREAS, federal and state regulators have imposed regulations on the San Joaquin Valley Air Basin that increase the cost of doing business in the Valley; and

WHEREAS, regulators have imposed Smog Check II on the San Joaquin Valley Air Basin, which increases the level of testing and standards for owners of vehicles in the Valley; and

WHEREAS, studies conducted by the California Air Resources Board and the San Joaquin Valley Air Pollution Control District demonstrate that the San Francisco Bay Area Air Basin contributes to air pollution in the San Joaquin Valley Air Basin and other downwind air basins; and

WHEREAS, San Joaquin Valley Air Basin residents pay the costs for San Francisco Bay Area Basin pollution, including poorer air quality, poorer health, tighter regulations, and economic disadvantages; and

WHEREAS, the San Francisco Bay Area Basin is not held to the same air quality mitigation measures as the San Joaquin Valley Air Basin, including such measures as Smog Check II and New Source Review Offset Thresholds; and

WHEREAS, on June 13, 2001, the California Air Resources Board held an Ozone Transport Mitigation Strategies Workshop and presented possible amendments to the Ozone Transport Mitigation Regulations; and

WHEREAS, the first of these amendments involves implementation of All Feasible Measures and requires Upwind Areas to have rules as effective as their Downwind Neighbors; and

WHEREAS, the second of these amendments involves Smog Check II and requires the San Francisco Bay Area Basin, as the only urban area in the state not in Smog Check II, to implement Smog Check II; and

WHEREAS, the third of these amendments involves New Source Review Offset Thresholds and requires Upwind Districts to Adopt Thresholds at least as stringent as Downwind Districts; and

WHEREAS, the final amendment involves developing a Mitigation Fee Bank that would assess fees on Upwind Areas based on Downwind impacts, which fees could be used by Downwind Areas to reduce Local Emissions; and

WHEREAS the comment period for testimony relating to the California Air Resources Board proposed Ozone Transport Mitigation Regulations extends to June 20, 2001.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby supports the following amendments to the California Environmental Protection Agency – Air Resources Board Ozone Transport Mitigation Regulations:

- 1) All Feasible Measures – Require Upwind Areas to have rules as effective as their Downwind Neighbors; and
- 2) Smog Check II – Require implementation of Smog Check II in the San Francisco Bay Area Air Basin; and
- 3) New Source Review Offset Thresholds – Require Upwind Districts to have threshold levels at least as stringent as Downwind Districts; and
- 4) Mitigation Fee Bank – Explore Implementation of a Mitigation Fee Bank, provided that the fees collected can be used either in the Upwind or Downwind District, dependent upon where the greatest potential exists for overall Air Quality Improvements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-284**

**A RESOLUTION AUTHORIZING CALL FOR BIDS FOR A PERFORMANCE  
STAGE.**

WHEREAS, the Recreation and Neighborhoods Department has requested the purchase of a performance stage for the Modesto Centre Plaza, and

WHEREAS, the current performance stage is 13 years old, replacement parts are no longer available in the U.S., and the condition of the stage has become a potential safety hazard to building users, and

WHEREAS, by soliciting formal bids, the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the furnishing of a performance stage to be opened in the office of the City Clerk, 1010 10<sup>th</sup> Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

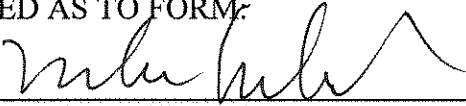
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-285**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LOAN AGREEMENT AND RELATED DOCUMENTS WITH THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS FOR \$594,000 TO ACQUIRE AND REHABILITATE A 36-UNIT APARTMENT COMPLEX AT 608 GRANGER AVENUE IN MODESTO, CALIFORNIA.**

WHEREAS, the City Council at its February 13, 2001 meeting approved Resolution No. 2001-67 allocating fiscal year 2000-2001 HOME funds for Affordable Housing Projects and authorizing the City Manager to execute related documents, and

WHEREAS, the above-referenced allocation included \$594,000 to the Housing Authority of the County of Stanislaus to acquire and rehabilitate the 36-unit Pine Meadows apartment complex,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Housing Authority of the County of Stanislaus for \$594,000 to acquire and rehabilitate the 36-unit Pine Meadows apartment complex is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement and other related documents by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Fisher

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-286**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN  
AMENDMENT TO AGREEMENT WITH MODESTO CITY SCHOOLS TO  
PROVIDE ADDITIONAL FUNDING FOR REPLACEMENT OF THE  
SWIMMING POOL AT MODESTO HIGH SCHOOL.**

WHEREAS, the City Council (City) and Modesto City School District (District) executed an Agreement dated October 13, 1998 for a jointly developed facilities capital improvement plan to be used for the maintenance and repair of six pools located at District schools, and

WHEREAS, the Agreement established a fund for the maintenance and repair of the pools, to which City and District contribute an annual sum, and

WHEREAS, one of the covered facilities, the 50-year old Modesto High School pool, has failed completely and is in need of replacement, and

WHEREAS, there are insufficient monies in the Fund to cover the costs of replacement, and

WHEREAS, the City and District now desire to share in the cost of replacing this facility and to amend the Agreement to increase their respective contributions to cover the cost of replacing the Modesto High School pool, which is estimated to be \$800,000, and

WHEREAS, the Human Services Committee met and reviewed this matter at its June 11, 2001 meeting and supported entering into said amendment to agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to Agreement between the City of Modesto and the Modesto City School District is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:

  
JEAN ZAHIR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-287**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO  
SIGN A CAPITAL IMPROVEMENT PLAN AGREEMENT WITH  
MODESTO CITY SCHOOLS FOR MAINTENANCE AND REPAIR  
OF CITY-OWNED TENNIS COURTS.**

WHEREAS, Chapter 5 of Division 7 of Title 1 of the Government Code provides generally that any city and any public district of this State may, by agreement, jointly exercise any power common to the contracting parties; and

WHEREAS, the City of Modesto (City), under and by virtue of its Charter, is a duly organized and existing city of the State of California and Modesto City School District (District) is a duly organized and existing school district of the State of California and a public district thereof; and

WHEREAS, City owns tennis courts located adjacent to Beyer High School, Davis High School, Downey High School, Johansen High School and Modesto High School ("Facilities"); and

WHEREAS, during Fiscal Year 1999-2000, City established a Capital Improvement Project within the City's Park Fund ("Fund") for the purpose of repair, maintenance and renovation of the Facilities and contributed \$75,322 from City's Park fund to the Fund; and

WHEREAS City and District desire and intend to enter into an agreement to jointly pay for the repair, maintenance and renovation of the Facilities through joint contributions to the Fund, and

WHEREAS, the Human Services Committee met and reviewed this matter at its June 11, 2001 meeting and supported entering into said amendment to agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and the Modesto City School District to jointly pay for the repair, maintenance and renovation of the Facilities through joint contributions to the Fund is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-288**

**A RESOLUTION SUPPORTING THE GRASSROOTS NETWORK  
INITIATIVE AND BYLAWS AMENDMENT PROPOSED BY THE  
BOARD OF DIRECTORS OF THE LEAGUE OF CALIFORNIA CITIES**

WHEREAS, the City of Modesto, like other California cities, has witnessed its authority and revenues erode in recent years by political actions at the state level of government, and

WHEREAS, legislative acts reducing the amount of property tax allocated to cities, mandating binding arbitration of compensation issues with public safety personnel, and other restrictions on local discretion have reduced the home rule authority available to local elected officials who are directly accountable to the public for their decisions, and

WHEREAS, the imposition of terms limits on state legislators has changed the political dynamic in Sacramento, leading to more frequent turnover in state legislative office and greater opportunity to advocate the cause of strong local government with state elected officials, and

WHEREAS, the Board of Directors of the League of California Cities has requested support for the implementation of a Grassroots Coordinator Network (hereinafter "Grassroots Network"), that would include the development of a network of a staff of ten field offices, staffed by grassroots coordinators, and

WHEREAS, the Grassroots Network would trigger greater focus in cities across the state on the acts of the legislature through more active involvement by city officials, collaboration with community groups, effective media relations, and closer partnerships with the members of the state legislature and their district office staff, and

WHEREAS, events of the last ten (10) years clearly demonstrate that new and aggressive advocacy efforts such as the Grassroots Network may be necessary to advance the cause of local control and strong cities, and

WHEREFORE, the Financial Policy Committee reviewed this item at their March 14, 2001, meeting and recommended approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby supports the proposal of the Board of Directors of the League of California Cities to create the Grassroots Network and supports said proposed Bylaws amendment.

BE IT FURTHER RESOLVED that the Council supports an increase in League of California Cities' dues and Grassroots Network costs needed to fund said initiative.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr  
JEAN ZAHN, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-289**

**A RESOLUTION APPROVING CONTRACT NEGOTIATIONS BETWEEN THE  
CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT  
FOR MANAGEMENT OF THE PUBLIC, EDUCATION AND GOVERNMENT  
(PEG) STUDIO AND PROGRAMMING ON THE CABLE NETWORK**

WHEREAS, on February 13, 2001, the City Council approved a settlement agreement between Cable One, AT&T Broadband and the City, resolving all outstanding issues of non-compliance to the Cable Franchise Agreement. As a result of that settlement, the City Council approved the transfer of ownership request between Cable One and AT&T Broadband, and

WHEREAS, on March 1, 2001, the transfer of ownership of the Modesto cable system was completed between Cable One and AT&T Broadband, naming United Cable Television Corporation, a subsidiary of AT&T, as operator of the cable system, and

WHEREAS, to facilitate the transfer process, AT&T has agreed to continue management of the Public-Education-Government (PEG) studio for a 12-month period, when Council approves the resolution finalizing the new franchise agreement with United Cable Television Corporation. AT&T has agreed to assist in transitioning the management of the PEG studio to a community group selected by the City, and

WHEREAS, on May 18, 2001, city staff from the City Manager's Office and two members of the Local Cable Programming Committee reviewed three submittals to a Request for Qualifications for the production of Public, Education and Government (PEG) cable television programming and management of a PEG Studio. Following review of each submittal, the group recommended Yosemite Community College District as the most qualified candidate, and

WHEREAS, the Utility Services and Franchise Committee recommended support for commencement of contract negotiations at their June 4, 2001, meeting,

NOW THEREFORE be it resolved by the Council of the City of Modesto that it hereby authorizes the City Manager to begin negotiations with the Yosemite Community College District for management of the Public, Education and Government (PEG) Studio.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-290**

**A RESOLUTION APPROVING EXPANSION OF THE MODESTO AREA DIAL-A-RIDE SERVICE AREA**

WHEREAS, The City provides demand response service within a specified geographical area, and

WHEREAS, Residential neighborhoods have been recently developed in Modesto outside of the current Modesto Area Dial-A-Ride service area boundary, and

WHEREAS, The City has historically provided Dial-A-Ride service to all neighborhoods of the City, and

WHEREAS, In order to serve areas not previously served, a change to the Modesto Area Dial-A-Ride service area is needed.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following neighborhoods be added to the Modesto Area Dial-A-Ride service area (revised service area map attached):

1. The area generally north of Snyder/Mable Avenues to Bangs/Claratina Avenues.
2. New residential area east of the Burlington Northern/Santa Fe railroad and south of Parker Road.
3. Residential area west of County Center #5 and north of Blue Gum Avenue.

The following resolution was introduced at a regular meeting of the Council of the City of Modesto on June 19, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-291**

**A RESOLUTION ACCEPTING THE BID OF BARHAM, INC. FOR THE  
PROJECT TITLED "PARK SITE RESTROOM CONSTRUCTION"**

WHEREAS, the bids received for "PARK SITE RESTROOM CONSTRUCTION" were opened at 11:00 a.m. on June 5, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$177,062 received from Barham, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$177,062.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-292**

**A RESOLUTION AMENDING THE BUDGET BY \$95,400.00 TO FULLY FUND  
THE "PARK SITE RESTROOM CONSTRUCTION PROJECT."**

WHEREAS, the bids received for the PARK SITE RESTROOM CONSTRUCTION Project were opened at 11:00 a.m. on June 5, 2001; and

WHEREAS, the low bid for the project was for \$177,062, which exceeds the amount previously budgeted for this project; and

WHEREAS, the City desires to fully fund this project to install restrooms at six park facilities, and funds are available in the Parks Reserve Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that budget account 1350-310-M179 (Object 6040) shall be increased by \$95,400, the increased funds coming the Park's CFF Reserve Fund.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-293**

**A RESOLUTION APPROVING THE FINAL MAP OF MILLBROOK ESTATES  
UNIT NO. 4 SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, BRIGHT DEVELOPMENT, a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 3.50 acres, known as Millbrook Estates Unit No. 4 in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 10<sup>th</sup> day of February, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said MILLBROOK ESTATES UNIT NO. 4 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green

ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-294**

**A RESOLUTION ACCEPTING REMAINDER OF THE STREET  
IMPROVEMENTS IN CHATEAU MAISON SUBDIVISION, IN THE  
PELANDALE-SNYDER SPECIFIC PLAN AREA, AND AUTHORIZING  
RELEASE OF THE CERTIFICATE OF DEPOSIT**

WHEREAS, Western Pacific Housing – Windsor Pointe, LLC, A Delaware Limited Liability Company, subdividers of Chateau Maison subdivision have filed a Certificate of Deposit to guarantee the remainder of the street improvements in Chateau Maison subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the remainder of the street improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the Certificate of Deposit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the remainder of the street improvements in Chateau Maison Subdivision are hereby accepted.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the Certificate of Deposit for the amount of \$19,000 upon recordation of notice of completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-295**

**A RESOLUTION APPROVING THE FINAL MAP OF THE RENAISSANCE  
SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, S & S VENTURES, a California General Partnership, by The Jaguar Investment Corporation, General Partner, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 16.35 acres, known as The Renaissance in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 26<sup>th</sup> day of February, 2001, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said THE RENAISSANCE meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-296**

**A RESOLUTION APPROVING THE APPLICATION FOR ASSISTANCE TO  
FIREFIGHTERS GRANT PROGRAM FUNDS**

WHEREAS, the Office of the Assistant Attorney General, office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is providing funds for the purchase of specialized training equipment for fire, emergency medical, hazardous materials, response services, and law enforcement agencies, as part of the Nunn-Lugar-Domenici (NLD) Domestic Preparedness Program (DDP), and

WHEREAS, these funds represent the equipment component of a broader initiative designed to enhance the response capability of the nation's 120 most populous cities to respond to acts of terrorism involving the use of weapons of mass destruction (WMD), and

WHEREAS, administrative funds are also being provided to assist cities with the planning and administrative costs associated with the execution of the NLD DPP program, and

WHEREAS, the City of Modesto is identified as one of the nation's 120 most populous cities qualifying to submit a grant request.

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

1. Approves the filing of an application for the Nunn-Lugar-Dominici Domestic Preparedness Program funds; and
2. Appoints the City Manager as agent of the city to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-297**

**A RESOLUTION CANVASSING THE RESULTS OF THE JUNE 12, 2001,  
ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED  
TO COMMUNITY FACILITIES DISTRICT NO. 1996-1, AND ORDERING  
ANNEXATION OF SAID TERRITORY TO THE DISTRICT (VILLAGE ONE -  
ANNEXATION #5)**

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), the City Council (the "Council") of the City of Modesto (the "City"), by its Resolution of Formation No. 96-544, adopted on October 8, 1996, formed its Community Facilities District No. 1996-1 (the "District"), relating to territory within the Village One Area, and, subject to the vote of the qualified electors therein, authorized the levy of a special tax therein, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 1 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 2 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 3 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 4 to the District, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of Intention to Annex No. 2001-187, adopted April 24, 2001, to annex certain territory to the District, a boundary map for which is recorded at Volume 3 A.M. of Maps of Assessment and Community Facilities Districts at page 47 in the Office of the Stanislaus County Recorder (the "Annexed Territory"), relating to territory within the Village One Area, and to levy a special tax therein (the "Special Tax") as set forth in Exhibit A hereto and by this reference incorporated herein for the purposes of financing certain facilities and services as set forth in Exhibit A hereto, and by this reference incorporated herein, and to set a hearing thereon for June 5, 2001, and

WHEREAS, at the conclusion of the public hearing, the Council did, on June 5, 2001, adopt its Resolution No. 2001-258, in which it determined to submit the question of the annexation of territory to the District and the levy of the Special Tax therein to the qualified electors of the Annexed Territory, and called an election thereon, which was held on June 12, 2001, (the "Election"), and

WHEREAS, on June 12, 2001, the Election was held relative to the foregoing, and

WHEREAS, the City Clerk has certified that, at the Election the proposition of levying the Special Tax within the Annexed Territory was approved by one hundred (100%) percent of the votes cast,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The above recitals are true and correct.
2. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.
3. Based on the City Clerk's certificate of election results, attached hereto as Exhibit B, the ballot proposition presented to the qualified electors of the Annexed Territory, at the Election received at least two-thirds (2/3) of the votes cast.
4. Pursuant to Section 53339.8 of the Act, it is hereby determined that the Annexed Territory is added to and is a part of the District with full legal effect, and that this Council may levy the Special Tax within the Annexed Territory.
5. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such Election, and is hereby further authorized and directed to record notice of the annexation by filing an amendment to the notice of special tax lien with the Office of the County Recorder for the County of Stanislaus pursuant to Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

# **Exhibit A**

**COMMUNITY FACILITIES DISTRICT  
NO. 1996-1 (VILLAGE ONE)**

**CITY OF MODESTO  
STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT  
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**AMENDED APRIL 1997  
FOR  
ANNEXATION NO. 1**

Prepared by:

**VAIL ENGINEERING CORPORATION  
2033 Howe Ave., Ste. 220  
Sacramento, CA 95825  
(916) 929-3323  
(916) 929-1772 FAX**

**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)  
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

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**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)**  
**CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT**  
**MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**INTRODUCTION**

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

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

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

- (1) A description of the public capital facilities and services proposed for the District;
- (2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;
- (3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;
- (4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;
- (5) General Terms and conditions relating to the proceedings.

For particulars, reference is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)**  
**CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT**  
**MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**I. DESCRIPTION OF FACILITIES**

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

**A. ARTERIAL ROADS**

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Expressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Expressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

**B. STORM DRAINAGE SYSTEM**

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9.56 acres):** Retention with pump out facilities to Central Basin.
2. **Central Basin (15.59):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.
3. **Industrial Basin (8 acres):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "*Village One Facilities Master Plan*" adopted June 1996 and incorporated herein by reference.

**C. UTILITY RELOCATION**

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

**D. PARKS**

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

**E. PUBLIC FACILITIES**

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

**F. OTHER**

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

**G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS\***

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*\*Street parkways includes median and roadside landscape and hardscape.*

## **II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1**

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

### III. COST ESTIMATES

#### A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is \$48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads	\$20,509,278
Storm Drainage	\$13,240,470
Utility Relocation	\$1,120,458
Parks	\$10,863,967
Public Facilities	\$25,000
Other	<u>\$2,698,683</u>
Subtotal:	\$48,457,856
Annual CFD Administration (1%)	\$484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or \$484,579 over the life of the district.

Total district with administration is: \$48,942,435

**B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX**

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is \$850,000. A breakdown of these annual O&M costs are:

\* Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks .....	\$149,073
Street/Parkways: 1,500,000 sq. ft. x \$0.417 / sq. ft. ....	\$625,500
Pathway Landscaping: Subtotal Paths .....	\$44,965
Class I: 17,889 / 5,280 x \$4,020 =	\$13,560
Class II: 82,388 / 5,280 x \$1,500 =	\$23,405
Class III: 84,480 / 5,280 x \$500 =	<u>\$8,000</u>
	\$44,965
Weed and Litter Abatement .....	\$4,251
Misc. Annual Admin/Cont. (3%) .....	<u>\$26,211</u>
	Total Annual Cost: \$850,000

\* Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is \$708,676. The amount attributed to the Village One CFD is \$149,073.

#### **IV . RATE AND METHOD** *(By David Taussig and Associates)*

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

##### **A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

"**Acre or Acreage**" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"**Annual Maintenance Special Tax**" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"**Assessor's Parcel**" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"**Assessor's Parcel Map**" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

"**City**" means the City of Modesto.

"**City Manager**" means the City Manager of the City of Modesto.

"**Commercial Property**" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

**"Council"** means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

**"Developed Property"** means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

**"Facilities Special Tax"** means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

**"Final Subdivision Map"** means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

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

**"Gross Acreage"** means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan #8*, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

**"Industrial Property"** means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

**"Land Use Class"** means any of the five classes listed in Table 1 and Table 2 below.

**"Maintenance Special Tax Requirement"** means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

**"Maximum Special Tax"** means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

**"Multi-Family Residential"** means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

**"Other Property"** means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

**"Other Undeveloped Property"** means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

**"Public Agency"** means the federal government, State of California or other local governments or public agencies.

**"Subdivided Property"** means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

**"Undeveloped Commercial Property"** means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Undeveloped Industrial Property"** means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Undeveloped Residential Property"** means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Very Low Density Residential"** means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

**"Village One Facilities Master Plan"** means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

**"Village One Specific Plan"** means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

**"Village Residential"** means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

## **B. ASSIGNMENT TO LAND USE CLASS**

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

**C. MAXIMUM SPECIAL TAX**

**1. Facilities Special Tax**

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

**Step 1:** Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

**Step 2:** Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

**Step 3:** Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

- Step 4:** Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.
- Step 5:** Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.
- Step 6:** Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

- Step 1:** Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.
- Step 2:** Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.
- Step 3:** Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

Table 1  
Per-Acre Special Tax to be Used in  
Calculation of Maximum Facilities Special Tax  
For Annexation Area No. 1  
(Fiscal Year 1996-97)

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	\$19,654 per Gross Acre
2	Village Residential	\$29,398 per Gross Acre
3	Multi-Family Residential	\$76,228 per Gross Acre
4	Commercial	\$86,313 per Gross Acre
5	Industrial	\$40,419 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

## 2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

**Table 2**  
**Maximum Annual Maintenance Special Tax**  
**(Fiscal Year 1996-97)**

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	\$112.43 per lot
2	Village Residential	\$112.43 per lot
3	Multi-Family Residential	\$ 72.99 per unit
4	Commercial	\$394.30 per Gross Acre
5	Industrial	\$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

**Step 1:** Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan*.

- Step 2:** Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.
- Step 3:** Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.
- Step 4:** Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

**D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX**

**1. Facilities Special Tax**

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 for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.

**2. Maintenance Special Tax**

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

- Step 1:* Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.
- Step 2:* Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.
- Step 3:* If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.
- Step 4:* Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

**E.    LIMITATIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

**F.    ENFORCEMENT**

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

## **V. GENERAL TERMS AND CONDITIONS**

### **A. SUBSTITUTION FACILITIES**

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

### **B. APPEALS AND INTERPRETATION PROCEDURE**

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

### **C. ADMINISTRATION OF FUNDS**

#### **1. Facilities Fund**

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

**2. Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

**VI. CERTIFICATION**

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

\_\_\_\_\_  
Jerry L. Slinkard  
Vail Engineering Corporation

\_\_\_\_\_  
Date

# **Exhibit B**

**EXHIBIT A**

**CERTIFICATE OF CITY CLERK**

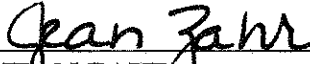
I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2001-258, the Resolution calling for the Election, adopted on June 5, 2001 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1(5) on June 12, 2001, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

**Proposition A.** Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established in the Resolution of Formation adopted at a public hearing held by the City Council of the City of Modesto on June 5, 2001, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1(5) for the purposes of financing certain public facilities and services as provided in the Resolution?

TOTAL VOTES CAST:            YES   117      NO   0  

Dated: June 13, 2001

  
\_\_\_\_\_  
JEAN ZAHR  
City Clerk of the City of Modesto

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-298**

**A RESOLUTION APPROVING AN AGREEMENT WITH CITIZENS  
LEADING EFFECTIVE ACTION NOW (C.L.E.A.N.) FOR A LOCAL  
CABLE PROGRAMMING GRANT**

WHEREAS, on March 13, 2001, a grant application in the amount of \$3,010.00 was submitted by Citizens Leading Effective Action Now (C.L.E.A.N.) to the Local Cable Programming Advisory Committee for approval, and

WHEREAS, the application did fulfill the criteria of the grant program to stimulate original, creative programming of specific interest to the community and the Advisory Committee recommended approval of said funding request on March 16, 2001.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Citizens Leading Effective Action Now for a Local Cable Programming Grant in the amount of \$3,010.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad, Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-299**

**A RESOLUTION ESTABLISHING THE CALCULATION FOR THE  
APPROPRIATION LIMIT FOR THE FISCAL YEAR 2001-2002 ANNUAL  
BUDGET**

WHEREAS, the Annual Budget of the City of Modesto is recommended for adoption, and Proposition 4 of the California State constitution required the City to establish an appropriation limit calculation for the Fiscal Year 2001-2002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit calculation is established as shown on attachment C, attached thereto, and made a part hereof.

BE IT FURTHER RESOLVED that the Finance Director 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 19<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith

NOES: Councilmembers: Conrad, Frohman, Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:

Stan Feathers  
STAN FEATHERS, Budget Officer

APPROVED AS TO FORM:

By:

Mike Milich  
MIKE MILICH, City Attorney

## APPROPRIATION LIMIT CALCULATION

FY2000-2001 Appropriation Limit \$193,786,957

### Adjustment Factors

Per Capita Personal Income Change 7.82%

Population Change (Modesto) 2.26%

Per Capita converted to a ratio 1.0782

Population converted to a ratio 1.0226

Calculation of factor for FY2000-2001 1.1026

Adjustment \$19,882,542

FY2001-2002 Appropriation Limit \$213,669,499

**Fiscal Year 2002  
General Fund Budget Cuts**

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<u>City Manager</u>		
Consulting Services	\$30,500	
Computers	<u>\$9,000</u>	\$39,500
<u>Information Services</u>		
Various		\$75,000
<u>Finance</u>		
Statement 34 Consulting	\$40,000	
Various	<u>\$15,000</u>	\$55,000
<u>Fire</u>		
Exhaust System		\$25,000
<u>Community Development</u>		
Salaries		\$20,000
<u>Engineering &amp; Transportation</u>		
GIS Computer		\$25,000
<u>Parks, Recreation &amp; Neighborhoods</u>		
Computers		\$20,000
<u>Operation &amp; Maintenance</u>		
Tools		<u>\$11,000</u>
<b>Total</b>		<b>\$270,500</b>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-300**

**A RESOLUTION AMENDING THE BUDGET FOR THE FISCAL YEAR 2000-2001 ANNUAL BUDGET**

WHEREAS, the fourth quarter financial analysis has been completed, and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2000-2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, and transfers for the 2000-2001 budget have been adjusted as shown below:

<u>Community Development</u>	<u>Fund</u>	<u>Agy</u>	<u>Org</u>	<u>Account</u>	<u>\$amount</u>
Strategic Planning Fund	0800	140	1435	0235	\$13,200
Transfer In	0800	700	7000	9010	\$13,200
Carryover Reserve	0100	510	9510	8099	(\$13,200)
Transfer Out	0100	700	7000	7080	\$13,200

<u>Parks, Recreation, and Neighborhoods</u>	<u>Fund</u>	<u>Agy</u>	<u>Org</u>	<u>Account</u>	<u>\$amount</u>
Golf Fund Reserve	6600	800	8000	8003	\$400,000
Transfer In	6600	701	7001	9010	\$400,000
General Fund Reserve	0100	800	8000	8003	(\$400,000)
Transfer Out	0100	700	7000	7660	\$400,000

BE IT FURTHER RESOLVED that the Finance Director 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 19<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith

NOES: Councilmembers: Conrad, Frohman, Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers  
STAN FEATHERS, Budget Officer

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-301**

**A RESOLUTION DENYING THE APPEAL OF ALEX & SON'S MARKET, 515 N. MARTIN LUTHER KING DRIVE, FOR A LETTER OF "PUBLIC CONVENIENCE AND NECESSITY" IN THE MATTER OF A TYPE 21 (OFF-SALE – GENERAL) ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE.**

WHEREAS, on March 26, 2001, the City received an application from Abdo Ahmed Nagi for a Variance to ABC Standards for a Type 21 Alcoholic Beverage Control (ABC) license at 515 N. Martin Luther King Drive, an area with "undue concentration" of ABC licenses, and

WHEREAS, in census tracts where the California Department of Alcoholic Beverage Control has deemed there is an "undue concentration" of ABC licenses, the local governing body is granted the authority to approve or disapprove a request for a new or "upgraded" ABC license, and

WHEREAS, in order for a license in such an area to be approved, the local governing body must determine that the "Public Convenience and Necessity" would be served through approval of the request, and

WHEREAS, on May 14, 2001, a hearing on the matter was held, and

WHEREAS, after reviewing the application, comments submitted by staff, letters received from the community and testimony received from the applicant, the Hearing Officer made a determination that the public convenience and necessity would not be served by approval of the application and disapproved the request, and

WHEREAS, the applicant filed an Appeal of the Hearing Officer's decision to the City Council on June 4, 2001, and said appeal was received within the 15-day time period for filing appeals, 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 10<sup>th</sup> Street, Modesto, California, to be held on June 19, 2001, at 5:15pm, at which date and time said duly noticed public hearing was held, and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the Hearing Officer's decision should be denied for the following reasons:

1. There is an undue concentration of ABC licenses in the census tract occupied by the applicant.
2. The applicant's property is located in close proximity to community facilities, including King Kennedy Center and Mellis Park.
3. The City has received correspondence from neighboring community groups in opposition to the proposed license.
4. The Police Department has received numerous calls for service at the project property and at Mellis Park in the past year, and approval of the proposed license would likely lead to an increase in alcohol-related police problems at Mellis Park.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the appeal of Alex and Son's Market for a letter of "Public Convenience and Necessity" in the matter of a type 21 (Off-Sale-General) Alcoholic Beverage Control License.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-302**

**A RESOLUTION ACCEPTING THE BID OF BONDS BLACKTOP, INC. FOR  
THE PROJECT TITLED "2001 SLURRY SEALS".**

WHEREAS, the bids received for "2001 SLURRY SEALS" were opened at 11:00 a.m. on May 29, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$675,535.27 received from Bonds Blacktop, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$675,535.27 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-303**

**A RESOLUTION COMMENDING CITIZENS LEADING EFFECTVIVE ACTION NOW (C.L.E.A.N.) FOR PAST AND FUTURE ACCOMPLISHMENTS AND ACKNOWLEDGING THE WITHDRAWAL OF THEIR APPLICATION FOR GRANT MONIES.**

WHEREAS, based on C.L.E.A.N.'s withdrawal of their application for grant monies, which requested the City Manager to sign a cable grant agreement with Fred Eichel on behalf of Citizens Leading Effective Action Now (C.L.E.A.N), the Council action taken by Resolution 2001-298, authorizing said agreement is hereby nullified;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this resolution acknowledging C.L.E.A.N.'s withdrawal of their application for grant monies and commending C.L.E.A.N. for past and future accomplishments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of June, 2001, by Mayor Carmen Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Tim Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

***CITY of MODESTO***  
***EXTERNAL WEBSITE LINK POLICY***

Links from the City of Modesto website to external sites, including organizations, agencies, churches, associations, groups, profit and non-profit businesses and all other entities shall comply with the following policy:

1. For-profit and non-profit businesses requesting links from the City of Modesto Web Business Directory must complete a Release of Liability Application, which relieves the City of Modesto from any liability incurred by visitors to those business websites.
2. The linked website must not discriminate based upon gender, race, ethnic origin, or other factors.
3. The linked website must not contain material generally considered offensive. Links to sites containing nudity, adult language, hate language and similar material are strictly prohibited.
4. The linked website must provide a link back to the City of Modesto website.
5. When a City website visitor activates an external link, the City's Webmaster shall notify the visitor that he/she is leaving the City of Modesto site.
6. All link requests, including those links on Department pages of the City's website, must be submitted for approval, in writing, to the City Manager's Office.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-304**

**A RESOLUTION REVISING 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. 88-338 pursuant to Rule 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 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

**Business Development Manager**

Since the elimination of the Business Development Division Manager in the Community Development Department in 1999, the Senior Business Analyst has taken on more managerial and supervisory responsibilities. Therefore the classification of Business Development Manager is recommended to be created as a reallocation of the Senior Business Analyst classification.

The specifications for the classification of Business Development Manager, as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby amended to abolish the following classification:

Senior Business Analyst

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after June 26, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

BUSINESS DEVELOPMENT MANAGER

DEFINITION

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.

To assist the Community Development Director in the planning, coordination, implementation and administration of activities which promote the City's economic development and redevelopment efforts with emphasis on the recruiting and attracting new business and industry, the retention of current business investments and the expansion of the community's economic base; to supervise and administer staff involved in these functions; to prepare the operating and capital budgets; and to provide complex staff assistance to the Director.

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from the Community Development Director. Exercises direct supervision over professional, technical and clerical staff as assigned by the Director.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Assist the Department Director in managing and directing division activities including development of the economic development workplan; assigning work activities, projects and programs; monitoring workflow; implementing policies and procedures.

Manage, direct and organize activities in the following areas: finance and revenue analysis studies; Economic Development Loan Program; redevelopment; recruitment of business prospects; business loans and environmental regulations; and update of Redevelopment Agency Environmental Impact Report.

**EXHIBIT "A"**

Work with existing businesses, both in the redevelopment area and citywide, to protect and expand their investments in the local economy.

Assist Department Director with the evaluation of proposals containing incentives to help broaden the local tax bases, generate or attract new capital, increase business activity, produce jobs and diversify the local economy.

Develop and manage databases pertinent to business retention and recruitment efforts.

Create and analyze proformas and other financial documents; analyze real estate transactions; analyze business loan and grant requests, incentive proposals and return on investment analyses.

Supervise negotiation and preparation of documents such as disposition and development agreements, owner participation agreements, contracts, resolutions and requests for proposals/qualifications.

Coordinate the City's and Redevelopment Agency's business development activities with other public and private agencies, including the rest of the City organization.

Administer land acquisition strategies.

Recommend the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Develop and implement the Division's and Redevelopment Agency's operating and capital improvement budgets.

Research redevelopment and economic development problems and solutions and prepare a variety of comprehensive reports.

Perform related duties and responsibilities, as required.

QUALIFICATIONS

Knowledge of:

Principles and practices of business development, redevelopment, financing programs and real estate.

Pertinent laws, codes and regulations relating to land acquisition, real estate transactions and environmental issues.

Principles and practices of organization, administration, supervision, training and personnel management.

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budget preparation and expenditure control.

Property values and effect of economic trends on value and price.

General legal authority and parameters for carrying out bonds, grants, assessment, loans and other financial transactions.

Ability to:

Gather and analyze a variety of complex data, including economic studies, financial statements, marketing studies, plans, specifications, and bid documents; prepare comprehensive written and oral reports.

Negotiate and manage contracts, leases, agreements, loans, and rebates with Business Development customers and clients.

Identify and respond to community and City Council issues, concerns, and needs.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work, including a variety of City and other

government officials, consultants, realtors, community groups, business owners, and the general public.

Supervise, evaluate and train assigned staff.

Assist with the preparation and administration of departmental operating and capital improvement budgets and monitoring systems.

Analyze economic studies, financial statements, marketing studies, plans, specifications and bid documents.

Ensure project and grant compliance with Federal, State and local rules, laws and regulations.

Ability to, Continued:

Prepare and analyze technical and administrative reports, statements and correspondence.

#### 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 business and community development, redevelopment project management, or real estate finance and development, including at least one year of administrative and supervisory experience.

#### Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business or public administration, economics, engineering or a closely related field.

License:

Possession of, or the ability to obtain, an appropriate and valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office Environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-305**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF BUSINESS DEVELOPMENT MANAGER AND TO ABOLISH THE SALARY RANGE FOR THE CLASSIFICATION OF SENIOR BUSINESS ANALYST.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270,

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

follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective June 26, 2001", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the salary range for Business Development Manager at Range 444 and deletes the salary range for Senior Business Analyst at Range 438.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 26, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of 2001, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
 Effective June 26, 2001

RANGE	TITLE
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I
421	
422	Office Supervisor

City of Modesto  
Class Range Table – Management and Confidential Non-Sworn Classes  
Page 9

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RANGE	TITLE
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Airport Operations and Maintenance Supervisor Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Assistant Risk Manager Personnel Analyst Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst

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RANGE	TITLE
432	Industrial Waste Supervisor Operations and Maintenance Supervisor Plant Maintenance Supervisor Recreation Supervisor II Secondary Treatment Facilities Supervisor Senior Accountant Water Quality Control Operations Supervisor Youth Program Supervisor
433	Organizational Development Specialist
434	Arborist Assistant Civil Engineer Assistant Traffic Engineer Electrical Supervisor Events Supervisor II Geographic Information Systems Coordinator Operations Supervisor SCADA Supervisor Senior Housing Rehabilitation Specialist Senior Programmer Analyst
435	Business Analyst Cultural Services Manager Integrated Waste Specialist Management Analyst Senior Personnel Analyst
436	Senior Planner
437	Deputy City Attorney I

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RANGE	TITLE
438	Budget Officer Communications and Marketing Manager Development and Operations Coordinator Financial/Investment Officer Housing Program Supervisor Land Surveyor Property Agent Purchasing Supervisor Senior Business Analyst Systems Engineer Transportation Planner
439	Administrative Services Officer
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Assistant Personnel Director Building Maintenance Superintendent Deputy City Attorney II Fire Marshal Fleet Manager Golf Services Manager Parks Planning and Development Manager Parks Operations Superintendent Police Records Manager Recreation Superintendent Risk Manager Solid Waste Program Manager Streets Superintendent Transit Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent

City of Modesto  
Class Range Table – Management and Confidential Non-Sworn Classes  
Page 12

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RANGE	TITLE
442	Customer Services Division Manager Information Services Manager Manager of Budget and Financial Analysis Supervising Building Inspector Supervising Construction Inspector
443	Deputy Chief Building Official Senior Deputy City Attorney I
444	<b>Business Development Manager</b> General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Engineering and Transportation Deputy Director – Recreation and Neighborhoods
453	
455	Assistant City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 - 306**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND NATIONAL HEALTH, PACIFICARE, KAISER PERMANENTE,  
AMERICAN SPECIALTY HEALTH PLANS (Chiropractic Coverage) and  
PACIFICARE BEHAVIORAL HEALTH AND CONTINUATION OF DENTAL AND  
VISION COVERAGE THROUGH THE CITY'S SELF-INSURED PROGRAM AND  
AUTHORIZING THE RISK MANAGER TO EXECUTE THE NECESSARY  
AGREEMENTS**

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage, and

WHEREAS, the Employee Benefits Committee (EBC) has reviewed and evaluated coverage for Fiscal Year 2002, and

WHEREAS, the rates charged by health insurance carriers have increased from 15% for National Health to 34% for Lifeguard, and

WHEREAS, vision rates are recommended to increase 10.4% and mental health rates increased by 10%, and

WHEREAS, dental rates are remaining the same, and chiropractic rates decreased 9.1% for singles and 12.7% for families, and

WHEREAS, the City's broker marketed the employee benefit program to a variety of potential vendors, and competitive bids were received from the City's existing carriers and from Kaiser Permanente and Health Net, and

WHEREAS, the carriers have agreed to their rates on the condition they are one of only three carriers offered, exclusive of the Operating Engineers Trust available to sworn police members, and

WHEREAS, Lifeguard priced itself out of contention, and the EBC voted to replace Lifeguard with Kaiser Permanente, and

WHEREAS, although Health Net's bid was competitive to PacifiCare, the EBC voted to retain PacifiCare to assure continuity of care for a large segment of the employee population, and

WHEREAS, all three health plans agreed to offer Preferred Provider Option (PPO) to all employees, and

WHEREAS, the EBC voted to replace the current chiropractic plan with American Health Specialty Plans, based on the number of complaints regarding the current health plan and the lower rates offered by American Health Specialty Plans, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves execution of agreements with National Health, PacifiCare, Kaiser Permanente, American Specialty Health Plans, and PacifiCare Behavioral Health, and continuation of dental and vision coverage through the City's self-insured program, as recommended by the Employee Benefits Committee.

BE IT FURTHER RESOLVED that the Risk Manager is authorized to serve as the coordinator for the various plans with authority to execute all necessary agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-307**

**A RESOLUTION INDICATING THE CITY COUNCIL'S INTENTION TO  
CONDUCT THE DECEMBER 11, 2001, RUN-OFF ELECTION, IF NEEDED, BY  
MAIL**

WHEREAS, in the event the Charter amendment known as "Term Limits Action of 2000" is not approved by the voters at the November 6, 2001 election and no candidate is elected by a majority in that election, the two candidates receiving the most votes will run against one another in a December run-off election; and

WHEREAS, run-off elections are to be held the five weeks after the regular election; and

WHEREAS, the County Elections Office is still in the process of completing the regular election; and

WHEREAS, holding a run-off election using polling locations and hiring precinct workers would incur a substantial amount of County staff time and cost for processing immediately after the regular election, and would result in significant timing issues in conducting back-to-back polling location elections within a period of five weeks; and

WHEREAS, holding a run-off election using polling locations and precinct workers would incur a substantial cost estimated at \$4.00 per registered voter, as opposed to a run-off election by mail estimated at \$1.42 per registered voter; and

WHEREAS, the City Council must indicate its intention to conduct the December 11, 2001 run-off election, if needed, by mail.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby declares that if a run-off election is required as a result of the Regular Municipal Election to be held on November 6, 2001 said run-off election shall be held by mail and scheduled on December 11, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-308**

**A RESOLUTION INDICATING THE CITY COUNCIL'S INTENTION TO  
CONDUCT THE MAY 8, 2002 RUN-OFF ELECTION, IF NEEDED, BY MAIL**

WHEREAS, a charter amendment petition has been circulated by its proponents to place on the ballot a charter amendment to Article 3, Section 300, changing the date of the Regular Municipal Election from November of odd years to March of even years and adding Section 506 to Article 5, to provide for term limits from members of the Modesto City Council, and

WHEREAS, the Stanislaus County Clerk's office has verified signatures and found the petition to be sufficient to qualify for a regular municipal election, and

WHEREAS, the City Council accepted the certification of the signature count by adoption of Resolution 2000-454 on August 22, 2000, and

WHEREAS, in the event the Charter amendment known as "Term Limits Action of 2000" is approved by the voters at the November 6, 2001 election, the election date will change to March 5, 2002, and in the event no candidate is elected by a majority in that election, the two candidates receiving the most votes will run against one another in a May run-off election; and

WHEREAS, according to the Charter amendment known as "Term Limits Action of 2000", run-off elections are to be held the first Tuesday after the first Monday in May, which would schedule the run-off on May 8, 2002; and

WHEREAS, holding a run-off election using polling locations and precinct workers would incur a substantial cost estimated at \$4.00 per registered voter, as opposed to a run-off election by mail estimated at \$1.42 per registered voter; and

WHEREAS, the City Council must indicate its intention to conduct the May 8, 2002 run-off election, if needed, by mail.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby declares that if a run-off election is required as a result of the Regular Municipal Election to be held on March 5, 2002, said run-off election shall be held by mail and scheduled on May 8, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-309**

**A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT  
BETWEEN THE CITY OF MODESTO AND ANDERSON HOMES RELATED  
TO THE REIMBURSEMENT FOR RIGHT-OF-WAY FOR THE PELANDALE  
AVENUE EXPRESSWAY.**

WHEREAS, ANDERSON HOMES (DEVELOPER) owned a certain tract of land consisting of approximately 39.79 acres within Stanislaus County in the Carver-Bangs Specific Plan Area, commonly known as the Chateau Provence Subdivision (“SUBDIVISION”);

WHEREAS, DEVELOPER is developing said SUBDIVISION and as a condition of approval of said development is required to dedicate sixty-seven and one half (67 ½) feet of right-of-way to the south of SUBDIVISION for a portion of Pelandale Avenue;

WHEREAS, pursuant to CITY’S CFF Reimbursement Policy, DEVELOPER has requested, and CITY has agreed that DEVELOPER be reimbursed for the dedication of land in excess of 40 feet in width for a portion of Pelandale Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Anderson Homes related to the reimbursement for right of way for the Pelandale Avenue Expressway, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-310**

**A RESOLUTION APPROVING AN AGREEMENT WITH THE WATSON  
FAMILY RANCH LIMITED PARTNERSHIP FOR THE ACQUISITION OF  
PROPERTY FOR THE MARY E. GROGAN COMMUNITY PARK SITE**

WHEREAS, the Recreation and Neighborhoods Department is given the charge of acquiring and developing parks in the Modesto Urban Area General Plan (the plan) and in the Specific Plan for Village One, and

WHEREAS, the plan calls for the development of a 39-acre new community park in Village One, and in order to fulfill this charge it is necessary to acquire 45.46 acres of land, and

WHEREAS, staff has identified property currently owned by the Watson Family Ranch Limited Partnership as meeting the criteria of the plan, and

WHEREAS, the cost of acquisition is \$2,743,741.00, which shall be paid in five annual installments of \$458,000.00 and one final payment of \$453,741.00, and

WHEREAS, funds are included in the Capital Improvement Plan, in Fund 1350, Parks Capital Facilities Fees Fund and,

WHEREAS, funds for Fiscal Year 2000-01 are included in project 1350-310-M176, Grogan Community Park, and

WHEREAS, this project is consistent with the Village One Specific Plan and existing zoning and it therefore falls under the Village One Specific Plan Master Environmental Impact Report, State Clearinghouse No. 90020181,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with the Watson Family Ranch Limited Partnership for the acquisition of 45.46 acres of property for the Mary E. Grogan Community Park site.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-311**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: ACQUISITION OF 45.46 ACRES OF LAND FROM THE WATSON FAMILY RANCH LIMITED PARTNERSHIP FOR THE MARY E. GROGAN COMMUNITY PARK, PROPERTY LOCATED AT THE NORTHWEST CORNER OF SYLVAN AVENUE AND LITT ROAD.**

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (CEQA) Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been amended and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, the City of Modesto desires to acquire 45.46 acres of land for the Mary E. Grogan Community Park, in accordance with the Modesto Urban Area General Plan and the Village One Specific Plan, and

WHEREAS, staff has identified the Watson Family Ranch Limited Partnership as a willing seller, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/R&N 0102, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has hereby reviewed and considered Environmental Assessment No. EA/R&N 0102, entitled "City of Modesto Initial Study Grogan Community Park Acquisition and Future Construction Phases", for the proposed project and the Council hereby makes the following findings:

1. As per Sections 15168 (c) and 15182 of the California Environmental Quality Act (CEQA) Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
3. There are no substantial changes proposed within the project which will require major revisions of the Village One Program EIR, as amended by the Supplemental EIR.
4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as amended by the Supplemental EIR.
5. No new information, which was not known and could not have been known at the time that the Village One Program EIR, as amended by the Supplemental EIR was certified as complete, has become available.

6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. The Initial Study, Environmental Assessment No. EA/R&N 0102, provides the substantial evidence to support finding 1-7 above.

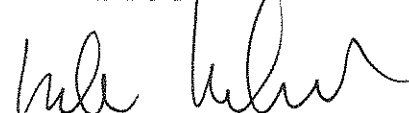
A copy of said Environmental Assessment No. EA/R&N 0102, entitled "City of Modesto Initial Study Grogan Community Park Acquisition and Future Construction Phases", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

City of Modesto  
Initial Study

Grogan Community Park Acquisition and Future Construction Phases

E.A. No. EA/R&N 0102  
March 1, 2001

I. **PURPOSE**

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15168 ( c ) ( 2 ) of the CEQA Guidelines states that for a Program EIR: if the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

Section 15162 of the CEQA Guidelines states that when an EIR has been certified for a project no subsequent EIR shall be prepared for that project, if the following findings can be made:

- A. No substantial changes are proposed within the project which will require major revisions of the environmental impact report.
- B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- C. No new information, which was not known and could not have been known at the time that the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. **PROJECT DESCRIPTION**

- A. Project title:  
Grogan Community Park Acquisition and Future Construction Phases
- B. Lead agency name and address:  
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:  
Fred Allen, Parks Planning and Development Manager, City of Modesto Recreation and Neighborhoods Department, (209) 577-5353

- D. Project Location:  
The Village One Specific Plan area in northeast Modesto, on the north side of Sylvan Avenue, east of Roselle Avenue, west of Litt Road.
- E. Project sponsor:  
City of Modesto, 1010 Tenth Street, Modesto, CA 95354  
Recreation and Neighborhoods Department  
P.O. Box 642, Modesto, CA 95353
- F. General Plan Designation:  
Village Residential (VR)
- G. Current Zoning:  
Specific Plan-Holding (SP-O) Zone
- H. Description of Proposed Project:  
  
This project will construct a thirty nine-acre community park within the Village One Neighborhood in northeast Modesto. The current phase will acquire the park site. Future park development will include: master plan, engineering & construction documents, construction administration, grading, street improvements, walkways, landscape and irrigation, lighted athletic fields, lighted hard courts, community center building with gymnasium, off-street parking, restroom buildings, area lighting, park furniture and a recreational aquatics complex.
- I. Surrounding land uses:  
  
North: Currently open ground, zoned County A-2-10.  
South: Village One Single-family subdivisions, zoned Specific Plan-Holding.  
West: Future Modesto City Schools High School, zoned Specific Plan-Holding.  
East: Currently open ground, zoned County A-2-10
- J. Other public agencies whose approval is required:  
  
None

### **III. ANALYSIS OF CONFORMANCE WITH SECTION 15162 FINDINGS**

- A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

**1. Traffic and Circulation**

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The Grogan Community Park Acquisition and Development is consistent with the Village One Specific Plan in land use and intensity. The project would provide a circulation system consistent with the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**2. Degradation of Air Quality**

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because the traffic impacts for the proposed Grogan Community Park Acquisition and Development are consistent with those in the Village One Specific Plan EIR, air quality impacts are also consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**3. Generation of Noise**

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The proposed Grogan Community Park Acquisition and Development is consistent with the Village One Specific Plan in land use and intensity. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**4. Vegetation and Wildlife**

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The proposed Grogan Community Park Acquisition and Development is in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**5. Land Use**

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The proposed Grogan Community Park Acquisition and Development is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**6. Population, Employment and Housing**

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The proposed Grogan Community Park Acquisition and Development is consistent with the Village

One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**7. Urban Design and Visual Quality**

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The proposed Grogan Community Park Acquisition and Development is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**8. Geology and Soils**

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The proposed Grogan Community Park and Acquisition is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**9. Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The proposed Grogan Community Park Acquisition and Development is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**10. Public Services**

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The proposed Grogan Community Park Acquisition and Development is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**11. Fiscal Impacts**

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The proposed Grogan Community Park Acquisition and Development is consistent with the Village One Specific Plan in terms of land use, intensity and estimated cost. Therefore, the fiscal impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

## 12. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The proposed Grogan Community Park Acquisition and Development is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the cumulative impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

## 13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The proposed Grogan Community Park Acquisition and Development is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

## IV. MANDATORY FINDINGS OF SIGNIFICANCE

- A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the development or infrastructure financing proposed for the Village One project under which this project is being undertaken which will require major revisions in the Village One Program EIR.

- B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

- C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

V. CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.
- B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.
- C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.
- D. This initial study provides substantial evidence to support findings A, B and C, above.

Signature: \_\_\_\_\_

Fred Allen, Parks Planning and Development Manager

Date: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-312**

**A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 CAPITAL  
IMPROVEMENT PLAN BUDGET TO APPROPRIATE \$8,000 FROM 1350-800-  
8000-8003, PARKS CAPITAL FACILITIES FEES RESERVE TO PROJECT 1350-  
310-M176, GROGAN COMMUNITY PARK**

WHEREAS, the Recreation and Neighborhoods Department is given the charge of acquiring and developing parks in the Modesto Urban Area General Plan (the plan) and in the Specific Plan for Village One, and

WHEREAS, the plan calls for the development of a 39-acre new community park in Village One, and in order to fulfill this charge it is necessary to acquire 45.46 acres of land, and

WHEREAS, staff has identified property currently owned by the Watson Family Ranch Limited Partnership as meeting the criteria of the plan, and

WHEREAS, the cost of acquisition is \$2,743,741.00, which shall be paid in five annual installments of \$458,000.00 and one final payment of \$453,741.00, and

WHEREAS, funds are included in the Capital Improvement Plan, in Fund 1350, Parks Capital Facilities Fees Fund and,

WHEREAS, funds for Fiscal Year 2000-01 are partially included in project 1350-310-M176, Grogan Community Park, and

WHEREAS, an additional \$8,000 is needed for the project for Fiscal Year 2000-01, and

WHEREAS, this project is consistent with the Village One Specific Plan and existing zoning and it therefore falls under the Village One Specific Plan Master Environmental Impact Report, State Clearinghouse No. 90020181,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2000-01 Capital Improvement Plan budget to appropriate \$8,000 from 1350-800-8000-8003, Parks Capital Facilities Fees Reserve to Project 1350-310-M176, Grogan Community Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-313**

**A RESOLUTION DESIGNATING THE STANISLAUS HOUSING AND  
SUPPORT SERVICES COLLABORATIVE AS THE PLANNING AND  
COORDINATING BODY FOR HOMELESS ISSUES IN STANISLAUS COUNTY**

WHEREAS, the Stanislaus Housing and Support Services Collaborative (SHSSC) was formed in May 2000 with the goal of developing a viable working Continuum of Care Plan, and

WHEREAS, the SHSSC is made up of non-profit and local government agencies, social service providers, homeless advocates, veterans, housing providers and individuals, and

WHEREAS, at its April 2001 meeting SHSSC approved its desire to be designated as the County's primary body in planning and coordinating issues concerning homeless persons in Stanislaus County, and

WHEREAS, on May 23, 2001, the City received a letter from Jeff Jue, Director of Stanislaus County Community Services Agency requesting that the City Council consider approving this designation request, and

WHEREAS, the Human Services Committee met on June 11, 2001, and supported designation of the Stanislaus Housing And Support Services Collaborative as the planning and coordinating body for homeless issues in Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby designates the Stanislaus Housing And Support Services Collaborative as the planning and coordinating body for homeless issues in Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-314**

**A RESOLUTION ACCEPTING THE COMMUNITY DEVELOPMENT BLOCK  
GRANT FINANCIAL PROGRAM REVIEW REPORT FROM MACIAS, GINI  
AND COMPANY**

WHEREAS, in December 2000, the City Council approved an agreement for consultant services with Macias, Gini and Company to provide a financial program review of the Community Development Block Grant program, and

WHEREAS, this program review has been completed, and

WHEREAS, the Audit Committee met on June 6, 2001, and recommended acceptance of the report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the Financial Program Review report of the Community Development Block Grant program conducted by Macias, Gini and Company.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-315**

**A RESOLUTION AUTHORIZING THE CITY'S REPRESENTATIVES ON THE  
WASTE-TO-ENERGY EXECUTIVE COMMITTEE TO EXECUTE  
AMENDMENT NUMBER FOUR (MERCURY VAPOR RETROFIT) TO THE  
SERVICE AGREEMENT WITH COVANTA STANISLAUS, INC. FOR THE  
OPERATION OF THE WASTE-TO-ENERGY FACILITY**

WHEREAS, the City of Modesto and the County of Stanislaus (the Contracting Communities) are joint partners in the Waste-to-Energy Facility, which is operated by Covanta Stanislaus, Inc., and

WHEREAS, in the mid-1980's, the Contracting Communities entered into a long-term Service Agreement with Covanta Stanislaus, Inc. (then Ogden Martin Systems of Stanislaus) for the construction and operation of the facility, and

WHEREAS, on November 15, 1990, Congress passed the 1990 Clean Air Act Amendments, which required the Environmental Protection Agency to develop new emission guidelines establishing Maximum Achievable Control Technology (MACT) emissions levels for Municipal Waste Combustors, and

WHEREAS, these new guidelines, finalized in August 1997, added limits for additional pollutants including lead, cadmium, mercury, nitrogen oxides and fugitive ash dust, and revised the emission limits and operating conditions contained in the 1991 guidelines, and

WHEREAS, the final guidelines required all large Municipal Waste Combustors (in excess of 250 tons per day) to be in compliance by December 19, 2000 or cease operations, and

WHEREAS, the Waste-to-Energy Facility is a large Municipal Waste Combustor, and processes 800 tons per day and is therefore subject to the guidelines issued by the EPA, and

WHEREAS, Covanta Stanislaus has retrofitted the plant with a carbon injection system for mercury emissions control, and scrubber modifications to meet MACT acid gas standards for removal efficiency, and

WHEREAS, under the terms of the Service Agreement costs attributable to a change-in-law are to be paid for by the Communities, and

WHEREAS, via negotiations, the Contracting Communities and Covanta have agreed to a capital cost for the retrofit of \$1,575,000, and \$137,000 in annual operating costs, and to performance guarantees and other provisions to protect the interests of the Contracting Communities, and

WHEREAS, any capital project, an adjustment to the annual operations & maintenance expense, the addition of new pass-through expenses, or a change in any of the performance guarantees requires an amendment to the Service Agreement, and

WHEREAS, to conclude this project, the Communities must approve and execute the Amendment No. 4 to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste Among the City of Modesto, Stanislaus County and Covanta Stanislaus, Inc., and

WHEREAS, at its December 14, 2000, meeting, the Waste-to-Energy Executive Committee unanimously recommended that the City Council and Board of Supervisors authorize their respective representatives on the Committee to execute Amendment Number Four (Mercury Vapor Retrofit) to the Service Agreement with Covanta Stanislaus for the Operation of the Waste-to-Energy Facility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the City's representatives on the Waste-to-Energy Executive Committee to execute Amendment Number Four (Mercury Vapor Retrofit) to the Service Agreement with Covanta Stanislaus for the Operation of the Waste-to-Energy Facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-316**

**A RESOLUTION APPROVING THE FINAL MAP OF DAVANTE VILLAS UNIT  
NO. 2 SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, ROBERT D. CALCAGNO, an unmarried man, and DAVANTE VILLAS L.P., a California Limited Partnership, by NOVA DEVELOPMENT GROUP LLC, a California Limited Liability Company, General Partner, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 0.73 acres, known as Davante Villas Unit No. 2 in the Village One Specific Plan Area (“Subdivision”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 16<sup>th</sup> day of October, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said DAVANTE VILLAS UNIT NO. 2 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in

Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-317**

**A RESOLUTION APPROVING A CONSULTANT SERVICES AGREEMENT IN THE AMOUNT OF \$57,800.00 WITH GOODWIN CONSULTING GROUP AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT**

WHEREAS, on March 30, 2001, Request-for-Proposals for the Infrastructure Financing Study for the Village One Specific Plan were mailed to twenty consultants, and

WHEREAS, staff has determined that Goodwin Consultant Group was the best qualified vendor to perform the scope of work requested, and

WHEREAS, the City Council is required to approve all contracts over \$50,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Consultant Services Agreement with Goodwin Consultant Group in the amount of \$57,800.00 is hereby approved.

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 26<sup>th</sup> day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 – 318**

**A RESOLUTION DENYING AN APPEAL BY TIM FRITANGELA TO A CITY  
STAFF DECISION REGARDING THE PLANTING OF A STREET TREE IN  
THE CITY OF MODESTO PLANTING EASEMENT AT 1917 DESTINY.**

WHEREAS, Modesto Municipal Code Section 7-5.04(a) states that the city will supply, replace and plant approximately one tree per lot, excepting on corner lots, and

WHEREAS, the City of Modesto Street Tree Plan states that there shall be one street tree which is designated as a shade tree per lot in residential areas, and

WHEREAS, in compliance with the aforementioned, City staff placed a Hesse Ash shade tree in the City planting easement at 1917 Destiny Way, and

WHEREAS, subsequent to a meeting between the property owner and City staff, City staff replaced the Hesse Ash tree with a Gingko shade tree, and

WHEREAS, the property owner, Tim Fritangela, appealed the placement of said Gingko tree at his residence and requested its removal, and

WHEREAS, said appeal was set for a public hearing on June 26, 2001, at 5:15 p.m., before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the decision of City staff regarding the planting of a street tree in the City of Modesto planting easement at 1917 Destiny should be denied for the following reasons:

1. Modesto Municipal Code Section 7-5.04(a) states the City will supply, replace and plant approximately one tree per lot, excepting on corner lots.
2. The City of Modesto Street Tree Plan states there shall be one street tree which is designated as a shade tree per lot in residential areas.
3. None of the trees planted by the property owners at 1917 Destiny meet the criteria as stated in the City of Modesto Street Tree Plan for shade trees.

4. Consistency in the planting of tree species is necessary to maintain the integrity of the City of Modesto Street Tree Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the appeal of Tim Fritangela to City staff's decision regarding the planting of a street tree in the City of Modesto planting easement at 1917 Destiny.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

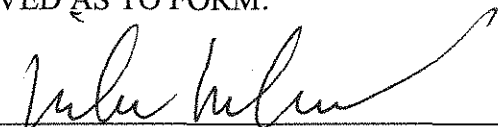
ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
\_\_\_\_\_

MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-319**

**A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF  
SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED  
ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO  
COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE -  
ANNEXATION #6)**

WHEREAS, this Council did, on May 22, 2001, adopt its Resolution No. 2001-228 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 1996-1 (the "District") in order to finance certain public facilities (the "Facilities") and services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, a copy of the Resolution of Intention to Annex, describing the territory proposed to be annexed, the list of Facilities and Services to be financed by the Annexed Territory, and the Special Tax to be levied in the Annexed Territory, and setting the hearing thereon, is on file with the City Clerk and is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, on June 26, 2001, this Council held the hearing as required by law related to the proposed annexation of territory and the levy of the Special Tax within the Annexed Territory and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council at the conclusion of the hearing was fully advised as to all matters related to

the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the Special Tax therein have not been filed with the City Clerk by fifty percent or more of the registered voters, or six registered voters, whichever is more, residing within either the District or the Annexed Territory proposed to be annexed to the District, or the owners of one-half or more of the area of land in either the territory in the District or the Annexed Territory and not exempt from the Special Tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of territory and the levy of the Special Tax therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. (a) The Facilities to be financed by the Annexed Territory are set forth in EXHIBIT "A" attached hereto and by this reference incorporated herein.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the Annexed Territory as a result of development occurring therein.

(c) No land within the Annexed Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5. (a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.

SECTION 6. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7. (a) As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the Annexed Territory to estimate the maximum amount that he or she will have to pay, is described in EXHIBIT A hereto and by this reference incorporated herein.

(c) The Special Tax as apportioned to each parcel pursuant to EXHIBIT A is based on the cost of making the Facilities and Services available to each parcel of the Annexed Territory, or other reasonable basis, and is not based on or upon the ownership of real property.

(d) There is no ad valorem property tax currently being levied on property within the Annexed Territory for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the Annexed Territory.

SECTION 8. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory. This Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 9. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory on any one day during the ninety days preceding the close of the protest hearing. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of

votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

SECTION 10. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on or before Tuesday, the 3<sup>rd</sup> day of July, 2001, the Election shall be held on that day, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots. Otherwise, the Election shall be held on the first Tuesday after that date which is 90 days after the date on which this Resolution is adopted.

The Election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a certified map of sufficient scale and clarity to show the boundaries of the Annexed Territory and a sufficient description to allow the City Clerk to determine the boundaries of the Annexed Territory within three business days after the adoption of this Resolution shall be conclusively evidenced by the signature of the City Clerk on the certificate of adoption relating to this Resolution.

In accordance with Section 53326 of the Act, the ballots for the election shall be distributed by mail or by personal service by the City Clerk, with return postage prepaid, to each Landowner, or Landowner's authorized representative for the purpose of voting its interests at the special election, within the Annexed Territory. The City Clerk shall certify the proper mailing or service of ballots by an affidavit, which shall constitute conclusive proof of mailing or service in the absence of fraud. The voted ballots shall be returned to the City Clerk in person or by mail, courier, messenger or other means of delivery not later than 7:00 p.m. on the day of the Election.

SECTION 11. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the "Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

SECTION 12. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 13. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;
2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;
3. Cause the official ballots to be mailed or personally delivered, as required by law;
4. Receive the returns of the Election and supplies;
5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;
6. Canvass the returns of the Election;
7. Furnish a tabulation of the number of votes given in the Election;
8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and
9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

SECTION 14. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, this Council may levy the Special Tax in the Annexed Territory in the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT A.

SECTION 15. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in

the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 26th day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

# EXHIBIT "A"

**COMMUNITY FACILITIES DISTRICT  
NO. 1996-1 (VILLAGE ONE)**

**CITY OF MODESTO  
STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT  
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**AMENDED APRIL 1997  
FOR  
ANNEXATION NO. 1**

Prepared by:

**VAIL ENGINEERING CORPORATION  
2033 Howe Ave., Ste. 220  
Sacramento, CA 95825  
(916) 929-3323  
(916) 929-1772 FAX**

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)  
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)**  
*CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA*

**PUBLIC REPORT**  
*MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982*

**INTRODUCTION**

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

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

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

- (1) A description of the public capital facilities and services proposed for the District;
- (2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;
- (3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;
- (4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;
- (5) General Terms and conditions relating to the proceedings.

For particulars, reference is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

... 1, 2000 2000 in

**PUBLIC REPORT**  
**MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**I. DESCRIPTION OF FACILITIES**

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

**A. ARTERIAL ROADS**

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Exoressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Exoressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

**B. STORM DRAINAGE SYSTEM**

The storm drainage system for Village One consists of three basins for detention and retention:

1. West Basin (9.56 acres): Retention with pump out facilities to Central Basin.
2. Central Basin (15.59): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.
3. Industrial Basin (8 acres): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

**C. UTILITY RELOCATION**

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

**D. PARKS**

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

**E. PUBLIC FACILITIES**

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

**F. OTHER**

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

**G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS\***

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*\*Street parkways includes median and roadside landscape and hardscape.*

## II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

### III. COST ESTIMATES

#### A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is \$48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads	\$20,509,278
Storm Drainage	\$13,240,470
Utility Relocation	\$1,120,458
Parks	\$10,863,967
Public Facilities	\$25,000
Other	<u>\$2,698,683</u>
Subtotal:	\$48,457,856
Annual CFD Administration (1%)	\$484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or \$484,579 over the life of the district.

Total district with administration is: \$48,942,435

**B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX**

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is \$850,000. A breakdown of these annual O&M costs are:

\* Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks .....	\$149,073
Street/Parkways: 1,500,000 sq. ft. x \$0.417 / sq. ft. ....	\$625,500
Pathway Landscaping: Subtotal Paths .....	\$44,965
Class I: 17,889 / 5,280 x \$4,020 =	\$13,560
Class II: 82,388 / 5,280 x \$1,500 =	\$23,405
Class III: 84,480 / 5,280 x \$500 =	<u>\$8,000</u>
	\$44,965
Weed and Litter Abatement .....	\$4,251
Misc. Annual Admin/Cont. (3%) .....	<u>\$26,211</u>
	Total Annual Cost: \$850,000

\* Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is \$708,676. The amount attributed to the Village One CFD is \$149,073.

#### IV. RATE AND METHOD *(By David Taussig and Associates)*

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

##### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

“Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

“Developed Property” means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

“Facilities Special Tax” means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

“Final Subdivision Map” means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term “Final Subdivision Map” shall not include any Assessor’s Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor’s Parcels that are designated as a remainder parcel.

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

“Gross Acreage” means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan #8*, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor’s Map.

“Industrial Property” means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

“Land Use Class” means any of the five classes listed in Table 1 and Table 2 below.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

"Multi-Family Residential" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"Other Property" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"Other Undeveloped Property" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Subdivided Property" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Undeveloped Commercial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Industrial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

#### B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

*Step 1:* Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

*Step 2:* Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

*Step 3:* Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

**Step 4:** Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

**Step 5:** Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

**Step 6:** Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

**Step 1:** Determine the Gross-Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

**Step 2:** Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

**Step 3:** Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

CFD NO. 1996-1 (VILLAGE ONE)  
Public Report - Mello Roos Community Facilities Act of 1982

Table 1  
Per-Acre Special Tax to be Used in  
Calculation of Maximum Facilities Special Tax  
For Annexation Area No. 1  
(Fiscal Year 1996-97)

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	\$19,715 per Gross Acre
2	Village Residential	\$29,479 per Gross Acre
3	Multi-Family Residential	\$76,394 per Gross Acre
4	Commercial	\$86,616 per Gross Acre
5	Industrial	\$40,564 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

Table 2  
Maximum Annual Maintenance Special Tax  
(Fiscal Year 1996-97)

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	\$112.43 per lot
2	Village Residential	\$112.43 per lot
3	Multi-Family Residential	\$ 72.99 per unit
4	Commercial	\$394.30 per Gross Acre
5	Industrial	\$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

**Step 1:** Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan*.

*Step 2:* Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.

*Step 3:* Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

*Step 4:* Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

**D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX**

**1. Facilities Special Tax**

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 for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.

2. Maintenance Special Tax

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

- Step 1:* Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.
- Step 2:* Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.
- Step 3:* If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.
- Step 4:* Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

**E. LIMITATIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

**F. ENFORCEMENT**

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

## V. GENERAL TERMS AND CONDITIONS

### A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

### B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

### C. ADMINISTRATION OF FUNDS

#### 1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463:

2. **Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

**VI. CERTIFICATION**

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

---

**Jerry L. Slinkard**  
**Vail Engineering Corporation**

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**Date**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-320**

**A RESOLUTION ACCEPTING THE PUBLIC HEALTH GOALS REPORT IN COMPLIANCE WITH TITLE 22 OF THE CALIFORNIA HEALTH AND SAFETY CODE.**

WHEREAS, Title 22 of the California Health and Safety Code requires that all large water system providers issue a Consumer Confidence Report on water quality standards in their service area, and

WHEREAS, said Consumer Confidence Report was delivered to customers by May 30, 2001, and

WHEREAS, Title 22 of the California Health and Safety Code also requires that all large water system providers issue a Public Health Goals Report on exceedances of the Public Health Goals, and

WHEREAS, the water system providers are also mandated to hold a public hearing for comments regarding the Public Health Goals, and

WHEREAS, said Public Health Goals Report has been prepared and a public hearing was held on June 26, 2001, to hear public comments.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Public Health Goals Report be, and it is hereby accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-321**

**A RESOLUTION APPROVING THE FY 2001-2002 BUDGET FOR THE  
STANISLAUS RESOURCE RECOVERY (“WASTE-TO-ENERGY”) FACILITY**

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an agreement for administration of the City/County Service Agreement with the Stanislaus Waste Energy Company for supply and acceptance of solid waste, and

WHEREAS, the Agreement established an Executive Committee to prepare an annual budget for each fiscal year, which Waste-to-Energy annual budget is to be submitted to the City Council and Board of Supervisors for approval, and

WHEREAS, at its April 26, 2001 meeting the Solid Waste-to-Energy Executive Committee considered the 2001/2002 budget as shown in the attached Exhibit “A”, and the Executive Committee unanimously approved forwarding the 2001/2002 Waste-to-Energy budget to the Modesto City Council and the Stanislaus County Board of Supervisors for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves the FY 2001-2002 Waste-to-Energy Project Budget, a copy of which is attached as Exhibit “A”, as recommended by the City/County Solid Waste-to-Energy Executive Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Waste to Energy Project Budget Expenditures - Additional Detail		
Account	Amount Budgeted	Description
60400	\$500	Communications - provision for personal communications equipment
61600	\$500	Maintenance - equipment - provision for equipment maintenance contracts
62200	\$12,000	Memberships - The project is a member of the Independent Energy Producers Association, which was formed to protect the interests of small energy producers.
62600	\$1,000	Office Supplies - WTE letterhead, envelopes, etc.
62780	\$500	Books/Periodicals - provision for WTE related publications
63000	\$174,000	Professional and Special Services \$50,000: Financial Advisors - This fund is for ongoing Financial Advisor Services related to the administration of the project, such as tipping fee reviews and revenue projections. \$6,000: Bond Logistix - Annual analysis required for tax purposes \$36,000: Legislative Lobbyist - The project retains a lobbyist to represent the project's interests with the Independent Systems Operators \$6,000: Bi-annual Trust Account Audit - The project audits the Trust Account every two years. \$50,000: Energy Consultant - The Committee has authorized the CEO and City Manager to retain a consultant to assist with the resolution of issues related to the energy crisis. \$26,000: Outside Audit of the Resource Recovery Account. Funds are being budgeted to conduct an outside audit of this account.
63280	\$0	Contracts
63400	\$0	Engineering Services - This is a contingency for engineering services that may be required if there are any required modifications to the facility.
63401	\$150,000	Administrative Services - This account provides for reimbursement to the City of Modesto for any staff costs associated with the project.
63640	\$250,000	Legal Services - This provides for outside legal counsel for the PG&E litigation, Bond counsel to the project, Bankruptcy counsel to the project, and for legal issues which may arise for other project elements, such as changes in legislation related to flow control.
65000	\$200	Public/legal notices - provision for required legal notices
65100	\$1,000	Rent/equipment - provision for office equipment rental

65300	\$4,000	Rent/structure- provision for administration space rental
65780	\$1,000	Education & Training - provision for staff training
66710	\$9,980,842	Service Charges - This account provides for payment of the Service Fee to Ogden Martin, which includes Debt Service, O&M costs, Pass Throughs and other costs.
67040	\$7,500	Travel Expenses - This account provides for project related travel, which may be significant this year due to the refinance.
74080	\$0	Central Services Printing
74250	\$23,000	County Counsel - This covers the County's cost for County Counsel services related to the project.
74301	\$110	Service Department Billing/Auditor - This covers the project related costs of the County Auditor/Controller.
74302	\$ 200	Service Dept. Bill - Purchasing - Internal service by Purchasing Dept.
74370	\$220	Stores - Internal supplies
74520	\$75,000	Admin Services - This account covers the project related costs of the County Department of Environmental Resources
74881	\$428	A-87 Charges - Credit against County admin charges
82130	\$0	Office equipment
84420	\$0	Personal computer equipment
85850	\$876,000	Transfers out - \$3/ton for HHW and AB 939
	\$11,558,000	Total Expenditures for FY 2001-2002

<b>Waste to Energy Project Budget Revenue Projections</b>		
Account	Amount Budgeted	Description
17000	1,500,000	Interest - Interest on pooled cash
34400	9,928,000	Sanitation Service - Disposal fee revenues
36470	0	Other - Service charge
40590	0	Donations & contributions
40860	130,000	Miscellaneous reimbursement - supplemental waste revenue and service fee credits
41450	0	Prior period revenue
	11,558,000	Total Revenues for FY 2001-2002

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-322**

**A RESOLUTION ORDERING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION THE PROPOSED CHARTER AMENDMENT PROVIDING FOR TERM LIMITS FOR MEMBERS OF THE MODESTO CITY COUNCIL, AND CHANGING THE DATE OF THE REGULAR MUNICIPAL ELECTION FROM NOVEMBER TO MARCH,**

WHEREAS, the City Council accepted the Stanislaus County Clerk-Recorder's certification of the signature count by adopting Resolution 2000-454 on August 22, 2000 for a Charter amendment petition that was circulated by its proponents to place on the ballot a Charter amendment to amend Section 300 of the Modesto City Charter and to add Section 506 to impose prospectively a two-term limit on the offices of Mayor and Councilmembers and changing the date of the regular municipal election from November to March, and

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

SECTION 1. That it hereby orders the City Clerk to submit the proposed Charter amendment to the voters at the next regular municipal election to be held on November 6, 2001.

SECTION 2. That a measure is to appear on the ballot as follows:

Shall the Modesto City Charter be amended to change the general municipal election date from November in odd-numbered years to March in even-numbered years and impose prospectively a two-term limit on the offices of Mayor and Councilmember?	YES	
	NO	

SECTION 3. That 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 26<sup>th</sup> day of June, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-323**

**A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF A MEASURE TO AMEND THE MODESTO CITY CHARTER PROVIDING FOR TERM LIMITS FOR MEMBERS OF THE MODESTO CITY COUNCIL AND THE MAYOR OF MODESTO AND CHANGING THE DATE OF THE REGULAR MUNICIPAL ELECTIONS FROM NOVEMBER TO MARCH TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE.**

WHEREAS, a Charter amendment petition has been circulated by its proponents to place on the ballot a Charter amendment to amend Section 300 of the Modesto City Charter and to add Section 506 to impose prospectively a two-term limit on the offices of Mayor and Councilmembers and changing the date of the regular municipal election from November to March, and

WHEREAS, the Stanislaus County Clerks Office has verified signatures and found the petition to be sufficient to qualify for submission to the voters, and

WHEREAS, the Modesto City Council has directed that the Charter amendment be placed on the ballot at the next regular municipal election to be held on November 6, 2001,

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 26<sup>th</sup> day of June, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-324**

**A RESOLUTION AUTHORIZING THE MEMBERS OF THE MODESTO CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO A MEASURE TO AMEND THE MODESTO CITY CHARTER PROVIDING FOR TERM LIMITS FOR MEMBERS OF THE MODESTO CITY COUNCIL AND THE MAYOR OF MODESTO AND CHANGING THE DATE OF THE REGULAR MUNICIPAL ELECTIONS FROM NOVEMBER TO MARCH AND FOR THE NOVEMBER 6, 2001 ELECTION.**

WHEREAS, a Charter amendment petition has been circulated by its proponents to place on the ballot a Charter amendment to amend Section 300 of the Modesto City Charter and to add Section 506 to impose prospectively a two-term limit on the offices of Mayor and Councilmembers and changing the date of the regular municipal election from November to March, and

WHEREAS, the Stanislaus County Clerks Office has verified signatures and found the petition to be sufficient to qualify for submission to the voters, and

WHEREAS, the Modesto City Council has directed that the Charter amendment be placed on the ballot at the next regular municipal election to be held on November 6, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to Elections Code Section 9282, the members of the City Council, or any of them, are hereby authorized to file written arguments, not exceeding 300 words, in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no arguments may be filed with the City Clerk.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Council of the City of Modesto that pursuant to Elections Code Section 9282, the members of the City Council, or any of them, are hereby authorized to file written arguments, not exceeding 300 words, in favor of or in opposition to any measure placed on the November 6, 2001 Election and to change such arguments until and including the date and time after which no arguments 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 26<sup>th</sup> day of June, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-325**

**A RESOLUTION APPOINTING JANICE E. KEATING TO THE COMMUNITY  
QUALITIES FORUM**

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

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

SECTION 1. Janice E. Keating is hereby appointed to the Community Qualities Forum with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26<sup>th</sup> day of June, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-326**

**A RESOLUTION RECOGNIZING “JULY IS RECREATION AND PARKS  
MONTH”**

WHEREAS, the Parks and Recreation profession in California “Creates Community through People, Parks and Programs”, and

WHEREAS, our parks help to preserve and protect the natural and cultural resources of Modesto, and

WHEREAS, Parks and Recreation services support more productive workforces, enhance the desirability of locations for business and families, and stimulate tourism revenues to increase a total community development model, and

WHEREAS, Parks and Recreation strengthens community image and sense of place, and increases cultural unity, and

WHEREAS, Parks and Recreation fosters human development, helping young people develop and grow into healthy adults, and helping adults continue to live longer, and

WHEREAS, Parks and Recreation facilitates community problem solving, and

WHEREAS, Parks and Recreation strengthens safety and security and reduces juvenile crime, and

WHEREAS, thousands of Modesto children, adults and seniors benefit from the wide range of services, facilities and programs provided by the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby urges all residents to enjoy and recognize the social, physical, mental, economic, environmental and community benefits derived from Modesto’s numerous parks and on-going and special programs for children, youth, adults and seniors, which provide something of value to everyone.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby recognizes July as “Recreation and Parks Month”.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

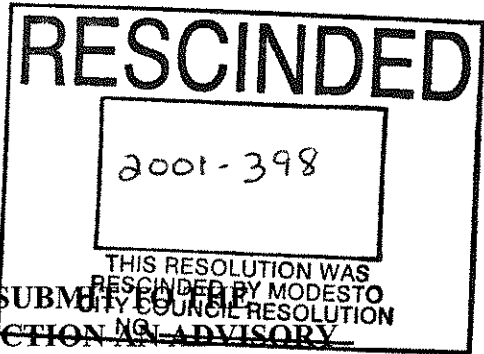
NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahm  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-327**

**A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE CITY COUNCIL FOR VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE REGARDING THE FLUORIDATION OF MODESTO'S DRINKING WATER.**

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

SECTION 1. BALLOT MEASURE. That Pursuant to Section 9603 of the California Elections Code, 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 the regular municipal election to be held on November 6, 2001, an advisory measure relating to the fluoridation of Modesto's drinking water as set forth below, and hereby designates the form of the ballot measure for use at said election as follows:

City of Modesto Measure – Advisory Vote Only Measure _____	YES	
For the purpose of dental health shall the City of Modesto fluoridate its drinking water in accordance with the standards set by the State of California?	NO	

SECTION 2. 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 municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 3. 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 County Election 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 3<sup>rd</sup> day of July, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-328**

**A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF  
AN ADVISORY MEASURE REGARDING THE FLUORIDATION OF  
MODESTO'S DRINKING WATER 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 a regular municipal election to be held on November 6, 2001, an advisory measure regarding the fluoridation of Modesto's Drinking water.

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 3<sup>rd</sup> day of July, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

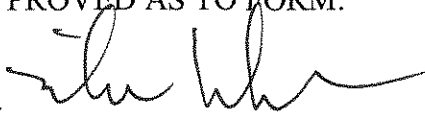
NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-329**

**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 REGARDING THE  
FLUORIDATION OF MODESTO'S DRINKING WATER.**

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at a regular municipal election to be held on November 6, 2001, an advisory measure regarding the fluoridation of Modesto's Drinking water.

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 arguments 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 3<sup>rd</sup> day of July, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-330**

**A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION A PROPOSAL TO AMEND THE MODESTO CITY CHARTER PROVIDING FOR ELECTION OF COUNCILMEMBERS BY DISTRICT AND CHANGING THE DATE OF REGULAR MUNICIPAL ELECTIONS FROM NOVEMBER TO MARCH.**

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

SECTION 1. Pursuant to Article 11, Section 3 of the California Constitution, Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 6, 2001, a proposal to amend Sections 300 and 501 of the Modesto City Charter and to add Sections 503, 504, and 505 as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. That a measure is to appear on the ballot as follows:

Shall the Modesto City Charter be amended to change the general municipal election date from November in odd numbered years to March in even numbered years and to impose a requirement that beginning in the 2004 general municipal election, all Councilmembers other than the Mayor be elected from one of six districts, the boundaries of which would be determined by the Modesto City Clerk no later than July 1, 2002?	YES	
	NO	

SECTION 3. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election department of the County of Stanislaus.

SECTION 4. That, if approved, the proposed charter amendments would take effect on the date set forth in Section 34459 of the California Government Code.

SECTION 5. That 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 3<sup>rd</sup> day of July, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Fisher, Friedman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Petition For Submission to Voters of Proposed Amendment to the Charter of the City of Modesto

To the City Council of the City of Modesto:

We, the undersigned, registered and qualified voters of the State of California, residents of the City of Modesto, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the City Council of the City of Modesto this petition and request that the following proposed amendment to the charter of the city be submitted to the registered and qualified voters of the city for their adoption or rejection at an election on a date to be determined by the City Council.

The proposed charter amendments read as follows:

SECTION ONE: *Declaration of Findings and Intent.*

- A. This initiative shall be known as the "Election Reform Act of 2000."
- B. The Citizens of Modesto find that the City election system should be reformed and improved to increase voter turnout and to make elected city officials more accountable to the voters. Everyone will benefit if more people become actively involved in the City's elections, and if city officials become more accountable to the citizens. To that end, the Citizens of Modesto amend the City Charter to do the following:
  - 1. Move regular municipal elections to the same date as statewide primary elections. The present system of holding municipal elections in odd-numbered years is very expensive for the City and results in low turnout. Moving city elections to even-numbered years will increase turnout and save money.
  - 2. Elect Councilmembers from districts. District elections allow everyone to be represented by someone who lives in their part of town and who understands their concerns. District elections make candidates more accountable to the people they represent and increase interest in city elections.

SECTION TWO: *Charter Amendments.*

The Charter of the City of Modesto is amended to read as follows:

SECTION 300. REGULAR MUNICIPAL ELECTIONS.

Regular municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held biennially on the first Tuesday after the first Monday in November of each odd-numbered year until the year 1999. Thereafter they shall be held biennially in March of each even-numbered year on the date specified in California Elections Code §1201, as the same now exists or hereafter be amended, commencing with the year 2002. The terms of those Councilmembers, including the Mayor, elected in 1997 and 1999 are hereby extended until their successors are elected and qualified in 2002 and 2004, respectively.

If, at a regular municipal election held on such date in March of each even-numbered year, no candidate for one of the elective offices of the City of Modesto receives a majority of the votes cast at said regular municipal election, a second regular municipal election shall be held for said office on the first Tuesday after the first Monday in May of each even-numbered year commencing with the year 2002. At said second regular municipal election, the two (2) candidates receiving the highest number of votes at the first regular municipal election shall have their names placed on the ballot for election to said office.

SECTION 501. MANNER OF ELECTION.

The Mayor shall be elected from the City at large at the times and in the manner provided in this Charter. The Councilmembers shall be elected by District at the times and in the manner provided by this Charter.

SECTION 503. DESIGNATION OF COUNCILMEMBERS FOR ELECTION.

As to Councilmembers there shall be deemed to be six (6) separate offices to be filled, one of which shall be designated as District 1, another as District 2, another as District 3, another as District 4, another as District 5, and another as District 6. The City Clerk pursuant to Section 700 of this Charter has previously designated the six (6) separate Councilmember offices as Chairs 1 through 6. When the City Clerk initially establishes District boundaries pursuant to Section 505 of this Charter, the Councilmember previously elected to a numerically designated Chair shall be deemed to be the representative of the District with the same numerical designation. No candidate shall file for more than one (1) elective office. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office.

SECTION 504. TERM OF OFFICE.

- (a) Except as otherwise provided in this Charter, the terms of elective offices shall be four (4) years.
- (b) In 2002 and every fourth (4<sup>th</sup>) year thereafter, the offices of Councilmembers designated as

District 2, District 4 and District 5 shall be filled at the general municipal election held in March, or at such other time as provided in this Charter. In 2004 and every fourth (4th) year thereafter, the offices of Mayor and Councilmembers designated as District 1, District 3 and District 6 shall be filled at the general municipal election held in March, or at such other time as provided in this Charter.

#### SECTION 505. ELIGIBILITY, DISTRICT RESIDENCE.

Commencing with the 2004 general municipal election, no person shall be eligible to hold elective office as a Councilmember unless that person is, and has been for a period of at least thirty (30) days immediately preceding the filing of nomination papers for such office or appointment to such office, a resident within the Council District corresponding in number to the office to which that person is elected or appointed. Each Councilmember shall, during the Councilmembers term of office, reside within such Council District. Further, as of date of the 2004 general municipal election, the incumbents in District 2, 4 and 5 shall be subject to the residency requirements of this section. The initial boundaries of such Districts shall be determined by the City Clerk no later than July 1, 2002 and shall be redetermined by the City Clerk not later than one hundred eighty (180) days following the publication each federal census thereafter. The District boundaries shall be determined or redetermined in conformance with the following standards:

- (a) The territory comprising each District shall be contiguous and as nearly compact in shape as possible.
- (b) The District should be as nearly equal in population as possible according to the latest Federal Decennial Census.
- (c) District boundaries shall not cross census tract lines, except to the extent necessary to ensure that the Districts are as nearly equal in population as may be according to the latest federal decennial census.
- (d) The six (6) districts shall be formed by dividing the City into six (6) geographic areas that split the City evenly from west to east, and again in thirds from north to south, thereby creating a northwestern, mid-western, southwestern, northeastern, mid-eastern and southeastern districts, consistent with the other standards listed below.
- (e) Consistent with Section 505 (d) above, District 1 shall be composed of the northwestern-most census tracts in the city that contain one-sixth of the population of the city. For purposes of this section, a census tract shall be considered to be to the northwest of other census tracts if it contains any area that is farther to the north and the west than all areas contained within the other census tracts. In the event that two or more census tracts are equally northern by this definition, the City Clerk shall select the western-most census tract.
- (f) Consistent with Section 505 (d) above, District 2 shall be composed of the northeastern-most census tracts in the city that contain one-sixth of the population of the city.
- (g) Consistent with Section 505 (d) above, District 3 shall be composed of the mid-western-most census tracts in the city that contain one-sixth of the population of the city.
- (h) Consistent with Section 505 (d) above, District 4 shall be composed of the mid-eastern-most census tracts in the city that contain one-sixth of the population of the city.
- (i) Consistent with Section 505 (d) above, District 5 shall be composed of the southwestern-most census tracts in the city that contain one-sixth of the population of the city.
- (j) Consistent with Section 505 (d) above, District 6 shall be composed of the southeastern-most census tracts in the city that contain one-sixth of the population of the city.
- (k) If at any time between each federal decennial census, the city annexes territory, the City Clerk shall adjust the boundaries of any or all of the Districts of the city so that the Districts shall be as nearly equal in population as may be according to the latest federal decennial census.

#### SECTION THREE: *Severability.*

If any provision of this measure or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or application, and to this end the provisions are severable.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-331**

**A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE MEASURE TO AMEND THE MODESTO CITY CHARTER PROVIDING FOR ELECTION OF COUNCILMEMBERS BY DISTRICT AND CHANGING THE DATE OF REGULAR MUNICIPAL ELECTIONS FROM NOVEMBER TO MARCH 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 6, 2001, a measure to amend the Modesto City Charter providing for election of Councilmembers by district and changing the date of regular municipal elections from November to March.

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 3<sup>rd</sup> day of July, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Fisher, Friedman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-332**

**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 MEASURE TO AMEND THE MODESTO CITY CHARTER PROVIDING FOR ELECTION OF COUNCILMEMBERS BY DISTRICT AND CHANGING THE DATE OF REGULAR MUNICIPAL ELECTIONS FROM NOVEMBER TO MARCH.**

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 6, 2001, a measure to amend the Modesto City Charter providing for election of Councilmembers by district and changing the date of regular municipal elections from November to March.

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 arguments 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 3<sup>rd</sup> day of July, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Fisher, Friedman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-333**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND MELTON AND OLMSTED ENTERPRISES, INC., FOR THE  
ACQUISITION OF PROPERTY LOCATED AT 400 KANSAS AVENUE, MODESTO,  
FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT**

WHEREAS, the Council of the City of Modesto has approved a project to construct an overcrossing at Kansas Avenue and Needham Avenue; and

WHEREAS, right of way needs to be acquired for this project; and

WHEREAS, agreements are needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and Melton and Olmsted Enterprises, Inc., for the acquisition of property located at 400 Kansas Avenue, Modesto, for the Kansas/Needham Overcrossing project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:

By   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-334**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN  
ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF  
PROPERTY OWNED BY MELTON AND OLMSTED ENTERPRISES, INC.,  
LOCATED AT 400 KANSAS AVENUE, MODESTO, FOR THE KANSAS/NEEDHAM  
OVERCROSSING 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, City desires to acquire right of way from Melton and Olmsted Enterprises, Inc., located at 400 Kansas Avenue, Modesto, for the Kansas/Needham Overcrossing project.

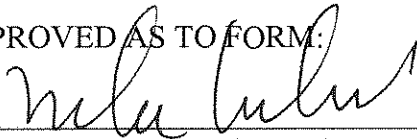
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form for a Grant Deed for the acquisition of property owned by Melton and Olmsted Enterprises, Inc., located at 400 Kansas Avenue, Modesto, for the Kansas/Needham Overcrossing project.

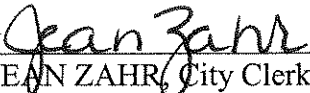
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:  
By   
MICHAEL D. MILICH, City Attorney

ATTEST:  
By   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-335**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "ANNUAL SEWER  
REHABILITATION – PHASE 2 (99/00)" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Annual Sewer Rehabilitation – Phase 2 (99/00), has been completed by Soares Pipeline, Inc., in accordance with the contract agreement dated February 6, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Annual Sewer Rehabilitation – Phase 2 (99/00) be accepted from said contractor, Soares Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$337,094.15 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-336**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "KANSAS AVENUE  
RECONSTRUCTION" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Kansas Avenue Reconstruction, has been completed by George Reed, Inc., in accordance with the contract agreement dated September 5, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Kansas Avenue Reconstruction be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$755,454.80 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-337**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
ROBERT HAUFF FROM AIRPORT ADVISORY COMMITTEE, EFFECTIVE  
JULY 3, 2001**

WHEREAS, Robert Hauff was appointed a member of the Airport Advisory Committee on December 8, 1998; and

WHEREAS, Robert Hauff has tendered his resignation from the Airport Advisory Committee, effective July 3, 2001; and

WHEREAS, Robert Hauff has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of Robert Hauff from the Airport Advisory 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 this City, hereby expresses its sincere appreciation to Robert Hauff for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-338**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR \$25,000 TO BE USED AS AN OPERATING GRANT TO PURSUE DEVELOPMENT OF THE BENNETT PLACE PROJECT, A 40 TO 60-UNIT SHELTER FACILITY TARGETED AT VERY-LOW AND LOW-INCOME TENANTS**

WHEREAS, the City Council at its February 13, 2001 meeting approved Resolution No. 2001-67 allocating fiscal year 2000-2001 HOME funds for Affordable Housing Projects and authorizing the City Manager to execute related documents, and

WHEREAS, the above-referenced allocation included \$25,000 to the Stanislaus County Affordable Housing Corporation to use as an operating grant to pursue the development of the Bennett Place project, a 40 to 60-unit shelter facility for very-low and low-income tenants,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Affordable Housing Corporation (STANCO) for \$25,000 to pursue the development of the Bennett Place project, a 40 to 60-unit shelter facility for very-low and low-income tenants is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement and other related documents by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM.  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-339**

**A RESOLUTION APPROVING A REQUEST FROM THE HMONG ASSOCIATION OF STANISLAUS COUNTY FOR \$1,015 IN CITY FINANCIAL SUPPORT FOR WAIVER OF FEES FOR CITY FACILITIES AND EQUIPMENT FOR THE ANNUAL NEW YEAR CELEBRATION ON NOVEMBER 17 AND 18, 2001**

WHEREAS, the Parks, Recreation and Neighborhoods Department received a request from the Hmong Association of Stanislaus County requesting waiver of fees for use of Thurman and Fairway soccer fields, the City's Public Address System and the City's portable stage for their annual New Year Celebration on November 17 and 18, 2001, and

WHEREAS, the Human Services Committee met on June 11, 2001, and supported waiving of the fees for the requested facilities and equipment, and further supported amending the budget to allocate funding from the General Fund Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from the Hmong Association of Stanislaus County requesting waiver of fees for use of Thurman and Fairway soccer fields, the City's Public Address System and the City's portable stage for their annual New Year Celebration on November 17 and 18, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

Attest:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-340**

**A RESOLUTION AMENDING THE BUDGET TO TRANSFER \$1,015 FROM THE GENERAL FUND RESERVE TO PROVIDE FUNDING TO THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT AND THE OPERATIONS AND MAINTENANCE DEPARTMENT TO COVER THE COSTS OF PROVIDING FACILITIES AND EQUIPMENT TO THE HMONG ASSOCIATION OF STANISLAUS COUNTY'S ANNUAL NEW YEAR CELEBRATION ON NOVEMBER 17 AND 18, 2001**

WHEREAS, the Parks, Recreation and Neighborhoods Department received a request from the Hmong Association of Stanislaus County requesting waiver of fees for use of Thurman and Fairway soccer fields, the City's Public Address System and the City's portable stage for their annual New Year Celebration on November 17 and 18, 2001, and

WHEREAS, the Human Services Committee met on June 11, 2001, and supported waiving of the fees for the requested facilities and equipment, and further supported amending the budget to allocate funding from the General Fund Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2001-02 operating budget is hereby amended to transfer \$1,015 from the General Fund Reserve, 0100-800-8000-8003, to 0100-380-3801-0110, Parks Recreation and Neighborhoods Department, Community Services Organization, (\$27) and 0100-480-4522-0140, Operations and Maintenance Department, Parks Organization, (\$988).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

Attest:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-341**

**A RESOLUTION APPROVING A REQUEST FROM THE INTERNATIONAL  
FESTIVAL COMMITTEE FOR \$6,950 IN CITY FINANCIAL SUPPORT FOR  
THE ANNUAL INTERNATIONAL FESTIVAL ON OCTOBER 6 AND 7, 2001**

WHEREAS, the City has co-sponsored and provided direct financial assistance to the International Festival since its inception several years ago, and

WHEREAS, the Parks, Recreation and Neighborhoods Department received a request from the International Festival Committee requesting additional City assistance for the annual International Festival on October 6 and 7, 2001, and

WHEREAS, the Human Services Committee met on June 11, 2001, and supported the request to extend the Festival to two (2) days, and further supported amending the budget to allocate funding from the General Fund Reserve to cover the cost of additional City services and additional direct financial support,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from the International Festival Committee for additional direct City support for the annual International Festival on October 6 and 7, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

Attest:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-341A**

**A RESOLUTION AMENDING THE BUDGET TO TRANSFER \$6,950 FROM THE GENERAL FUND RESERVE TO PROVIDE FUNDING TO THE POLICE DEPARTMENT, ENGINEERING AND TRANSPORTATION DEPARTMENT, PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT AND THE OPERATIONS AND MAINTENANCE DEPARTMENT TO COVER THE COSTS OF PROVIDING ADDITIONAL CITY SERVICES TO THE INTERNATIONAL FESTIVAL ON OCTOBER 6 AND 7, 2001**

WHEREAS, the City has co-sponsored and provided direct financial assistance to the International Festival since its inception several years ago, and

WHEREAS, the Parks, Recreation and Neighborhoods Department received a request from the International Festival Committee requesting additional City assistance for the annual International Festival on October 6 and 7, 2001, and

WHEREAS, the Human Services Committee met on June 11, 2001, and supported the request to extend the Festival to two (2) days, and further supported amending the budget to allocate funding from the General Fund Reserve to cover the cost of additional City services and additional direct financial support,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2001-02 operating budget is hereby amended to transfer \$6,950 from the General Fund Reserve, 0100-800-8000-8003, to various accounts as follows: \$450 to 0100-190-1961-0140 (Police Department for two police officers); \$1,050 to 0100-480-4522-0140 (Operations and Maintenance, for personnel and equipment); \$450 to 6510-160-1672-0232 (Engineering and Transportation for bus service from parking lots to park); and, \$5,000 to 0100-360-3622-1047 (Parks, Recreation and Neighborhoods, Cultural Promotions for additional direct City assistance).

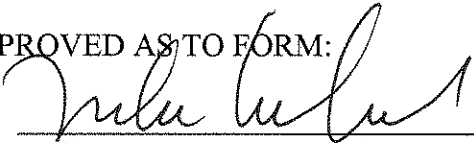
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

Attest:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-342**

**A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE  
MODESTO GARDEN CLUB FOR 622 14<sup>TH</sup> STREET AND NON-STRUCTURAL  
PORTIONS OF 618 14<sup>TH</sup> STREET AND AUTHORIZING THE CITY MANAGER  
TO EXECUTE SAID LEASE**

WHEREAS, the City of Modesto has entered into a community beautification project with the Modesto Garden Club (Club) known as Color Modesto, and

WHEREAS, the Club now supplies about 300 volunteers per month for civic beautification, and

WHEREAS, the Club is in need of a downtown location for civic beautification, and

WHEREAS, the City has property located at 618 and 622 14<sup>th</sup> Street, and

WHEREAS, the Club has determined that the property at 622 14<sup>th</sup> Street meets the expressed needs of the Club, and

WHEREAS, the Club has agreed to maintain and improve the landscaping at 618 and 622 14<sup>th</sup> Street as part of their downtown beautification project, and

WHEREAS, the Human Services Committee met on June 11, 2001, and made the above recommendation approving a lease agreement with the Modesto Garden Club for 622 14<sup>th</sup> Street and non-structural portions of 618 14<sup>th</sup> Street,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Lease Agreement between the City of Modesto and the Modesto Garden Club for 622 14<sup>th</sup> Street and non-structural portions of 618 14<sup>th</sup> Street be, and is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager is hereby authorized.

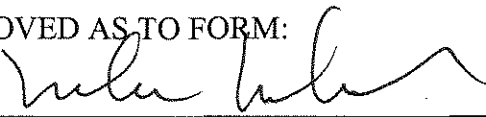
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

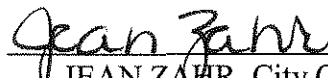
AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

Attest:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-343**

**A RESOLUTION APPROVING EXTENDING A FINANCIAL MANAGEMENT SERVICES AGREEMENT WITH L. PATRICK SAMSELL AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT**

WHEREAS, on February 7, 2001, a contract with L. Patrick Samsell was executed to perform Financial Management Services for the Finance Department, and

WHEREAS, staff has determined that additional consultant services will be needed, exceeding the existing contract maximum amount of \$50,000.00; and

WHEREAS, the City Council is required to approve all contracts over \$50,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that extension of the Financial Management Services contract with L. Patrick Samsell is hereby approved.

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 3rd day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-344**

**A RESOLUTION AUTHORIZING CITY STAFF TO DEVELOP POLICY  
GUIDELINES RELATED TO DONATIONS OF BATTERY BACK-UP SYSTEMS  
BY SAFER INTERSECTIONS**

**WHEREAS**, the ongoing energy crisis has increased the opportunities for controlled rotating power outages in Modesto; and

**WHEREAS**, the Council approved \$200,000 on June 5, 2001 for the installation of battery back-up systems at 15 intersections throughout the City; and

**WHEREAS**, the City of Modesto does not have the necessary funding to install battery back-up systems at all intersections controlled by traffic signals; and

**WHEREAS**, Safer Intersections, a Modesto-based business, would solicit local businesses to participate in an “Adopt an Intersection” program; and

**WHEREAS**, participating businesses would purchase the battery back-up equipment and donate them to the City of Modesto; and

**WHEREAS**, participating businesses would be allowed to advertise business names at designated locations along the intersections in the City of Modesto, and

**WHEREAS**, the Modesto City Council authorizes staff to develop policy guidelines relating to donations of battery back-up systems, recognition signage for traffic signals at all locations throughout the City, and equipment specifications;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Modesto that it hereby adopts this resolution authorizing city staff to develop policy guidelines related to donations of battery back-up systems by Safer Intersections.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-345**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ESTABLISH  
CONTRACT "DEAL POINTS" WITH SAFER INTERSECTIONS FOR THE  
PURPOSES OF IMPLEMENTING A BATTERY BACK-UP PROGRAM.**

**WHEREAS**, the ongoing energy crisis has increased the opportunities for controlled rotating power outages in Modesto; and

**WHEREAS**, the Council approved \$200,000 on June 5, 2001 for the installation of battery back-up systems at 15 intersections throughout the City; and

**WHEREAS**, the City of Modesto does not have the necessary funding to install battery back-up systems at all intersections controlled by traffic signals; and

**WHEREAS**, Safer Intersections, a Modesto-based business, would solicit local businesses to participate in an "Adopt an Intersection" program; and

**WHEREAS**, participating businesses would purchase the battery back-up equipment and donate them to the City of Modesto; and

**WHEREAS**, participating businesses would be allowed to advertise business names at designated locations along the intersections in the City of Modesto, and

**WHEREAS**, the Modesto City Council authorizes the City Manager to establish contract "deal points" with Safer Intersections for the purposes of implementing a battery back-up program;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Modesto that it hereby adopts this resolution authorizing the City Manager to establish contract "deal points" with Safer Intersections for the purposes of implementing a battery back-up program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-346**

**A RESOLUTION REQUIRING THAT CANDIDATES FOR THE NOVEMBER 6, 2001 REGULAR MUNICIPAL ELECTION PAY A \$500 DEPOSIT AS A CONDITION OF HAVING HIS OR HER CANDIDATE STATEMENT INCLUDED IN THE VOTER PAMPHLET AND REQUIRING THE CITY CLERK TO BILL SUCH CANDIDATES FOR THEIR PRO RATA SHARE OF THE ACTUAL COST OF THE PRINTING OF SUCH STATEMENTS AFTER THE ELECTION.**

WHEREAS, pursuant to Section 85300 of the Political Reform Act, added by Proposition 73 of the June 1988 Statewide Primary Election, Public Funds; Prohibition, "No public officer shall expend and no candidate shall accept any public monies for the purpose of seeking elective office".

WHEREAS, State Elections Code Section 13307(e) provides that before the opening of the nomination period, the Council must determine whether the candidates shall pay for their statements, consequently, this matter was set for June 26, 2001 for consideration by the City Council, referred to the Economic Development, Community & Intergovernmental Relations Committee, and returned to the City Council on July 3, 2001, where it was determined that candidates will be charged a \$500.00 deposit at the time of filing their nomination form, and

WHEREAS, the City Clerk was directed, pursuant to Election Code 13307(c) to bill the candidate for any additional actual expense or refund any excess paid depending on the final actual cost.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby declares that candidates for election in the Regular Municipal Election to be held on

November 6, 2001 shall be required to pay a \$500 deposit as a condition of having his or her candidate statement included in the voter pamphlet.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-347**

**A RESOLUTION REQUIRING THAT CANDIDATES FOR THE MARCH 5, 2002 REGULAR MUNICIPAL ELECTION SHALL PAY A \$500 DEPOSIT AS A CONDITION OF HAVING HIS OR HER CANDIDATE STATEMENT INCLUDED IN THE VOTER PAMPHLET AND REQUIRING THE CITY CLERK TO BILL SUCH CANDIDATES FOR THEIR PRO RATA SHARE OF THE ACTUAL COST OF THE PRINTING OF SUCH STATEMENTS AFTER THE ELECTION.**

WHEREAS, a charter amendment petition has been circulated by its proponents to place on the ballot a charter amendment to Article 3, Section 300, changing the date of the Regular Municipal Election from November of odd years to March of even years and adding Section 506 to Article 5, to provide for term limits from members of the Modesto City Council, and

WHEREAS, the Stanislaus County Clerk's office has verified signatures and found the petition to be sufficient to qualify for a regular municipal election, and

WHEREAS, the City Council accepted the certification of the signature count by adoption of Resolution 2000-454 on August 22, 2000, and

WHEREAS, in the event the Charter amendment known as "Term Limits Action of 2000" is approved by the voters at the November 6, 2001 election the City Council must determine whether the candidates shall pay for the cost of their statements, and

WHEREAS, State Elections Code Section 13307(e) provides that before the opening of the nomination period, the Council must determine whether the candidates shall pay for their statements, consequently, this matter was set for June 26, 2001 for consideration by the City Council, referred to the Economic Development, Community & Intergovernmental Relations

Committee, and returned to the City Council on July 3, 2001, where it was determined that candidates will be charged a \$500.00 deposit at the time of filing their nomination form, and

WHEREAS, the City Clerk was directed, pursuant to Election Code 13307(c), to bill the candidate for any additional actual expense or refund any excess paid depending on the final actual cost.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby declares that candidates for election in the Regular Municipal Election to be held on March 5, 2002 shall be required to pay a \$500 deposit as a condition of having his or her candidate statement included in the voter pamphlet.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-348**

**A RESOLUTION APPROVING STAFF PROPOSED RESPONSE TO THE  
FINDINGS, RECOMMENDATIONS AND CONCLUSIONS OF THE GRAND  
JURY REPORT RELATING TO THE HOUSING MAINTENANCE PROGRAM  
AND AUTHORIZING THE CITY MANAGER TO SUBMIT SAID RESPONSE**

WHEREAS, the City received a report from the Stanislaus County 2000-2001 Civil Grand Jury (Grand Jury) dated April 10, 2001, relating to the Housing Maintenance Program funded by the Federal Department of Housing and Urban Development Community Development Block Grant Program, and

WHEREAS, staff has prepared a response to the Findings, Recommendations and Conclusions of the report, and

WHEREAS, according to Section 933 (c) and 933.05 of the California Penal Code, said response will be submitted by the City Manager to the Grand Jury, and

WHEREAS, the Audit Committee met on June 25, 2001 and considered this item,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that staff's proposed response to the Findings and Recommendations of the report from the Stanislaus County 2000-2001 Civil Grand Jury relating to the Housing Maintenance Program is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to submit the City of Modesto response to the Findings, Recommendations and Conclusions of the Stanislaus County 2000-2001 Civil Grand Jury Final Report Part One relating to the Housing Maintenance Program to the Grand Jury.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Marilyn Roney, Acting  
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-349**

**A RESOLUTION AUTHORIZING THE CITY CLERK AND AUDITOR TO  
CONDUCT A PROGRAM AND PRACTICES AUDIT OF THE CITY'S  
FEDERAL HOUSING AND URBAN DEVELOPMENT-FUNDED PROGRAMS.**

WHEREAS, the Stanislaus County 2000-2001 Civil Grand Jury (Grand Jury) has submitted to the City of Modesto Final Report Part One (the report) relating to the Housing Maintenance Program, and

WHEREAS, staff has prepared a response to the Findings, Recommendations and Conclusions of the report, and

WHEREAS, according to Section 933 (c) and 933.05 of the California Penal Code, said response will be submitted by the City Manager to the Grand Jury, and

WHEREAS, the City Clerk and Auditor recommends that a program and practices audit be conducted of all of the City's Federal Housing and Urban Development-funded (HUD) programs, which include the Community Development Block Grant program, the Emergency Shelter Grant program and the HOME Program, and

WHEREAS, the Audit Committee met on June 25, 2001 and supported staff's recommendation to conduct a program and practices audit,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Clerk and Auditor to conduct a program and practices audit of the City's Federal Housing and Urban Development-funded (HUD) programs, which include the Community Development Block Grant program, the Emergency Shelter Grant program and the HOME Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-350**

**A RESOLUTION APPROVING THE FINAL MAP OF LEGENDS VILLAGE  
UNIT NO. 5 SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, BILLIE C. HOLLOMAN and JKB HOMES, Corporation, a California Corporation, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 17.40 acres, known as Legends Village Unit No. 5 in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 28<sup>th</sup> day of February, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said LEGENDS VILLAGE UNIT NO. 5 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-351**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND THE COUNTY OF STANISLAUS FOR ONE MODESTO  
POLICE OFFICER TO WORK ON THE HIGH RISK OFFENDER/JUVENILE  
WARRANT ENFORCEMENT PROGRAM**

WHEREAS, the County of Stanislaus Probation Department has a need for a Modesto Police Officer to partner with a Probation Officer to provide intensive supervision and monitoring to high-risk juvenile wards and enforcement of Juvenile Court warrants and conduct police/probation activities to curtail delinquent behavior for the purpose of reducing juvenile crime and gang involvement and increasing offender accountability; and,

WHEREAS, the Modesto Police Department can provide an experienced and competent Police Officer for these purposes and the City of Modesto wishes to enter into an agreement with the Probation Department to provide such services; and,

WHEREAS, the entire cost of one Modesto Police Officer, his or her benefits and personal equipment, will be paid by the County of Stanislaus by a federal grant obtained for the "High Risk Offender/Juvenile Warrant Enforcement Program".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Probation Department for one Modesto Police Officer to work in "High-Risk Offender/Juvenile Warrant Enforcement Program" is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager of the City of Modesto is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-352**

**A RESOLUTION CANVASSING THE RESULTS OF THE JULY 3, 2001,  
ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO  
COMMUNITY FACILITIES DISTRICT NO. 1996-1, AND ORDERING  
ANNEXATION OF SAID TERRITORY TO THE DISTRICT (VILLAGE ONE -  
ANNEXATION #6)**

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), the City Council (the "Council") of the City of Modesto (the "City"), by its Resolution of Formation No. 96-544, adopted on October 8, 1996, formed its Community Facilities District No. 1996-1 (the "District"), relating to territory within the Village One Area, and, subject to the vote of the qualified electors therein, authorized the levy of a special tax therein, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 1 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 2 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 3 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 4 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 5 to the District, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of Intention to Annex No. 2001-228, adopted May 22, 2001, to annex certain territory to the District, a boundary map for which is recorded at Volume 3 A.M. of Maps of Assessment and Community Facilities Districts at page 49 in the Office of the Stanislaus County Recorder (the "Annexed Territory"), relating to territory within the Village One Area, and to levy a special tax therein (the "Special Tax") as set forth in Exhibit A hereto and by this reference incorporated herein for the purposes

of financing certain facilities and services as set forth in Exhibit A hereto, and by this reference incorporated herein, and to set a hearing thereon for June 26, 2001, and

WHEREAS, at the conclusion of the public hearing, the Council did, on June 26, 2001, adopt its Resolution No. 2001-319, in which it determined to submit the question of the annexation of territory to the District and the levy of the Special Tax therein to the qualified electors of the Annexed Territory, and called an election thereon, which was held on July 3, 2001, (the "Election"), and

WHEREAS, on July 3, 2001, the Election was held relative to the foregoing, and

WHEREAS, the City Clerk has certified that, at the Election the proposition of levying the Special Tax within the Annexed Territory was approved by one hundred (100%) percent of the votes cast,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The above recitals are true and correct.
2. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.
3. Based on the City Clerk's certificate of election results, attached hereto as Exhibit B, the ballot proposition presented to the qualified electors of the Annexed Territory, at the Election received at least two-thirds (2/3) of the votes cast.
4. Pursuant to Section 53339.8 of the Act, it is hereby determined that the Annexed Territory is added to and is a part of the District with full legal effect, and that this Council may levy the Special Tax within the Annexed Territory.
5. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such Election, and is hereby further authorized and directed to record notice of the annexation by filing an amendment to the notice of special tax lien with the Office of the County Recorder for the County of Stanislaus pursuant to Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

# **Exhibit A**

# Exhibit B

**COMMUNITY FACILITIES DISTRICT  
NO. 1996-1 (VILLAGE ONE)**

**CITY OF MODESTO  
STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT  
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**AMENDED APRIL 1997  
FOR  
ANNEXATION NO. 1**

Prepared by:

**VAIL ENGINEERING CORPORATION**  
2033 Howe Ave., Ste. 220  
Sacramento, CA 95825  
(916) 929-3323  
(916) 929-1772 FAX

**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)  
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

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**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)**  
**CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT**  
**MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**INTRODUCTION**

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

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

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

- (1) A description of the public capital facilities and services proposed for the District;
- (2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;
- (3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;
- (4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;
- (5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)  
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT  
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**I. DESCRIPTION OF FACILITIES**

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

**A. ARTERIAL ROADS**

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Expressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Expressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

**B. STORM DRAINAGE SYSTEM**

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9.56 acres):** Retention with pump out facilities to Central Basin.
2. **Central Basin (15.59):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.
3. **Industrial Basin (8 acres):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

**C. UTILITY RELOCATION**

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

**D. PARKS**

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

**E. PUBLIC FACILITIES**

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

**F. OTHER**

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

**G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS\***

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*\*Street parkways includes median and roadside landscape and hardscape.*

## **II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1**

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

### III. COST ESTIMATES

#### A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is \$48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads	\$20,509,278
Storm Drainage	\$13,240,470
Utility Relocation	\$1,120,458
Parks	\$10,863,967
Public Facilities	\$25,000
Other	<u>\$2,698,683</u>

Subtotal: \$48,457,856

Annual CFD Administration (1%) \$484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or \$484,579 over the life of the district.

Total district with administration is: \$48,942,435

**B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX**

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is \$850,000. A breakdown of these annual O&M costs are:

\* Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks	\$149,073
Street/Parkways: 1,500,000 sq. ft. x \$0.417 / sq. ft.	\$625,500
Pathway Landscaping: Subtotal Paths	\$44,965
Class I: 17,889 / 5,280 x \$4,020 =	\$13,560
Class II: 82,388 / 5,280 x \$1,500 =	\$23,405
Class III: 84,480 / 5,280 x \$500 =	<u>\$8,000</u>
	\$44,965
Weed and Litter Abatement	\$4,251
Misc. Annual Admin/Cont. (3%)	<u>\$26,211</u>
	Total Annual Cost: \$850,000

\* Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is \$708,676. The amount attributed to the Village One CFD is \$149,073.

#### IV . **RATE AND METHOD** (By David Taussig and Associates)

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

##### A. **DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**"Acre or Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

**"Annual Maintenance Special Tax"** means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

**"Assessor's Parcel Map"** means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

**"City"** means the City of Modesto.

**"City Manager"** means the City Manager of the City of Modesto.

**"Commercial Property"** means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

**"Council"** means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

**"Developed Property"** means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

**"Facilities Special Tax"** means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

**"Final Subdivision Map"** means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

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

**"Gross Acreage"** means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan #8*, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

**"Industrial Property"** means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

**"Land Use Class"** means any of the five classes listed in Table 1 and Table 2 below.

**"Maintenance Special Tax Requirement"** means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

**"Maximum Special Tax"** means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

**"Multi-Family Residential"** means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

**"Other Property"** means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

**"Other Undeveloped Property"** means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

**"Public Agency"** means the federal government, State of California or other local governments or public agencies.

**"Subdivided Property"** means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

**"Undeveloped Commercial Property"** means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Undeveloped Industrial Property"** means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Undeveloped Residential Property"** means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Very Low Density Residential"** means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

**"Village One Facilities Master Plan"** means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

**"Village One Specific Plan"** means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

**"Village Residential"** means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

## B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

**C. MAXIMUM SPECIAL TAX**

**1. Facilities Special Tax**

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

**Step 1:** Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

**Step 2:** Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

**Step 3:** Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

**Step 4:** Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

**Step 5:** Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

**Step 6:** Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

**Step 1:** Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

**Step 2:** Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

**Step 3:** Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

**Table 1**  
**Per-Acre Special Tax to be Used in**  
**Calculation of Maximum Facilities Special Tax**  
**For Annexation Area No. 1**  
**(Fiscal Year 1996-97)**

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	\$19,654 per Gross Acre
2	Village Residential	\$29,398 per Gross Acre
3	Multi-Family Residential	\$76,228 per Gross Acre
4	Commercial	\$86,313 per Gross Acre
5	Industrial	\$40,419 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

## 2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

Table 2  
Maximum Annual Maintenance Special Tax  
(Fiscal Year 1996-97)

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	\$112.43 per lot
2	Village Residential	\$112.43 per lot
3	Multi-Family Residential	\$ 72.99 per unit
4	Commercial	\$394.30 per Gross Acre
5	Industrial	\$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

**Step 1:** Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan*.

- Step 2:** Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.
- Step 3:** Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.
- Step 4:** Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

**D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX**

**1. Facilities Special Tax**

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 for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.

## 2. Maintenance Special Tax

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

- Step 1:** Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.
- Step 2:** Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.
- Step 3:** If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.
- Step 4:** Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

**E.    LIMITATIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

**F.    ENFORCEMENT**

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

## V. GENERAL TERMS AND CONDITIONS

### A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

### B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

### C. ADMINISTRATION OF FUNDS

#### 1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

**2. Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

## VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

---

Jerry L. Slinkard  
Vail Engineering Corporation

---

Date

# **Exhibit B**

**EXHIBIT C**

**CERTIFICATE OF CITY CLERK**

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2001-319, the Resolution calling for the Election, adopted on June 26, 2001 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1(6) on July 3, 2001, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

**Proposition A.** Shall an appropriations limit in the amount of \$1,000,000 per fiscal year be established for Community Facilities District No. 1996-1(5) (the "District") of the City of Modesto ("the City"), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in EXHIBIT B to the City's Resolution No. 98-653 (the "Resolution of Formation") adopted by the City Council of the City of Modesto on December 8, 1998, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities and services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

TOTAL VOTES CAST:            YES   31              NO   0  

Dated: July 3, 2001

  
\_\_\_\_\_  
JEAN ZAHR  
City Clerk of the City of Modesto

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-353**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A CALIFORNIA ENERGY COMMISSION LOAN TO PURCHASE LED TRAFFIC SIGNAL INDICATIONS**

WHEREAS, the California Energy Commission provides loans to schools, hospitals, local governments, special districts, and public care institutions to finance energy efficiency improvements, and;

WHEREAS, on May 7, 2001, the California Energy Commission made funds available to all eligible agencies for funding the replacement of incandescent bulbs for traffic signals to Light Emitting Diodes (LED's), and

WHEREAS, funds are available on a first-come first-served basis at an interest rate of Three (3%) Percent, and

WHEREAS, through this low interest loan program, City staff is proposing to fund the purchase of all 12" and 8" green circular indications, all 12" green arrow indications, and all 8" green and red indications, at an estimated cost of \$267,500, and

WHEREAS, retrofitting the City's traffic signals with the LED's will save approximately 1,106,000 kilowatts per year which translates into a yearly savings of approximately \$80,000, and

WHEREAS, the Transportation Policy Committee approved applying for the California Energy Commission Loan at their June 21, 2001, meeting,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto authorizes the City Manager to apply for an energy efficiency loan from the California Energy Commission to implement energy efficiency measures.

BE IT FURTHER RESOLVED that, if recommended for funding by the California Energy Commission, the City Council authorizes the City Manager to accept a loan up to \$350,000.

BE IT FURTHER RESOLVED, that the amount of the loan will be paid in full, plus interest, under the terms and conditions of the Loan Agreement and Promissory Note of the California Energy Commission.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and empowered to execute on behalf of the City all necessary documents to implement and carry out the purpose of this resolution, and to undertake all actions necessary to undertake and complete the energy efficiency projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-354**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE  
PROJECT TITLED "PEGGY MENSINGER BICYCLE PATH ALONG DRY  
CREEK"**

WHEREAS, the bids received for "PEGGY MENSINGER BICYCLE PATH ALONG DRY CREEK" were opened at 11:00 a.m. on June 12, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$502,525.00 received from George Reed, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$502,525.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By

  
\_\_\_\_\_  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-355**

**A RESOLUTION APPROVING AN INTER-FUND TRANSFER, CHANGE IN ESTIMATED REVENUE, AND AMEND THE CAPITAL IMPROVEMENT PROGRAM (CIP) TO FULLY FUND THE PEGGY MENSINGER BICYCLE PATH ALONG DRY CREEK PROJECT**

WHEREAS, costs in the CIP account to construct Peggy Mensinger Bicycle Path along Dry Creek exceeded the estimated budget, and

WHEREAS, this was the result of higher costs associated with the current construction market and the difficulties imposed by working conditions in an area of high traffic volumes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following be approved.

Fund	Agency	Org	Name	Budget	Adjustment	New Budget
052	310	K092	Non-Motorized	154,476	(67,862)	86,614
052	310	7000	Transfer Out	-	67,862	67,862
0520	430	L923	Scenic Corridor	700,000	(40,323)	659,677
0520	430	9510	TEA Revenue	896,934	(40,323)	856,611
170	310	D247	Dry Creek Trail	559,000	108,185	667,185
170	310	D247	TEA Revenue	-	40,323	40,323
170	310	7000	Transfer	-	67,862	67,862

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-356**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "PRIMARY  
CLARIFIER NO. 1 AND 2 RENEWAL PROJECT" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Primary Clarifier No. 1 and 2 Renewal Project, has been completed by Auburn Constructors, Inc., in accordance with the contract agreement dated September 5, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Primary Clarifier No. 1 and 2 Renewal Project be accepted from said contractor, Auburn Constructors, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$895,400.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-357**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A \$1.00 ONE-YEAR LEASE RENEWAL AGREEMENT WITH THE STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR USE OF CITY-OWNED HOME AT 308 LOCUST STREET IN ITS TRANSITIONAL HOUSING PROGRAM**

WHEREAS, the City owns a single-family, three bedroom residence at 308 Locust Street, which is being leased to the Stanislaus County Affordable Housing Corporation (STANCO) for \$1.00 per year, and

WHEREAS, the existing lease expires on July 14, 2001, and

WHEREAS, the City received a letter dated April 13, 2001 expressing a desire to renew the lease, and

WHEREAS, the Citizens Housing and Community Development Committee considered this item at its June 22, 2001 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the \$1.00 one-year lease renewal agreement between the City of Modesto and the Stanislaus County Affordable Housing Corporation (STANCO) for a City-owned home at 308 Locust Street is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

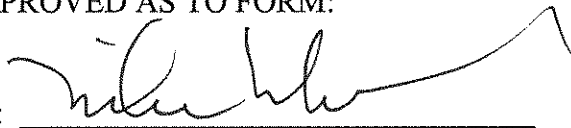
AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-358**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 24 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH SIDE OF (FUTURE) FLOYD AVENUE AND ON THE WEST SIDE OF CLAUS ROAD IN THE VILLAGE ONE SPECIFIC PLAN AREA (RENEE ELLIS-SINGLETON)**

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Renee Ellis-Singleton for a Precise Plan for Area No. 24, property located on the south side of (future) Floyd Avenue and on the west side of Claus Road, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay Zone, SP-O, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2001-29, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2001-36, adopted on June 4, 2001, and City staff, by a report dated June 20, 2001, from the Community Development

Department, recommended to the City Council approval of Precise Plan Area No. 24 of the Village One Specific Plan as set forth in said Resolution No. 2001-36, and recommended approval of an Amendment to Section 13-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area No. 24, property located on the south side of (future) Floyd Avenue and on the west side of Claus Road, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on July 10, 2001, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2001-29, entitled "City of Modesto Initial Study Precise Plan No. 24 and Banyon Estates Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Program EIR and no new mitigation measures would be required.
3. There are no substantial changes proposed in the project which will require major revisions of the Program EIR.
4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Program EIR.
5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.
6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. The initial study, Environmental Assessment No. EA/CDD 2001-29, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-29, entitled "City of Modesto Initial Study Precise Plan No. 24 and Banyon Estates Vesting Tentative Subdivision Map ", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Friedman, Frohman, Smith, Mayor Sabatino  
NOES: Councilmembers: Serpa  
ABSENT: Councilmembers: Conrad, Fisher

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**  
**INITIAL STUDY**  
**EA/CDD NO. 2001-29**

City of Modesto  
**Initial Study**

**Precise Plan No. 24 and  
Banyon Estates Vesting Tentative Subdivision Map**

EA/CDD 2001-29  
May 21, 2001

**I. PURPOSE**

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Sections 15168(c) and 15182 of the CEQA Guidelines allows the approval of subsequent projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

- A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
- B. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
- C. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR.
- D. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR.
- E. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
- F. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

The purpose of this initial study is to provide the substantial evidence to support the above findings.

**II. PROJECT DESCRIPTION**

- A. Project title:  
Precise Plan No. 24 and Banyon Estates Vesting Tentative Subdivision Map
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:  
Brad Wall, Community Development Department, (209) 577-5287
- A. Project Location:  
The project is located at the southwest corner of Floyd Avenue and Claus Road.
- E. Project Sponsor:  
Horizon Consulting Services, 900 H Street, Suite G-2, Modesto CA 95354
- F. General Plan Designation:  
Village Residential (VR)
- G. Current Zoning:  
Specific Plan-Holding (SP-H) Zone
- H. Description of Proposed Project:  
This is a precise plan and subdivision map in the Village One Specific Plan to create a 108-lot single-family subdivision on 21.5 acres, 2.5 acres of commercial, and 9 acres of multi-family residential development.
- I. Surrounding land uses:  
The project is bounded on the north by vacant lands designated for future residential development by the Village One Specific Plan, on the east by Claus Road, on the west by existing single-family subdivisions, and on the south by existing ranchette parcels designated by the Village One Specific Plan for future residential development.
- J. Other public agencies whose approval is required:  
None

**III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS**

Following is an analysis of how the project is within the scope of the Village One Program EIR and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

**A. Traffic and Circulation**

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan.

Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**B. Degradation of Air Quality**

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**C. Generation of Noise**

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity, and the project includes a masonry sound wall adjacent to Claus Road, as required by the Specific Plan. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**D. Vegetation and Wildlife**

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**E. Land Use**

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**F. Population, Employment and Housing**

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**G. Urban Design and Visual Quality**

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this subdivision is consistent with the Village One Specific Plan in terms of land use, intensity and urban design, and includes landscaped setbacks along the surrounding streets, as required by the Specific

Plan. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **H. Geology and Soils**

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **I. Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and includes the necessary storm drainage systems required by the Specific Plan. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **J. Public Services**

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **K. Fiscal Impacts**

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **L. Cumulative Impacts**

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **M. Growth Inducing Impacts**

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS**

- A. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

- B. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

#### **V. MITIGATION MEASURES**

Since the project is within the scope of the Village One Specific Plan Program EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

#### **VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
3. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.
5. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
6. There are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. This initial study provides the substantial evidence to support the above findings.

Signature:



Brad Wall,  
Associate Planner

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-359**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR THE NORTHEAST QUADRANT OF AREA NO. 20 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE NORTH SIDE OF FLOYD AVENUE AND EAST OF ROSELLE AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA (WARREN SMITH LAWSON FAMILY, INC.)**

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Warren Smith Lawson Family, Inc. for a Precise Plan for the northeast quadrant of Area No. 20, property located on the north side of Floyd Avenue and east of Roselle Avenue, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay Zone, SP-O, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2001-28, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2001-35, adopted on June 4, 2001, and City staff, by a report dated June 11, 2001, from the Community Development

Department, recommended to the City Council approval of the northeast quadrant of Precise Plan Area No. 20 of the Village One Specific Plan as set forth in said Resolution No. 2001-35, and recommended approval of an Amendment to Section 13-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, the northeast quadrant of Precise Plan Area No. 20, property located on the north side of Floyd Avenue and east of Roselle Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on July 10, 2001, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2001-28, entitled "City of Modesto Initial Study Precise Plan No. 20, Northeast Quadrant and Lawson's Twenty Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Program EIR and no new mitigation measures would be required.
3. There are no substantial changes proposed in the project which will require major revisions of the Program EIR.
4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Program EIR.
5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.
6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. The initial study, Environmental Assessment No. EA/CDD 2000-73, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-28, entitled "City of Modesto Initial Study Precise Plan No. 20, Northeast Quadrant and Lawson's Twenty Vesting Tentative Subdivision Map ", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Mike Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**  
**INITIAL STUDY**  
**EA/CDD NO. 2001-28**

City of Modesto  
**Initial Study**

**Precise Plan No. 20, Northeast Quadrant and  
Lawson's Twenty Vesting Tentative Subdivision Map**

EA/CDD 2001-28  
April 25, 2001

**I. PURPOSE**

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Sections 15168(c) and 15182 of the CEQA Guidelines allows the approval of subsequent projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

- A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
- B. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
- C. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR.
- D. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR.
- E. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
- F. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

The purpose of this initial study is to provide the substantial evidence to support the above findings.

**I. PROJECT DESCRIPTION**

- A. Project title:  
Precise Plan No. 20, Northeast Quadrant, and Lawson's Twenty Vesting Tentative Subdivision Map
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:  
Steve Mitchell, Community Development Department, (209) 577-5287
- A. Project Location:  
The project is located at the northeast corner of Floyd Avenue and Roselle Avenue.
- E. Project Sponsor:  
Warren Smith Lawson Family, Inc., 3113 Floyd Ave., Modesto, CA 95355
- F. General Plan Designation:  
Village Residential (VR)
- G. Current Zoning:  
Specific Plan-Holding (SP-H) Zone
- H. Description of Proposed Project:  
This is a precise plan and subdivision map in the Village One Specific Plan. The precise plan is to allow 28 acres of single-family development and 9 acres of multi-family development. The subdivision map is for an 85-lot single-family subdivision within the boundaries of the precise plan.
- I. Surrounding land uses:  
The project is bounded on the north by existing ranchette parcels designated for future residential development by the Village One Specific Plan, on the east by an existing single-family subdivision, and on the south by vacant land designated for a retail commercial center by the Village One Specific Plan, and on the west by vacant land designated for multi-family and single-family development by the Village One Specific Plan.
- J. Other public agencies whose approval is required:  
None

**III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS**

Following is an analysis of how the project is within the scope of the Village One Program EIR and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

**A. Traffic and Circulation**

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the

Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan. Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**B. Degradation of Air Quality**

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**C. Generation of Noise**

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity, and the project includes masonry sound walls adjacent to Roselle Avenue and Floyd Avenue, as required by the Specific Plan. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**D. Vegetation and Wildlife**

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**E. Land Use**

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**F. Population, Employment and Housing**

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**G. Urban Design and Visual Quality**

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this precise plan is consistent

with the Village One Specific Plan in terms of land use, intensity and urban design, and includes landscaped setbacks along the arterial and connector streets, as required by the Specific Plan. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **H. Geology and Soils**

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **I. Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and includes the necessary storm drainage systems required by the Specific Plan. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **J. Public Services**

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **K. Fiscal Impacts**

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **L. Cumulative Impacts**

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**M. Growth Inducing Impacts**

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS**

- A. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

- B. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

**V. MITIGATION MEASURES**

Since the project is within the scope of the Village One Specific Plan Program EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

**VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
3. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.
5. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. This initial study provides the substantial evidence to support the above findings.

Signature:



Steve Mitchell,  
Principal Planner

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001- 360**

**A RESOLUTION ESTABLISHING A FUNERAL ESCORT PERMIT FEE**

WHEREAS, Section 4-12.07 of the Modesto Municipal Code authorizes the Council, by resolution, to establish a fee for funeral escort permits; and,

WHEREAS, by Agenda Report dated June 22, 2001, from the Police Department, City staff is recommending the establishment of a fee for funeral escort permits; and,

WHEREAS, the Financial Policy Committee unanimously recommended adoption of said funeral escort permit fee at its May 31, 2001 meeting; and,

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on July 10, 2001, in Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California; and,

WHEREAS, the Modesto Police Department will take applications and provide funeral escort permits;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following fee is hereby established and shall be collected for the payment of administrative costs for staff time and materials for application review, verification of documents, vehicle inspection, and production of a photo identification:

Funeral Escort Permit \$58.00.

BE IT FURTHER RESOLVED that this resolution shall become effective upon its passage and adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of July, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-361**

**A RESOLUTION ESTABLISHING PERMIT FEE FOR TEMPORARY  
CLOSURE OF CITY STREETS AND RESCINDING RESOLUTION NO. 87-631**

WHEREAS, the Council of the City of Modesto is committed to enhancing the spirit of neighborhood throughout the Modesto community, and

WHEREAS, many Modesto neighborhoods foster that spirit through neighborhood block parties throughout the course of the year, and

WHEREAS, usually these block parties require the blockade of City streets, and

WHEREAS, Section 3-2.1701 of the Modesto Municipal Code authorizes the Chief of Police to grant permits for the temporary use of City streets, and

WHEREAS, the Modesto Police Department issues such permits throughout the year and the permit fee covers the cost of processing the permit application, and

WHEREAS, the Public Safety Committee met on April 16, 2001, and unanimously supported the recommendations of City staff, and

WHEREAS, the Financial Policy Committee met on May 31, 2001, and unanimously supported the recommendations of City staff, and

WHEREAS, by and Agenda Report dated June 22, 2001, to the Mayor and Members of the City Council from the Police Department, City staff recommended a permit fee reduction from \$20.00 to \$12.50 to more closely reflect the actual costs associated with the permit process, and that certain holidays be exempt, for which permits are commonly

requested by citizens, from the street closure permit fee, and a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, a duly noticed public hearing was held by the Council on July 10, 2001, at 5:15 p.m. 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 permit fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a temporary street closure permit fee of \$12.50 is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following holidays be designated as days for which there will be "no charge" for residential temporary street closure permits:

- National Night Out
- 4<sup>th</sup> of July
- Memorial Day
- Labor Day
- Halloween
- Veterans Day
- Caesar Chavez Birthday
- Martin Luther King Birthday.
- 

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this resolution shall go into effect and be in full force and operation on and after July 10, 2001.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 87-631 is hereby rescinded effective July 10, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of July, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM  
By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-362**

**A RESOLUTION ESTABLISHING LICENSE APPLICATION FEES FOR  
MASSAGE ESTABLISHMENTS AND PRACTITIONERS**

WHEREAS, Section 5-2.201 of the Modesto Municipal Code authorizes the Council , by resolution, to establish fees for license applications for massage establishments and practitioners; and,

WHEREAS, by a Agenda Report dated June 22, 2001, from the Police Department, City staff is recommending the establishment of license application fees for massage establishments and practitioners; and,

WHEREAS, the Financial Policy Committee unanimously recommended adoption of said license application fees at its May 31, 2001 meeting; and,

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on July 10, 2001, in Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California; and,

WHEREAS, the Modesto Police Department will take applications and provide licenses for massage establishments and practitioners;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following fees are hereby established and shall be collected for the payment of administrative costs for staff time and material for application review, background investigation and typing thereof, and the production of a photo identification:

Massage Establishment License	\$175
Massage Practitioner License	\$75

BE IT FURTHER RESOLVED that this resolution shall become effective upon its passage and adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of July, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-363

A RESOLUTION DIRECTING THE CITY CLERK TO  
SUBMIT TO THE VOTERS AT THE NEXT REGULAR  
MUNICIPAL ELECTION AN ADVISORY MEASURE  
RELATING TO THE EXTENSION OF SEWER SERVICE TO  
A CERTAIN AREA OF THE MODESTO URBAN AREA  
GENERAL PLAN.

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 trench 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 and 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 municipal election to be held on November 6, 2001, 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 Section 9603 of the Elections Code, 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 6, 2001, 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 special election as follows:

MEASURE N

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan, provided the area is first annexed to the City?

**“Roselle/Claribel Comprehensive Planning District (southwest quadrant consisting of 480 gross acres)”**

The unincorporated area designated “Roselle/Claribel Comprehensive Planning District” in the Modesto Urban Area General Plan. Generally located, the unincorporated area is, east of Oakdale Road, north of Sylvan Avenue, west of Roselle Avenue and south of the future extension of the Pelandale Expressway.

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 N City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan provided the area is first annexed to the City?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

**Roselle/Claribel Comprehensive Planning District (southwest quadrant consisting of 480 gross acres)”**

The unincorporated area designated “Roselle/Claribell Comprehensive Planning District” in the Modesto Urban Area General Plan. Generally located, the

unincorporated area is, east of Oakdale Road, north of Sylvan Avenue, west of Roselle Avenue and south of the future extension of the Pelandale Expressway.

### 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 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 County 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 10<sup>th</sup> day of July, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-364

A 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 (SCH NO. 92052017): 2001 URBAN GROWTH POLICY REVIEW, (THE PROJECT). AS REQUIRED BY THE ADOPTED MODESTO URBAN AREA GENERAL PLAN, "COMMUNITY GROWTH STRATEGY".

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Modesto Urban Area General Plan, Community Growth Strategy calls for the review of growth trends in the Modesto Urban Area on a periodic basis, and

WHEREAS, the last Urban Area Growth Policy Review was updated in concert with the Modesto Urban Area General Plan in 1995, and

WHEREAS, the City of Modesto hired the firm of Pacific Municipal Consultants (PMC) in January 2001, to prepare the 2001 update of the Urban Area Growth Policy Review, and

WHEREAS, the 2001 Urban Growth Policy Review contains a recommendation that a Measure M ballot measure be prepared for the Roselle/Claribel, Johansen/North Empire, Kiernan/Carver, CPDs and unincorporated infill areas, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project

may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD2001-40 reviewed the 2001 Urban Area Growth Policy Review to determine whether the Project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed Project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR,

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 2001 Urban Area Growth Policy Review, 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 proposed recommendation that an advisory election be held with respect to providing sewer service to a portion of the Roselle/Claribel Comprehensive Planning District is consistent with the Modesto Urban Area General Plan, because the Roselle/Claribel Comprehensive Planning District recommended for an advisory ballot measure is already within the Sphere of Influence area of the General Plan; and General Plan policy II C.1a. Calls for a five-year supply of available vacant and agricultural land served

with urban infrastructure. The Roselle/Claribel CPD is a site for future urban development within the Sphere of Influence contemplated by the General Plan. The Roselle/Claribel CPD meets the five-year inventory of vacant and agricultural land pursuant to the General Plan policy.

2. That the proposed Project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

3. That the Project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures or alternatives that were not previously considered in the Master EIR are required.

4. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

5. That there are no specific features which are unique to the proposed Project that require project specific mitigation measures. All certified mitigation measures identified in the Master EIR will apply citywide including this project as appropriate.

6. The Initial Study, Environmental Assessment EA/CDD 2001-40, provides the substantial evidence to support findings 1-5 noted above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 10<sup>th</sup> day of July, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT A**

**Initial Study**

**EA/CDD 2001- 40**

**City of Modesto**

**Initial Study**

**2001 Urban Area Growth Policy Review Measure "M" Ballot Measures:  
Roselle/Claribel (southwest quadrant), Johansen/Empire North,  
Kiernan/Carver, Hetch Hetchy (west 1/2), and Infill Areas  
plus Related Policy Recommendations**

EA NO. ET 2001- 40

**I. PURPOSE:**

Finding of Conformance under City's General Plan Master EIR

The GPMEIR allows for limited environmental review of this proposed 2001 Urban Area Growth Review Measure "M" Ballot Measures. The Final Master EIR (SCH # 92052017), certified by the Modesto City Council on August 15, 1995, contains detailed analysis and a comprehensive program of mitigation measures to address development within the Modesto General Plan Area.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not identified in the Final Master EIR (MEIR) for the General Plan and whether any new or additional mitigation measures or alternatives may be required. This Initial Study also provides documentation on whether the project is considered in the Master EIR as being within the scope of the General Plan analyzed by the Master EIR.

Master EIR Requires Focused EIRs for Development of Comprehensive Planning Districts

One or more of the Comprehensive Planning Districts (CPDs) that would be placed on the ballot for a Measure "M" vote may result in a future development proposal. For any CPDs proposed for development, the Master EIR/General Plan requires preparation and certification of a Focused EIR pursuant to CEQA Section 21158 prior to adoption of a comprehensive Plan (Specific Plan) for development. This detailed analysis can only be prepared when an actual project with a detailed land plan has been submitted for review and approval.

**II. PROJECT DESCRIPTION:**

- A. Project Title:  
2001 Measure "M" Ballot Measure – Roselle/Claribel (southwest quadrant),  
Johansen/Empire North, Kiernan/Carver, Hetch Hetchy (west 1/2) and Infill Areas
- B. Lead Agency Name and Address:  
City of Modesto, P.O. Box 642 Modesto, CA 95353

- C. Contact Person, address and phone number:  
Patrick Kelly, 1010 Tenth Street, Modesto, CA 95353  
(209) 577-5268
- D. Project Location:  
The Modesto Urban Area
- E. Project Sponsor, address and phone number:  
City of Modesto, P.O. Box 624, Modesto, CA 95353
- F. Modesto General Plan Designation:  
Land Use Diagram of Modesto Urban Area General Plan
- G. Zoning:  
City of Modesto Zoning Map
- H. Description of Proposed Project:

The (*project*) consists of proposed ballot measure(s) that could be placed on the November 2001 citywide Measure "M" Advisory vote election for extension of sewer service by the City Council. The project implements the General Plan Growth Policy for selection of areas for future development or annexation. The measures, described below, are based on the 2001 Urban Area Growth Policy Review process where property owners have expressed written interest in future development (Council may select any combination). Related policy recommendations are also included.

Following the election, the City Council may select (approve) ballot measures that can proceed with development proposals. Implementation of the ballot measure would be a Subsequent Project to the General Plan Master EIR (MEIR) as described in Chapter IV, Section 19 of the MEIR. Implementing "devices" would include: Specific Plans (page VIII-4 MEIR) and Annexations (page VIII-2 MEIR). The MEIR requires a Focused EIR to be prepared for any Comprehensive Planning District (CPD) proposed for development. Annexations, or Reorganizations, pursuant to the Cortese Knox-Hertzberg Reorganization Act are required to bring any of the Infill areas proposed for a vote into the incorporated City of Modesto (page VIII-2 MEIR).

The proposed ballot measure would include one or more of the following Comprehensive Planning Districts (CPD's) located in the Planned Urbanizing Area of the City's General Plan:

1. Roselle/Claribel CPD (Southwest quadrant), 480-acres located north of Sylvan Avenue, west of Roselle Avenue, east of Oakdale Road and south of Pelandale Avenue extended (attached Exhibit A).

2. Johansen CPD, (minus the annexed 109-acre Johansen High School area) 501 acres located north of Yosemite Boulevard, and east of Claus Road, west of Santa Fe RR & unincorporated Empire area (attached Exhibit B)
3. Empire North CPD, 174-acre portion of CPD located east of Santa Fe RR, west of Church Street and north of the unincorporated Empire area (attached Exhibit C).
4. Kiernan/Carver CPD, 571 acre portion of CPD located south of Kiernan Avenue, east of American Avenue, north of Bangs Avenue and west of Carver Road (attached Exhibit D).
5. Hetch Hetchy CPD (west ½), 480-acre portion of CPD located east of McHenry Avenue, North of Pelandale (Claratina Ave.), west of Coffee Road and south of Claribel Ave. (Note: Growth Policy Final Report does not recommend this area for 2001, however City Council may propose for vote due to property owner interest.) (attached Exhibit E)
6. Infill Areas, 2,530-acres including all unincorporated islands within the current City Limits, and remaining unincorporated areas in the Baseline Developed Area of the General Plan area which are developed or surrounded by development. (Note: Gallo winery area excluded because already connected to sub-trunk sewer line.) (attached Exhibit F).

"Project" includes Related Policy Recommendations:

In addition to the above-described proposed ballot measures, the "project" includes several related Urban Growth Review policies recommended for adoption by the Council. These related policy issues would have no direct environmental effect and could be classified as "Not a Project" per Section 15378(b)(2) of the CEQA Guidelines because they are administrative or general policy and procedure making. They include:

- Establish a Bi-annual Growth Policy Review process:  
Establish a bi-annual estimate of land available for development that includes an on-going assessment of infrastructure financing strategies, state of the economy, and market demand.
- Infrastructure Financing Policy:  
Establish a review of City policies to finance new urban infrastructure through bonding of improvements in advance of development with the goal of installation of improvements in a timely manner.

- **Housing Mix:**  
Identify strategies and actions to ensure an appropriate mix of single-family and multi-family housing in newly urbanizing areas. This could include requiring specific density and percentage targets.
- **Amend Measure "M" policy regarding Infill Areas:**  
Amend the Measure "M" Implementation policy for Infill Areas changing the timing of City/County negotiations from prior to submittal for a vote to prior to initiation of the annexation.

I. **Surrounding Land Uses:**  
Unincorporated County.

J. **Other Public agencies whose approval is required**  
none

II. **ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. **Traffic and Circulation**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional significant increase in traffic and circulation impacts, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect the roadway or intersection capacity of the City's circulation system beyond what was identified in the MEIR. Therefore, any potential adverse impacts on traffic and circulation were analyzed and mitigation provided by the GPMEIR.

Following the vote scheduled for November 2001, further separate Council actions are required in order for development or annexation of these areas to proceed. Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 as required by the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

B. **Degradation of Air Quality**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional degradation of air quality, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed

by the MEIR. Therefore, any potential adverse impacts on loss of sensitive wildlife and plant habitat were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-5) are, therefore, still valid.

**C. Generation of Noise**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional generation of noise, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts for generation of noise were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the project will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

**D. Loss of Productive Agricultural Land**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional loss of productive agricultural land, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on loss of productive agricultural land were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

**E. Increased Demand for Water Supplies**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional increased demand for water supplies, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on increased demand for water supplies were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

**F. Increased Demand for Sanitary Sewer Services**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional increased demand for sanitary services, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts for increased demand for sanitary sewer services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional disturbance of wildlife and plant habitat areas, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on loss of sensitive wildlife and plant habitat were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

**H. Disturbance of Archaeological and Historic Sites**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional disturbance of archaeological and historic sites, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on disturbance of archaeological and historic sites were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

**I. Drainage, Flooding and Water Quality**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not change the size or configuration of drainage, flooding and water quality facilities, not already identified in the MEIR. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. Therefore, any potential adverse impacts on drainage, flooding and water quality were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

**J. Increased Demand for Storm Drainage**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for storm drainage facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for storm drainage were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore, still valid.

**K. Increased Demand for Parks and Open Space**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population beyond that identified in the MEIR that would use parks or open space facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for Parks and Open Space were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

**L. Increased Demand for Schools**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population beyond that identified in the MEIR that would use school facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for schools were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.

**M. Increased Demand for Police Services**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population beyond that identified in the MEIR that would require increased Police services or facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for police services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.

**N. Increased Demand for Fire Services**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population beyond that identified in the MEIR that would require increased Fire services or facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for Fire services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

**O. Generation of Solid Waste**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population beyond that identified in the MEIR that would result in increased generation of solid waste or related facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on generation of solid waste and related services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.

**P. Generation of Hazardous Materials**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population or development beyond that identified in the MEIR that would result in increased generation of hazardous materials. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on generation of hazardous materials were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore, still valid.

**Q. Landslides and Seismic Activity**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population or development beyond that identified in the MEIR that would result in increased exposure to landslides and seismic activity. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed

by the MEIR. Therefore, any potential adverse impacts on exposure to landslides and seismic activity were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

#### **R. Energy**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population or development beyond that identified in the MEIR that would result in increased demand for energy. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on increased demand for energy were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore, still valid. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

**IV CONCLUSIONS/DETERMINATIONS OF FINDINGS**

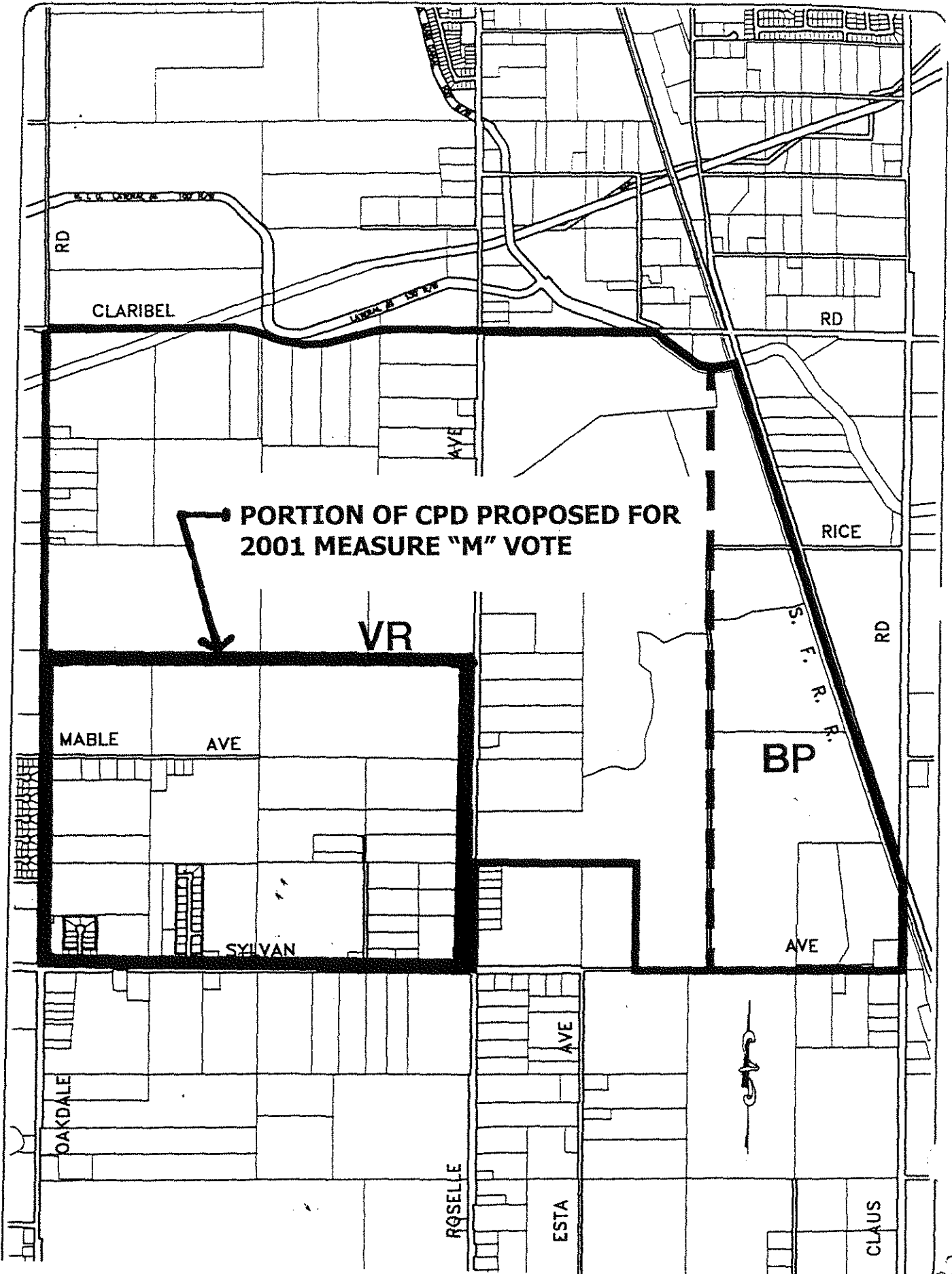
- A. The proposal to place the CPDs and Infill Areas on the ballot "*project*" is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).
- B. The proposal to place the CPDs and Infill Areas on the ballot "*project*" will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).
- D. There are no specific features unique to the proposal to place the CPDs and Infill Areas on the ballot "*project*" that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.
- E. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: \_\_\_\_\_

*Sam Nish*

Exhibit "A"

# ROSELLE/CLARIBEL C.P.D.



**PORTION OF CPD PROPOSED FOR  
2001 MEASURE "M" VOTE**

Exhibit "B"

# JOHANSEN C.P.D.

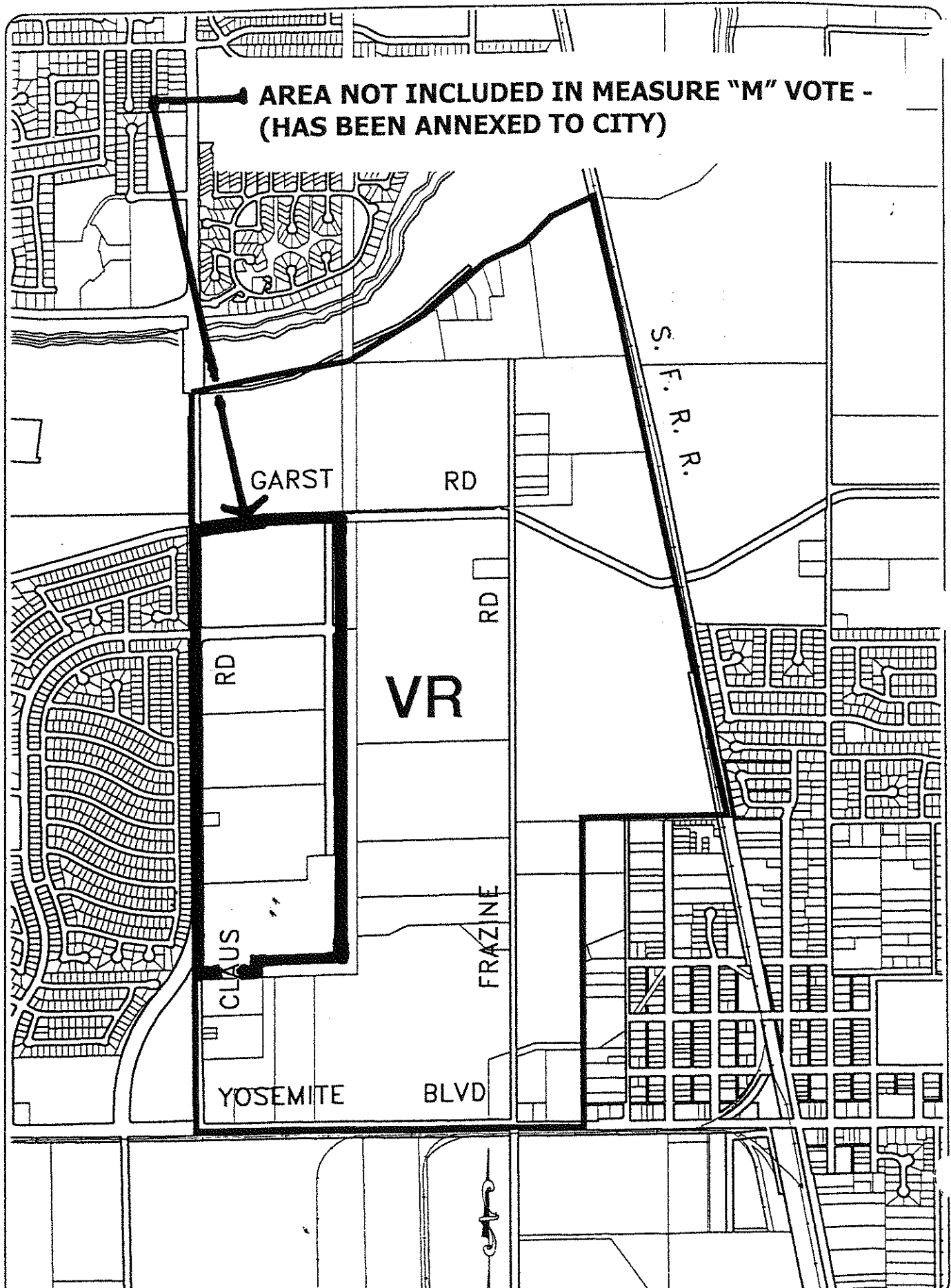


Exhibit "C"

# EMPIRE NORTH C.P.D.

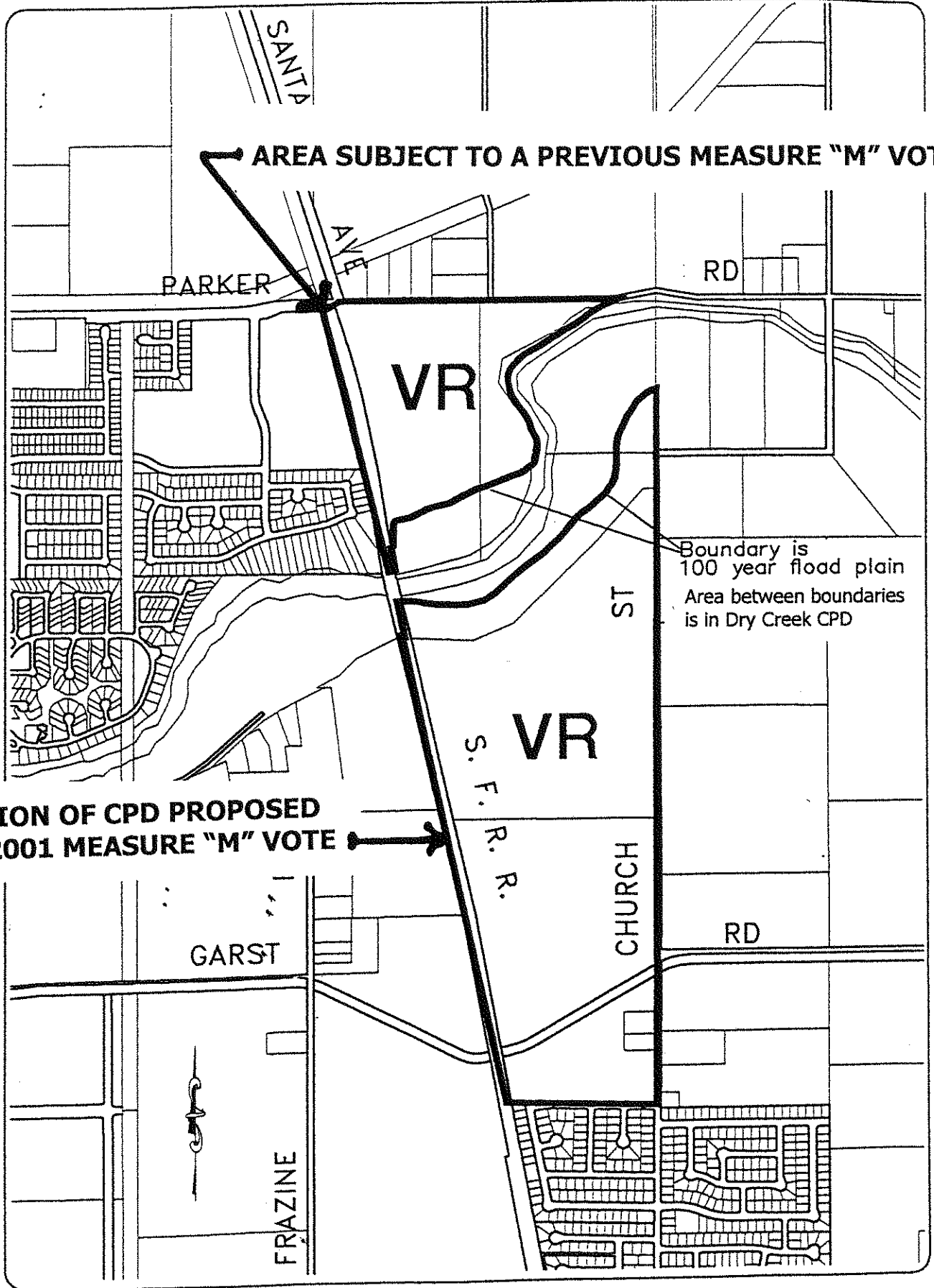


Exhibit "D"

# KIERNAN/CARVER C.P.D.

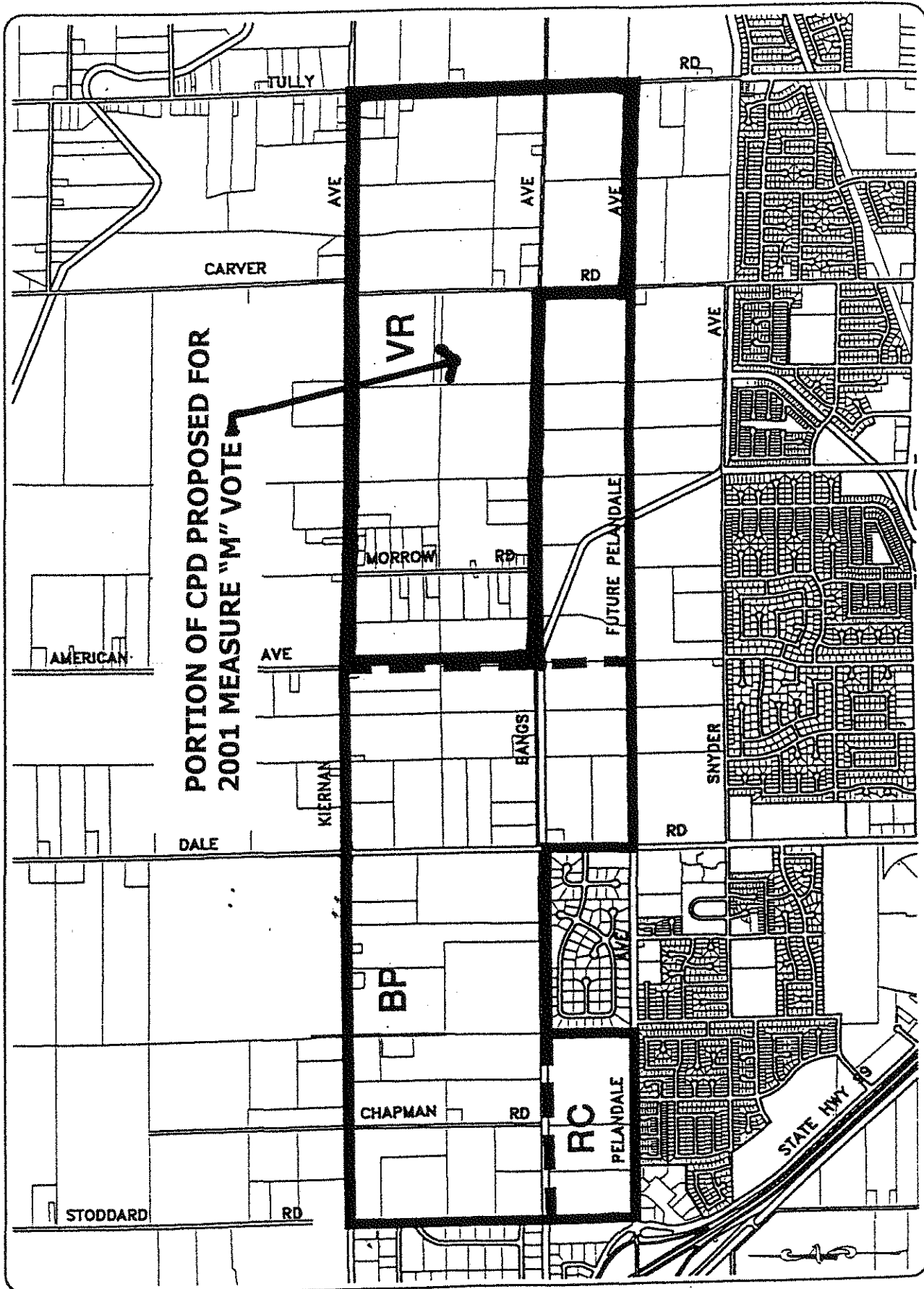
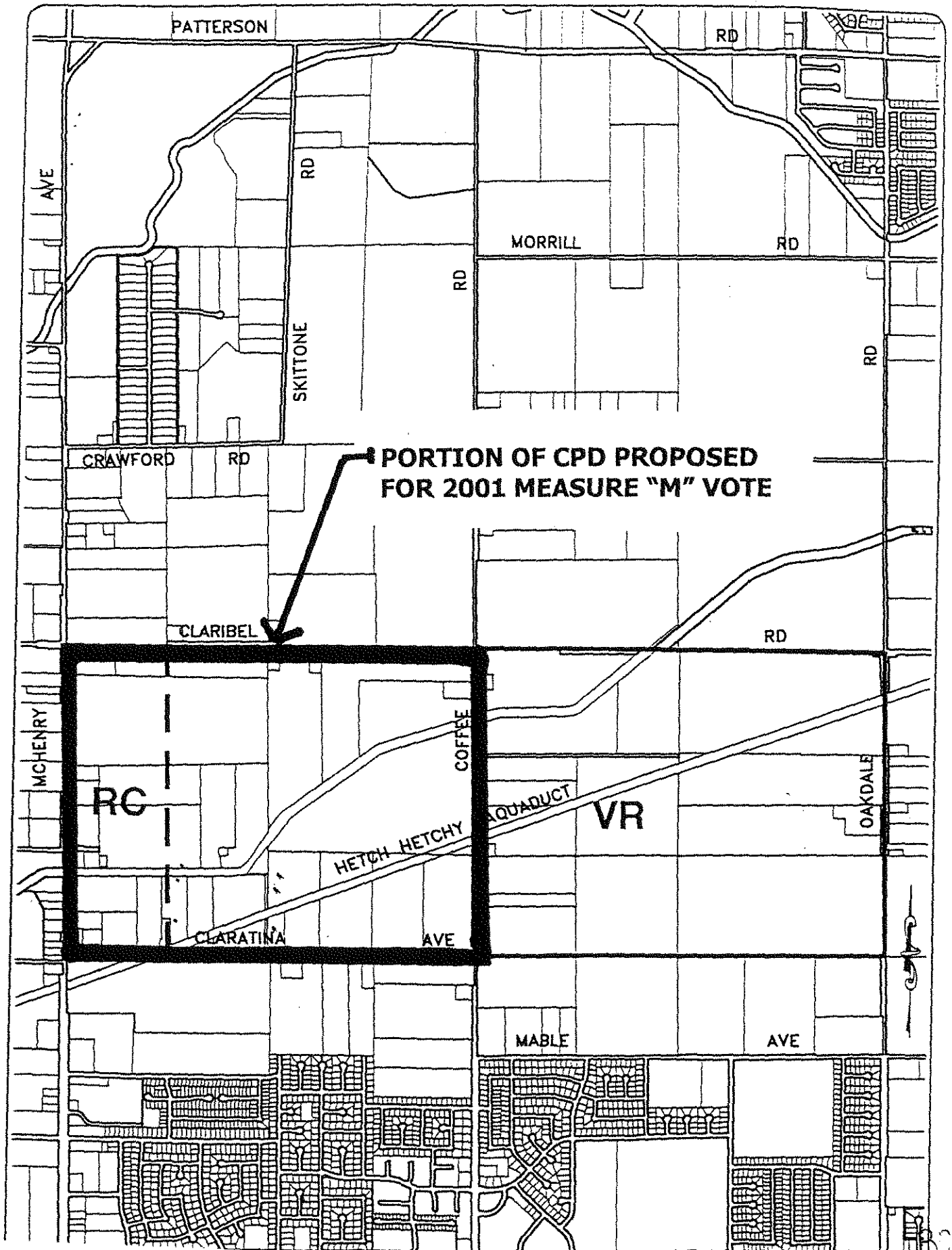


Exhibit "E"

# HETCH HETCHY C.P.D.

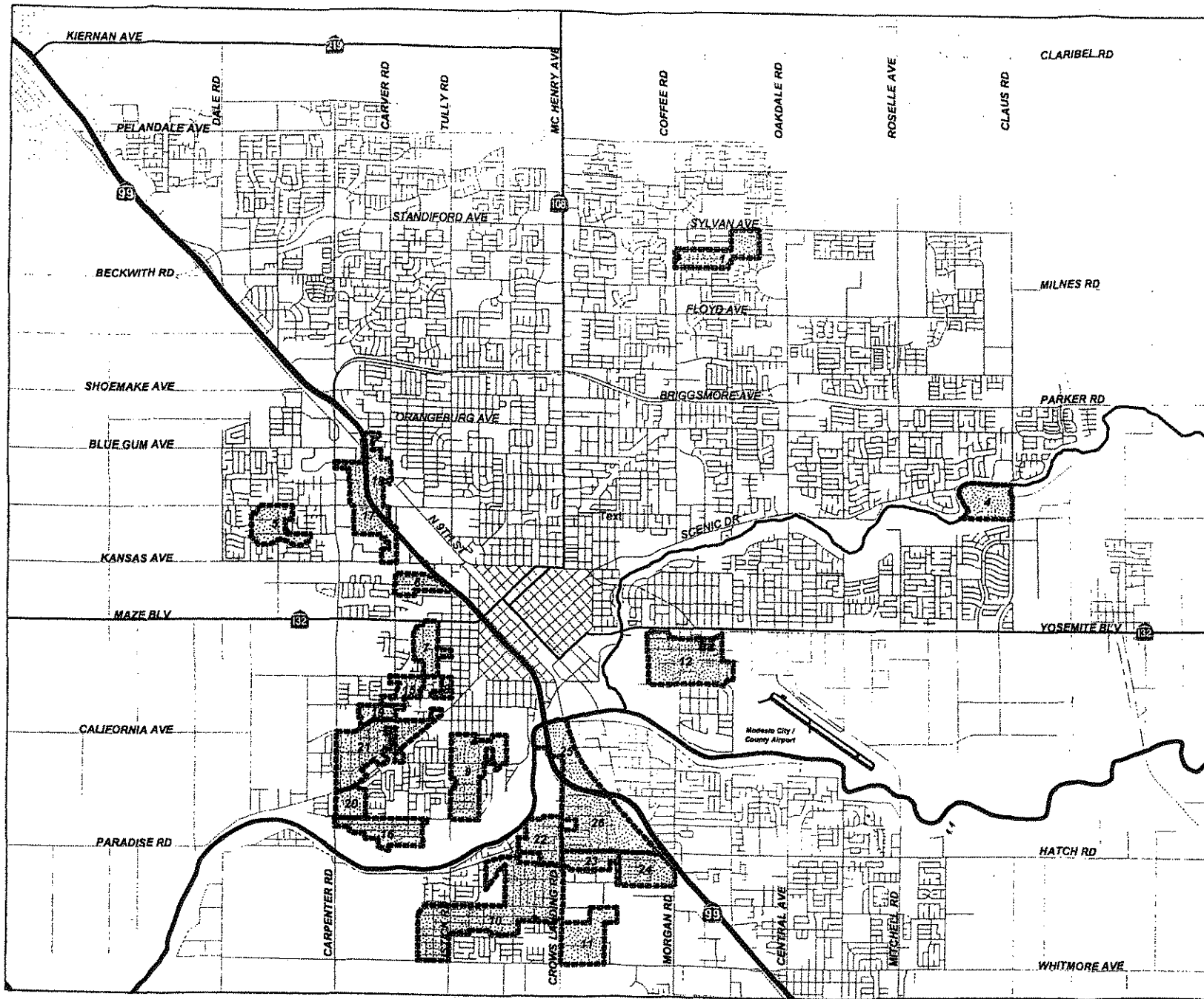


**PORTION OF CPD PROPOSED  
FOR 2001 MEASURE "M" VOTE**

RC

VR

Exhibit "F"



June 25, 2001



# City of Modesto

## Unincorporated Islands

 Infill Areas Recommended  
For Measure M Vote  
(November 2001 Ballot)



REVISED FOR CLERICAL ERROR 8/7/01

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-365

A RESOLUTION DIRECTING THE CITY CLERK TO  
SUBMIT TO THE VOTERS AT THE NEXT REGULAR  
MUNICIPAL ELECTION AN ADVISORY MEASURE  
RELATING TO THE EXTENSION OF SEWER SERVICE TO  
A CERTAIN AREA OF THE MODESTO URBAN AREA  
GENERAL PLAN.

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 trench 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 and 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 municipal election to be held on November 6, 2001, an advisory measure relating to the provisions of sewer service to a certain area of the city, with the understanding that this action is not the first step leading to annexation, it is for the sole purpose of making sewer service available to those areas and with the further understanding that no City funds will be expended to provide such sewer service.

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

SECTION 1. BALLOT MEASURE.

That pursuant to Section 9603 of the Elections Code, 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 6, 2001, one 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 special election as follows:

MEASURE O

Shall the City Council provide sewer service to the following described two (2) areas of the Modesto Urban Area General Plan?

**Southwest Modesto Infill Area**

The following unincorporated area generally located south of Maze Boulevard, west of State Route 99, north of the Tuolumne River, and east of Carpenter Road.

**Westside Infill Area**

The following unincorporated area generally located south of Shoemaker Avenue, west of Carver Road and Emerald Avenue, north of Maze Boulevard, and east of Morse Road.

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 O City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described areas of the Modesto Urban Area General Plan? Yes   
No

**Southwest Modesto Infill Area**

The unincorporated area generally located south of California Avenue, west of Martin Luther King Drive, north of Briggs Avenue, and east of Marshal Avenue.

**Westside Infill Area**

The unincorporated area generally located north of the proposed State Route 132 right-of-way, west of State Route 99, north of Laurel Avenue, and east of Emerald Avenue.

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 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 County 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 10<sup>th</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-366

A 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 (SCH NO. 92052017): 2001 URBAN GROWTH POLICY REVIEW, (THE PROJECT). AS REQUIRED BY THE ADOPTED MODESTO URBAN AREA GENERAL PLAN, "COMMUNITY GROWTH STRATEGY".

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Modesto Urban Area General Plan, Community Growth Strategy calls for the review of growth trends in the Modesto Urban Area on a periodic basis, and

WHEREAS, the last Urban Area Growth Policy Review was updated in concert with the Modesto Urban Area General Plan in 1995, and

WHEREAS, the City of Modesto hired the firm of Pacific Municipal Consultants (PMC) in January 2001, to prepare the 2001 update of the Urban Area Growth Policy Review, and

WHEREAS, the 2001 Urban Growth Policy Review contains a recommendation that a Measure M ballot measure be prepared for the Roselle/Claribel, Johansen/North Empire, Kiernan/Carver, CPDs and unincorporated infill areas, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project

may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD2001-40 reviewed the 2001 Urban Area Growth Policy Review to determine whether the Project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed Project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR,

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 2001 Urban Area Growth Policy Review, 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 proposed recommendation that an advisory election be held with respect to providing sewer service to those unincorporated island areas totally surrounded by the City, less than 75 acres, excluding the "island" areas that have previously been the subject of such an election is consistent with the Modesto Urban Area General Plan, because the subject infill areas are located within the General Plan boundary.

2. That the proposed Project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

3. That the Project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures or alternatives that were not previously considered in the Master EIR are required.

4. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

5. That there are no specific features which are unique to the proposed Project that require project specific mitigation measures. All certified mitigation measures identified in the Master EIR will apply citywide including this project as appropriate.

6. The Initial Study, Environmental Assessment EA/CDD 2001-40, provides the substantial evidence to support findings 1-5 noted above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 10<sup>th</sup> day of July, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT A**

**Initial Study**

**EA/CDD 2001- 40**

**City of Modesto**

**Initial Study**

**2001 Urban Area Growth Policy Review Measure "M" Ballot Measures:  
Roselle/Claribel (southwest quadrant), Johansen/Empire North,  
Kiernan/Carver, Hetch Hetchy (west 1/2), and Infill Areas  
plus Related Policy Recommendations**

EA NO. ET 2001- 40

**I. PURPOSE:**

Finding of Conformance under City's General Plan Master EIR

The GPMEIR allows for limited environmental review of this proposed 2001 Urban Area Growth Review Measure "M" Ballot Measures. The Final Master EIR (SCH # 92052017), certified by the Modesto City Council on August 15, 1995, contains detailed analysis and a comprehensive program of mitigation measures to address development within the Modesto General Plan Area.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not identified in the Final Master EIR (MEIR) for the General Plan and whether any new or additional mitigation measures or alternatives may be required. This Initial Study also provides documentation on whether the project is considered in the Master EIR as being within the scope of the General Plan analyzed by the Master EIR.

Master EIR Requires Focused EIRs for Development of Comprehensive Planning Districts

One or more of the Comprehensive Planning Districts (CPDs) that would be placed on the ballot for a Measure "M" vote may result in a future development proposal. For any CPDs proposed for development, the Master EIR/General Plan requires preparation and certification of a Focused EIR pursuant to CEQA Section 21158 prior to adoption of a comprehensive Plan (Specific Plan) for development. This detailed analysis can only be prepared when an actual project with a detailed land plan has been submitted for review and approval.

**II. PROJECT DESCRIPTION:**

- A. Project Title:  
2001 Measure "M" Ballot Measure – Roselle/Claribel (southwest quadrant),  
Johansen/Empire North, Kiernan/Carver, Hetch Hetchy (west 1/2) and Infill Areas
- B. Lead Agency Name and Address:  
City of Modesto, P.O. Box 642 Modesto, CA 95353

- C. Contact Person, address and phone number:  
Patrick Kelly, 1010 Tenth Street, Modesto, CA 95353  
(209) 577-5268
- D. Project Location:  
The Modesto Urban Area
- E. Project Sponsor, address and phone number:  
City of Modesto, P.O. Box 624, Modesto, CA 95353
- F. Modesto General Plan Designation:  
Land Use Diagram of Modesto Urban Area General Plan
- G. Zoning:  
City of Modesto Zoning Map
- H. Description of Proposed Project:

The (*project*) consists of proposed ballot measure(s) that could be placed on the November 2001 citywide Measure "M" Advisory vote election for extension of sewer service by the City Council. The project implements the General Plan Growth Policy for selection of areas for future development or annexation. The measures, described below, are based on the 2001 Urban Area Growth Policy Review process where property owners have expressed written interest in future development (Council may select any combination). Related policy recommendations are also included.

Following the election, the City Council may select (approve) ballot measures that can proceed with development proposals. Implementation of the ballot measure would be a Subsequent Project to the General Plan Master EIR (MEIR) as described in Chapter IV, Section 19 of the MEIR. Implementing "devices" would include: Specific Plans (page VIII-4 MEIR) and Annexations (page VIII-2 MEIR). The MEIR requires a Focused EIR to be prepared for any Comprehensive Planning District (CPD) proposed for development. Annexations, or Reorganizations, pursuant to the Cortese Knox-Hertzberg Reorganization Act are required to bring any of the Infill areas proposed for a vote into the incorporated City of Modesto (page VIII-2 MEIR).

The proposed ballot measure would include one or more of the following Comprehensive Planning Districts (CPD's) located in the Planned Urbanizing Area of the City's General Plan:

1. Roselle/Claribel CPD (Southwest quadrant), 480-acres located north of Sylvan Avenue, west of Roselle Avenue, east of Oakdale Road and south of Pelandale Avenue extended (attached Exhibit A).

2. Johansen CPD, (minus the annexed 109-acre Johansen High School area) 501 acres located north of Yosemite Boulevard, and east of Claus Road, west of Santa Fe RR & unincorporated Empire area (attached Exhibit B)
3. Empire North CPD, 174-acre portion of CPD located east of Santa Fe RR, west of Church Street and north of the unincorporated Empire area (attached Exhibit C).
4. Kiernan/Carver CPD, 571 acre portion of CPD located south of Kiernan Avenue, east of American Avenue, north of Bangs Avenue and west of Carver Road (attached Exhibit D).
5. Hetch Hetchy CPD (west 1/2), 480-acre portion of CPD located east of McHenry Avenue, North of Pelandale (Claratina Ave.), west of Coffee Road and south of Claribel Ave. (Note: Growth Policy Final Report does not recommend this area for 2001, however City Council may propose for vote due to property owner interest.) (attached Exhibit E)
6. Infill Areas, 2,530-acres including all unincorporated islands within the current City Limits, and remaining unincorporated areas in the Baseline Developed Area of the General Plan area which are developed or surrounded by development. (Note: Gallo winery area excluded because already connected to sub-trunk sewer line.) (attached Exhibit F).

"Project" includes Related Policy Recommendations:

In addition to the above-described proposed ballot measures, the "project" includes several related Urban Growth Review policies recommended for adoption by the Council. These related policy issues would have no direct environmental effect and could be classified as "Not a Project" per Section 15378(b)(2) of the CEQA Guidelines because they are administrative or general policy and procedure making. They include:

- Establish a Bi-annual Growth Policy Review process:  
Establish a bi-annual estimate of land available for development that includes an on-going assessment of infrastructure financing strategies, state of the economy, and market demand.
- Infrastructure Financing Policy:  
Establish a review of City policies to finance new urban infrastructure through bonding of improvements in advance of development with the goal of installation of improvements in a timely manner.

- **Housing Mix:**  
Identify strategies and actions to ensure an appropriate mix of single-family and multi-family housing in newly urbanizing areas. This could include requiring specific density and percentage targets.
- **Amend Measure "M" policy regarding Infill Areas:**  
Amend the Measure "M" Implementation policy for Infill Areas changing the timing of City/County negotiations from prior to submittal for a vote to prior to initiation of the annexation.

I. **Surrounding Land Uses:**  
Unincorporated County.

J. **Other Public agencies whose approval is required**  
none

II. **ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. **Traffic and Circulation**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional significant increase in traffic and circulation impacts, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect the roadway or intersection capacity of the City's circulation system beyond what was identified in the MEIR. Therefore, any potential adverse impacts on traffic and circulation were analyzed and mitigation provided by the GPMEIR.

Following the vote scheduled for November 2001, further separate Council actions are required in order for development or annexation of these areas to proceed. Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 as required by the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

B. **Degradation of Air Quality**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional degradation of air quality, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed

by the MEIR. Therefore, any potential adverse impacts on loss of sensitive wildlife and plant habitat were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-5) are, therefore, still valid.

**C. Generation of Noise**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional generation of noise, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts for generation of noise were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the project will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

**D. Loss of Productive Agricultural Land**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional loss of productive agricultural land, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on loss of productive agricultural land were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. **Increased Demand for Water Supplies**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional increased demand for water supplies, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on increased demand for water supplies were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. **Increased Demand for Sanitary Sewer Services**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional increased demand for sanitary services, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts for increased demand for sanitary sewer services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional disturbance of wildlife and plant habitat areas, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on loss of sensitive wildlife and plant habitat were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

**H. Disturbance of Archaeological and Historic Sites**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not cause additional disturbance of archaeological and historic sites, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on disturbance of archaeological and historic sites were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

**I. Drainage, Flooding and Water Quality**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not change the size or configuration of drainage, flooding and water quality facilities, not already identified in the MEIR. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. Therefore, any potential adverse impacts on drainage, flooding and water quality were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

**J. Increased Demand for Storm Drainage**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for storm drainage facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for storm drainage were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore, still valid.

**K. Increased Demand for Parks and Open Space**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population beyond that identified in the MEIR that would use parks or open space facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for Parks and Open Space were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

**L. Increased Demand for Schools**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population beyond that identified in the MEIR that would use school facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for schools were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.

**M. Increased Demand for Police Services**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population beyond that identified in the MEIR that would require increased Police services or facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for police services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.

**N. Increased Demand for Fire Services**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population beyond that identified in the MEIR that would require increased Fire services or facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for Fire services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

**O. Generation of Solid Waste**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population beyond that identified in the MEIR that would result in increased generation of solid waste or related facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on generation of solid waste and related services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.

**P. Generation of Hazardous Materials**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population or development beyond that identified in the MEIR that would result in increased generation of hazardous materials. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on generation of hazardous materials were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore, still valid.

**Q. Landslides and Seismic Activity**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population or development beyond that identified in the MEIR that would result in increased exposure to landslides and seismic activity. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed

by the MEIR. Therefore, any potential adverse impacts on exposure to landslides and seismic activity were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

## **R. Energy**

The proposal to place the CPDs and Infill Areas on the ballot "*project*" would not generate any additional population or development beyond that identified in the MEIR that would result in increased demand for energy. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on increased demand for energy were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore, still valid. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

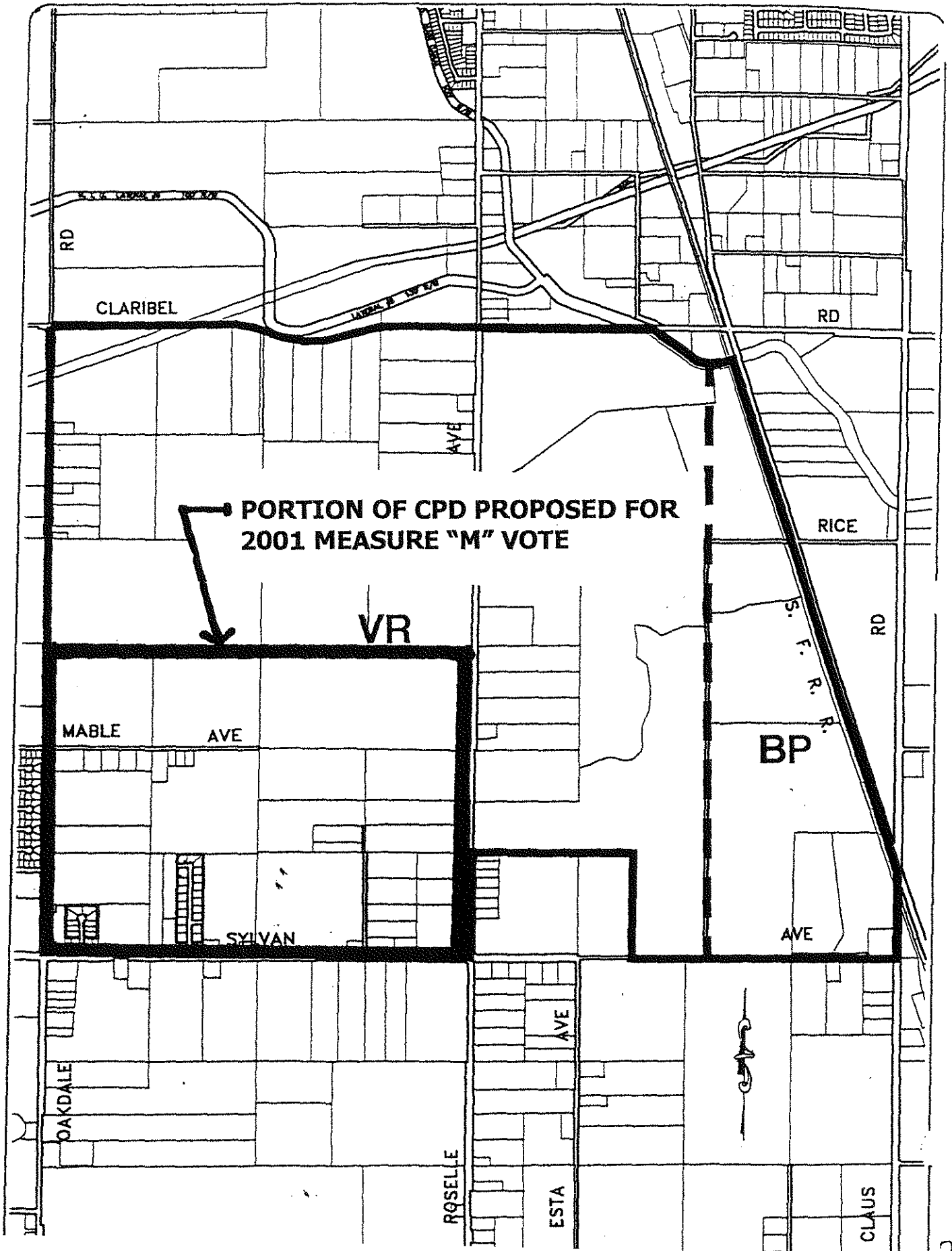
**IV CONCLUSIONS/DETERMINATIONS OF FINDINGS**

- A. The proposal to place the CPDs and Infill Areas on the ballot "*project*" is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).
- B. The proposal to place the CPDs and Infill Areas on the ballot "*project*" will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).
- D. There are no specific features unique to the proposal to place the CPDs and Infill Areas on the ballot "*project*" that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.
- E. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: Sam Nish

Exhibit "A"

# ROSELLE/CLARIBEL C.P.D.



PORTION OF CPD PROPOSED FOR  
2001 MEASURE "M" VOTE

VR

MABLE AVE

SYLVAN

OAKDALE

ROSELLE

ESTA AVE

RICE RD

S. F. R. R.

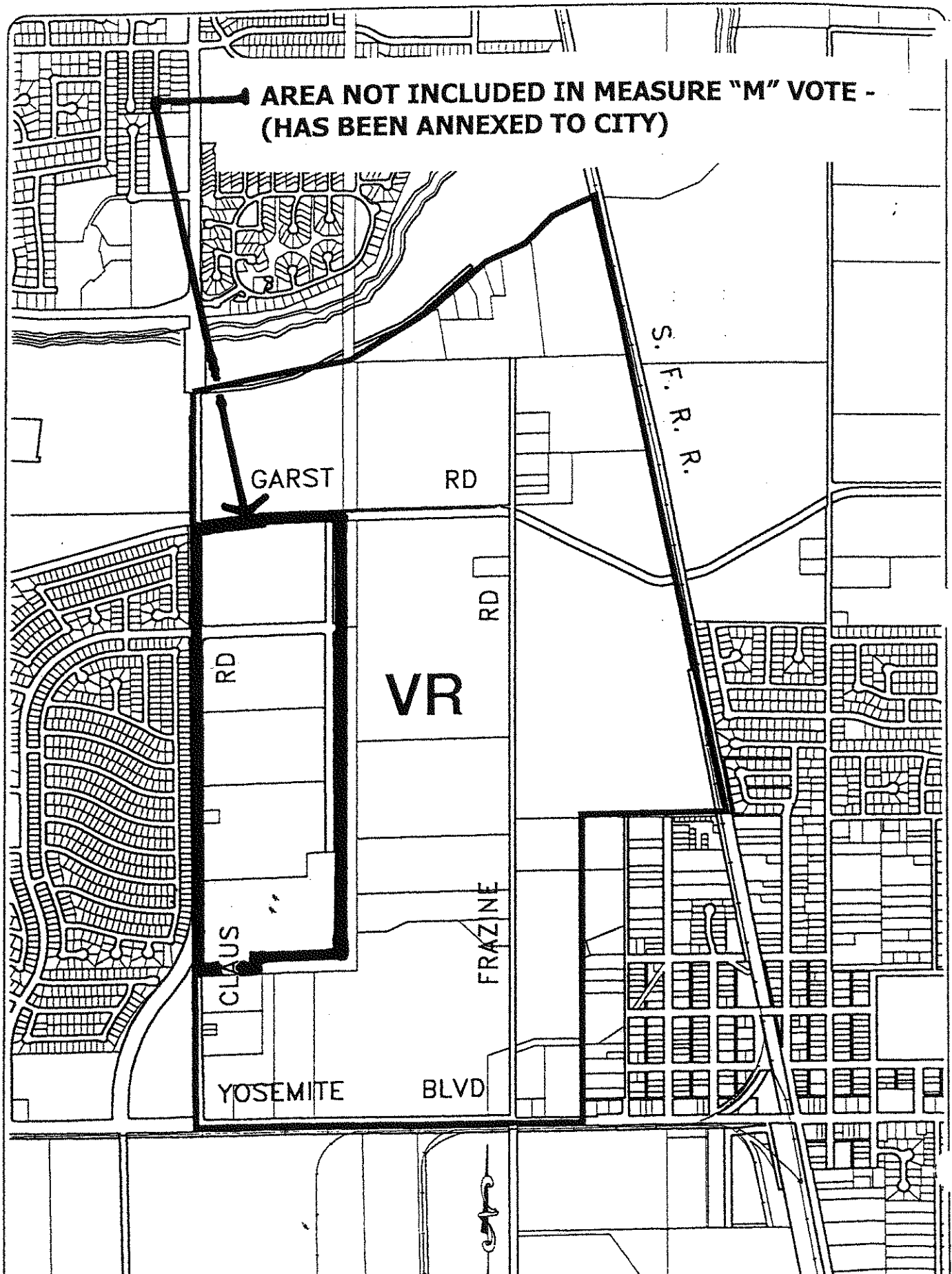
BP AVE

AVE

CLAUDIA

Exhibit "B"

# JOHANSEN C.P.D.



AREA NOT INCLUDED IN MEASURE "M" VOTE -  
(HAS BEEN ANNEXED TO CITY)

GARST RD

S.F.R.R.

VR

RD

RD

CLAUS

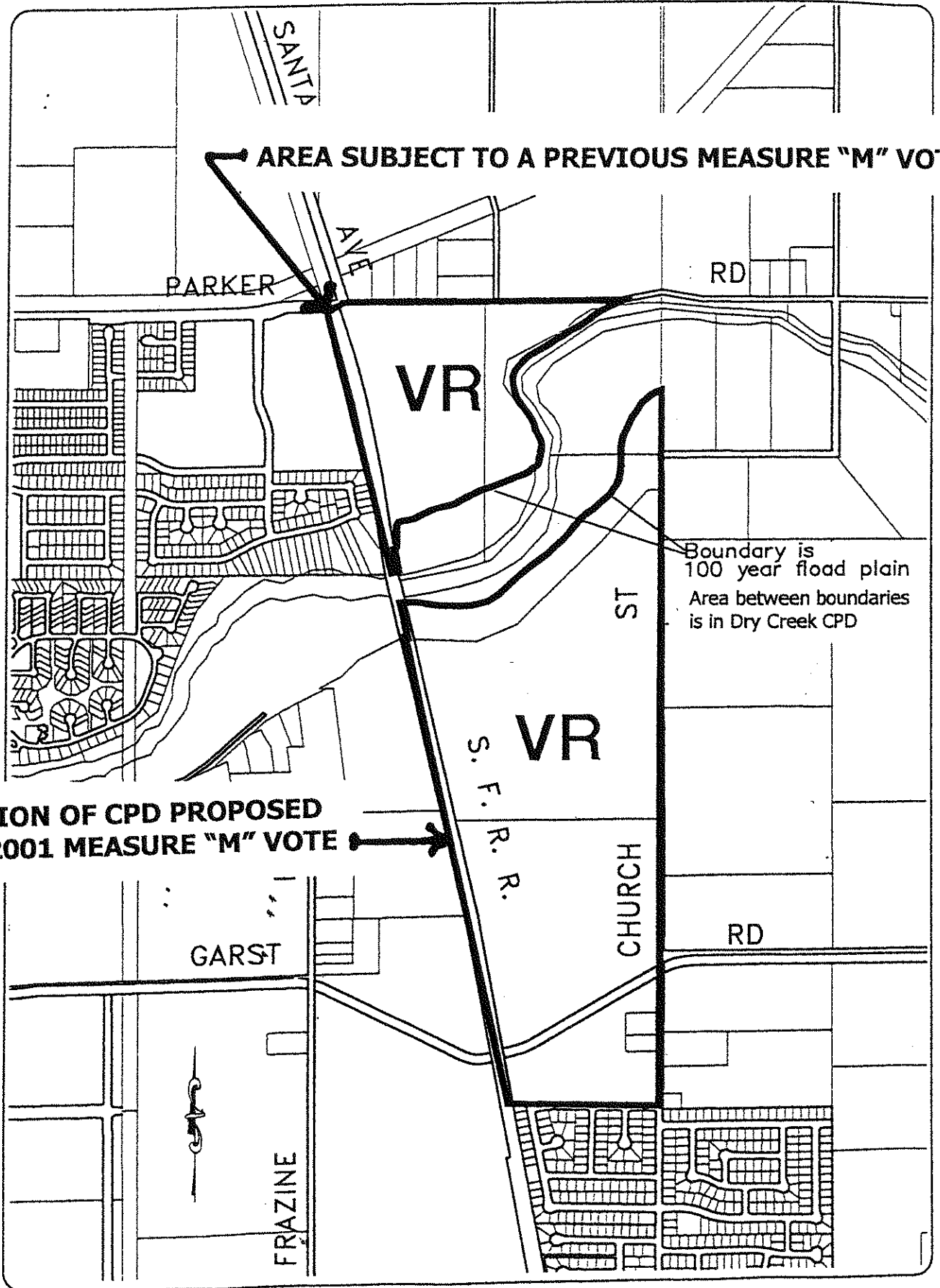
FRAZINE

YOSEMITE

BLVD

Exhibit "C"

# EMPIRE NORTH C.P.D.



**PORTION OF CPD PROPOSED FOR 2001 MEASURE "M" VOTE**

**AREA SUBJECT TO A PREVIOUS MEASURE "M" VOTE**

Boundary is 100 year flood plain  
Area between boundaries is in Dry Creek CPD

Exhibit "D"

# KIERNAN/CARVER C.P.D.

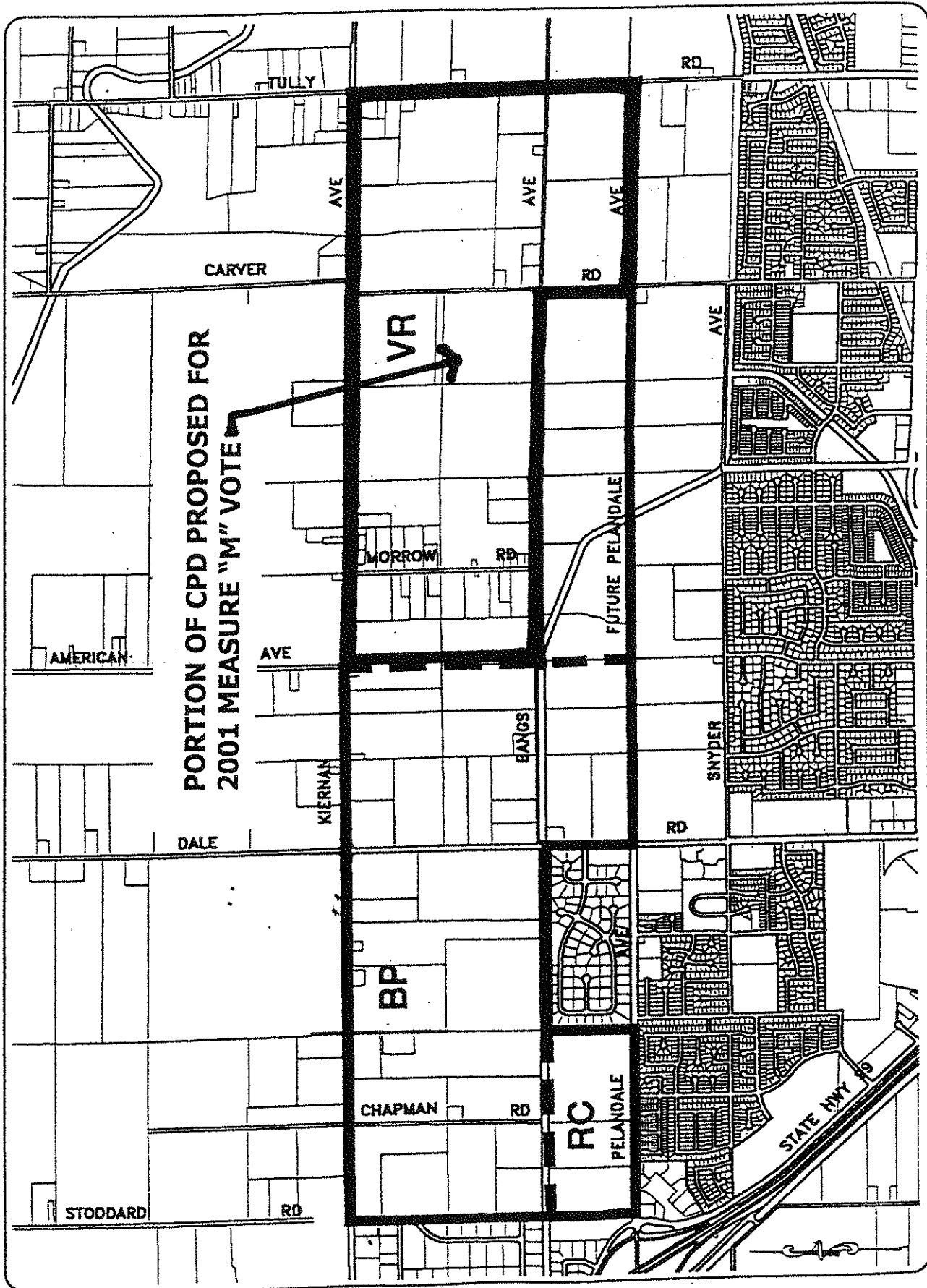


Exhibit "E"

# HETCH HETCHY C.P.D.

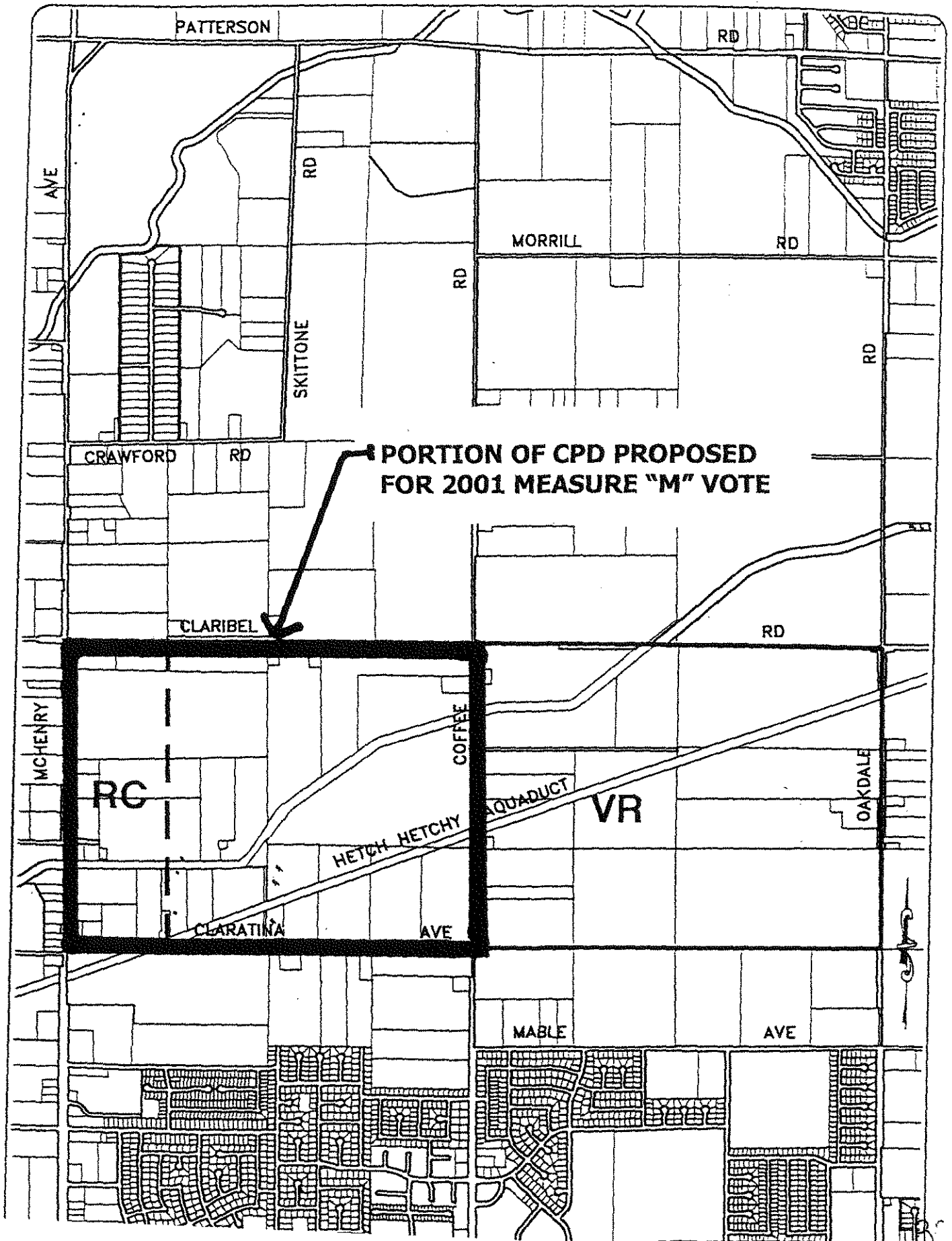
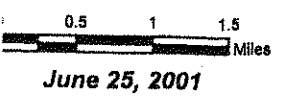
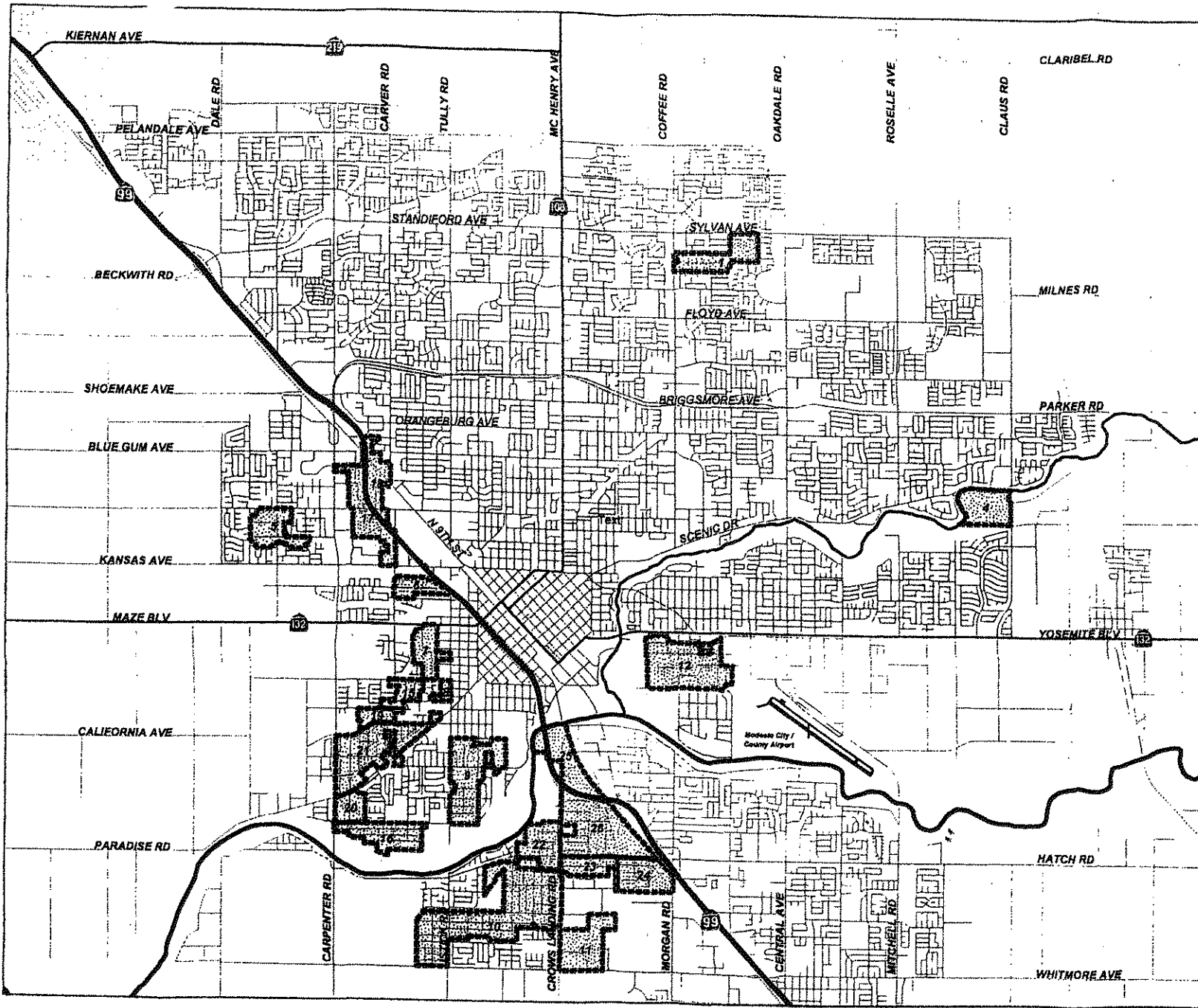



Exhibit "F"



# City of Modesto Unincorporated Islands

 Infill Areas Recommended  
For Measure M Vote  
(November 2001 Ballot)



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-367**

**A RESOLUTION AUTHORIZING THE PURCHASE OF ORACLE SITE LICENSING FROM THE ORACLE CORPORATION, FOR A TOTAL COST OF \$225,000.00 TO BE PAID OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.**

WHEREAS, the City of Modesto has deemed it necessary to purchase a software site license, and

WHEREAS, the cost for the first fiscal year will be \$66,000.00, and the subsequent four (4) fiscal years will cost \$39,750.00 each, and

WHEREAS, the City of Modesto has deemed it necessary to execute the contract, and

WHEREAS, the City of Modesto Municipal Code allows for this action in Section 8-3.203 (b).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of Oracle site licensing from the Oracle Corporation is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute said contract.

The following resolution was introduced at a regular meeting of the Council of the City of Modesto on July 17, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-368**

**A RESOLUTION AUTHORIZING AWARD FOR DIRECTIONAL BORING  
UNIT TO DITCH WITCH OF CENTRAL CALIFORNIA.**

WHEREAS, bids were solicited from eight (8) vendors for a directional boring unit to provide "trenchless" waterline replacement, and said bid was formally advertised, and

WHEREAS, the one (1) bid received for a directional-boring unit was opened at 11:00am on June 5, 2001, and later evaluated by the Finance Director for the consideration of the Council, and

WHEREAS, the Finance Director has recommended that the bid of Ditch Witch of Central California, for a total of \$65,281.97, be accepted,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of Ditch Witch of Central California be accepted, and the preparation of a formal purchase order by the City's designated officials be authorized.

The following resolution was introduced at a regular meeting of the Council of the City of Modesto on July 17, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-369**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
ISSUE A PURCHASE ORDER CONTRACT TO BRISCO ENTERPRISES FOR  
THE REMOVAL AND TRANSPORTATION OF PRIMARY WASTEWATER  
BIO-SOLIDS FOR FY 2001-2002.**

WHEREAS, the Operations and Maintenance Department requested the removal and transportation of primary wastewater bio-solids to the City's compost facility for FY 2001/2002, with the option of three (3) additional, one-year contract extensions, and

WHEREAS, Resolution 2001-138 authorized the solicitation of bids for the removal and transportation of primary wastewater bio-solids to the City's compost facility for FY 2001/2002, with the option of three (3) additional, one-year contract extensions, and

WHEREAS, the removal of dried bio-solids will provide renewed drying bed space for the revolving wastewater bio-solids process, and

WHEREAS, out of four suppliers solicited, Brisco Enterprises was the only supplier to respond to the City's Request for Proposal (RFP).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a purchase order contract to Brisco Enterprises for the removal and transportation of primary wastewater bio-solids to the City's compost facility for FY 2001/2002, with the option of three (3) additional, one-year contract extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17<sup>th</sup> day of July, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-370**

**A RESOLUTION APPROVING A CHANGE IN THE WEEKDAY OPENING SERVICE HOURS FOR MODESTO AREA DIAL-A-RIDE (MDAR).**

WHEREAS, the City provides demand response paratransit service within specified service hours, and

WHEREAS, there is a growing demand for transportation to life sustaining dialysis treatment, and

WHEREAS, both the Modesto Kidney Center and Satellite Dialysis offer 6:00 AM appointments, and

WHEREAS, the City has historically provided Dial-A-Ride service in support of riders needing to meet life sustaining medical appointments, and

WHEREAS, in order to allow paratransit riders to meet early morning appointments, a change in the Modesto Area Dial-A-Ride weekday opening service hours is needed from 6:15 AM to 4:45 AM.

WHEREAS, the Transportation Policy Committee approved the proposed MDAR service hour expansion at their June 21, 2001, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that limited weekday opening for Modesto Area Dial-A-Ride service will begin at 4:45 AM.

The following resolution was introduced at a regular meeting of the Council of the City of Modesto on July 17, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-371**

**A RESOLUTION REVISING 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. 88-338 pursuant to Rule 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 1. CLASSIFICATION CREATED.** The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Airport Maintenance Crewleader

As a result of a review of the needs of the position assigned to the Engineering and Transportation Department.

Streets Engineer

As a result of a job audit completed for the Associate Traffic Engineer position assigned to the Operations and Maintenance Department. The specifications for the classifications of Airport Maintenance Crewleader (Range 123) as shown on the attached Exhibit "A," and Streets Engineer (Range 441), as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

**SECTION 2. CLASSIFICATIONS ABOLISHED.** The Position Classification Plan of the City of Modesto is hereby amended to abolish the following classifications:

Airport Operations and Maintenance Supervisor

Streets Superintendent

Said classifications are being abolished as they will no longer be needed with the adoption of the Airport Maintenance Crewleader and Streets Engineer classifications.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after July 17, 2001 .

The following resolution was introduced at a regular meeting of the Council of the City of Modesto on July 17, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

### AIRPORT MAINTENANCE CREWLEADER

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 assist in the supervision and to participate in the overall maintenance of the airport including the airfield, grounds, buildings, and other maintenance areas.

#### SUPERVISION RECEIVED AND EXERCISED

Receives direct supervision from the Airport Manager.

Exercises functional and technical supervision over assigned maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Perform assigned inspections of airport runways, taxiways, and electrical systems for hazardous conditions and complete required paperwork.

Repair and maintain the various airport electrical and landing systems to assure that airport equipment and pavement surfaces are safe for operating aircraft use.

Oversee and replace airfield lights that are defective and ensure that pavement markings are vivid.

Sweep pavement surfaces and mow airfield grass and safety areas; oversee weed control programs.

Collect storm water program data and provide data to Airport Manager.

Perform general maintenance and cleaning duties to airport buildings, air conditioning systems, and painting as needed.

Oversee the airport grounds maintenance including landscape areas, lawns, irrigation, and maintenance of irrigation systems.

Review automotive maintenance records and arrange for equipment repairs.

Coordinate the need for materials and order supplies used for the airfield, building, ground maintenance, and in cleaning public areas.

Assist in the coordination of airport construction projects with airlines, control tower personnel, and other tenants.

Participate in a variety of construction and maintenance tasks involving mechanical type tasks.

Subject to weekend, holiday and after-hour call duty.

Utilize proper safety precautions related to all work performed.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, materials, and equipment used in the maintenance of buildings and grounds including electrical systems, landscape areas, pavement, and irrigation systems.

Heating, ventilation, and air conditioning maintenance.

Safe work practices.

Tools in equipment used in construction and maintenance and repair.

Principles of supervision and training.

Basic record keeping and inventory control.

Ability to:

Perform a full range of construction and maintenance work.

Work independently in the absence of supervision.

Plan work, schedule, analyze workloads to ensure proper utilization of personnel and resources.

Estimate necessary materials and supplies with a reasonable degree of accuracy.

Identify and troubleshoot general maintenance problems.

Lead small groups of personnel engaged in a variety of routine and changing operations and obtain efficient results.

Perform manual labor, including but not limited to medium-heavy occasional lifting up to 75 lbs.

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 involving building and grounds maintenance. Experience in airport operations and maintenance is highly desirable.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate:

Possession of, or ability to obtain an appropriate valid California driver's license.

A Class B California driver's license is required within 45 days of appointment. Failure to obtain this license will result in release from probation.

WORKING CONDITIONS

Environmental Conditions:

Airport environment; travel from site to site; exposure to noise, dust, grease, smoke, fumes, gases, active aircraft operations, and inclement weather conditions.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or moving for prolonged periods of time; operating motorized equipment and vehicles.

STREETS ENGINEER

DEFINITION

To manage, direct and coordinate the activities of the Streets & Traffic Operations Division in the Operations and Maintenance Department including the maintenance and repair of streets and the installation and maintenance of traffic signs and pavement markings; to coordinate the activities of the Division with other divisions and departments; to prepare operating and capital budgets; and to provide highly complex staff assistance to the Operations and Maintenance Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Operations and Maintenance Director or the Deputy Director.

Exercises direct supervision over other management, technical, maintenance, and clerical staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

**Essential Functions:**

Manage, direct and organize the activities of the Streets & Traffic Operations Division.

Direct, oversee and participate in the development of the Division Work Plan; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Prepare the Division's budget; 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; review and recommend employee terminations.

Review capital improvement plans related to the assigned services and provide input regarding future maintenance activities.

Receive, investigate, and respond to citizen requests, suggestions and complaints.

Check streets and related facilities and equipment for needed maintenance and repairs.

ESSENTIAL FUNCTIONS: (continued)

Provide advice and technical assistance to City and Department staff, commissions, committees, and the public on traffic matters.

Confer with a variety of public and private officials on traffic engineering issues, and serve as the City's representative to other governmental agencies.

Respond to inquiries from state, federal, local agencies, and the public.

Ensure the Department's compliance with applicable ordinances, codes, and laws; review traffic operating conditions in the field.

Issue work orders for new or changed traffic control devices.

Respond to public requests for traffic control changes; develop and analyze traffic management plan designs to improve neighborhood livability; and assist in design and continuation of traffic management duties.

Investigate contested traffic citations.

Answer interrogatories and testify in court relative to traffic violations and vehicle accident and injury claims against the City.

Inspect work sites before, during and after completion to assure such is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Provide regular safety meetings; ensure the adherence to safe work practices by division personnel.

Prepare various reports and direct special projects as required.

Supervise, train and evaluate assigned staff.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices and equipment used in asphalt maintenance and repair activities.

QUALIFICATIONS (continued)

Street signage and marking requirements.

Knowledge Of, Continued:

Types and level of maintenance and repair activities generally performed in a street and sidewalk maintenance and repair program.

Occupational hazards and standard safety precautions necessary in the work.

Traffic monitoring devices and their purposes.

Principles and practices of supervision, training and personnel management.

Record keeping and reporting procedures.

Safe work practices.

Ability to:

Conduct studies, prepare comprehensive reports and determine cost-effective ways for conducting the assigned maintenance activities.

Analyze complex traffic control problems, evaluate alternatives, and reach conclusions.

Supervise, train and evaluate assigned staff.

Prepare and administer a budget.

Interpret and apply Federal, State and local policies, procedures, laws and regulations.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Review new and innovative technology and evaluate cost benefit and effectiveness.

Respond to changing work environment through continuous evaluation of work processes and procedures.

QUALIFICATIONS (continued)

Provide a participative management style while encouraging and motivating staff to a goal of team performance.

Support the City's Citizens First efforts.

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 the management of a street maintenance program, including three years of supervisory or lead responsibility

**-OR-**

Three years of increasingly responsible experience in professional civil or traffic engineering.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil or traffic engineering, construction technology, business administration or a related field. A Bachelor's Degree is highly desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

**WORKING CONDITIONS**

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and travel from site to site.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-372**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO REVISE THE SALARY RANGE FOR THE CLASSIFICATION OF NEIGHBORHOOD PRESERVATION SUPERVISOR AND TO ESTABLISH A SALARY FOR THE CLASSIFICATION OF STREETS ENGINEER AND TO ABOLISH THE SALARY RANGE FOR THE CLASSIFICATIONS OF AIRPORT OPERATIONS AND MAINTENANCE SUPERVISOR AND STREETS SUPERINTENDENT; AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL AND NON-SWORN CLASSES TO ESTABLISH A SALARY FOR THE CLASSIFICATION OF AIRPORT MAINTENANCE CREWLEADER**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective July 17, 2001", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the salary ranges for Neighborhood Preservation Supervisor from Range 430 to Range 432, establishes a salary range for Streets Engineer at Range 441 and abolishes the salary range for Airport Operations and Maintenance Supervisor and Streets Superintendent.

SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" of Resolution 95-26 entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective July 17, 2001," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Airport Maintenance Crewleader at Range 123.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after July 17, 2001.

The following resolution was introduced at a regular meeting of the Council of the City of Modesto on July 17, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
 Effective July 17, 2001

RANGE	TITLE
407	Administrative Clerk II (Confidential)
408	
409	Police Clerk (Confidential)
410	
411	
412	
413	Administrative Technician (Confidential) Senior Personnel Clerk
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I
421	
422	Office Supervisor

City of Modesto  
 Class Range Table – Management and Confidential Non-Sworn Classes  
 Page 12

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RANGE	TITLE
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Assistant Risk Manager Personnel Analyst Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst

RANGE	TITLE
432	Industrial Waste Supervisor <b>Neighborhood Preservation Supervisor</b> Operations and Maintenance Supervisor Plant Maintenance Supervisor Recreation Supervisor II Secondary Treatment Facilities Supervisor Senior Accountant Water Quality Control Operations Supervisor Youth Program Supervisor
433	Organizational Development Specialist
434	Arborist Assistant Civil Engineer Assistant Traffic Engineer Electrical Supervisor Events Supervisor II Geographic Information Systems Coordinator Operations Supervisor SCADA Supervisor Senior Housing Rehabilitation Specialist Senior Programmer Analyst
435	Business Analyst Cultural Services Manager Integrated Waste Specialist Management Analyst Senior Personnel Analyst
436	Senior Planner
437	Deputy City Attorney I

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RANGE	TITLE
438	Budget Officer Communications and Marketing Manager Development and Operations Coordinator Financial/Investment Officer Housing Program Supervisor Land Surveyor Property Agent Purchasing Supervisor Senior Business Analyst Systems Engineer Transportation Planner
439	Administrative Services Officer
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Assistant Personnel Director Building Maintenance Superintendent Deputy City Attorney II Fire Marshal Fleet Manager Golf Services Manager Parks Operations Superintendent Parks Planning and Development Manager Police Records Manager Recreation Superintendent Risk Manager Solid Waste Program Manager <b>Streets Engineer</b> Transit Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent

City of Modesto  
Class Range Table – Management and Confidential Non-Sworn Classes  
Page 15

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RANGE	TITLE
442	Customer Services Division Manager Information Services Manager Manager of Budget and Financial Analysis Supervising Building Inspector Supervising Construction Inspector
443	Deputy Chief Building Official Senior Deputy City Attorney I
444	General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Engineering and Transportation Deputy Director – Recreation and Neighborhoods
453	
455	Assistant City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES  
Effective July 17, 2001

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RANGE	TITLE
101	Custodian I Maintenance Aide
103	Administrative Clerk I
104	
105	
106	
107	Administrative Clerk II Custodian II
108	
109	Police Clerk
110	Animal Control Officer I Equipment Service Worker I Maintenance Worker I
111	Account Clerk Evidence and Property Specialist
112	
113	Administrative Technician Computer Operator Drafting and Graphics Technician
114	Electrical Technician I Equipment Service Worker II Maintenance Worker II Storeskeeper

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RANGE	TITLE
115	Accounting Technician Animal Control Officer II Assistant to the Events Coordinator Code Enforcement Officer I Community Service Officer I Planning Technician I Wastewater Treatment Plant Attendant
116	Equipment Operator Fire Prevention Technician I Motor Sweeper Operator Traffic Painter Traffic Sign Worker Traffic Technician Used Oil Coordinator Wastewater Collection System Operator Water Distribution System Operator
117	Electrical Technician II
118	Fleet Procurement Specialist Parking Lot Maintenance Crewleader Parks Crewleader Recreation Coordinator Senior Storeskeeper Tree Trimmer
119	Assistant Buyer Building Maintenance Mechanic Civil Engineering Technician I Code Enforcement Officer II Community Service Officer II Maintenance Mechanic – Parks Maintenance Mechanic – Pumps Planning Technician II Public Information Technician Wastewater Treatment Plant Operator

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RANGE	TITLE
120	Accountant I Assistant Electrician Equipment Mechanic Fire Prevention Technician II Laboratory Analyst I Meter Reader Crewleader Senior Equipment Operator Traffic Painter Crewleader Welder/Fabricator
121	Wastewater Treatment Plant Relief Operator
122	Coach Mechanic Cross Connection Specialist Fire Equipment Mechanic Industrial Waste Inspector I Programmer Analyst I Tree Trimmer Crewleader
123	<b>Airport Maintenance Crewleader</b> Civil Engineering Technician II Identification Technician I Maintenance Mechanic Crewleader – Parks
124	Community Development Program Specialist I Equipment Crewleader Equipment Mechanic Crewleader Laboratory Analyst II Maintenance Mechanic Crewleader – Pumps Planning Assistant Plant Mechanic Wastewater Collection System Crewleader
125	Crime Analyst
126	Building Inspector I Coach Mechanic Crewleader Electrician Housing Financial Specialist Housing Rehabilitation Specialist I Industrial Waste Inspector II

RANGE	TITLE
127	Civil Engineering Assistant Identification Technician II Senior Fire Equipment Mechanic
128	Community Development Program Specialist II Instrument Repair Technician Programmer Analyst II Sr. Wastewater Treatment Plant Operator
129	
130	Building Inspector II Construction Inspector Hazardous Material Program Coordinator Housing Rehabilitation Specialist II Project Coordinator
131	Sr. Civil Engineering Assistant
132	
133	
134	Deputy Fire Marshal Plan Review Engineer Senior Building Inspector Senior Construction Inspector

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-373**

**A RESOLUTION APPROVING A FIVE (5%) PERCENT INCREASE IN  
SALARY FOR THE CITY MANAGER, CITY ATTORNEY AND CITY  
CLERK/AUDITOR.**

WHEREAS, by Resolution No. 2001-270 effective June 19, 2001, the City Council approved and established a "City of Modesto Schedule of Salary Ranges in City Service For FY 01-02 Effective June 19, 2001," for Executive Management (Exhibit "J"), and

WHEREAS, salaries for Charter Officers appointed by the Council are subject to periodic review and adjustment, and

WHEREAS, the Council desires to approve a five (5%) percent increase in salary to JACK R. CRIST, City Manager, effective July 17, 2001, which increase is within the range established in Exhibit "J" of Resolution No. 2001-270, and

WHEREAS, the Council desires to approve a five (5%) percent increase in salary to MICHAEL D. MILICH, City Attorney, effective July 17, 2001, which increase is within the range established in Exhibit "J" of Resolution No. 2001-270, and

WHEREAS, the Council desires to approve a five (5%) percent increase in salary to JEAN ZAHR, City Clerk/Auditor, effective July 17, 2001, which increase is within the range established in Exhibit "J" of Resolution No. 2001-270,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves five (5%) percent increases in salary to JACK R. CRIST, City Manager; MICHAEL D. MILICH, City Attorney; and JEAN ZAHR, City Clerk/Auditor, effective July 17, 2001, as follows:

<b>Title</b>	<b>Hourly</b>	<b>Bi-Weekly</b>	<b>Monthly</b>
City Manager	\$72.7214	\$5,817.71	\$12,653.53
City Attorney	\$64.3867	\$5,150.93	\$11,203.28
City Clerk/Auditor	\$36.5316	\$2,922.53	\$ 6,356.50

The following resolution was introduced at a regular meeting of the Council of the City of Modesto on July 17, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith,  
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**CITY OF MODESTO**  
**SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 01/02**  
**EFFECTIVE June 19, 2001**

**Executive Management**

4.00%

	HOURLY		BI-weekly		Monthly	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405	29.2304	36.5380	2,338.43	2,923.04	5,086.09	6,357.61
1406	29.9612	37.4515	2,396.89	2,996.12	5,213.24	6,516.56
1407	30.7102	38.3877	2,456.82	3,071.02	5,343.58	6,679.47
1408	31.4779	39.3474	2,518.24	3,147.79	5,477.17	6,846.44
1409	32.2649	40.3311	2,581.19	3,226.49	5,614.09	7,017.62
1410	33.0715	41.3394	2,645.72	3,307.15	5,754.44	7,193.05
1411	33.8983	42.3729	2,711.86	3,389.83	5,898.30	7,372.88
1412	34.7458	43.4322	2,779.66	3,474.58	6,045.76	7,557.21
1413	35.6144	44.5180	2,849.15	3,561.44	6,196.90	7,746.13
1414	36.5048	45.6310	2,920.38	3,650.48	6,351.83	7,939.79
1415	37.4174	46.7717	2,993.39	3,741.74	6,510.62	8,138.28
1416	38.3528	47.9410	3,068.23	3,835.28	6,673.40	8,341.73
1417	39.3116	49.1395	3,144.93	3,931.16	6,840.22	8,550.27
1418	40.2944	50.3680	3,223.55	4,029.44	7,011.22	8,764.03
1419	41.3018	51.6273	3,304.14	4,130.18	7,186.50	8,983.14
1420	42.3343	52.9179	3,386.74	4,233.43	7,366.16	9,207.71
1421	43.3927	54.2409	3,471.42	4,339.27	7,550.34	9,437.91
1422	44.4775	55.5969	3,558.20	4,447.75	7,739.09	9,673.86
1423	45.5894	56.9868	3,647.15	4,558.94	7,932.55	9,915.69
1424	46.7291	58.4114	3,738.33	4,672.91	8,130.87	10,163.58
1425	47.8973	59.8716	3,831.78	4,789.73	8,334.12	10,417.66
1426	49.0947	61.3684	3,927.58	4,909.47	8,542.49	10,678.10
1427	50.3221	62.9026	4,025.77	5,032.21	8,756.05	10,945.06
1428	51.5802	64.4753	4,126.42	5,158.02	8,974.96	11,218.69
1429	52.8697	66.0871	4,229.58	5,286.97	9,199.34	11,499.16
1430	54.1914	67.7393	4,335.31	5,419.14	9,429.30	11,786.63
1431	55.5462	69.4328	4,443.70	5,554.62	9,665.05	12,081.30
1432	56.9349	71.1686	4,554.79	5,693.49	9,906.67	12,383.34
1433	58.3583	72.9479	4,668.66	5,835.83	10,154.34	12,692.93
1434	59.8173	74.7716	4,785.38	5,981.73	10,408.20	13,010.26
1435	61.3127	76.6409	4,905.02	6,131.27	10,668.42	13,335.51

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-374**

**A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT COPIES OF THE VARIOUS ADVISORY MEASURES RELATING TO THE EXTENSION OF SEWER SERVICE TO CERTAIN AREAS OF THE MODESTO URBAN AREA GENERAL PLAN 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 6, 2001, various advisory measures relating to the extension of sewer service to certain areas of the Modesto Urban Area General Plan.

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 measures 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 17<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-375**

**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 VARIOUS ADVISORY MEASURES RELATING TO THE EXTENSION OF SEWER SERVICE TO CERTAIN AREAS OF THE MODESTO URBAN AREA GENERAL PLAN.**

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 6, 2001, various measures relating to the extension of sewer service to certain areas of the Modesto Urban Area General Plan.

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 measures and to change such arguments until and including the date and time after which no arguments 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 17<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-376**

**A RESOLUTION APPROVING THE REQUEST FROM STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION FOR THE DEFERRAL OF THE CITY'S CAPITAL FACILITIES FEES FOR FIVE PROPERTIES LOCATED OUTSIDE OF THE MODESTO CITY LIMITS, BUT WITHIN THE CITY'S SPHERE OF INFLUENCE**

WHEREAS, by letter dated April 20, 2001, from Stanislaus County Affordable Housing Corporation (STANCO), a request was made for an exemption or deferral of the City's Capital Facilities Fees (CFF) for single family homes proposed for construction outside of the City limits, yet located within the City's Sphere of Influence, for property addresses 1701 Kenneth Street, 1705 Kenneth Street, 1732 Carpenter Road, 615 Lassen Avenue and 1201 Lassen Avenue, and

WHEREAS, the request is for deferral of collection or payment of the CFF until the property is resold, and

WHEREAS, the CFF for single family homes outside of the City limits and within the Sphere of influence is \$2,904 per unit for a total deferral request of \$14,520, and

WHEREAS, past deferral requests have been approved under two circumstances, one of which is that the CFF is not collected at the time of taking out the building permit, but is repaid in equal installments over the five following years, and the second deferral consists of deferring collection of the CFF to sweat equity built homes with a five-year deferral and a ten-year, interest free, amortization period starting in year six, and

WHEREAS, on June 12, 2001, Anita Hellum of STANCO submitted a letter amending STANCO's request, with the amended request that the CFF be deferred for five years and then amortized over a ten- year period, and

WHEREAS, City development fees (i.e., CFF) have been determined by the City, in its Housing Element and Consolidated Plan, to serve as barriers to quality housing for working families, and the City is interested in furthering housing opportunities to all segments of our community and has adopted this exemption policy, and

WHEREAS, by Resolution No 91-703 adopted on November 19, 1991 , the Council adopted the deferral policy for CFF fees, and

WHEREAS, the STANCO project will result in an increase to the amount of quality housing for working families in the Modesto vicinity, and

WHEREAS, the City of Modesto has adopted CFF administrative guidelines to provide for the exemption or deferral of CFF for housing units that will be developed and kept available to households earning less than 80% of the AMI, and

WHEREAS, the CFF Administrative Guidelines give the City Council authority to grant 1,418 exemptions or deferrals, and there are a total of 518 housing units that have exercised this program through the execution of a formal agreement, and

WHEREAS, approving and executing a formal agreement for these additional 5 units will raise this total to 523 units, which will leave 895 exemption/deferrals available for City Council approval, and

WHEREAS, previous approvals have been limited to either a five-year annual repayment plan, a fifteen-year interest free loan with payments starting in year six, or for sweat-equity homes, and

WHEREAS, approval of STANCO's amended deferral request will be consistent with previous approvals, and

WHEREAS, the Community Development and Housing Committee met on June 20, 2001 and supported staff's recommendation to approve the deferral as requested by STANCO, and

WHEREAS, said request was set for a public hearing of the Council of the City of Modesto at 5:15 p.m. on July 17, 2001, in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held on the proposed matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby grants an exemption or deferral to the City's Capital Facilities Fees (CFF) for single family homes proposed for construction outside of the City limits, yet located within the

City's Sphere of Influence, for property addresses 1701 Kenneth Street, 1705 Kenneth Street, 1732 Carpenter Road, 615 Lassen Avenue and 1201 Lassen Avenue.

BE IT FURTHER RESOLVED that following approval of STANCO's request for deferral of CFF fees by the Council, City staff will negotiate formal deferral agreements subject to approval by the City Attorney, and will return to Council for approval of said agreements and for authorization for the City Manager to execute same.

The following resolution was introduced at a regular meeting of the Council of the City of Modesto on July 17, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-377**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES  
WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR  
DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6**

WHEREAS, the City of Modesto has by Resolution No. 2001-282 adopted on June 12, 2001, 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 Landscaping and Lighting Act of 1972, and

WHEREAS, the cost for Fiscal Year 2001-2002 is \$26.00 annual assessment per lot, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by City Engineering, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of \$26.00 annual assessment per lot within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for the 2001/02 fiscal year, and that a certified copy of this resolution shall be delivered to the Auditor – Controller of the County of Stanislaus for placement of such charges on the 2001/02 County Tax Roll.

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 Council of the City of Modesto held on the 17<sup>th</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-378**

**A RESOLUTION 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, the City of Modesto has by RESOLUTION NO. 2001-281, adopted on June 12, 2001, 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 Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, under the provisions of the Landscaping and Lighting Act of 1972, and

WHEREAS, the cost for Fiscal Year 2001-2002 is \$95.31 per acre for commercial property and \$18.56 for each residential property, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocation of cost reports prepared by City Engineering, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS the City of Modesto has further determined that the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of \$95.31 per acre for commercial property and \$18.56 for each residential property 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 for the 2001/02 fiscal year, and that a certified copy of this resolution shall be delivered to the Auditor –Controller of the County of Stanislaus for placement of such charges on the 2001/02 County Tax Roll.

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 Council of the City of Modesto held on the 17<sup>th</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-379**

**A RESOLUTION REQUESTING PERMISSION OF THE STATE BOARD OF EQUALIZATION FOR THE TAX COLLECTOR OR HIS DULY AUTHORIZED DEPUTY TO EXAMINE THE SALES AND USE TAX RECORDS OF THE STATE BOARD OF EQUILIZATION.**

WHEREAS, Section 7056 of the Revenue and Taxation Code of the State of California provides that when requested by resolution of the legislative body of any county, city and county, or city, the State Board of Equalization shall permit the tax collector of the county, city and county or city, or any duly authorized deputy or employee of such officer, to examine all of the sales and use tax records of the Board pertaining to sales and use taxes collected for the county, city and county, or city by the Board pursuant to the contract entered into between the Board and the county, city and county, or city under the Bradley-Burns Uniform Local Sales and use Tax Law, and

WHEREAS, the City of Modesto is a contracting party with the State Board of Equalization under the Bradley-Burns Uniform Local Sales and Use Tax Law, and

WHEREAS, the City of Modesto desires to examine the sales and use tax records of the State Board of Equalization for the purpose of auditing the gross receipts returned of persons licensed by the City to engage and carry on a business in the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that permission is hereby requested from the State Board of Equalization for the City to examine all of the sales and use tax records of persons licensed to engage and carry on a business in the City.

BE IT FURTHER RESOLVED that Robert V. Stout, Tax Collector, or his duly authorized designee is permitted to examine said sales and use tax records on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall transmit to the State Board of Equalization, at its Sacramento, California office a duly authenticated copy of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers  
STAN FEATHERS, Budget Officer

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-380**

**A RESOLUTION APPROVING THE CITY'S PARTICIPATION IN THE  
PROPOSED LEASE-TO-OWN HOME OWNERSHIP PROGRAM FOR  
HOMEBUYERS AS ADMINISTERED BY THE PACIFIC HOUSING AND  
FINANCE AGENCY**

WHEREAS, Pacific Housing and Finance Agency is a coalition of California cities and counties that have joined together to help individuals who can afford a monthly house payment, but lack enough savings to pay for additional costs associated with buying a home, and

WHEREAS, the Lease-to-Own Home Ownership Program provides down payment and closing cost assistance for homebuyers, and

WHEREAS, said program will take out a mortgage on behalf of the applicant at current mortgage rates, and

WHEREAS, participants lease the property from Pacific Housing and Finance Agency for three years, and the lease payments are used to build equity in the property during the initial three-year lease period, and

WHEREAS, after three years, the participant can assume the mortgage from the Program, and

WHEREAS, staff found the program to be sound and worth pursuing, and

WHEREAS, the Community Development and Housing Committee met on June 20, 2001, and supported staff's recommendation to pursue entering into a joint powers agency,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the City's participation in the proposed Lease-to-Own Home Ownership Program for homebuyers as administered by the Pacific Housing and Finance Agency.

BE IT FURTHER RESOLVED that staff is hereby authorized to enter into negotiations for a joint powers agreement with Pacific Housing Finance Agency.

The following resolution was introduced at a regular meeting of the Council of the City of Modesto on July 17, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-381**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN ARBOR LANE NO. 2  
SUBDIVISION, IN THE COFFEE-CLARATINA SPECIFIC PLAN AREA, AND  
AUTHORIZING RELEASE OF BONDS**

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, subdividers of Arbor Lane No. 2 subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of \$803,934.75 and \$401,967.39, respectively, and,

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, has filed a warranty bond in the amount of \$80,393.48 to guarantee improvements in ARBOR LANE NO. 2 subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Arbor Lane No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of \$803,934.75 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of \$401,967.39 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty to guarantee improvements in the amount of \$80,393.48 one year and one day following 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 24<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-382**

**A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT  
BETWEEN THE CITY OF MODESTO AND MINAGAR & ASSOCIATES  
FOR CONSULTING SERVICES FOR THE CITY OF MODESTO  
TRAFFIC SIGNAL RETIMING PROJECT OUTSIDE MODESTO'S  
CENTRAL BUSINESS DISTRICT**

WHEREAS, on May 1, 2001, the City entered into a Professional Services Agreement between the City of Modesto and Minagar & Associates for professional consulting services for the City of Modesto Traffic Signal Retiming Project Outside Modesto's Central Business District, and

WHEREAS, said agreement required the Consultant to undertake and complete the professional services in accordance with a scope of work described in the original Agreement as "Exhibit A", and

WHEREAS, subsequent to executing the original Agreement between the City and Minagar & Associates, an additional scope of work was identified by the City as needing to be included in Minagar's contract, and

WHEREAS, Minagar in a proposal dated June 15, 2001, identified the level of effort and cost required to add the additional scope of work to the contract, and

WHEREAS, the City is desirous of contracting with Minagar to perform the additional scope of work;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves this Amendment to the Agreement with Minagar & Associates in an amount not-to-exceed \$18,510 for continued professional services through project closeout.

BE IT FURTHER RESOLVED that Exhibit A in the original Agreement which specifies the original scope of services by the consultant is hereby modified to add the additional scope of work as set forth in consultant's June 15, 2001, proposal attached hereto as Exhibit B.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

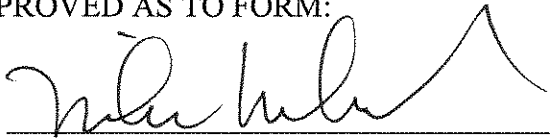
AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

AMENDMENT TO AGREEMENT  
FOR CONSULTANT SERVICES BETWEEN  
THE CITY OF MODESTO AND MINAGAR & ASSOCIATES  
FOR CONSULTING SERVICES FOR THE CITY OF MODESTO TRAFFIC SIGNAL  
RETIMING PROJECT OUTSIDE MODESTO'S CENTRAL BUSINESS DISTRICT

This Amendment to the Agreement for Consulting Services dated May 1, 2001, between the City of Modesto, herein after referred to as "City" and Minagar & Associates, Inc., herein after referred to as "Consultant," is made this \_\_\_\_\_ day of \_\_\_\_\_ 2001.

WITNESSETH

WHEREAS, on May 1, 2001, the City and Consultant entered into an Agreement for professional services related to the Traffic Signal Retiming Project Outside Modesto's Central Business District, and

WHEREAS, City desires to secure additional professional services beyond that which was agreed to in the Agreement dated May 1, 2001, and

WHEREAS, Consultant has available, and offers to provide, personnel and facilities necessary to perform the additional services within the required time;

NOW, THEREFORE, in consideration of the mutual covenants of the parties thereto, the Agreement is amended as follows:

I. Scope of Additional Services

Consultant shall provide additional services as detailed in Consultant's June 15, 2001 memo, a copy of which is attached to this Amendment as Exhibit B.

II. Compensation

Consultant shall be compensated for said additional services based upon the level of effort and cost proposal as outlined in Exhibit B. Payment for work shown in Exhibit B of

this Amendment to Agreement shall not exceed \$18,510 without the execution of a supplemental agreement. This amount is in addition to the compensation provided for in paragraph 3 of the original Agreement, which is an amount not to exceed \$177,686.

III. Performance by Key Employee

Consultant has represented to City that Fred Minagar will be the Consultant's Project Manager and will be the person primarily responsible for the performance of the services referred to in this Amendment to Agreement. City has entered into this Amendment to Agreement in reliance on that representation by Consultant. Consultant therefore agrees that in conformance with the original Agreement, 80% or more of the time devoted to the project management services for the project that is the subject of this Amendment to Agreement will be that of Fred Minagar.

IV. Time of Completion

The scope of work provided for by this amendment shall be completed within the time given in the original Agreement and no additional time shall be granted as a result of this amendment.

V. Continuity of Agreement

It is agreed by both parties that all terms, conditions, covenants, and benefits of the original Agreement, except as modified by this Amendment, shall remain in full force and effect as applicable to this Amendment.

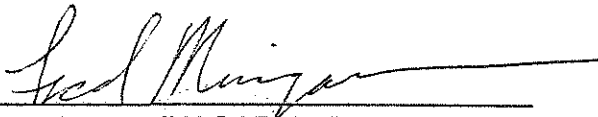
In witness whereof, the City of Modesto, a municipal corporation, has caused this Amendment in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2001- ? , adopted by the Council of the City of Modesto on

the \_\_\_ day of \_\_\_\_\_, 2001; and Consultant has caused this Amendment to be executed on the day and year first above written.

CITY OF MODESTO, a municipal corporation

By \_\_\_\_\_  
JACK CRIST, CITY MANAGER

MINAGAR & ASSOCIATES, Inc., an S Corporation

By   
FRED MINAGAR, P.E., Principal

By \_\_\_\_\_  
(Seal)

Consultants Federal ID # 33-0932477

ATTEST:

By \_\_\_\_\_  
JEAN ZAHR, CITY CLERK

APPROVED AS TO FORM:

By \_\_\_\_\_  
MICHAEL D. MILICH, CITY ATTORNEY

By \_\_\_\_\_  
DONALD N. NORRIS, 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

EXHIBIT B**Minagar & Associates**

ITS Deployment/Engineering/Planning Traffic Engineering - Transportation Planning Consultants

June 15, 2001

Mr. Mark Murphy, P.E.  
Acting Associate Traffic Engineer/Project Manager  
Engineering and Transportation Department  
City of Modesto  
1010 Tenth St.  
Suite 4500  
Modesto, CA 95353

**Re: Additional Tasks-Traffic Signal Retiming Project Outside Modesto's CBD**

Dear Mark:

Per your request and in accordance with the direction by the Project Development Committee, we have prepared the attached level of efforts and cost proposal, Exhibit "C" for performing the additional tasks.

The execution of our professional services shall remain the same as Exhibit "A", referring to the City Council approval on May 4, 2001, except our new Exhibit "C" to be supplemented to the approved Exhibit "B".

Minagar & Associates, Inc. shall add the following additional signalized intersections to the Scope of Work:

**Yosemite Blvd. (State Route 132)**

- Cockwood Dr.*
1. ~~Santa Rosa~~ at Yosemite Blvd. (~~←~~)
  2. Norman at Yosemite Blvd.
  3. New Claus Road at Yosemite Blvd.
  4. Mariposa Dr. at Yosemite Blvd.
  5. South Riverside Dr. at Yosemite Blvd.
  6. El Vista Ave./Mitchell Rd./Oakdale Rd. at Yosemite Blvd.
  7. Daly Ave./San Juan Dr. at Yosemite Blvd.
  8. Empire Ave. at Yosemite Blvd.
  9. Covina Ave./LaLoma at Yosemite Blvd.
  10. Santa Cruz at Yosemite Blvd.
  11. Santa Rosa Ave. at Yosemite Blvd.

**McHenry Ave. (State Route 108)**

1. McHenry Ave. at Pelandale Ave.

FROM : MINAGAR & ASSOCIATES

PHONE NO. : 949 727 4418

P83

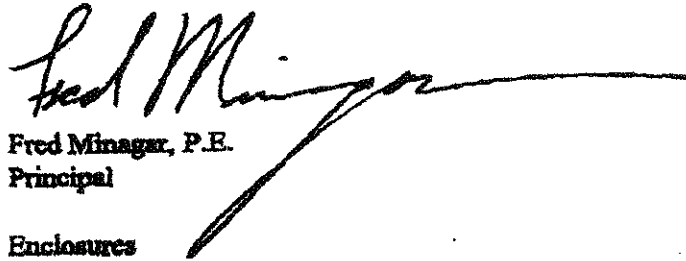
## ***Minagar & Associates***

*ITS Deployment/Engineering/Planning - Traffic Engineering - Transportation Planning Consultants*

We thank you for your continued support and cooperation on this very important project to the citizens of the City of Modesto. We look forward to commence the data collection program for this challenging project.

Sincerely,

**MINAGAR & ASSOCIATES, INC.**



Fred Minagar, P.E.  
Principal

Enclosures

EXHIBIT "C"

**Modesto's Traffic Signal Retiming Project**  
**Additional Tasks**  
**Minagar & Associates, Inc.**

FROM : MINAGAR & ASSOCIATES

PHONE NO. : 949 727 4418

**Level of Efforts Chart**

Project Tasks	Project Manager	Project Engineer	Engineer	Senior Technician	Graphics/ Word Processing	TOTAL HOURS
1. Define Network	3	2	1	1	1	8
2. Data Collection*	2	1	3	16	2	24
3. "Before" Study	2	2	5	8	3	20
4. Optimized Signal Timings	6	13	57	9	1	86
5. NETSIM Run & Finetuning	6	8	16	0	0	30
6. Conversion to 170 Format	2	2	0	9	0	13
7. "After" Study	1	2	5	16	6	30
8. Final Report	4	3	1	0	1	8
<b>PROJECT TOTAL</b>	<b>28</b>	<b>33</b>	<b>88</b>	<b>59</b>	<b>14</b>	<b>220</b>

NOTES: \* Field data collection for traffic counts are NOT included in the above efforts. They are treated as a lump sum.

14-Jun-01

**City of Modesto Traffic Signal Retiming Project  
 Additional Tasks for 12 New Signalized Intersections  
 Minagar & Associates, Inc.**

	Hourly Rate	Man Hours	Salary Cost
<b>Professional Services</b>			
Project Manager	\$36.33	26	\$946
Project Engineer	32.56	33	1,074
Engineer	18.50	88	1,628
Senior Technician	16.50	69	915
Graphics/Word Processor/Clerical	12.50	14	175
<b>Total Manhours</b>		<b>220</b>	
<b>Total Direct Salary Costs</b>			<b>\$4,736</b>
<b>SUBTOTAL SALARY &amp; O. H COSTS (Overhead @ 2,875 x Salary)</b>			<b>\$13,617</b>
<b>Direct Expenses</b>			
	Amount	Each	Cost
<b>Travel:</b>			
Mileage	0	\$0.33	\$0
Rental Car (per day)	0	\$60	0
Per Diem	0	\$100	0
Computer (per hour)	112	\$10	1,120
Reproduction	0	\$0.07	0
Phone/Fax/Delivery			0
Miscellaneous (Film & Dev)			0
Field Data Collection(Courts, Geometry & etc)	12	295	3,540
<b>TOTAL DIRECT EXPENSES</b>			<b>\$4,860</b>
<b>SUBTOTAL DIRECT EXPENSES (Total Dir. Expenses X 1.05)</b>			<b>4893</b>
<b>TOTAL COST</b>			<b>\$18,510</b>
<b>GRAND TOTAL COST</b>			<b>\$18,510</b>

06/15/01

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-383**

**A RESOLUTION APPROVING AN APPROPRIATION TRANSFER TO  
PROVIDE FUNDING FOR AN AMENDMENT TO AGREEMENT  
BETWEEN THE CITY OF MODESTO AND MINAGAR & ASSOCIATES  
FOR THE CITY OF MODESTO TRAFFIC SIGNAL RETIMING  
PROJECT OUTSIDE MODESTO'S CENTRAL BUSINESS DISTRICT**

WHEREAS, on May 1, 2001, the City entered into a Professional Services Agreement between the City of Modesto and Minagar & Associates for professional consulting services for the City of Modesto Traffic Signal Retiming Project Outside Modesto's Central Business District, and

WHEREAS, on 24<sup>th</sup> of July, 2001, the City approved an Amendment to the Agreement to add an additional scope of work to the project in an amount not-to-exceed \$18,510, and

WHEREAS, additional staff work will be required in support of the Amendment to Agreement in the amount of \$1,490, and

WHEREAS, an appropriation transfer is required to provide funding for the additional scope of services to be performed by the consultant and additional staff work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an appropriation transfer to transfer funds to the City of Modesto Traffic Signal Retiming Project account, as follows:

From:

070-160-K267-6040	\$11,000
070-160-L030-6040	\$9,000

To:

070-160-L132	\$20,000
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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

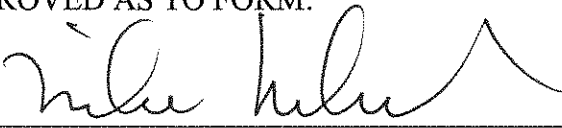
AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-384**

**A RESOLUTION ACCEPTING THE BID OF PRO-TEC PAINTING &  
COATING, INC. FOR THE PROJECT TITLED "MODESTO CENTRE PLAZA  
HARVEST HALL FLOOR"**

WHEREAS, the bids received for the Modesto Centre Plaza Harvest Hall Floor were opened at 11:00 a.m. on July 10, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$71,559.00 received from Pro-Tec Painting & Coating, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pro-Tec Painting & Coating, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-385**

**A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF  
\$20,559.00 TO FULLY FUND THE MODESTO CENTRE PLAZA HARVEST  
HALL FLOOR PROJECT**

BE IT RESOLVED by the Council of the City of Modesto that the following  
appropriation transfer is approved:

FROM: 671-340-K094-6040; \$27,714.90

TO: 6710-340-M268-6040; \$27,714.90

Four test patches were placed on the Harvest Hall Floor, and the results indicated that the superior floor system was desired. This floor system will provide for many years of use.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-386**

**A RESOLUTION ACCEPTING THE BID OF W. M. LYLES CO. FOR THE  
PROJECT TITLED "WATER MAIN CONSTRUCTION ON CHURCH STREET  
IN EMPIRE"**

WHEREAS, the bids received for Water Main Construction on Church Street in Empire were opened at 11:00 a.m. on June 26, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$234,381.00 received from W. M. LYLES CO. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of W. M. LYLES CO. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-387**

**A RESOLUTION ACCEPTING THE BID OF SOUTHWEST RECREATIONAL  
IND., INC. FOR THE PROJECT TITLED "DAVIS PARK TENNIS COURTS  
RENOVATION"**

WHEREAS, the bids received for the Davis Park Tennis Courts Renovation were opened at 11:00 a.m. on June 26, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$51,033.00 received from Southwest Recreational Ind., Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Southwest Recreational Ind., Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-388**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND YOSEMITE JUNIOR COLLEGE DISTRICT AND MODESTO  
JUNIOR COLLEGE FOR PARTICIPATION IN THE SUBSIDIZED FEDERAL  
WORK STUDY PROGRAM FOR THE 2001-2002 PROGRAM YEAR.**

WHEREAS, the Modesto Junior College has offered the City the opportunity to participate in the Federal Work-Study Program, and

WHEREAS, the program offers eligible students an opportunity to pay for educational expenses by working while attending school, and

WHEREAS, students are paid \$7.25 per hour, with the Federal government subsidizing 75% of this amount, and the City being responsible for 25% of the amount,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District and Modesto Junior College for participation in the subsidized Federal Work Study Program for the 2001-2002 program year be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City Officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-389**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE JUNIOR COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE FOR PARTICIPATION IN THE SUBSIDIZED CALWORKS WORK STUDY PROGRAM FOR THE 2001-2002 PROGRAM YEAR.**

WHEREAS, the CalWORKS (CWS) Work-Study Program offers employment opportunities for students at a reduced cost to the City of Modesto, and

WHEREAS, the students on the CWS Program gain valuable work experience, skills, and social responsibility, and

WHEREAS, CalWORKS subsidizes 50% of the \$7.25 hourly wage for the students, and

WHEREAS, the Yosemite Community College District bills the City of Modesto on a monthly basis for 50% of the student's monthly salary,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District and Modesto Junior College for participation in the subsidized CalWORKS Work Study Program for the 2001-2002 program year be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City Officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-390**

**A RESOLUTION AUTHORIZING REQUEST FOR BIDS FOR ROCK, SAND,  
AND GRAVEL**

WHEREAS, the Finance Department has requested the purchase of rock, sand, and gravel for FY 2001/2002, and

WHEREAS, the Central Stores unit of the Finance Department will stock rock, sand and gravel for use by City departments for rock well drainage, sand for parks, street maintenance operations and wastewater pond erosion control, and

WHEREAS, by soliciting competitive bids, the Finance Department-Purchasing Division will comply with the Modesto City Code, Section 8-3.204, formal bid procedures.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Clerk is hereby authorized to call for public competitive sealed bids for rock, sand, and gravel to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto, on August 7, 2001 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

BE IT FURTHER RESOLVED that after bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmemeber Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-391**

**A RESOLUTION AUTHORIZING AWARD FOR FIRE STATION #5 KITCHEN  
AND BATHROOM REMODEL TO HOWELL CONSTRUCTION.**

WHEREAS, bids were solicited from ten (10) vendors for the Fire Station #5 kitchen and bathroom remodel, and said bid was formally advertised, and

WHEREAS, the one (1) bid received for the Fire Station # 5 kitchen and bathroom remodel was opened at 11:00am on June 26, 2001, and later evaluated by the Finance Director for the consideration of the Council, and

WHEREAS, the Finance Director has recommended that the bid of Howell Construction, for a total of \$78,956.00, be accepted,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of Howell Construction be accepted, and the preparation of a formal purchase order by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

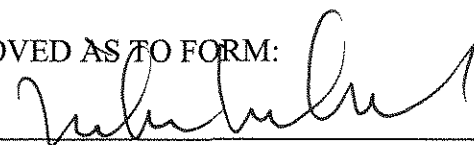
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-392**

**A RESOLUTION AWARDING THE BID FOR LIQUID FERRIC CHLORIDE  
FOR FY 2001/2002 TO KEMIRON PACIFIC, INC., AND AUTHORIZING  
ISSUANCE OF PURCHASE ORDER.**

WHEREAS, the Operations and Maintenance Department-Water Quality Control (WQC) requested the purchase of liquid ferric chloride for FY 2001/2002 with the option of three (3) additional, one-year extensions, and

WHEREAS, Resolution No. 2001-91 authorized the solicitation of bids for liquid ferric chloride for FY 2001/2002 for the Operations and Maintenance Department-Water Quality (WQC), with the option of three (3) additional, one-year extensions, and

WHEREAS, liquid ferric chloride eliminates the need to use chlorine at the primary wastewater treatment plant for controlling hydrogen sulfide gas odor and eliminates the potential hazards and cost associated with the maintenance and operation of the chlorinating process, and

WHEREAS, out of four suppliers solicited, Kemiron Pacific, Inc., was the only supplier to respond to the City's Request for Proposal (RFP), at the approximate annual cost of \$126,847.00,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby awards the bid for liquid ferric chloride for FY 2001/2002 to Kemiron Pacific Inc., for a total annual cost of approximately \$126,847.00, with the option of three (3) additional, one-year contract extensions.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is authorized to issue a purchase order to Kemiron Pacific, Inc., for FY 2001/2002 with the option of three (3) additional, one-year extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-393**

**A RESOLUTION CONSENTING TO THE AMENDMENT OF THE ENERGY AGREEMENT BETWEEN CONVANTA STANISLAUS, INC. AND PACIFIC GAS AND ELECTRIC COMPANY (PG&E)**

WHEREAS, the City of Modesto and the County of Stanislaus (the Contracting Communities) are joint partners in the Waste-to-Energy Facility with Covanta Stanislaus, Inc., and

WHEREAS, in the mid-1980's, the Contracting Communities entered into a long-term Service Agreement with Covanta Stanislaus, Inc. (then Ogden Martin Systems of Stanislaus) for the construction and operation of the facility, and

WHEREAS, the "Power Purchase Agreement For Long-Term Energy and Capacity Between Stanislaus Waste Energy Company and Pacific Gas and Electric Company" (Energy Agreement), a "Standard Offer #4 Agreement", is incorporated as Schedule 11 in the Service Agreement, and

WHEREAS, starting on February 1, 2001 (the "Initial Default Date"), PG&E failed to pay the full amount due to Covanta Stanislaus, Inc. under the Power Purchase Agreement (PPA) for deliveries of energy and capacity for the period between December 1, 2000 and April 6, 2001 as of 9:04 a.m., and

WHEREAS, the amount of payables due to Covanta Stanislaus, Inc. is a total amount of seven million seven hundred and ninety four thousand six hundred and fifty nine dollars (\$7,794,659), excluding interest thereon (the "Prepetition Payables"), and of this amount, ninety percent (90%) is revenue due the Contracting Communities pursuant to the Service Agreement with Covanta Stanislaus, Inc., and

WHEREAS, PG&E asserted that its failure to make certain of the Prepetition Payables was excused based on a claim of force majeure, and

WHEREAS, the Qualifying Facilities ("QF's"), including Covanta Stanislaus, Inc. protested PG&E's assertion of such a force majeure in a letter dated February 9, 2001 and continue to dispute such assertions of PG&E's claim of force majeure, and

WHEREAS, PG&E filed a Chapter 11 bankruptcy petition pursuant to Title 11 United States Codes §§ 101 *et seq.* ("Bankruptcy Code") in the United States Bankruptcy Court for the Northern District of California, San Francisco Division (the "Bankruptcy Court") on April 6, 2001, and

WHEREAS, on June 13, 2001, the California Public Utilities Commission (the "CPUC") issued Decision No. 01-06-015 whereby Qualifying Facilities under Standard Offer Contracts with PG&E may request that their contracts be modified to replace the energy pricing term with a five-year average fixed price of 5.37 cents/kWh, as proposed in the March 23, 2001, comments of the Independent Energy Producers referred to in Decision No. 01-06-015, and

WHEREAS, Covanta Stanislaus, Inc., is a Qualifying Facility with a Standard Offer #4 contract with PG&E, and

WHEREAS, Covanta Stanislaus, Inc., notified PG&E of its desire to modify the PPA pursuant to CPUC Decision No. 01-06-015 on the condition, among other things, that the Bankruptcy Court authorize PG&E to assume the PPA on or before July 15, 2001, and in so doing shall elevate the Prepetition Payables to administrative priority status pursuant to sections 365 and 503 of the Bankruptcy Code, preserve the net present value of the Prepetition Payables as set forth in paragraph 5 herein, stipulate that the repayment be made with interest, set the date of the repayment, and fix the price at 5.37 cents/kWh, and

WHEREAS, pursuant to Section 9.03 of the Service Agreement, no amendment to the Energy Agreement (Standard Offer # 4 Power Purchase Agreement) shall be made without the consent of the Contracting Communities, and

WHEREAS, such consent of the Contracting Communities shall not be unreasonably withheld, and

WHEREAS, Covanta Stanislaus, Inc., and PG&E have agreed that said amendment shall be subject to the consent of the Contracting Communities, with said consent to be received by August 16, 2001, and

WHEREAS, the Waste-to-Energy Executive Committee has authorized their respective staffs to the Committee to evaluate long-term, fixed-price contracts for energy where these would be of benefit to the project, and

WHEREAS, City and County staff and the Financial Advisors to the Waste-to-Energy Executive Committee have evaluated the potential benefits of consenting to the execution of a long-term, fixed-price contract, and have determined that such a contract would be beneficial to the ratepayers of the City and County in that tipping fees at the Waste-to-Energy Facility could be lowered.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby consents to the amendment of the Energy Agreement between Covanta Stanislaus, Inc. and Pacific Gas and Electric Company, under the terms set forth in the attached Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-394**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE  
SERVICE AGREEMENTS WITH GILTON SOLID WASTE AND WASTE  
MANAGEMENT (MODESTO DISPOSAL) FOR THE COLLECTION OF SOLID  
WASTE, INCLUDING GARBAGE, INDUSTRIAL GARBAGE, CONTAINERIZED  
GREEN WASTE, COMMINGLED GARBAGE/RECYCLABLES, RECYCLABLE  
MATERIALS, AND SALVAGABLE WASTE.**

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1990 ("AB 939"), has declared that it is within the public interest to authorize and require local agencies to make adequate provisions for handling solid waste, including garbage, garbage/recyclables, recyclables, yard waste, industrial garbage, and salvageable waste handling within their jurisdictions, and

WHEREAS, pursuant to California Public Resources Code Section 40059, the City Council of the City of Modesto has determined that the public health, safety, and well-being require that Service Agreements be executed with a qualified firm for the collection, transport, recycling, and disposal of solid waste, including garbage, garbage/recyclables, recyclables, containerized yard waste, industrial garbage, and salvageable waste in residential, commercial, and industrial areas and construction/demolition sites in the CITY, and

WHEREAS, the City Council of the City of Modesto has entered into such Service Agreements with Gilton Solid Waste and Waste Management (Modesto Disposal), and

WHEREAS, at a duly noticed public hearing conducted on January 23, 2001, the Council adopted a resolution authorizing negotiations with the two current service providers, Gilton Solid Waste and Waste Management (Modesto Disposal), for an amendment to the current impact fee, and

WHEREAS, in said resolution the Council resolved that at such time such negotiations were entered into, Map 2, shown as Scenario 2 in the January 23, 2001, City Council staff report for the Continued Public Hearing on annexations will be adopted, in which map customers at buildout are allocated to the three service providers in the following ratios: Gilton Solid Waste 40%; Waste Management (Modesto Disposal) 40%; Bertolotti Disposal 20%, and

WHEREAS, in said resolution the Council further resolved that at such time of adoption of Map 2 as referenced above, that certain map entitled "Garbage Districts" dated September 29, 1993, on file in the office of the City Clerk will become void,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the attached amendments to the Service

Agreements with Gilton Solid Waste and Waste Management (Modesto Disposal) relating to impact fees.

BE IT FURTHER RESOLVED by the Council that Map 2 as referenced above is hereby adopted, and that certain map entitled "Garbage Districts" dated September 29, 1993, is hereby void.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-395**

**A RESOLUTION APPROVING ALLOCATION OF FISCAL YEAR 2000-2001  
HOME FUNDS FOR AFFORDABLE HOUSING PROJECT, NIRVANA SOBER  
LIVING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE  
RELATED DOCUMENTS**

WHEREAS, on February 27, 2001 the City Council authorized staff to solicit Requests for Proposals for the development of affordable housing, and

WHEREAS, on March 11, 2001, a Request for Proposals was advertised and distributed to past applicants and interested parties, and

WHEREAS, the City received three proposals for financial assistance in connection with affordable housing proposals, and

WHEREAS, there is a total of \$205,797 in HOME funds available for allocating, \$90,658 of which is unallocated regular HOME funds and \$115,139 of which is re-programmed HOME funds, any of which may be allocated to Community Housing Development Organizations (CHDO's) and

WHEREAS, said program funds must be committed, and binding agreements executed thereon between the City and developers by June 30, 2002, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on June 22, 2001, and recommended that the City Council allocate HOME funds as recommended by City staff, and

WHEREAS, a copy of the report to the CH&CDC, including staff recommendations subject to certain conditions, is attached as Exhibit "A", and incorporated herein by reference, and

WHEREAS, approval of these recommended allocations furthers the City's goal to provide affordable housing to its citizens and is consistent with the authorized use of HOME funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of \$79,700 in HOME funds for affordable housing project, Nirvana Sober Living, is

hereby approved, subject to the conditions set forth in the staff report to the CH&CDC, attached as Exhibit "A", and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to negotiate any and all documents that may be required in relation to the approval of the allocation of said HOME funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None


Attest:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
MICHAEL D. MILICH, City Attorney

	<p><b>CITY OF MODESTO</b></p> <p><b>CITIZENS HOUSING &amp; COMMUNITY DEVELOPMENT COMMITTEE</b></p>	<p><b>COMMITTEE MEETING:</b></p> <p><b>Date of Meeting 6/22/01</b></p>
---	--	--

Date: June 14, 2001

**TO:** Citizen's Housing and Community Development Committee (CH&CDC)

**FROM:** Julie Hannon, Deputy Director, Parks/Recreation and Neighborhoods Department

**SUBJECT:** Affordable Housing Proposals Funding Recommendations.

**CONTACT:** Ken Horrillo, [khorrillo@ci.modesto.ca.us](mailto:khorrillo@ci.modesto.ca.us) (577-5419)

**RECOMMENDED COUNCIL ACTION:**

Consider forwarding a recommendation that the City Council adopt a resolution allocating \$152,780 in HOME Funds, along with associated conditions of approval and disbursement schedules and conditions, as contained herein. Summaries of the recommendations are:

1. Approve Nirvana proposal of \$79,700 based on terms and conditions.
2. Approve STANCO proposal of \$73,080 based on terms and conditions.
3. Deny DANO proposal of \$205,000 based on staff concerns.

**I. BACKGROUND:**

At its January 26, 2001 meeting, the CH&CDC recommended approval of the HOME Request For Proposals (RFP). The City Council at its February 27, 2001 meeting considered and approved the publication of the Request For Proposals (RFP).

On March 11, 2001, City staff published a public notice advertising the RFP in the Modesto Bee. Staff also mailed copies of the RFP to past applicants and interested parties. (Exhibit A)

Total available funds are \$205,797.00, consisting of \$90,658.00 of unallocated regular HOME funds and \$115,139.00 of reprogrammed funds. The federal HOME program provides these funds; therefore, all funding recipients will be governed by HOME regulations.

Funding may also be available in future years for projects being completed in phases; however, future funding commitments will not be made until such funds are actually received. Projects awarded funding are expected to enter into a development agreement with the City and begin construction prior to December 30, 2001. Attached is a summary of the project applications. (Attachment A)

The City of Modesto received three applications for affordable housing proposals in response to the RFP. These proposals are summarized on Table 1 of this report. A project comparison

table is attached at **Table 2**. A regional map indicating the location of the proposals is attached as **Exhibit B**.

The three proposals were presented to this Committee at its May 11, 2001, meeting. On May 23, 2001, City staff conducted a public information meeting to present the proposals and address comments from members of the public. Public notices and notice area is attached as **Exhibit C and Exhibit D**.

City staff reviewed the proposals and requested clarifying information by letter. Copies of the staff letters and the applicant responses are attached as **Attachment B**.

## **II. REASONS FOR RECOMMENDATION:**

In order to proceed with selection of affordable housing projects using the RFP process, presentation to the CH&CDC for approval and recommendations made to City Council and Council approval is required.

## **III. EXISTING POLICY:**

It is the responsibility of the Citizens Housing and Community Development Committee (CH&CDC) to make recommendations to City council for projects requesting HOME funds. Final approval of all affordable housing funds is the responsibility of the City Council.

## **IV. POLICY ALTERNATIVES:**

Reallocate HOME funds to another affordable housing project possibly combining with future HOME funding allocation.

## **V. FISCAL IMPACTS:**

Funding sources for this project come from the HOME entitlement grant received by the City. There is no direct fiscal impact on the General fund. If HOME funds are not committed within 24 months of allocation, the HOME entitlement funds can de-obligated by HUD and the City would lose this funding.

## **VI. INTERDEPARTMENTAL COORDINATION:**

We have sent the HOME RFP's to the Planning Division for review and have watched closely the actions of the Planning Commission.

## **VII. PUBLIC PARTICIPATION:**

A public participation meeting took place on May 23, 2001. The City Council meeting on July 24, 2001 will follow this. See Attachment C for schedule of meetings and Exhibit E for notices placed in the Modesto Bee.

## **VIII. COMMITTEE RECOMMENDATION:**

N/A

## **IX. ENVIRONMENTAL REVIEW:**

**X. STEPS FOLLOWING APPROVAL:**

Staff will forward recommendations of the Citizens Housing and Community Development Committee (CH&CDC) to City Council. The City Council will approve final HOME funding allocations. The City Council hearing date is tentatively scheduled as depicted in Attachment B. Applicants will be notified when the dates are confirmed. Upon final approval of Council, staff will negotiate the loan documents. Once the loan documents have been prepared and approved by the City Attorney's Office, staff will ask Council to consider authorizing the City Manager to sign the documents. Parks, Recreation and Neighborhoods Department staff will monitor compliance with all regulations related to the disbursement of HUD funds. An agreement will be drawn up and signed stipulating the terms and conditions.

**APPLICATION REVIEW:**

Staff assessed the merits of each application as to how well the project meets the City's affordable housing goals and affordable housing policy requirements. Development proposals containing affordable units for large families, seniors and projects that include supportive services and amenities were given priority consideration. Development proposals exhibiting extensive developer capacity and a readiness to proceed immediately were also given priority.

In addition, each of the proposals were evaluated in terms of the following specific criteria:

- Funding leveraging ratio (extent to which funds are leveraged on a per unit basis)
- Unit/cost ratio
- Development Schedule
- Owner equity contribution
- Site control
- Project location
- Developer experience
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- Availability of permanent and construction financing
- Utilization of innovative, cost effective design techniques and building materials that reduce construction, rehabilitation, or operating costs
- Plans for preventing the permanent displacement of low and moderate income tenants (if applicable)
- Number of housing units that will be made available to low and moderate income households

**PROJECT ANALYSIS:**

All three proposals are briefly described below, followed by staff's recommended funding allocation and conditions of approval. A summary table of staff recommendations is attached as Table 1.

**PROJECT #1 - Nirvana Sober living**

**APPLICATION SUMMARY**

This request by Nirvana Drug and Alcohol Treatment Program for a total of \$79,700 to acquire and remodel a single-family dwelling at 131 Kelley Street, for chemically dependent homeless individuals. These funds would be used to acquire the property and make needed upgrades. This project would help the City achieve its affordable housing goals of promoting the development of transitional housing.

### **ANALYSIS OF APPLICATION**

HUD defines the use of this property as a group home. Staff chooses to consider it a single unit for HOME assistance purposes. Because of the type of HOME assistance, it is required that both bedrooms and all six beds follow the HOME affordability guidelines.

Staff's concerns revolve primarily around the allowable rent for the HOME assisted units.

The separation of amount of rent collected and amount paid for other services is a key issue.

Records that show breakdown of funding sources and contract services are important to distinguish the difference between services and rent.

### **HOUSING GOALS MET BY THIS PROJECT**

- Work to supply housing for the unmet needs of lower income special needs groups including the disabled, the elderly, the homeless and large families (families with five or more persons).
- Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, family status, income or source of income, race, creed, national origin or disabilities.
- Maintain the supply of safe, decent and sound affordable housing in the City of Modesto through the conservation and rehabilitation of the City's existing housing stock.
- Work to establish programs to assist in the removal of constraints to the production of housing, where feasible.

### **STAFF FUNDING RECOMMENDATION**

Staff recommends funding the full request of \$79,700.00 in Home funds, subject to the following terms and conditions

1. The applicant will be responsible for all costs above budgeted amount for property purchase and rehabilitation work, including lead-based paint abatement if necessary.
2. Provide a certified Independent Public Audit before any funds are released.
3. No more that \$58,200 in funding to be used for Property purchase.
4. No more than \$21,500.00 in funding to be used for repairs as per proposal.
5. Rent collected cannot exceed the Fair Market rent established by HUD throughout the term of the 30-year affordability period.
6. HOME Loan is to be a 30-year, 3% amortized payment loan based on the amount. The first five years would be deferred payments. Amortized payments would begin on the 6<sup>th</sup> year. (Years 6-30).

## **PROJECT #2 - Vine Street Project**

### **APPLICATION SUMMARY**

Application by STANCO (Stanislaus County Affordable Housing Corp.) for a total of \$73,080 to acquire and make repairs to a single-family dwelling at 512 Vine street. These funds would be used for stopgap financing and repairs to the property.

### **ANALYSIS OF APPLICATION**

Staff is supportive of the concept of adding another transitional shelter to homeless mentally ill individuals in Modesto. STANCO is committed to helping to solve the problems of homelessness within the City of Modesto and County of Stanislaus. HUD defines the use of this property as a group home. Staff chooses to consider it a single unit for HOME assistance purposes. Because of the type of HOME assistance, it is required that all six bedrooms follow the HOME affordability guidelines. Staff concerns revolve primarily around changes in the original proposal and the allowable rent for the HOME assisted units.

Staff's has the following specific concerns:

- The ability to separate the amount of rent collected and amount paid for other services is a key issue.
- Ability to have records that show breakdown of funding sources and contract services are important to distinguish the difference between services and rent.
- The staff is concerned with the lack accuracy in the original proposal. New figures increased the proposal from the original dollar amount of \$61,000.
- The separation of amount of rent collected and amount paid for other services is a key issue.

Staff recognizes the value of assisting in the purchase of a permanent transitional housing shelter facility where the funds are used for property purchase instead of rental payments.

### **HOUSING GOALS MET BY THIS PROJECT**

- Work to supply housing for the unmet needs of lower income special needs groups including the disabled, the elderly, the homeless and large families (families with five or more persons).
- Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, family status, income or source of income, race, creed, national origin or disabilities.
- Maintain the supply of safe, decent and sound affordable housing in the City of Modesto through the conservation and rehabilitation of the City's existing housing stock.

**STAFF FUNDING RECOMMENDATION:**

Staff is recommending the revised funding amount of \$73,080 of HOME/CHDO funds  
The funds are to be allocated subject to the following conditions:

1. Obtain any required development entitlements.
2. Provide proof of site control.
3. Provide proof of permanent financing.
4. Submit copy of appraisal for property.
5. Submit copies of development and operating pro-formas.
6. Loan is to be a 5-year deferred payment loan based on the amount of pre-construction and acquisition money awarded.
7. Rent collected cannot exceed the Fair Market rent established by HUD throughout the term of affordability period.
8. HOME Loan is to be a 30-year 3% amortized payment loan based on the amount. The first five years would be deferred payments. Amortized payments would begin on the 6<sup>th</sup> year.(years 6-30).
9. Provide a certified Independent Public Audit

**PROJECT #3 - Creek View Apartments**

**SUMMARY OF APPLICATION**

The request by DANO Construction Inc. was for a total \$205,000 to develop a apartment complex in a retirement community to be located on 1340 Scenic Drive. These funds would be used for additional equity for financing.

**ANALYSIS OF APPLICATION**

The application was for \$205,000 in HOME funds to assist with the property acquisition of a 51-unit independent living senior apartment building. This is the first phase of a three-phase project. The second phase of the project would be a assisted living facility with 84 units .The third phase of the project would be a 85 unit fully assisted facility and construction costs of a fully assisted senior citizen care facility. The applicant proposes to develop a total of 220 units in three phases. This would propose building two four-story and one three story buildings with a total of 160,000-square –foot of living space. This project would provide a total of 220 additional units for senior housing, however, only six units of the total 220 units would be targeted for low-moderate income residents for thirty years. The staff has four main concerns regarding this project:

- The small amount of units (6) available for low-mod income seniors.
- The denial from the Planning Commission for the rezoning of property from R1 and C-3 to PD zoning.
- The timeline involved in appealing the decision of the Planning Commission. It is staff's understanding that this process could take a year. If the project goes through the appeal process construction would not begin until next year, so we hesitate in holding funds for this purpose.
- A number of citizens opposed the project because the effect such a large complex would have on the neighboring properties, the bike path and the nearby oak trees Letters from citizens opposing the project and a petition with about 100 signatures was submitted to our office.

**HOUSING GOALS MET BY THIS PROJECT**

- Establish and/or support programs to supply below market housing for very-low, low, and moderate-income households, as well as market rate housing.
- Work to supply housing for the unmet needs of lower income special needs groups, including the disabled, the elderly, the homeless and large families (families with five or more persons).
- Promote the development of affordable housing on surplus, underused or vacant public lands, where appropriate and where compatible with existing uses.
- Promote equal opportunity for all residents to reside in the housing of their choice.

**STAFF FUNDING RECOMMENDATION**

Staff does not recommend funding this project through HOME funds at this time. Due to the four concerns listed previously.

Again, staff has summarized the proposals and funding recommendation on Table 1.

The balance of the unallocated HOME funds (approximately \$53,017) will be brought back to the Committee and City Council for other funding options.

Prepared By: Ken Horrillo  
Ken Horrillo, Housing Rehabilitation Specialist II

Reviewed By: Julie Hannon  
Julie Hannon, Deputy Director, Parks/Recreation and  
Neighborhoods Department

Attachments:

Staff Recommendations Table 1

	<b>Project Description</b>	<b>Home Funds Requested</b>	<b>CHDO Funds Requested</b>	<b>Total Requested</b>	<b>Total Funds Recommended</b>
1	<b>Nirvana Sober living:</b> Application by Nirvana Drug and Alcohol Treatment Program for a total of \$79,700 to acquire and remodel a single-family dwelling at 131 Kelley Street, for chemically dependent homeless individuals. These funds would be used to acquire the property and make needed upgrades.	\$79,700.00		\$79,700.00	<u>Home Funds</u> \$79,700.00
2	<b>Vine Street Project:</b> Application by STANCO (Stanislaus County Affordable Housing Corp.) for a total of \$73,080 to acquire a single-family dwelling at 512 Vine street. These funds would be used for stopgap financing and needed upgrades.		\$73,080.00	\$73,080.00	<u>HOME/CHDO Funds</u> \$73,080.00
3	<b>Creek View Apartments</b> Application by DANO Construction Inc. for a total of \$205,000 to develop a retirement community to be located on 1340 Scenic Drive. These funds would be used for additional equity for financing.	\$205,000.00		\$205,000.00	<u>HOME Funds</u> \$0
	<b>Total Funds Recommended By Staff</b>	\$79,700.00	\$73,080.00		\$152,780.00
	<b>Amount of Funding Available</b>				\$205,797.00
	<b>Amount of Funding not allocated</b>				\$ 53,017.00

Table 1

**Project Comparison Chart  
FY 00-01**

<b>FY 00-01 HOME Funding Applications</b>				
Project Name	<b>Vine Street Project</b>	<b>Nirvana</b>	<b>Creek View</b>	
Project Type	<b>S-F Rehab</b>	<b>S-F Rehab</b>	<b>M-F New Const.</b>	
Location	512 Vine Street	131 Kelley Street	1340 Scenic Drive	
Applicant Name	STANCO	Nirvana	DANO Const.	
<b>Development Costs:</b>				
Site Development	\$5,500	\$0	\$	587,500
New Construction Costs		\$0	\$	1,188,500
Rehabilitation Costs	\$5,000	\$21,500	\$	-
Acquisition Costs	\$62,580	\$58,200	\$	320,000
Soft Costs/Other		\$0	\$	200,000
<b>Total Development Costs (TDC)</b>	<b>\$73,080</b>	<b>\$79,700</b>		<b>\$2,296,000</b>
<b>Unit Costs:</b>				
Total No. of Units	1 unit (6 beds)	1 unit (6 Beds)		51
Construction Hard Costs/Unit		0		0
Rehabilitation Hard Costs/Unit	\$0	\$0		0
<b>Total Development Costs/Unit</b>	<b>\$73,080</b>	<b>\$79,700</b>		<b>\$45,020</b>
<b>City HOME Loan Financing</b>				
City HOME Loan requested	\$73,080	\$79,700		\$205,000
City Financing/Unit	\$73,080	\$79,700		\$4,020
City Financing % of Total Costs	unknown	unknown		unknown
City Financing Type	HOME	HOME		HOME
<b>Cost per Sq. Footage</b>				
Total Sq. Ft. of Structures	2200	2674		29400
Construction/Sq. Ft.	\$0.00	0		0
Rehab Cost/Sq. Ft.	\$ 5,000	\$8.04		0
<b>TDC/Sq. FT</b>	<b>\$33</b>	<b>\$29.81</b>		<b>\$78.10</b>
<b>Land Costs:</b>				
Total Land Area (acres)	0	0		0.0
Total Land Area (sq.ft.)	15,428	1,134		33,000
Land cost per acre	\$4	\$51		
Density per acre				0.0
<b>Income Targeting</b>				
No. of units at 50% of AMI or less	1	1		6
No. of units between 50-80% AMI	0	0		0
Market Rate Units	0	0		0
<b>Total Units</b>	<b>1</b>	<b>1</b>		<b>0</b>
<b>Affordable Units</b>				
HOME units	1	1		6
Other rent restricted units	0	0		0
<b>Bedroom Size</b>				
Studio unit	0	0		6
1 bedroom	0			0
2-bedroom	0	1		0
3-bedroom	0	0		0
4 bedroom	0	0		0
6 Bedroom	1			0
<b>Total Units</b>	<b>1</b>	<b>1</b>		<b>6</b>

Table 2

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-396**

**A RESOLUTION APPROVING ALLOCATION OF FISCAL YEAR 2000-2001  
HOME FUNDS FOR AFFORDABLE HOUSING PROJECT, VINE STREET  
PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE  
RELATED DOCUMENTS**

WHEREAS, on February 27, 2001 the City Council authorized staff to solicit Requests for Proposals for the development of affordable housing, and

WHEREAS, on March 11, 2001, a Request for Proposals was advertised and distributed to past applicants and interested parties, and

WHEREAS, the City received three proposals for financial assistance in connection with affordable housing proposals, and

WHEREAS, there is a total of \$205,797 in HOME funds available for allocating, \$90,658 of which is unallocated regular HOME funds and \$115,139 of which is re-programmed HOME funds, any of which may be allocated to Community Housing Development Organizations (CHDO's) and

WHEREAS, said program funds must be committed, and binding agreements executed thereon between the City and developers by June 30, 2002, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on June 22, 2001, and recommended that the City Council allocate HOME funds as recommended by City staff, and

WHEREAS, a copy of the report to the CH&CDC, including staff recommendations subject to certain conditions, is attached as Exhibit "A", and incorporated herein by reference, and

WHEREAS, approval of these recommended allocations furthers the City's goal to provide affordable housing to its citizens and is consistent with the authorized use of HOME funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of \$73,080 in HOME funds for affordable housing projects to include HOME/CHDO funds for Vine Street Project, is hereby approved, subject to the conditions set forth in the staff report to the CH&CDC, attached as Exhibit "A", and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to negotiate any and all documents that may be required in relation to the approval of the allocation of said HOME funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino


NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

	<p><b>CITY OF MODESTO</b></p> <p><b>CITIZENS HOUSING &amp; COMMUNITY DEVELOPMENT COMMITTEE</b></p>	<p><b>COMMITTEE MEETING:</b></p> <p><b>Date of Meeting 6/22/01</b></p>
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Date: June 14, 2001

**TO:** Citizen's Housing and Community Development Committee (CH&CDC)

**FROM:** Julie Hannon, Deputy Director, Parks/Recreation and Neighborhoods  
Department

**SUBJECT:** Affordable Housing Proposals Funding Recommendations.

**CONTACT:** Ken Horrillo, [khorrillo@ci.modesto.ca.us](mailto:khorrillo@ci.modesto.ca.us) (577-5419)

**RECOMMENDED COUNCIL ACTION:**

Consider forwarding a recommendation that the City Council adopt a resolution allocating \$152,780 in HOME Funds, along with associated conditions of approval and disbursement schedules and conditions, as contained herein. Summaries of the recommendations are:

1. Approve Nirvana proposal of \$79,700 based on terms and conditions.
2. Approve STANCO proposal of \$73,080 based on terms and conditions.
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Funding may also be available in future years for projects being completed in phases; however, future funding commitments will not be made until such funds are actually received. Projects awarded funding are expected to enter into a development agreement with the City and begin construction prior to December 30, 2001. Attached is a summary of the project applications. **(Attachment A)**

The City of Modesto received three applications for affordable housing proposals in response to the RFP. These proposals are summarized on **Table 1** of this report. A project comparison

table is attached at **Table 2**. A regional map indicating the location of the proposals is attached as **Exhibit B**.

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City staff reviewed the proposals and requested clarifying information by letter. Copies of the staff letters and the applicant responses are attached as **Attachment B**.

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In order to proceed with selection of affordable housing projects using the RFP process, presentation to the CH&CDC for approval and recommendations made to City Council and Council approval is required.

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We have sent the HOME RFP's to the Planning Division for review and have watched closely the actions of the Planning Commission.

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N/A

## **IX. ENVIRONMENTAL REVIEW:**

**X. STEPS FOLLOWING APPROVAL:**

Staff will forward recommendations of the Citizens Housing and Community Development Committee (CH&CDC) to City Council. The City Council will approve final HOME funding allocations. The City Council hearing date is tentatively scheduled as depicted in Attachment B. Applicants will be notified when the dates are confirmed. Upon final approval of Council, staff will negotiate the loan documents. Once the loan documents have been prepared and approved by the City Attorney's Office, staff will ask Council to consider authorizing the City Manager to sign the documents. Parks, Recreation and Neighborhoods Department staff will monitor compliance with all regulations related to the disbursement of HUD funds. An agreement will be drawn up and signed stipulating the terms and conditions.

**APPLICATION REVIEW:**

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**PROJECT ANALYSIS:**

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### **HOUSING GOALS MET BY THIS PROJECT**

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- Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, family status, income or source of income, race, creed, national origin or disabilities.
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1. The applicant will be responsible for all costs above budgeted amount for property purchase and rehabilitation work, including lead-based paint abatement if necessary.
2. Provide a certified Independent Public Audit before any funds are released.
3. No more that \$58,200 in funding to be used for Property purchase.
4. No more than \$21,500.00 in funding to be used for repairs as per proposal.
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Staff recognizes the value of assisting in the purchase of a permanent transitional housing shelter facility where the funds are used for property purchase instead of rental payments.

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**STAFF FUNDING RECOMMENDATION:**

Staff is recommending the revised funding amount of \$73,080 of HOME/CHDO funds. The funds are to be allocated subject to the following conditions:

1. Obtain any required development entitlements.
2. Provide proof of site control.
3. Provide proof of permanent financing.
4. Submit copy of appraisal for property.
5. Submit copies of development and operating pro-formas.
6. Loan is to be a 5-year deferred payment loan based on the amount of pre-construction and acquisition money awarded.
7. Rent collected cannot exceed the Fair Market rent established by HUD throughout the term of affordability period.
8. HOME Loan is to be a 30-year 3% amortized payment loan based on the amount. The first five years would be deferred payments. Amortized payments would begin on the 6<sup>th</sup> year.(years 6-30).
9. Provide a certified Independent Public Audit

**PROJECT #3 - Creek View Apartments**

**SUMMARY OF APPLICATION**

The request by DANO Construction Inc. was for a total \$205,000 to develop a apartment complex in a retirement community to be located on 1340 Scenic Drive. These funds would be used for additional equity for financing.

**ANALYSIS OF APPLICATION**

The application was for \$205,000 in HOME funds to assist with the property acquisition of a 51-unit independent living senior apartment building. This is the first phase of a three-phase project. The second phase of the project would be a assisted living facility with 84 units .The third phase of the project would be a 85 unit fully assisted facility and construction costs of a fully assisted senior citizen care facility. The applicant proposes to develop a total of 220 units in three phases. This would propose building two four-story and one three story buildings with a total of 160,000-square –foot of living space. This project would provide a total of 220 additional units for senior housing, however, only six units of the total 220 units would be targeted for low-moderate income residents for thirty years. The staff has four main concerns regarding this project:

- The small amount of units (6) available for low-mod income seniors.
- The denial from the Planning Commission for the rezoning of property from R1 and C-3 to PD zoning.
- The timeline involved in appealing the decision of the Planning Commission. It is staff's understanding that this process could take a year. If the project goes through the appeal process construction would not begin until next year, so we hesitate in holding funds for this purpose.
- A number of citizens opposed the project because the effect such a large complex would have on the neighboring properties, the bike path and the nearby oak trees. Letters from citizens opposing the project and a petition with about 100 signatures was submitted to our office.

**HOUSING GOALS MET BY THIS PROJECT**

- Establish and/or support programs to supply below market housing for very-low, low, and moderate-income households, as well as market rate housing.
- Work to supply housing for the unmet needs of lower income special needs groups, including the disabled, the elderly, the homeless and large families (families with five or more persons).
- Promote the development of affordable housing on surplus, underused or vacant public lands, where appropriate and where compatible with existing uses.
- Promote equal opportunity for all residents to reside in the housing of their choice.

**STAFF FUNDING RECOMMENDATION**

Staff does not recommend funding this project through HOME funds at this time. Due to the four concerns listed previously.

Again, staff has summarized the proposals and funding recommendation on Table 1.

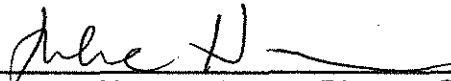
The balance of the unallocated HOME funds (approximately \$53,017) will be brought back to the Committee and City Council for other funding options.

Prepared By:



Ken Horrillo, Housing Rehabilitation Specialist II

Reviewed By:



Julie Hannon, Deputy Director, Parks/Recreation and  
Neighborhoods Department

Attachments:

Staff Recommendations Table 1

	<b>Project Description</b>	<b>Home Funds Requested</b>	<b>CHDO Funds Requested</b>	<b>Total Requested</b>	<b>Total Funds Recommended</b>
1	<b>Nirvana Sober living:</b> Application by Nirvana Drug and Alcohol Treatment Program for a total of \$79,700 to acquire and remodel a single-family dwelling at 131 Kelley Street, for chemically dependent homeless individuals. These funds would be used to acquire the property and make needed upgrades.	\$79,700.00		\$79,700.00	<u>Home Funds</u> \$79,700.00
2	<b>Vine Street Project:</b> Application by STANCO (Stanislaus County Affordable Housing Corp.) for a total of \$73,080 to acquire a single-family dwelling at 512 Vine street. These funds would be used for stopgap financing and needed upgrades.		\$73,080.00	\$73,080.00	<u>HOME/CHDO Funds</u> \$73,080.00
3	<b>Creek View Apartments</b> Application by DANO Construction Inc. for a total of \$205,000 to develop a retirement community to be located on 1340 Scenic Drive. These funds would be used for additional equity for financing.	\$205,000.00		\$205,000.00	<u>HOME Funds</u> \$0
	<b>Total Funds Recommended By Staff</b>	\$79,700.00	\$73,080.00		\$152,780.00
	<b>Amount of Funding Available</b>				\$205,797.00
	<b>Amount of Funding not allocated</b>				\$ 53,017.00

Table 1

**Project Comparison Chart  
FY 00-01**

<b>FY 00-01 HOME Funding Applications</b>				
Project Name	<b>Vine Street Project</b>	<b>Nirvanna</b>	<b>Creek View</b>	
Project Type	<b>S-F Rehab</b>	<b>S-F Rehab</b>	<b>M-F New Const.</b>	
Location	512 Vine Street	131 Kelley Street	1340 Scenic Drive	
Applicant Name	STANCO	Nirvanna	DANO Const.	
<b>Development Costs:</b>				
Site Development	\$5,500	\$0	\$	587,500
New Construction Costs		\$0	\$	1,188,500
Rehabilitation Costs	\$5,000	\$21,500	\$	-
Acquisition Costs	\$62,580	\$58,200	\$	320,000
Soft Costs/Other		\$0	\$	200,000
<b>Total Development Costs (TDC)</b>	<b>\$73,080</b>	<b>\$79,700</b>		<b>\$2,296,000</b>
<b>Unit Costs:</b>				
Total No. of Units	1 unit (6 beds)	1 unit (6 Beds)		51
Construction Hard Costs/Unit		0		0
Rehabilitation Hard Costs/Unit	\$0	\$0		0
<b>Total Development Costs/Unit</b>	<b>\$73,080</b>	<b>\$79,700</b>		<b>\$45,020</b>
<b>City HOME Loan Financing</b>				
City HOME Loan requested	\$73,080	\$79,700		\$205,000
City Financing/Unit	\$73,080	\$79,700		\$4,020
City Financing % of Total Costs	unknown	unknown		unknown
City Financing Type	HOME	HOME		HOME
<b>Cost per Sq. Footage</b>				
Total Sq. Ft. of Structures	2200	2674		29400
Construction/Sq. Ft.	\$0.00	0		0
Rehab Cost/Sq. Ft.	\$ 5,000	\$8.04		0
<b>TDC/Sq. FT</b>	<b>\$33</b>	<b>\$29.81</b>		<b>\$78.10</b>
<b>Land Costs:</b>				
Total Land Area (acres)	0	0		
Total Land Area (sq.ft.)	15,428	1,134		33,000
Land cost per acre	\$4	\$51		
Density per acre				0.0
<b>Income Targeting</b>				
No. of units at 50% of AMI or less	1	1		6
No. of units between 50-80% AMI	0	0		0
Market Rate Units	0	0		0
<b>Total Units</b>	<b>1</b>	<b>1</b>		<b>0</b>
<b>Affordable Units</b>				
HOME units	1	1		6
Other rent restricted units	0	0		0
<b>Bedroom Size</b>				
Studio unit	0	0		6
1 bedroom	0			0
2-bedroom	0	1		0
3-bedroom	0	0		0
4 bedroom	0	0		0
6 Bedroom	1			
<b>Total Units</b>	<b>1</b>	<b>1</b>		<b>6</b>

Table 2

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-397**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: AMENDMENT TO PRECISE PLAN FOR AREA NO. 14 TO ALLOW FOR THE REALIGNMENT OF BEAR CUB LANE TO PERMIT THE INSTALLATION OF A DUAL-USE STORMWATER BASIN/RECREATION FACILITY FOR PROPERTY BOUNDED BY HILLGLEN AVENUE ON THE NORTH, KODIAK DRIVE ON THE SOUTH, ROSELLE AVENUE ON THE EAST AND BEAR CUB LANE ON THE WEST (CITY INITIATED)**

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by the City of Modesto for an amendment to the Precise Plan for Area No. 14, to allow for the realignment of Bear Cub Lane to permit the installation of a dual-use stormwater basin/recreation facility for property bounded by Hillglen Avenue on the north, Kodiak Drive on the south, Roselle Avenue on the east and Bear Cub Lane on the west, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff prepared an Initial Study, Environmental Assessment No. EA/CDD 2000-41, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2001-48, adopted on July 16, 2001, and City staff, by a report dated July 12, 2001, from the Community Development Department, recommended to the City Council approval to amend Precise Plan No. 14 of the Village One Specific Plan as set forth in said Resolution No. 2001-48, property bounded by Hillglen Avenue on the north, Kodiak Drive on the south, Roselle Avenue on the east and Bear Cub Lane on the west, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on July 24, 2001 at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2001-41, "City of Modesto Initial Study Amendment to Precise Plan Area No. 14 of the Village One Specific Plan to Realign Bear Cub Lane for Dual-Use Facility", for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Program EIR and no new mitigation measures would be required.
3. There are no substantial changes proposed in the project which will require major revisions of the Program EIR.
4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Program EIR.
5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.
6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. The initial study, Environmental Assessment No. EA/CDD 2001-41, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-41, entitled "City of Modesto Initial Study Amendment to Precise Plan No. 14 of the Village one Specific Plan to Realign Bear Cub Lane for Dual-Use Facility", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2001-41

**City of Modesto  
Initial Study**

**AMENDMENT TO PRECISE PLAN AREA NO. 14  
OF THE VILLAGE ONE SPECIFIC PLAN TO  
REALIGN BEAR CUB LANE FOR DUAL-USE FACILITY**

EA/CDD 2001- 41  
June 26, 2001

**I. PURPOSE**

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15168 ( c ) (2) of the CEQA Guidelines states that for a Program EIR if the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

Section 15162 of the CEQA Guidelines states that when an EIR has been certified for a project no subsequent EIR shall be prepared for that project, if the following findings can be made:

- A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:

Amendment to Precise Plan Areas No. 14 of the Village One Specific Plan

B. Lead agency name and address:

City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:

Steve Nish, City of Modesto, Community Development Dept, (209) 577-5280

D. Project Location:

The Village One Specific Plan area between Sylvan and Briggsmore Avenues and Claus Road and Roselle Avenue (see attached exhibit A).

E. Project Sponsor:

City of Modesto, 1010 Tenth Street, Modesto, CA 95354

F. General Plan Designation:

Village Residential (VR)

G. Current Zoning:

Specific Plan-Holding (SP-O) Zone

H. Description of Proposed Project:

Amendment to the maps and text of Precise Plan Area No. 14 of the Village One Specific Plan to reflect the realignment of Bear Cub Lane to permit the installation of a dual-use stormwater basin/recreation facility. The proposal would realign the north end of Bear Cub Lane at its intersection with Hillglen Avenue by relocating the intersection approximately 200 feet to the west (attached exhibit B). The resulting reconfiguration would add approximately 1.2 acres to Precise Plan Area No. 14. The realignment would permit a more efficient dual-use stormwater/parks facilities basin to be designed that would include the deeper areas of the basin on the east side of Bear Cub Lane opposite the Middle School site. The proposed Precise Plan Amendment map and text change pages include revision to the base map and text of the Storm Drainage (page 23) and revision to the base map on all other infrastructure pages as shown on the attached exhibit C.

I. Surrounding land uses:

The project area is adjoined on the north by a currently-developing single-family subdivision, on the east by parcels with approved tentative subdivision maps, and to the south and west by agricultural parcels, developing residential subdivisions and properties designated in the Village One Specific Plan for residential development.

J. Other public agencies whose approval is required:

None

### **III. ANALYSIS OF CONFORMANCE WITH SECTION 15162 FINDINGS**

#### **A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report**

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions to the Village One Program EIR, as modified by the Supplemental EIR:

##### **1. Traffic and Circulation**

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The proposed realignment of the Bear Cub Lane/Hillglen Intersection 200 feet to the west would not generate traffic impacts already identified in the Program EIR because it would not interfere with traffic flow within or through the neighborhood. The proposal would only relocate a planned collector/collector intersection. The circulation system is essentially consistent with the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

##### **2. Degradation of Air Quality**

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because the traffic impacts resulting from the proposed realignment would be consistent with those identified in the Village One Specific Plan EIR, air quality impacts are also consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

##### **3. Generation of Noise**

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The realignment of Bear Cub Lane to 200 feet west of its current proposed intersection to permit a more efficient design of the dual-use storm basin, would not increase traffic volumes or traffic-related noise. Noise setbacks for residential units would still be required. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

##### **4. Vegetation and Wildlife**

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The proposal to realign the intersection of Bear Cub Lane and Hillglen Avenue is in an area analyzed by the Village One EIR for similar residential and park facilities development. Therefore, the impacts to vegetation and wildlife of this project are

consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**5. Land Use**

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The proposed realignment of Bear Cub Lane to add 1.2 acres to Precise Plan Area # 14 would increase the amount of land for the dual-use storm drainage/park facility. This shift would increase the size of the park facilities available to both Precise Plan Area # 14 and Precise Plan Area # 15. This proposal would also improve the capacity and quality of the drainage facilities available for urban runoff adjacent residential areas. Compatibility would be assured by the application of development standards contained in the Dual-Use Basin Design Standards Manual. Thus the proposal is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**6. Population, Employment and Housing**

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The road realignment and dual-use drainage/park facility would result in development that is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**7. Urban Design and Visual Quality**

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The realignment of Bear Cub Lane 200 feet to the west will be in accordance with streetscape standards contained in the Village One Specific Plan. Compatibility and Visual quality will be assured by the application of development standards contained in the Dual-Use Basin Design Standards Manual. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**8. Geology and Soils**

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The development proposed by this road realignment and dual-use basin/park facility is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are consistent with the

analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**9. Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The amendment to realign Bear Cub Lane to provide 1.2 acres of additional land for a dual-use stormwater basin/park facility would be designed to appropriate standards. These standards, contained in the adopted Dual-Use Basin Design Standards Manual would ensure water quality for urban runoff and appropriate recharge of groundwater is achieved consistent with NPDES standards. The proposed park/basin and roadway realignment are consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**10. Public Services**

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The proposed combined dual-use basin facility would improve service efficiencies. Development of the proposed Bear Cub Lane realignment and dual-use basin/park facility is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**11. Fiscal Impacts**

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. Because the proposed dual-use basin/park facility would provide increased efficiencies in the use of land, there would be a corresponding reduction in fiscal impacts for operation of the facility. Thus the proposal to realign the roadway to enable construction the dual-use facility would not have an adverse fiscal impact. Therefore, the fiscal impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**12. Cumulative Impacts**

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. Because the proposal to realign Bear Cub Lane to allow additional land for the proposed dual-use drainage/park facility is consistent with the Village One Specific Plan in terms of land use and intensity, there would

be no significant additional cumulative impacts not already identified in the Program EIR. Therefore, the cumulative impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

### 13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. Because the proposal to realign Bear Cub Lane to allow additional land for the proposed dual-use drainage/park facility is consistent with the Village One Specific Plan in terms of land use and intensity, there would be no significant additional growth-inducing impacts not already identified in the Program EIR. Therefore, the growth-inducing impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

## IV DISCUSSION OF SECTION 15162 FINDINGS

- A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the development or infrastructure financing proposed for the Village One project under which this project is being undertaken which will require major revisions in the Village One Program EIR.

- B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

- C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

V. CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.
- B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.
- C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.
- D. This initial study provides substantial evidence to support findings A, B and C, above.

Signature:

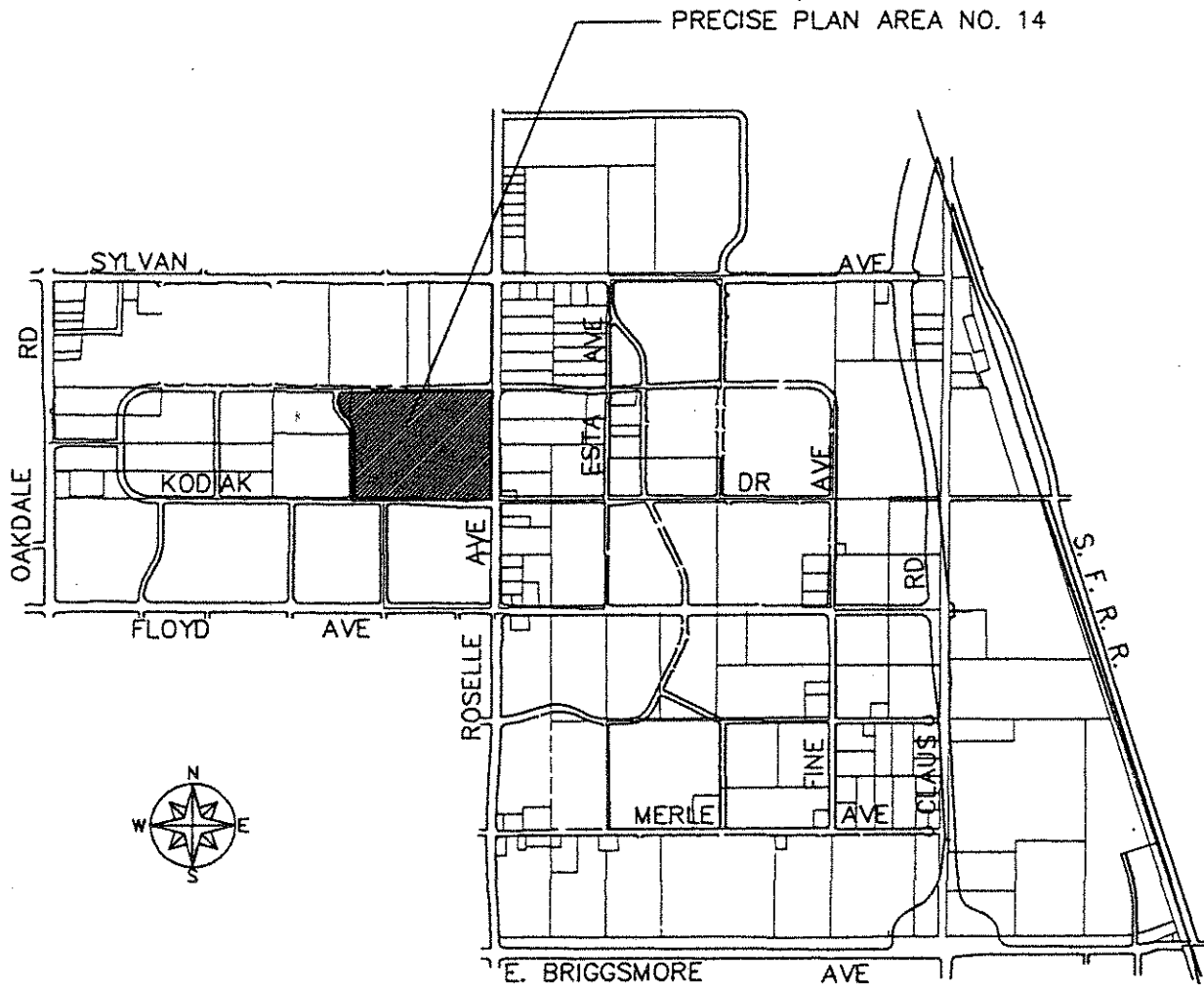


Steve Nish  
Associate Planner

**Exhibit "A"**

# VILLAGE ONE

PRECISE PLAN AREA NO. 14  
MODESTO, CALIFORNIA



AREA MAP OF PROPOSED  
AMENDMENT TO PRECISE PLAN AREA NO. 14

**Exhibit "B"**

Proposed new alignment of Bear Cub Lane

BEAR CUB LANE

STORM DRAIN BASIN  
10.32 AC.

KODIAK DRIVE

HILLGLEN AVENUE

DRIVE

AVENUE

ROSELLE AVENUE

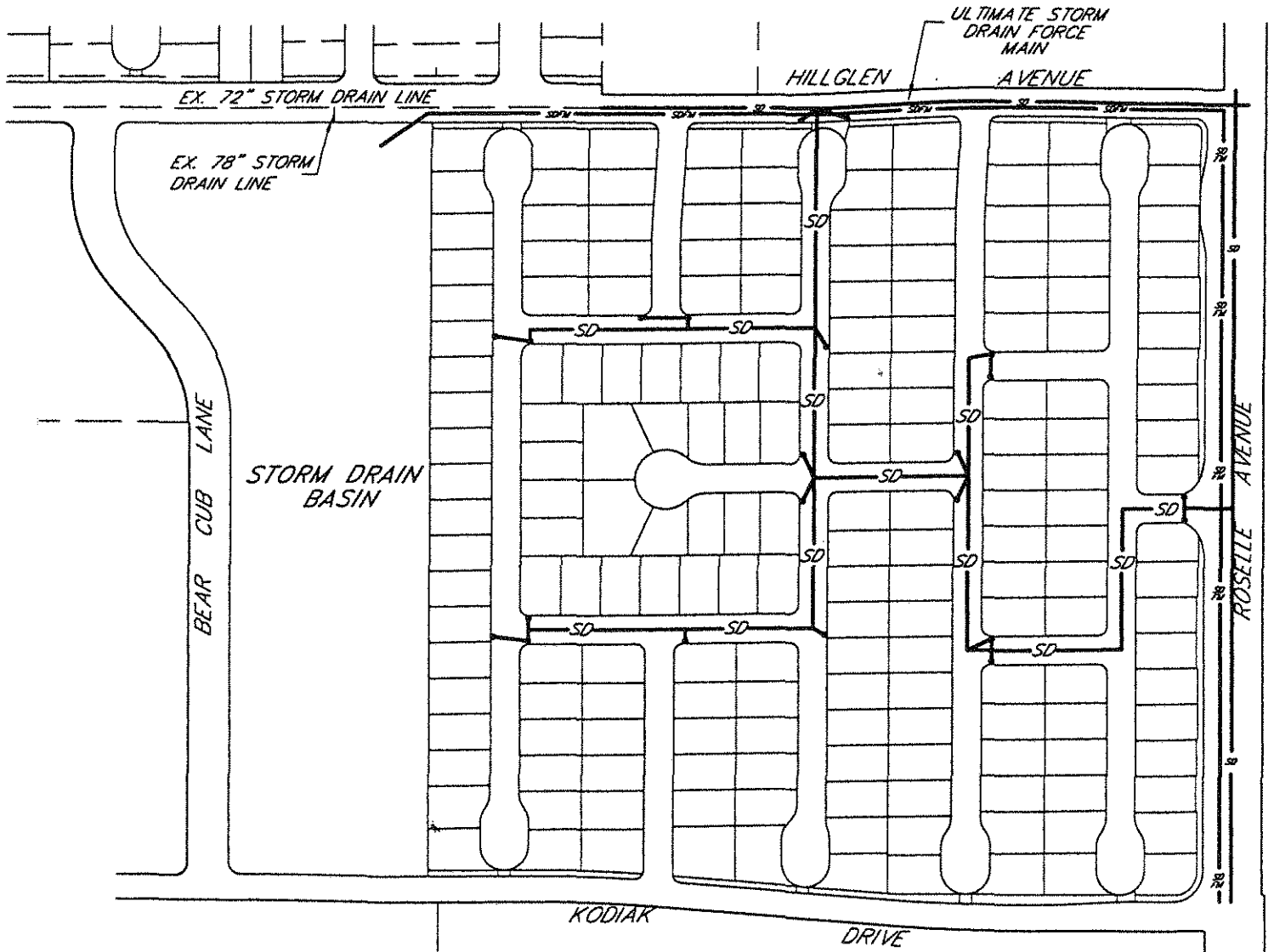
AVENUE



**Exhibit "C"**

## Storm Drainage

The storm drain system for the subdivision will be a dual-use stormwater basin/park facility that ultimately ties into a City master-planned basin via the existing 72" pipelines in the Hillglen Avenue right-of-ways. The dual use facility will be designed and constructed according to the standards contained in the "Design Standards for Dual Use Flood Control/Recreation Facilities" manual. Phasing of the improvements will be required consistent with City standards, to the satisfaction of the City of Modesto.



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-398**

**A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE  
VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN  
ORDINANCE MANDATING THE FLUORIDATION OF MODESTO'S  
DRINKING WATER.**

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

SECTION 1. Resolution 2001-327 (Water Fluoridation Advisory Vote) is hereby rescinded.

SECTION 2. Ballot Measure. Pursuant to Section 9222 of the California Elections Code, 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 the regular municipal election to be held on November 6, 2001, the enactment of the following ordinance:

An Ordinance of the City of Modesto Mandating the Fluoridation of the Modesto Drinking Water Supply in Accordance with the Standards Set by the State of California.

The people of the City of Modesto do ordain as follows:

- A. For purposes of dental health, the City Manager of the City of Modesto is hereby authorized and directed to take any and all necessary steps to fluoridate the City's drinking water supply in accordance with Sections 116410 and 116415 of the California Health and Safety Code (AB 733).
- B. In addition, subject to the City's compliance with Section 6 of Article XIII D of the California Constitution (Proposition 218), a water rate increase of up to two (2%) percent to pay for the on-going maintenance and operation costs associated with fluoridation is hereby enacted and approved. Nothing in this section shall prohibit or otherwise change the City's ability to alter water rates from time to time as the City Council deems necessary.
- C. The fluoridation mandate provided for in Section (a) shall not become effective unless the offer of grant funding by the Fluoridation 2000 Group and the Sierra Health Foundation for the capital costs of

fluoridation is still available on terms acceptable to the City on the effective date of this Ordinance.

- D. Effective date: Pursuant to Elections Code Section 9217, if a majority of the voters voting on this Ordinance vote in its favor, the Ordinance shall go into effect ten (10) days after the vote is declared by the Modesto City Council.

SECTION 3. The City Council hereby designates the form of the ballot measure for use at said election as follows:

City of Modesto Measure _____  For the purpose of dental health, shall the City of Modesto fluoridate its drinking water in accordance with the standards set by the State of California, and raise water rates by up to two percent (2%) to support the operation and maintenance costs of fluoridation?	YES	
	NO	

SECTION 4. CONDUCT OF ELECTION. The 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 election shall be held as provided for in the City Charter, and in all particulars not provided for therein the election shall be held as provided by law for the holding of elections and regular municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 5. 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 County Election 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 30<sup>th</sup> day of July, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith

NOES: Councilmembers: Conrad, Frohman, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-399**

**A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF  
A MEASURE REGARDING THE FLUORIDATION OF MODESTO'S  
DRINKING WATER 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 a regular municipal election to be held on November 6, 2001, an ordinance regarding the fluoridation of Modesto's Drinking water.

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 30<sup>th</sup> day of July, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-400**

**A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5)  
AFFIRMATIVE VOTES AND AUTHORIZING THE PURCHASING SUPERVISOR  
TO PURCHASE VEHICLES AND HEAVY EQUIPMENT THROUGHOUT FISCAL  
YEAR 2001-02 IN A CUMULATIVE AMOUNT NOT TO EXCEED \$4,891,575.00.**

WHEREAS, the Operations and Maintenance Department has requested the purchase of vehicles and heavy equipment, and

WHEREAS, the Purchasing Supervisor will purchase various vehicles and heavy equipment throughout FY 2001-02 by auction, negotiation, informal and formal bid processes, and from the State of California and other competitively bid contracts, without returning to the City Council for final approval of each award and purchase, in a cumulative amount not exceed \$4,891,575.00.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the formal bid procedures for the purchase of vehicles and heavy equipment throughout FY 2001-02 are hereby waived.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to purchase various vehicles and heavy equipment throughout FY 2001-02 by auction, negotiation, informal and formal bid processes, and from the State of California and other competitively bid contracts, without returning to the City Council for final approval of each award and purchase, in a cumulative amount not to exceed \$4,891,575.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-401**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE  
PROJECT TITLED "SISK ROAD RECYCLE – BRIGGSMORE TO DALE"**

WHEREAS, the bids received for Sisk Road Recycle – Briggsmore to Dale were opened at 11:00 a.m. on July 24, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$1,558,958.25 received from George Reed, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-402**

**RESOLUTION APPROVING A FIRST AMENDMENT TO AGREEMENT WITH  
DOKKEN ENGINEERING FOR PROFESSIONAL DESIGN SERVICES FOR  
REPLACEMENT OF THE 9<sup>TH</sup> STREET BRIDGE OVER TUOLUMNE RIVER  
TO PREPARE REVEGETATION PLANS AND SPECIFICATIONS AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT  
TO AGREEMENT**

WHEREAS, on April 13, 1999, the CITY and CONSULTANT entered into an Agreement for design services for REPLACEMENT OF THE 9<sup>TH</sup> STREET BRIDGE OVER TUOLUMNE RIVER, and

WHEREAS, revegetation of riparian habitat removed during project construction is a condition of the approvals issued for the project by the State of California Department of Fish and Game, the U.S. Army Corps of Engineers, and National Marine Fisheries Service, and

WHEREAS, including revegetation plans and specifications with the bridge replacement project will ensure revegetation is performed consistent with the Ninth Street Bridge Riparian Revegetation Guidelines, and

WHEREAS, preparation of the Revegetation Plans and Specifications will cost an additional \$9,415.69, and

WHEREAS, CONSULTANT represents that it is qualified, willing, and able to provide the additional services to prepare said Revegetation Plan and Specifications within the required time,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a first amendment to the contract with Dokken Engineering in the not-to-exceed amount of \$9,415.69 for preparation of revegetation plans and specifications.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2001, by Councilmember Friedman, who moved its

adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-403**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN VILLAGE HIGHLANDS  
PHASE 2 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND  
AUTHORIZING RELEASE OF BONDS**

WHEREAS, Inland Village, a General Partnership, subdividers of Village Highlands Phase 2 subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of \$545,380 and \$272,690, respectively, and,

WHEREAS, JKB Homes, Inc., has filed a warranty bond in the amount of \$54,538 to guarantee improvements in Village Highlands Phase 2 subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Village Highlands Phase 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of \$545,380 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of \$272,690 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty to guarantee improvements in the amount of \$54,538 one year and one day following 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 9<sup>th</sup> day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-404**

**A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #7)**

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 96-544, adopted on October 8, 1996, (the "Resolution of Formation") establish Community Facilities District No. 1996-1 ("the District"), and

WHEREAS, by its Resolution No. 97-520 adopted on September 9, 1997, this Council resolved to complete annexation #1 to the District, and

WHEREAS, by its Resolution No. 99-13 adopted on January 5, 1999, this Council resolved to complete annexation #2 to the District, and

WHEREAS, by its Resolution No. 99-615 adopted on December 14, 1999, this Council resolved to complete annexation #3 to the District, and

WHEREAS, by its Resolution No. 2000-413 adopted on August 1, 2000, this Council resolved to complete Annexation #4 to the District, and

WHEREAS, by its Resolution No. 2001-297 adopted on June 19, 2001, this Council

resolved to complete Annexation #5 to the District, and

WHEREAS, by its Resolution No. 2001-352 adopted on July 10, 2001, this Council resolved to complete Annexation #6 to the District, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the "Annexed Territory") under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled "Proposed Boundaries of Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 70.

SECTION 4. District boundaries after the most recent annexation (Annexation #6) are shown on a map entitled "Annexation No. 6 to Community Facilities District No. 1996-1 (Village One)" on file with the County Recorder of the County of Stanislaus at Volume 3 A.M. of Maps of Assessment and Community Facilities Districts, at Page 49.

SECTION 5. The Annexed Territory is described in Exhibit "A" to this

Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation No. 7 to Community Facilities District No. 1996-1 (Village One)", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 6. The types of public facilities and services authorized to be provided to the District are set forth in the Resolution of Formation. These same types of facilities and services plus a comprehensive signage program as described in Resolution No. 97-174, adopted by the City Council on April 1, 1997, will be provided to the Annexed Territory.

SECTION 7. The Maintenance Special Tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax to be levied in the Annexed Territory shall be slightly higher than that levied in the original District, to account for the additional cost of the community signage program, as referenced in Section 5 hereof. The Facilities Special Tax for the Annexed Territory is described in the City's Public Report, on file

with the City Clerk, amended April, 1997. It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

Pursuant to the Public Report, the maximum Maintenance Special Tax and the maximum Facilities Special Tax shall be adjusted annually. The tax rates in effect as of July 1, 2001, are as follows:

*Facilities Special Tax*

<b>Land Use</b>	<b>Facilities Special Tax (per Gross Acre) Effective July 1, 2001</b>
<i>Village Low-Density Residential</i>	\$24,239.12
<i>Village Residential</i>	\$36,243.74
<i>Multi-Family Residential</i>	\$93,924.62
<i>Commercial</i>	\$106,492.33
<i>Industrial</i>	\$49,872.48

*Maintenance Special Tax*

<b>Land Use</b>	<b>Maintenance Special Tax Effective July 1, 2001</b>
<b>Developed</b>	
<i>Very Low Density Residential</i>	\$143.76 (per lot)
<i>Village Residential</i>	
<i>Multi-Family Residential</i>	\$93.33 (per unit)
<i>Commercial/Industrial</i>	\$504.17 (per acre)
<b>Undeveloped</b>	
<i>Very Low Density Residential</i>	\$71.88 (per lot)
<i>Village Residential</i>	
<i>Multi-Family Residential</i>	\$46.66 (per unit)
<i>Commercial/Industrial</i>	\$504.17 (per acre)

SECTION 8. A public hearing upon this Resolution shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, September 11, 2001, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than 30 or more than 60 days following the adoption thereof.

SECTION 9. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests

shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

SECTION 11. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-406**

**A RESOLUTION DENYING THE APPEAL OF YOUNG ELECTRIC SIGN COMPANY TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A 35-FOOT-HIGH 146-SQUARE-FOOT FREEWAY-ORIENTED FREE-STANDING SIGN FOR THE BLACK ANGUS RESTAURANT AT 1616 SISK ROAD**

WHEREAS, on September 28, 2000, the Board of Zoning Adjustment heard an application filed by Ann Boatwright representing Young Electric Sign Company for a conditional use permit in the C-3, Highway Commercial Zone, for a 35-foot-high 146-square-foot freeway-oriented free-standing sign for the Black Angus restaurant at 1616 Sisk Road, and

WHEREAS, a motion to approve the conditional use permit with the findings that the restaurant is a free-standing use and that it could not be adequately identified by other signs in the C-3, Highway Commercial Zone, failed by a three-two vote, and

WHEREAS, it takes four votes to either approve or deny a resolution, and

WHEREAS, City staff was not certain that the applicant was adequately advised as to the appeal process, and

WHEREAS, City staff allowed a rehearing by the Board of Zoning Adjustment in order that the full seven-member Board might consider this matter, and

WHEREAS, on March 12, 2001, the applicant filed a written confirmation of intent for a rehearing, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on May 24, 2001, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, which hearing was continued to June 7, 2001, at which hearings evidence both oral and documentary were received and considered, and

WHEREAS, the six Boardmembers present at the June 7, 2001, hearing split evenly on whether to approve or deny the conditional use permit, and due to that deadlock one Boardmember favoring the application changed his vote to denial for the express purpose of obtaining four votes on Resolution No. 2001-06, denying the conditional use permit, to allow the applicant to appeal the decision to the City Council, and

WHEREAS, an appeal to the Board of Zoning Adjustment's denial of the application of Ann Boatwright representing Young Electric Sign Company for a conditional use permit in the C-3, Highway Commercial Zone, for a 35-foot-high 146-square-foot freeway-oriented free-standing sign for the Black Angus restaurant at 1616 Sisk Road was filed with the Office of the City Clerk by letter dated June 18, 2001 from Young Electric Sign Company on and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at 5:15 p.m. on July 24, 2001, and

WHEREAS, after said public hearing the Council found and determined that said appeal to the denial of the requested conditional use permit in the C-3, Highway Commercial Zone, for a 35-foot-high 146-square-foot freeway-oriented free-standing sign for the Black Angus restaurant at 1616 Sisk Road, should be denied and the decision of the Board of Zoning Adjustment should be affirmed for the following reasons:

1. The appellant has failed to show that the proposed freeway-oriented free-standing sign is necessary to adequately identify and advertise the Black Angus restaurant.
2. The appellant has failed to show that the restaurant cannot be adequately identified by other signs allowed in the C-3 Zone.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Ann Boatwright representing Young Electric Sign Company to the decision of the Board of Zoning Adjustment denying the application for a conditional use permit in the C-3, Highway Commercial Zone, for a 35-foot-high 146-square-foot freeway-oriented free-standing sign for the Black Angus restaurant at 1616 Sisk Road, is denied for the reasons quoted above, and the decision of the Board of Zoning Adjustment is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa

NOES: Councilmembers: Conrad, Smith

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-407**

**A RESOLUTION ACCEPTING THE BID OF CALIFORNIA PAVEMENT  
MAINTENANCE, INC. FOR THE PROJECT TITLED "2001 SLURRY SEALS  
PHASE II."**

WHEREAS, the bids received for "2001 SLURRY SEALS PHASE II" were opened at 11:00 a.m. on July 31, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$604,965.20 received from California Pavement Maintenance Company, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$604,965.20 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-408**

**A RESOLUTION AMENDING THE OPERATING BUDGET TO APPROPRIATE  
GRANT FUNDS FROM LOCAL TRANSPORTATION FUND CONTINGENCY  
RESERVE.**

WHEREAS, the City has previously received 1.342 million dollars provided by a state grant under AB-2928, and

WHEREAS, the funds are limited use funds which must be used for specified transportation projects within a specified time, and

WHEREAS, that portion of the funds which were not encumbered in FY01 reverted back into the fund balance (Contingency Reserves) at the end of FY01, and

WHEREAS, the City has received bids for a project titled "2001 Slurry Seals – Phase II" the low bid being for \$604,965 from California Pavement Maintenance Company Inc., and now desires to encumber the funds required to pay for this project, and

WHEREAS, the City must appropriate those funds from contingency reserves to the FY02 operating budget prior to encumbering those funds.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the operating budget of the "Local Transportation Fund" to appropriate all remaining funds (\$571,956) provided by the AB2928 grant from contingency reserves into the current FY02 operating budget of the "Local Transportation Fund".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-409**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE  
PROJECT TITLED "2000-01 PAVEMENT MAINTENANCE"**

WHEREAS, the bids received for 2000-01 Pavement Maintenance were opened at 11:00 a.m. on July 31, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$1,280,128 received from George Reed, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By M. D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-410**

**A RESOLUTION AMENDING THE BUDGET BY \$132,735 TO FUND THE  
"2000-2001 PAVEMENT MAINTENANCE" PROJECT.**

WHEREAS, the City applied for State Transportation Improvement Program funds, to assist in the cost of design and construction, and

WHEREAS, funds were approved for 80% of the local matching contribution to the project, and

WHEREAS, the bids received for the 2000-2001 PAVEMENT MAINTENANCE project and were opened at 11:00 a.m. on July 31, 2001, and

WHEREAS, the low bid for the project was for \$1,280,128, and

WHEREAS, the City desires to utilize the State Transportation Improvement Program funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that budget is adjusted as shown below:

**FY 2001-02 Pavement Maintenance 0700-430-M147**

Revenue	Budget	Modified Budget	Change
Federal	1,512,000	1,359,957	(152,043)
Gas Tax	196,000	43,462	(152,538)
STIP	-	132,735	132,735
	1,708,000	1,536,154	(171,846)

**2001-02 Pavement Maintenance 0700-430-M147**

Object	Description	Budget	Modified Budget	Change
6010	Eng/Design/Adm	28,000	0	(28,000)
6040	Construction	1,461,000	1,280,128	(180,872)
6050	Contingency	73,000	128,013	55,013
6060	Constrtn Admin	146,000	128,013	(17,987)
		1,708,000	1,536,154	(171,846)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-411**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE  
PROJECT TITLED "HETCH HETCHY BICYCLE PATH, PHASE III –  
STANDIFORD TO SEMALLON"**

WHEREAS, the bids received for Hetch Hetchy Bicycle Path, Phase III – Standiford To Semallon were opened at 11:00 a.m. on May 11, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$316,730 received from George Reed Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, Acting  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-412**

**A RESOLUTION AMENDING THE BUDGET BY \$132,574 TO FULLY FUND  
THE "HETCH HETCHY BICYCLE PATH, PHASE III - STANDIFORD TO  
SEMALLON" PROJECT.**

WHEREAS, the bids received for the HETCH HETCHY BICYCLE PATH, PHASE III -  
STANDIFORD TO SEMALLON project were opened at 11:00 a.m. on May 8, 2001, and

WHEREAS, the low bid for the project was for \$316,730, which exceeds the amount  
previously budgeted for this project, and

WHEREAS, the City desires to fully fund this project to install additional bicycle  
facilities, and funds are available in the Air Quality, and Non-Motorized Transportation Fund  
Reserves.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
budget account 1400-310-M271 (Object 6040) shall be increased by \$132,574, the increased  
funds coming from Air Quality Fund Reserve - \$57,574, and the Non-Motorized Transportation  
Fund Reserve - \$75,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Frohman, who moved its  
adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-413**

**A RESOLUTION APPROVING THE JOINT POWERS AGREEMENT WITH  
STANISLAUS COUNTY FOR THE PLANNING AND CONSTRUCTION OF  
THE PROJECT CALLED "PELANDALE AVENUE INTERCHANGE  
WIDENING AT STATE HWY 99"**

WHEREAS, continued growth in Northern Modesto and Stanislaus County have increased traffic volume at the Pelandale/Hwy 99 interchange, and

WHEREAS, the increased traffic has reduced the level of service of the existing interchange including the adjacent intersections and ramps, and

WHEREAS, the interchange serves both City and County residents, and

WHEREAS, the interchange and connecting streets lie on the border between the City and the County with the majority located within the Caltrans right-of-way, and

WHEREAS, the City and County desire to reduce congestion and delays at the intersections by widening the ramps and streets, and

WHEREAS, the proposed project to be completed under this JPA will consist of widening the ramps, portions of Pelandale Ave, and modifying signals, signs and striping, and

WHEREAS, the project will be funded jointly from CEQA Mitigation Fees collected by the County and Capital Facilities Fees collected and administered by the City, and

WHEREAS, the City is actively working with STANCOG and Caltrans to plan the ultimate replacement of the interchange in the near future (5-10 years), and

WHEREAS, the City has or will take the lead in completing the design, approval, bidding and inspection for the proposed improvements, and

WHEREAS, an agreement is needed between Stanislaus County and the City of Modesto for the planning and implementation of the proposed "Pelandale Avenue Interchange Widening at State Hwy 99" project,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Joint Powers Agreement between the City of Modesto and Stanislaus County for the planning and implementation of the proposed "Pelandale Avenue Interchange Widening at State Hwy 99" project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City of Modesto's City Manager is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-414**

**A RESOLUTION ACCEPTING THE BID OF A. TEICHERT & SON, INC. dba  
TEICHERT CONSTRUCTION FOR THE PROJECT TITLED "PELANDALE  
AVENUE INTERCHANGE WIDENING AT STATE HWY 99"**

WHEREAS, the bids received for Pelandale Avenue Interchange Widening at State Hwy 99 were opened at 11:00 a.m. on July 31, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the County of Stanislaus has approved and signed a joint powers agreement to share the cost of this project; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$785,336.50 received from Teichert Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized following the approval of the project cost sharing JPA by Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-415**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO  
RECOGNIZE ADDITIONAL REVENUE FROM THE SEWER FUND RESERVE  
TO FUND A CLAIM SETTLEMENT FILED BY K.J. WOODS  
CONSTRUCTION, INC. FOR CONSTRUCTION OF THE "NORTH TRUNK  
SEWER – MARSALA TO BANGS TO CARVER" PROJECT.**

WHEREAS, on July 28, 1998, the City Council awarded a \$2,424,000.00 contract to K.J. Woods Construction, Inc. for the project entitled "North Trunk Sewer – Marsala to Bangs to Carver", and

WHEREAS, the Contractor filed a claim in the amount of \$242,000.00 for additional construction costs related to 1) MID Irrigation Line repair, 2) differing site conditions, 3) roadway settlement repairs, 4) waiver of liquidated damages and attorney fees and interest.

WHEREAS, on April 14, 2000, City Council accepted the improvements entitled "North Trunk Sewer – Marsala to Bangs to Carver", and

WHEREAS, the Contractor filed for claim resolution through binding arbitration, and

WHEREAS, City Council approved the claim settlement in closed session,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the "North Trunk Sewer – Marsala to Bangs to Carver" project, account number 621-480-H386, to increase the amount of revenue in the amount of \$64,250 transferred from Sewer Fund Reserves and to increase the budgeted amount for construction by \$64,250.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Marilyn Boney Acting*  
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *M. D. Milich Acting*  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-416**

**A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO  
CONSIDER ADOPTION OF THE 2000 URBAN WATER MANAGEMENT  
PLAN.**

WHEREAS, the Urban Water Management Plan is a planning tool to meet the future urban water needs for the City of Modesto, and

WHEREAS, the Urban Water Management Plan Act requires all water suppliers that serve more than 3000 customers to prepare and adopt an Urban Water Management Plan, and update it at least every five (5) years, and

WHEREAS, a public workshop was held on August 2, 2001, to obtain public input on the Plan, and

WHEREAS, the Urban Water Management Plan Act requires that a public hearing be held prior to adoption of the Urban Water Management Plan,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that September 18, 2001, at 5:15 p.m., in the Council Chambers, Tenth Street Place, 1010 10<sup>th</sup> Street, Modesto, California, is hereby set as the time and place for a hearing to consider adoption of the 2000 Urban Water Management Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By M. D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-417**

**A RESOLUTION ESTABLISHING THE CITY OF MODESTO'S INTENT TO ENTER INTO A CONTRIBUTION AGREEMENT WITH THE STATE OF CALIFORNIA FOR A CONTRIBUTION OF FOUR MILLION DOLLARS IN CITY OF MODESTO CAPITAL FACILITIES FEES FUNDS TOWARDS THE SR132 WEST, STAGE I PROJECT**

WHEREAS, on August 28, 1990, the City Council adopted Resolution 90-178, approving a Memorandum of Understanding between the City of Modesto and the State of California for planning for expenditure of Capital Facilities Fees in the State Transportation Improvement Plan, and

WHEREAS, the City's Capital Facility Fees program includes four million dollars to be contributed to the State of California for construction of the State Route 132 West, Stage I Project, and

WHEREAS, the City's Capital Improvement Program includes four million dollars from the Capital Facility Fees Fund to be contributed to the State of California for construction of the State Route 132 West, Stage I Project, and

WHEREAS, the City has received a request from StanCOG to formalize its commitment to the project funding so it may be included in the Regional Transportation Plan which is currently being revised, and

WHEREAS, the Transportation Policy Committee met on April 17, 2001, and recommended proceeding with the contribution agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby intends to enter into an agreement with the State of California for the purpose of contributing four million dollars of Capital Facility Fees collected by the City towards the construction of the State Route 132 West, Stage I Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Friedman, who moved its

adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-418**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "ROCKWELL  
REPLACEMENT/ADDITION 2000-2001" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Rockwell Replacement/Addition 2000-2001, has been completed by D. A. Wood Construction, in accordance with the contract agreement dated November 7, 2000.

NOW, THEREFORE, BE IT RESOLVED that Rockwell Replacement/Addition 2000-2001 project be accepted from said contractor, by D. A. Wood Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$487,377.92 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-419**

**A RESOLUTION APPROVING THE FINAL MAP OF FAIRMONT POINTE  
SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, DOMINION DEVELOPERS, L.P., a California Limited Partnership, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 22.93 acres, known as FAIRMONT POINTE in the Village One Specific Plan Area (“Subdivision”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 18<sup>th</sup> day of December, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said FAIRMONT POINTE meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.


BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: Smith

ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By:   
ALISON A. BARRATT-GREEN /  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-420**

**A RESOLUTION APPROVING THE FINAL MAP OF FAIRMONT POINTE NO.  
2 SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, DOMINION DEVELOPERS, L.P., a California Limited Partnership, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 7.51 acres, known as FAIRMONT POINTE NO. 2 in the Village One Specific Plan Area (“Subdivision”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7<sup>th</sup> day of May, 2001, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said FAIRMONT POINTE NO. 2 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer

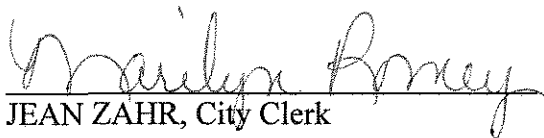
BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None


ABSENT: Councilmembers: None

ATTEST:   
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By:   
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-421**

**A RESOLUTION APPROVING THE FINAL MAP OF DAVANTE VILLAS UNIT  
NO. 3 SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, ROBERT D. CALCAGNO, an unmarried man, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 14.18 acres, known as Davante Villas Unit No. 3 in the Village One Specific Plan Area ("Subdivision"), and NOVA DEVELOPMENT proposes to develop Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 16<sup>th</sup> day of October, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said DAVANTE VILLAS UNIT NO. 3 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with the owner and developer as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: Smith

ABSENT: Councilmembers: None

ATTEST: *Marilyn Honey*  
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: *Alison A. Barratt-Green*  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-422**

**A RESOLUTION AWARDING THE BIDS FOR CONCRETE BOXES AND  
COVERS, CAST IRON AND DUCTILE FITTINGS AND RELATED  
ACCESSORIES FOR FY 2002 TO FERGUSON ENTERPRISES AND  
AUTHORIZING ISSUANCE OF PURCHASE ORDERS, WITH THE OPTIONS  
OF THREE (3) ADDITIONAL ONE-YEAR EXTENSIONS.**

WHEREAS, the Finance Department has requested the purchase of concrete boxes and covers, cast iron and ductile fittings, and related accessories for FY 2002 with the option of three (3) additional, one-year extensions, and

WHEREAS, Resolution 2001-172 authorized the solicitation of bids for concrete boxes and covers, cast iron and ductile fittings, and related accessories for FY 2002 for the Finance Department-Purchasing Division, with the option of three (3) additional, one-year extensions, and

WHEREAS, the Central Stores Division of the Finance Department operations is responsible for maintaining inventory for concrete boxes and covers, cast iron and ductile fittings and related accessories for use by all city departments for City projects, and

WHEREAS, out of eight (8) suppliers solicited, four (4) chose to respond, and Ferguson Enterprises was the lowest responsive and responsible bidder for concrete boxes and covers and cast iron and ductile fittings and related accessories with bids of \$67,934.17 and \$69,904.90 respectively.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby awards bids to Ferguson Enterprises bid for covers and related accessories for FY 2002 in a total annual not to exceed amount of \$67,934.17, with the option of three (3) additional, one-year extensions and for cast iron and ductile fittings for FY 2002 in a total annual not to exceed amount of \$69,904.90, with the option of three (3) additional, one-year extensions. BE IT FURTHER RESOLVED that the Purchasing Supervisor is authorized to issue purchase orders to Ferguson Enterprises for FY 2002, for concrete boxes and covers and cast iron and ductile fittings and related accessories, with the option of three (3) additional, one-year extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-423**

**A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5) AFFIRMATIVE VOTES AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ROGER ERNST AND ASSOCIATES FOR FY 2001/2002, WITH SIX (6) ADDITIONAL ONE YEAR EXTENSIONS, FOR THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY AT PUBLIC AUCTIONS TO BE HELD AT 824 KIERNAN AVENUE.**

WHEREAS, the City of Modesto desires to sell city surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto departments, and

WHEREAS, informal bids were solicited by the Purchasing Division with a bid close date of June 12, 2001, and

WHEREAS, out of four suppliers solicited, Roger Ernst & Associates was deemed to be the lowest responsive and responsible bidder by staff committee based on evaluation criteria, and

WHEREAS, Roger Ernst & Associates conducts auctions every first (1<sup>st</sup>) and third (3<sup>rd</sup>) Saturday of each month at 824 Kiernan Avenue, Modesto, California, and

WHEREAS, a detailed list of the items to be sold at each auction entitled "Surplus/Unclaimed Property Listing," will be on file in the office of the City Clerk, and

WHEREAS, staff recommends that the City Manager execute a contract with Roger Ernst and Associates for auction services for FY 2001/2002, the charge for said auction services to be based on commission at the rate of 6.75% on all rolling stock, consisting of motor driven vehicles and 15% commission on miscellaneous surplus property, consisting of bicycles, office furniture, tools, computers, ect., with six (6) additional one-year extensions,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the formal bid procedures for the sale of surplus, lost, stolen, unclaimed and/or seized property at public auction are hereby waived.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property, lost, stolen, and unclaimed and/or seized property

which has been accumulated by City of Modesto departments and which will be included on the "Surplus/Unclaimed Property Listing," which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute a contract with Roger Ernst and Associates for FY 2001/2002, based on commission at the rate of 6.75% on all rolling stock and 15% commission on miscellaneous surplus property, with six (6) additional one-year extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-424**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONDUCT SOLE SOURCE NEGOTIATIONS WITH PATTON BOGGS TO PERFORM FEDERAL LEGISLATIVE LOBBYIST SERVICES.**

WHEREAS, the City of Modesto has determined it is desirable to retain a consultant to represent the City's interests at the federal level, and

WHEREAS, since October 1993, the City has enlisted the services of Ball Janik LLP to represent the City's federal interests, and

WHEREAS, on June 30, 2001, the consultant contract agreement with Ball Janik LLP expired, and

WHEREAS, on May 22, 2001, the Modesto City Council adopted Resolution No. 2001-229, approving issuance of a Request for Qualifications (RFQ) for Federal Legislative Lobbying Services, and

WHEREAS, on May 23, 2001, RFQ for Federal Legislative Lobbyist Services was issued and 17 responses were received, and

WHEREAS, the RFQ responses were reviewed and ranked according to criteria established in the RFQ, and

WHEREAS, personal interviews were conducted with the top eight respondents, and

WHEREAS, on August 2, 2001, the Economic Development and Intergovernmental Relations Committee conducted interviews with Patton Boggs and Van Scoyoc and made a recommendation that the full Council approve sole source negotiations with Patton Boggs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to conduct sole source negotiations with Patton Boggs to perform Federal Legislative Lobbyist Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-425**

**A RESOLUTION AWARDING A CONTRACT TO RRM DESIGN GROUP, INC.  
FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR MADDUX YOUTH  
CENTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
CONTRACT**

WHEREAS, the City of Modesto owns Maddux Youth Center, a 7,200 square foot wood frame and concrete block structure built in 1952, and

WHEREAS, the facility is used by 3,500 to 4,000 youth per month and, due to building age and use, improvements are desired, and

WHEREAS, staff interviewed architectural firms and determined that RRM Design Group, Inc. is the most qualified, and

WHEREAS, RRM Design Group has agreed to provide the plans, specifications and cost estimate for the remodeling work at a cost not to exceed \$58,200, and

WHEREAS, \$450,000 has been allocated to Capital Project 2300-310-M182, Maddux Youth Center Improvements, and

WHEREAS, at its February 21, 2001 meeting, the Human Services Committee supported awarding a contract for design services, and

WHEREAS, at the May 1, 2001 City Council meeting, the Council approved solicitation of new Requests for Proposals to include an expanded project scope,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby awards a contract to RRM Design Group, Inc. for professional architectural services to prepare the design development and contract document phases for the Maddux Youth Center Improvements in the amount of \$58,200.00.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said contract documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zaher  
JEAN ZAHER, City Clerk

APPROVED AS TO FORM:

By: M. D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-426**

**A RESOLUTION REJECTING BIDS FOR EXPAND ATMS NORTHEAST,  
OPENED IN THE OFFICE OF THE CITY CLERK ON JULY 17, 2001, AND  
AUTHORIZE NEW CALL FOR BIDS**

WHEREAS, the bids received for Expand ATMS Northeast were opened at 11:00 a.m. on July 17, 2001, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was over Engineer's Estimate that staff recommends bids be rejected and re-evaluation of the specifications and re-solicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Expand ATMS Northeast, opened in the office of the City Clerk on July 17, 2001, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Expand ATMS Northeast, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-427**

**A RESOLUTION RE-ESTIMATING REVENUE FOR THE FISCAL YEAR 2001-2002 ANNUAL BUDGET**

WHEREAS, an analysis of the impact of new assessment roll figures recently published by the County of Stanislaus has been completed, and it has been determined that an adjustment to the General Fund Property Tax revenue estimate in the Fiscal Year 2001-2002 Annual Budget of the City of Modesto is required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Property Tax revenues estimate for the Fiscal Year 2001-2002 budget has been adjusted by \$338,000.

BE IT FURTHER RESOLVED that the Finance Director 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 14<sup>th</sup> day of August, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers  
STAN FEATHERS, Budget Officer

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-428**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF  
ASSESSMENTS WITHIN IMPROVEMENT DISTRICT 28 – SEWER  
IMPROVEMENTS**

WHEREAS, the City Council of the City of Modesto, California (“Council”), has by previous resolutions, initiated proceedings, declared its intention to form the Improvement District #28 – Sewer Improvements (herein after “District”); issue bonds; and levy assessments; and approved the Engineer’s Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer’s Report, and these charges are for the purpose of paying for the storm drainage improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges, and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 2001-02 fiscal year as shown in Attachment A, and that a certified copy of this resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2001-02 County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By



MICHAEL D. MILICH, City Attorney

**CITY OF MODESTO  
ASSESSMENT DISTRICT 28  
FISCAL YEAR 2001/02 LEVY WORKSHEET**

LEVY COMPONENTS	2000/01	2001/02
<b>PRINCIPAL AND INTEREST</b>		
Principal	\$61,721.68	\$65,064.94
Interest	19,888.76	15,263.04
<b>TOTAL:</b>	<b>\$81,610.44</b>	<b>\$80,327.98</b>
<b>ADMINISTRATION COSTS:</b>		
Agency Administration	\$1,613.24	\$1,613.24
Agency Auditor Fees	0.00	0.00
County Auditor and Assessor Fees	43.75	68.00
Registrar/Transfer/Paying Agent Fees	2,000.00	2,000.00
Consulting Services (1)	3,679.81	3,785.67
Miscellaneous/Other Fees	0.00	0.00
Delinquency Management Allowance	170.00	N/A
<b>TOTAL:</b>	<b>\$7,506.80</b>	<b>\$7,466.91</b>
<b>TOTAL PRINCIPAL, INTEREST AND ADMIN COSTS:</b>	<b>\$89,117.24</b>	<b>\$87,794.89</b>
<b>CREDITS APPLIED TO LEVY:</b>		
Construction Fund Credit	\$0.00	\$0.00
Reserve Fund Credit	0.00	0.00
Redemption Fund Credit	5,000.00	15,000.00
Miscellaneous/Adjustment Credit	10,000.00	10,000.00
<b>TOTAL:</b>	<b>\$15,000.00</b>	<b>\$25,000.00</b>
<b>Round Amount: (2)</b>	<b>\$-0.68</b>	<b>\$1.21</b>
<b>TOTAL LEVY:</b>	<b>\$74,116.56</b>	<b>\$62,796.10</b>

ADDITIONAL LEVY INFORMATION		
Number of Parcels Levied	214	212
Total Active (3)	\$701,383.65	\$695,890.95
Statutory Collection Fee (4)	\$3,327.09	\$3,274.79
Admin Costs as a percent of Annual Levy	8.99%	9.30%

(1) Consultant Services include, but are not limited to: District Administration Fees, Arbitrage Rebate Calculation Fees and Municipal Disclosure Fees.

(2) The round amount is used to ensure that each parcel's levy amount is divisible by two, as required by the County Auditor-Controller.

(3) Total Active is the sum of the Original Assessment for all active parcels.

(4) The Statutory Collection Fee is a maximum of 5 percent of the levy amount, not to exceed \$16 per parcel, per year and is used to cover Administrative Fees incurred by the Issuing Agency, as allowed by Section 8682 of the California Streets and Highways Code.

(5) Remaining Statutory Collection Fee is the difference between the current year's Administrative Fees to be recovered and the Statutory Collection Fee.

LEVY APPROVED BY: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-429**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF  
ASSESSMENTS WITHIN IMPROVEMENT DISTRICT #29 – STREET  
AND WATER SYSTEM IMPROVEMENTS**

WHEREAS, the City Council of the City of Modesto, California (“Council”), has by previous resolutions, initiated proceedings, declared its intention to form the Improvement District #29 – Street and Water System Improvements (herein after “District”); issue bonds; and levy assessments; and approved the Engineer’s Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer’s Report, and these charges are for the purpose of paying for the storm drainage improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges, and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 2001-02 fiscal year as shown in Attachment A, and that a certified copy of this resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2001-02 County tax roll.

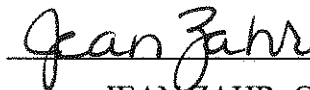
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By



MICHAEL D. MILICH, City Attorney

**CITY OF MODESTO  
ASSESSMENT DISTRICT 29  
FISCAL YEAR 2001/02 LEVY WORKSHEET**

LEVY COMPONENTS	2000/01	2001/02
<b>PRINCIPAL AND INTEREST</b>		
Principal	\$74,167.38	\$79,111.94
Interest	35,447.10	30,477.88
<b>TOTAL:</b>	<b>\$109,614.48</b>	<b>\$109,589.82</b>
<b>ADMINISTRATION COSTS:</b>		
Agency Administration	\$1,744.12	\$1,744.12
Agency Auditor Fees	0.00	0.00
County Auditor and Assessor Fees	43.75	117.00
Registrar/Transfer/Paying Agent Fees	3,300.00	3,300.00
Consulting Services (1)	3,434.29	1,489.85
Miscellaneous/Other Fees	0.00	0.00
Delinquency Management Allowance	55.00	N/A
<b>TOTAL:</b>	<b>\$8,577.16</b>	<b>\$6,650.97</b>
<b>TOTAL PRINCIPAL, INTEREST AND ADMIN COSTS:</b>	<b>\$118,191.64</b>	<b>\$116,240.79</b>
<b>CREDITS APPLIED TO LEVY:</b>		
Construction Fund Credit	\$0.00	\$0.00
Reserve Fund Credit	23,000.00	16,000.00
Redemption Fund Credit	4,000.00	0.00
Miscellaneous/Adjustment Credit	0.00	5,000.00
<b>TOTAL:</b>	<b>\$27,000.00</b>	<b>\$21,000.00</b>
<b>Round Amount: (2)</b>	<b>\$15.94</b>	<b>\$0.05</b>
<b>TOTAL LEVY:</b>	<b>\$91,207.58</b>	<b>\$95,240.84</b>

ADDITIONAL LEVY INFORMATION		
Number of Parcels Levied	85	85
Total Active (3)	\$971,940.80	\$971,940.80
Statutory Collection Fee (4)	\$1,147.36	\$1,163.29
Admin Costs as a percent of Annual Levy	7.77%	6.07%

(1) Consultant Services include, but are not limited to: District Administration Fees, Arbitrage Rebate Calculation Fees and Municipal Disclosure Fees.

(2) The round amount is used to ensure that each parcel's levy amount is divisible by two, as required by the County Auditor-Controller.

(3) Total Active is the sum of the Original Assessment for all active parcels.

(4) The Statutory Collection Fee is a maximum of 5 percent of the levy amount, not to exceed \$16 per parcel, per year and is used to cover Administrative Fees incurred by the Issuing Agency, as allowed by Section 8682 of the California Streets and Highways Code.

(5) Remaining Statutory Collection Fee is the difference between the current year's Administrative Fees to be recovered and the Statutory Collection Fee.

LEVY APPROVED BY: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-430**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF  
ASSESSMENTS WITHIN PUBLIC FACILITIES DISTRICT #6 – STREET  
AND WATER IMPROVEMENTS**

WHEREAS, the City Council of the City of Modesto, California (“Council”), has by previous resolutions, initiated proceedings, declared its intention to form the Public Facilities District #6 – Street and Water System Improvements (herein after “District”); issue bonds; and levy assessments; and approved the Engineer’s Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer’s Report, and these charges are for the purpose of paying for the storm drainage improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges, and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 2001-02 fiscal year as shown in Attachment A, and that a certified copy of this resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2001-02 County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
\_\_\_\_\_  
MICHAEL D. MILICH, City Attorney

**CITY OF MODESTO  
ASSESSMENT DISTRICT 6  
FISCAL YEAR 2001/02 LEVY WORKSHEET**

LEVY COMPONENTS	2000/01	2001/02
<b>PRINCIPAL AND INTEREST</b>		
Principal	\$25,000.02	\$25,000.02
Interest	9,560.00	7,810.00
<b>TOTAL:</b>	<b>\$34,560.02</b>	<b>\$32,810.02</b>
<b>ADMINISTRATION COSTS:</b>		
Agency Administration	\$498.81	\$498.81
Agency Auditor Fees	0.00	0.00
County Auditor and Assessor Fees	43.75	27.00
Registrar/Transfer/Paying Agent Fees	1,500.00	1,550.00
Consulting Services (1)	2,251.97	272.23
Miscellaneous/Other Fees	0.00	0.00
Delinquency Management Allowance	10.00	N/A
<b>TOTAL:</b>	<b>\$4,304.53</b>	<b>\$2,348.04</b>
<b>TOTAL PRINCIPAL, INTEREST AND ADMIN COSTS:</b>	<b>\$38,864.55</b>	<b>\$35,158.06</b>
<b>CREDITS APPLIED TO LEVY:</b>		
Construction Fund Credit	\$0.00	\$0.00
Reserve Fund Credit	5,000.00	0.00
Redemption Fund Credit	0.00	0.00
Miscellaneous/Adjustment Credit	0.00	0.00
<b>TOTAL:</b>	<b>\$5,000.00</b>	<b>\$0.00</b>
<b>Round Amount: (2)</b>	<b>\$15.97</b>	<b>\$0.00</b>
<b>TOTAL LEVY:</b>	<b>\$33,880.52</b>	<b>\$35,158.06</b>

ADDITIONAL LEVY INFORMATION		
Number of Parcels Levied	11	11
Total Active (3)	\$281,091.72	\$281,091.72
Statutory Collection Fee (4)	\$151.20	\$166.83
Admin Costs as a percent of Annual Levy	12.43%	7.16%

- (1) Consultant Services include, but are not limited to: District Administration Fees, Arbitrage Rebate Calculation Fees and Municipal Disclosure Fees.
- (2) The round amount is used to ensure that each parcel's levy amount is divisible by two, as required by the County Auditor-Controller.
- (3) Total Active is the sum of the Original Assessment for all active parcels.
- (4) The Statutory Collection Fee is a maximum of 5 percent of the levy amount, not to exceed \$16 per parcel, per year and is used to cover Administrative Fees incurred by the Issuing Agency, as allowed by Section 8682 of the California Streets and Highways Code.
- (5) Remaining Statutory Collection Fee is the difference between the current year's Administrative Fees to be recovered and the Statutory Collection Fee.

LEVY APPROVED BY: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-431**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES  
FOR THE PURPOSE OF THE RECONSTRUCTION OF CERTAIN ALLEYS AND  
SIDEWALKS**

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to levy charges or assessments for the purpose of administering projects related to the reconstruction of alleys and sidewalks, pursuant to the provisions of the Streets and Highways Code, Chapter 27, Section 5870; and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocation of cost reports by City Engineering; and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED that the City Council so orders the levy and collection of such charges related to the reconstruction of alleys and sidewalks as shown in Attachment A for the 2001-02 fiscal year, and that a certified copy of this resolution together with the attachment documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2001-02 County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of August, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By M. D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO

7/26/01

ASSESSMENT ROLL RECEIVABLE LIST  
2001 - 2002

<u>PARCEL NUMBER</u>			<u>ACCOUNT NUMBER</u>				<u>1ST INSTALLMENT</u>	<u>2ND INSTALLMENT</u>	<u>TOTAL</u>
029	1821	121	0700	480	4725	4053	280.98	280.98	561.96
033	3163	101	0700	480	4725	4053	58.37	58.37	116.74
032	1719	221	0700	480	4725	4053	97.23	97.23	194.46
037	4837	101	0700	480	4725	4053	59.45	59.45	118.9
031	1322	121	0700	480	4725	4053	134.86	134.86	269.72
029	1823	121	0700	480	4725	4053	152.83	152.83	305.66
120	2204	261	0700	480	4725	4053	237.52	237.52	475.04
033	3307	101	0700	480	4725	4053	<u>27.87</u>	<u>27.87</u>	<u>55.74</u>
							1049.11	1049.11	2098.22

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-432**

**RESOLUTION APPROVING THE 2001 LEGISLATIVE PLATFORM INCLUDING  
THE ADDITION OF A COVER LETTER AND PREAMBLE**

WHEREAS, City Council annually adopts a Legislative Platform to provide a more proactive approach for influencing policy and other governmental entities, and

WHEREAS, approval of the platform allows the City's position on bills to be expressed without the need for Council action on individual legislative measures, and

WHEREAS, on February 13, 2001, the Modesto City Council adopted Resolution 2001-71 approving the 2001 Legislative Platform, and

WHEREAS, on February 27, 2001, the Modesto City Council adopted Resolution 2001-86, rescinding Resolution 2001-71, and

WHEREAS, Council further instructed staff to divide the Legislative Platform into appropriate sections for consideration by Council Committees, and

WHEREAS, all of the Council Committees with authority over components of the Legislative Platform have reviewed said components and made recommendations to the City Council for approval, and

WHEREAS, a Cover Letter and Preamble for the Legislative Platform have been proposed, and

WHEREAS, Council considered the composite Legislative Platform, Cover Letter and Preamble at its meeting held August 14, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2001 Legislative Platform, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, and

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the addition of a Cover Letter and Preamble to the Legislative Platform, a copy of which is attached hereto as Exhibit "B" 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 14 day of August, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**City of Indio**  
**2001 Legislative Platform**

<b>1. Housing</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes.</p> <p>V.A.3.b. Increase multi-family residential and affordable housing inventory.</p> <p>H.II.C.1. Increase opportunities for home ownership.</p>	<p><b>Issue: 1.1.</b> Community Development Block Grant (CDBG) program funding, Federal Low Income Housing Tax program funding, and HOME Investment Partnership program funding target the affordable housing production needs of the local community, which would be difficult to address without the continued support of focused Federal housing program dollars. Loss of these program funds would eliminate or reduce qualified activities and/or areas qualifying for assistance.</p> <p><b>Action: 1.1.</b> Support continued funding of the CDBG program as provided by the U.S. Department of Housing and Urban Development. Support continued funding of the Federal Low Income Housing Tax program. Support continued funding of the HOME Investment Partnership program. Oppose changes to, or defunding of, the CDBG program, Low Income Housing Tax program, or HOME program.</p>
<p>H.IV.A.6. Resolve issues and identify a site for a Day Center for Homeless individuals.</p>	<p><b>Issue: 1.2.</b> As pressures increase on local housing supply and costs, the issue of potential homelessness should be addressed proactively rather than reactively, before significant problems arise locally.</p> <p><b>Action: 1.2</b> Support continued funding for programs such as the Emergency Shelter Grant fund programs and McKinney Homeless Act fund program to address the problem of homelessness.</p>

**City of Modesto  
2001 Legislative Platform**

<b>1. Housing</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>V.A.2. Promote compact building design.</p> <p>V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes.</p> <p>V.A.3.b. Increase multi-family residential and affordable housing inventory.</p>	<p><b>Issue: 1.3.</b> Affordable housing production for low-income persons is often made more difficult as a result of political interest groups who advance a Not-In-My-Backyard (NIMBY) philosophy.</p> <p><b>Action 1.3.</b> Support development of state programs that would fund tax incentives to neighboring property owners in order to encourage neighborhood development of affordable housing. Support funding to provide incentives to residential developers who elect to include a fixed percentage of affordable housing within each subdivision development permit.</p>
<p>IX.D. Promote high density housing in the downtown core.</p> <p>IX.D.2. Construct a flagship housing development in downtown.</p>	<p><b>Issue: 1.4.</b> Bringing high density housing back downtown will diversify housing stock available within the City, will not contribute to urban sprawl and degradation of agricultural lands, and will stimulate the continued revitalization of the downtown area by creating a mixed-use environment with both peak and off-peak hours usage.</p> <p><b>Action: 1.4.</b> Support development of state and federal funding sources to provide financing for high density housing projects in core downtown areas. Support legislation that would create incentives to developers who create high density housing in core downtown areas.</p>

<b>2. Land Use and Planning</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>V.A.6. Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas.</p> <p>V.A.7. Reinvest in and strengthen existing communities and achieve more balanced regional development.</p>	<p><b>Issue: 2.1</b> Sustaining California's economy and environment in a way that ensures quality-of-life for all residents requires innovative thinking and a balanced, integrated, and inclusive approach. A statewide Growth Management Policy should be considered.</p> <p><b>Action: 2.1</b> Encourage the State Legislature to adopt a statewide policy for growth management.</p>

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<b>2. Land Use and Planning</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>I.B.1.b. Form regional partnerships for water and wastewater development.</p> <p>I.B.1.b.(1) Assemble water and wastewater Task Forces with area agencies and seek funding/buy-in from governing bodies.</p>	<p><b>Issue: 2.2.</b> Unrestrained and/or inadequately planned-for urban growth will stretch current water resources to the limit in the not-too-distant future. Finite water resources will soon play a much larger role in land use planning. It is imperative that local government entities and regional government entities work together to ensure we will have adequate water resources for our future.</p>
	<p><b>Action: 2.2.</b> Support federal and state funding targeted towards regional and inter-regional water resource planning efforts and related land use planning.</p>
<p>III.A.2. Incorporate Smart Growth principles as part of transportation planning.</p>	<p><b>Issue: 2.3.</b> New demographic and economic realities pose challenges and opportunities for more efficiently linked land use and transportation strategies. When planned in concert with other regional strategies, transportation infrastructure can be used to channel growth in a more efficient and environmentally sensitive manner.</p>
	<p><b>Action: 2.4.</b> Support a statewide study to strengthen the linkages between regional transportation planning and land use planning that seeks recommendations from local governments.</p>
<p>V.B.1. Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development.</p> <p>X.A.2.c.(2). Attract new industries that are "commuter employers".</p>	<p><b>Issue: 2.5.</b> The Central Valley has an imbalance in the ratio of jobs available compared with increasing residential growth. This jobs-housing imbalance exerts pressure on both transportation infrastructure, as local residents must commute outside of the local area to find employment, and upon air quality.</p>
	<p><b>Action: 2.5.</b> Support federal and state funding targeted towards correcting the imbalance in jobs available compared with residential growth locally and in the Central Valley.</p>
<p>III.B.2. Address transportation funding issues.</p>	<p><b>Issue: 2.6.</b> Increasing demands for local residential housing production place a heavy burden on existing transportation infrastructure.</p>
	<p><b>Action: 2.6.</b> Support development of state programs that would provide funding for construction of new transportation infrastructure and upgrades within communities experiencing explosive residential growth.</p>

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<b>2. Land Use and Planning</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>V.A.8. Make development decisions predictable, fair and cost-effective.</p> <p>VII.A. Seek external funding sources to improve revenue stream.</p>	<p><b>Issue: 2.7.</b> Local governments often plan and approve land uses that compete with other jurisdictions (1) in order to increase tax revenues to meet growing demands for social and other municipal services, and (2) because of unreliable alternative sources of funding.</p> <p><b>Action: 2.7.</b> Support changes in state legislation to provide local government with a stable revenue base in order to reduce the fiscalization of local land use policies.</p>
<p>VI.A.1. Develop an equitable distribution of revenues in a mutually beneficial binding agreement.</p>	<p><b>Issue: 2.8.</b> Local jurisdictions are in the best position to judge appropriate land uses within their own spheres of influence (SOI). Development that occurs within a city's SOI prior to annexation, without approval from the city, often results in a conflict with the city's General Plan and/or zoning standards upon annexation. The development of commercial and/or industrial uses within a city's SOI can also result in the inadequate distribution sales tax revenues.</p> <p><b>Action: 2.8.</b> Support legislation which would prohibit the issuance of building permits or land use approval in a city's sphere of influence without an agreement between the city and the county.</p>
<p>V.A.6. Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas.</p> <p>V.A.7. Reinvest in and strengthen existing communities and achieve more balanced regional development.</p> <p>V.A.7.a. Upgrade infrastructure and target infill areas for development.</p>	<p><b>Issue: 2.9.</b> To preserve agriculture and reduce urban sprawl, residential growth should be directed to the incorporated areas within each county.</p> <p><b>Action: 2.9.</b> Support legislation that would allow a city to control any increase in the intensity of land use within a city's general plan area. Support legislation that would grant LAFCO the jurisdiction over new development in unincorporated areas of county.</p>

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<b>3. Finances</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VII.A.1. Proactively seek state and federal funding for local projects.	<b>Issue: 3.1.</b> Timely and accurate receipt of revenues and grants from the county, state and federal agencies protects the financial stability of and revenue projections for municipalities.
	<b>Action: 3.1.a.</b> Support efforts that would provide greater accountability on the part of counties, state and federal agencies for the distribution of funds to municipalities, including but not limited to fines and forfeitures.
	<b>Action: 3.1.b.</b> Support legislation to improve collection capabilities for cities and counties.
	<b>Issue: 3.2.</b> State law authorizes counties to charge property tax administration fees. These fees reduce revenues for cities.
	<b>Action: 3.2.</b> Support the repeal or reimbursement of property tax administration collection fees.
	<b>Issue: 3.3.</b> In the recession of the early 1990s, the state of California reduced property tax distributions to cities and counties. To make up for part of the shortfall, counties passed along costs to cities. Some counties, including Stanislaus County, charged cities booking fees for prisoners placed in county jail facilities. These additional fees were difficult for cities to afford. In addition, these fees are unfair, as residents of cities are charged for booking services, while residents of unincorporated areas are not.
	<b>Action: 3.3.</b> Support legislation to increase reimbursement and funding necessary for the management and booking of prisoners.
	<b>Issue: 3.4.</b> Local governments pay millions of dollars annually to support the Public Employees' Retirement System (PERS). This fund should not serve as a slush fund for state government and the policies which govern distribution should be determined by the agencies which pay into the fund, not by the state.
	<b>Action: 3.4.</b> Oppose legislation or actions by the Public Employees' Retirement System (PERS) Board which change PERS programs to benefit the state at the financial expense of local agencies.

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**3. Finances**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VII.A.2. Reevaluate sales tax agreement with County to increase revenue base.	<b>Issue: 3.5.</b> Local agency control over policy and resource decisions is vital so that citizens may have an active voice in local government and local agencies can serve as stewards of public resources.
	<b>Action: 3.5.a.</b> Oppose any further shift that would make local agencies more dependent on the state for financial stability and policy direction.
	<b>Action: 3.5.b.</b> Oppose the shift of any city taxes or fees to any other jurisdiction.
	<b>Issue: 3.6.</b> Unfunded mandates by the state and federal government add to local costs and can impact our ability to perform essential government services.
	<b>Action: 3.6.</b> Oppose state and federal programs [unfunded mandates] unless funding is provided to support these programs.
	<b>Issue: 3.7.</b> Local governments rely upon fees, taxes and other revenue sources for fiscal solvency.
	<b>Action: 3.7.</b> Oppose any change in tax allocations or limitations/restrictions on local control which would negatively effect local government, including potential loss of franchise fees due to Federal efforts to deregulate the utility industry.
	<b>Issue: 3.8.</b> Annexations and tax sharing agreements are matters of local interest and authority and are best addressed at the local level.
	<b>Action: 3.8.</b> Oppose any requirement that there be a mutual agreement for cities and counties for tax distribution for all annexation proposals.
VII.C.1. Consider bonded growth financing to provide funding up front when infrastructure is needed for growth.	<b>Issue: 3.9.</b> General Obligation Bonds are a valuable resource which provide for up-front financing of public transportation and infrastructure needs.
	<b>Action: 3.9.</b> Support legislation that would allow for a voter-approved simple majority vote for General Obligation Bonds.

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<b>3. Finances</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 3.10.</b> Over the course of the past 25 years, voter initiatives and state and federal government programs and policies have limited the financial ability of local governments to provide city services. Sales tax has replaced property tax as the primary revenue source for most local agencies.</p>
	<p><b>Action: 3.10.</b> Support comprehensive long-term reform efforts to return to local governments their historical discretionary use of local revenues. Such efforts would include amending or permanently ameliorating the impacts of ERAF, property tax shifts and unfunded mandates.</p>

<b>4. Fire and Emergency Response</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 4.1.</b> Many older essential building (police and fire stations, hospitals) in California may not survive serious earthquakes because they do not meet necessary construction standards. Local agencies do not have the funding needed to retrofit these buildings. Modesto Fire Station 1 is an example.</p>
	<p><b>Action: 4.1.</b> Support legislation providing cities and counties with state funding for retrofitting essential buildings (e.g. hospitals, fire, and police) to current earthquake building standards.</p>
H.III.A. Improve levels of emergency response.	<p><b>Issue: 4.2.</b> During the past 30 years cities have assumed a large role in delivering emergency medical services. In many cases citizens and cities could benefit from public/private partnerships or public delivery systems. However, in most cases counties have the authority and responsibility to determine how emergency medical services are provided and which ambulance companies operate in cities.</p>
H.IV.A. Improve community access to health services.	

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<b>4. Fire and Emergency Response</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 4.3.</b> Funding enhancements and improvements to public safety systems is difficult for local providers because of the competing demands for the resources that are available. The Federal FIRE act and AB 1022 (Pacheco) are two fire/emergency service examples of pending legislation.</p> <p><b>Action: 4.3.</b> Support legislation that will increase funding for public safety including public safety technology improvements.</p>
H.II.K.1.a. Expand the use of Automatic Fire Sprinklers and other prevention technology.	<p><b>Issue: 4.4.</b> Design and construction standards for schools is a responsibility of the State. Many new schools are being built that do not have automatic fire sprinkler systems. Automatic fire sprinklers are an effective way to reduce fire losses and enhance the safety of students. SB 575 (O'Connell) is a current bill that would require sprinklers. This bill is identical to AB 2115 (Lempert, 2000) that was vetoed by the Governor last year.</p> <p><b>Action: 4.4.</b> Support legislation that requires automatic fire sprinklers in all new schools.</p>

<b>5. Economic Development &amp; Business Attraction</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VIII.A.3.a. Expand and enhance a workforce training and development program.	<p><b>Issue: 5.1.</b> An educated, literate and skilled workforce is an economic stimulant that fosters business attraction and economic development.</p> <p><b>Action: 5.1.a.</b> Support funding by the California Department of Education for funding for public adult schools and for worker literacy programs at work sites.</p> <p><b>Action: 5.1.b.</b> Support legislation to ensure and coordinate continued funding for programs providing training and job preparation.</p>
I.A.1. Our infrastructure is modern, efficient, effective, attractive and cost competitive.	<p><b>Issue: 5.2.</b> Adequate public infrastructure is critical to successful business attraction.</p> <p><b>Action: 5.2.</b> Support legislation that provides additional funds for infrastructure or which provides options for financing developer requirements.</p>

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<b>5. Economic Development &amp; Business Attraction</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 5.3.</b> The state gives a competitive advantage [self help] for state highway funds to jurisdictions which have a sales tax for transportation projects.</p> <p><b>Action: 5.3.</b> Support legislation giving cities/counties which have adopted developer fees "Self Help" status.</p>
I.A.2.a. Assure design, installation and maintenance of attractive infrastructure.	<p><b>Issue: 5.4.</b> Additional parking is needed to stimulate economic development in the City's Downtown Core area.</p> <p><b>Action: 5.4.</b> Seek federal funding to assist with the construction of additional parking facilities in the Downtown.</p>
V.B.1. Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development.	<p><b>Issue: 5.5.</b> The City of Modesto has a jobs-housing imbalance, providing more housing than jobs for our residents. In recent years, this imbalance has been aggravated by escalated Bay Area housing prices that have forced residents to the more affordable Central Valley housing market. The Inter-Regional Partnership was established to seek state funding and other avenues to address this issue.</p> <p><b>Action: 5.5.a.</b> Support legislation to increase funding and local flexibility to design and develop economic development programs that would increase job opportunities.</p> <p><b>Action: 5.5.b.</b> Support legislation to encourage business creation and expansion.</p> <p><b>Action: 5.5.c.</b> Support legislation providing tax credit priority for job generating projects in areas with a jobs-housing imbalance.</p> <p><b>Action: 5.5.d.</b> Support legislation that will create a "jobs-housing opportunity zone" eligible for infrastructure incentives and tax-exemption incentives.</p>

## 5. Economic Development & Business Attraction

City's Strategic Plan Element	Legislative Issue
<p>XII.A. Leverage private and public funds to enhance redevelopment.</p> <p>XII.A.5. Evaluate and explore expansion of the Redevelopment Area to include declining / underdeveloped portions of the City (i.e. Yosemite Corridor).</p>	<p><b>Issue: 5.6.</b> Use of redevelopment funds outside of the project area are necessary in order to retain local authority over redevelopment expenditures for housing.</p>
	<p><b>Action: 5.6.</b> Support legislation to continue receiving credit for redevelopment outside of the project area. The current law permits crediting two units outside the project as if they were a single unit inside the project area. The two for one credit is due to expire on January 1, 2002, at which time no credit will be given for redevelopment outside the project area.</p>
	<p><b>Issue: 5.7.</b> Local communities such as the City of Modesto rely on the tax base generated by private development in order to fund provision of services for the community. Enterprise Zone designation is an economic development tool that provides regulatory, tax, and other incentives for private investment and employment.</p>
	<p><b>Action: 5.7.</b> Support legislation designating an enterprise zone within the County of Stanislaus.</p>
	<p><b>Issue: 5.8.</b> The California Infrastructure and Economic Development Bank promotes economic revitalization and job creation by issuing tax-exempt and taxable revenue bonds providing financing to public agencies for infrastructure projects (e.g., essential infrastructure for business park developments). Current application procedures are cumbersome and difficult; local communities must often hire a consultant just to get through the application process. In addition, the state legislature has proposed cutting funding to this program.</p>
	<p><b>Action: 5.8.</b> Support legislation that would make the application process for CIEDB funds easier. Oppose legislation that would cut funding for the CIEDB program.</p>

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**5. Economic Development & Business Attraction**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
XII.A. Leverage private and public funds to enhance redevelopment.	<p><b>Issue: 5.9.</b> Redevelopment activities have proven to be a vital economic development tool in Modesto. Redevelopment Law currently requires redevelopment agencies to use not less than 20% of all tax revenue for low- and moderate-income housing. There have been recent discussions at the State level regarding increasing the affordable housing expenditure requirement to not less than 25% of all tax revenue. A mandatory increase in required deposits to the L&amp;M Housing fund would decrease the amount of funding available for redevelopment purposes by a corresponding amount, thus slowing down the progress that Modesto is making in redevelopment. The L&amp;M Housing Fund grows only when assessed value in the project area increases as the result of revitalization and public investment in infrastructure, and the attraction of new employers, land developers, business tenants, and retail development. In addition, the 20% set-aside is usually a much greater percentage of the "net" amount of tax increment available to an agency after pass-through of a portion of the tax increment to other taxing entities. The housing set-aside is 20% of the "gross" tax increment, but it can be a greater amount of the "net" tax increment after deducting the amount of tax increment shared with pass-through agencies.</p> <p><b>Action: 5.9.</b> Oppose legislation that would amend Redevelopment Law to require any increase in the amount of tax revenue that must be set aside for low- and moderate-income housing.</p>
XII.A. Leverage private and public funds to enhance redevelopment.	<p><b>Issue: 5.10.</b> California Redevelopment Law gives local communities the authority and financing tools to be able to attack problems of urban blight and decay. As such, legislation designed to place unnecessary and burdensome restrictions on local redevelopment efforts should be opposed; and legislation designed to give local redevelopment agencies flexibility and control over how best to utilize tax increment should be supported.</p> <p><b>Action: 5.10.</b> Oppose additional or expanded mandates on redevelopment activities or local authority to allocate redevelopment dollars; Support legislation that provides local redevelopment agencies with flexibility and local control over tax increment allocation.</p>

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<b>6. Employee Relations/Workers Compensation</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 6.1.</b> In order for the City to prudently plan for the future and remain fiscally healthy, local authority over employee benefit and compensation decisions is necessary.</p> <p><b>Action: 6.1.</b> Oppose any measure that would grant employee benefits that would be more properly decided at the local bargaining table.</p>
	<p><b>Issue: 6.2.</b> The City desires to maintain local control over all employee disputes.</p> <p><b>Action: 6.2.</b> Oppose any efforts that would reduce local control over public employee disputes and impose regulations of an outside agency.</p>
	<p><b>Issue: 6.3.</b> Current law provides extensive rights and protections to police officers in the areas of administrative investigations and discipline.</p> <p><b>Action: 6.3.a.</b> Oppose efforts to make disciplinary proceedings for police officers similar to criminal proceedings, making it impossible to prove an administrative violation.</p> <p><b>Action: 6.3.b.</b> Oppose any expansion to the California Public Safety Officers Procedural Bill of Rights or creation of new Federal "Police Officers Bill of Rights." Oppose extending these rights to firefighters or to other non-peace officers.</p>
	<p><b>Issue: 6.4.</b> The City of Modesto does not participate in Social Security. The associated cost savings allows us to offer competitive salaries and attract well-qualified employees to our workforce.</p> <p><b>Action: 6.4.</b> Oppose any form of mandatory Social Security Coverage for local government employees, who already enjoy superior retirement benefits.</p>
	<p><b>Issue: 6.5.</b> Current law only requires local governments to pay for Medicare coverage for employees hired on or after April 1, 1986. The City does not pay coverage for any employee hired prior to this date. Our fiscal planning does not include the added costs of providing this benefit to non-covered employees.</p> <p><b>Action: 6.5.</b> Oppose expansion of requirement for local governments to pay Medicare coverage for local employees beyond the current requirement of coverage for employees hired after April 1, 1986.</p>

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<b>6. Employee Relations/Workers Compensation</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 6.6.</b> Workers compensation benefits can be cost prohibitive if not monitored, defined and appropriately managed.</p> <p><b>Action: 6.6.a.</b> Support legislation that manages costs of workers compensation benefits for occupational injuries/illnesses.</p> <p><b>Action: 6.6.b.</b> Oppose legislation that expands or extends any presumptions of occupational injury or illness.</p>
	<p><b>Issue: 6.7.</b> The Fair Labor Standards Act was originally enacted as a protection for employees in the private sector. For public agencies, it does not take into consideration the nature of public accountability, the generous leave benefits, nor the disciplinary process for exempt employees (particularly supervisors and managers).</p> <p><b>Action: 6.7.</b> Support Federal legislation to modify or eliminate FLSA requirements on public agencies.</p>

<b>7. General Government</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 7.1.</b> With limited funding for roadway maintenance, cities need to take measures to protect their right of way.</p> <p><b>Action: 7.1.</b> Support legislation to protect the public right of way.</p>
	<p><b>Issue: 7.2.</b> Consumers who purchase items through the Internet and via mail order are not charged local sales taxes on their purchases. This practice gives Internet and mail order companies a competitive advantage and, at the same time, restricts the amount of sales tax revenues for local jurisdictions.</p> <p><b>Action: 7.2.</b> Support legislation that fairly assesses local sales taxes for all methods of transaction.</p>
	<p><b>Issue: 7.3.</b> In today's litigious environment, it is critical for public agencies to limit their liability exposure.</p> <p><b>Action: 7.3.</b> Support measures to reform California's tort system to curtail unreasonable liability exposure for public agencies and restore the ability of public agencies to obtain affordable insurance.</p>

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**8. Transportation & Infrastructure**

City's Strategic Plan Element	Legislative Issue
VII.A.1. Proactively seek state and federal funding for local projects.	<b>Issue: 8.1.</b> The City of Modesto has hundreds of miles of underground water, sanitary sewer and storm drain pipelines that require maintenance and replacement. In addition, \$20 million a year is needed to maintain the City roadways; approximately \$5 million a year is budgeted. Federal and State money is needed to assist in maintaining the existing infrastructure and for its operation.
	<b>Action: 8.1.a.</b> Support legislation that enhances resources for local jurisdiction to maintain and operate their infrastructure.
	<b>Action: 8.1.b</b> Support legislation that provides that revenue collected from sales taxes on gasoline is used solely for the purpose of operating and maintaining the streets and highways network throughout the state.
	<b>Issue: 8.2.</b> Federal and State funding is allocated to the City, but can only be spent on specific streets with large volumes of traffic, and restricted corridors cannot be widened.
	<b>Action: 8.2.</b> Support legislation that provides increased local control over spending on streets and highways.
	<b>Issue: 8.3.</b> Contractors have the ability to file construction claims on a project due to additional work, time of days, profit loss, etc. Some claims are filed only to negotiate a settlement. If the City wins the claim, the contractor shall pay for legal fees defending the City.
	<b>Action: 8.3.</b> Support State legislation that would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.
	<b>Issue: 8.4.</b> When the City secures property in Stanislaus County, the County must approve of the acquisition, and if necessary allow the City the right to proceed with eminent domain.
	<b>Action: 8.4.</b> Support legislation amending Section 1810 of the Streets & Highway Code relating to acquisition of property outside boundaries in unincorporated areas, deleting the requirement that counties must consent to such acquisition, and thereby "leveling the playing field" for cities.
VII.A.1. Proactively seek state and federal funding for local projects.	<b>Issue: 8.5.</b> A new and expanded Bus Maintenance Facility is needed to replace the existing one, which is undersized and in very poor condition. Approximately half of the funds needed for the new facility have been earmarked in the federal budget. City staff is planning to begin construction in May 2002. However, construction cannot proceed unless the project is fully funded.
	<b>Action: 8.5.</b> Support measures to finance local transportation facilities including the balance for the Bus Maintenance facility.

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<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 8.6.</b> The Modesto/City County Airport is updating the Airport Master Plan to consider the extension of runway RW10L/28R. Wilson and Orville Wright Elementary schools are approximately one-half mile from the airport runways, and Wilson Elementary will be closer if the runway is extended.</p> <p><b>Action: 8.6.</b> Oppose legislation that prohibits airport expansion when the existing facility is within close proximity (e.g., two miles) of a proposed or established public school site.</p>
	<p><b>Issue: 8.7.</b> When property is listed for sale, property owners should be required to include a disclosure on the property deed, when a parcel is within Modesto City/County Airport's area of influence. The area of influence should not be smaller than suggested in the Caltrans Aeronautics' Airport Land Use Planning Handbook.</p> <p><b>Action: 8.7.</b> Support legislation that requires property owners to provide a Notice of Public Disclosure of the proximity of an airport if the property is next to or near an airport. In addition, support Caltrans' Airport Land Use Planning Handbook's latest edition to prevent incompatible property development when the property lies within an airport's Runway Protection Zones, Inter Safety Zones, Inter Turning Zones, Outer Safety Zones, Sideline Safety Zones, and/or Traffic Pattern Zones.</p>
	<p><b>Issue: 8.8.</b> Aviation fuel is taxed. These taxes should be used at the airport for airport services and aviation.</p> <p><b>Action: 8.8.</b> Oppose legislation that would allow taxes collected from aviation fuel sales to be used for any other purpose than airport and aviation.</p>
VII.A.1. Proactively seek state and federal funding for local projects.	<p><b>Issue: 8.9.</b> City growth requires new transportation corridors and utility extensions. An expressway/beltway will provide efficient travel around the perimeter of the City. In addition, existing improvements, such as water, sanitary sewer, storm drains, streets, public transit and lighting, need to be operated and maintained. Improvements to these facilities are needed to continue their required functions.</p> <p><b>Action: 8.9.</b> Support legislation that provides additional funding to improve transportation, public transit and the existing infrastructure in the City and region.</p>
III.B.2. Address transportation funding issues.	<p><b>Issue: 8.10.</b> Adequate funds are necessary for the proper development of Modesto City-County Airport. Legislation at both the federal and state level should promote the maximum use of funds available in the aviation trust fund and state funds derived from aviation sources and services.</p> <p><b>Action: 8.10.</b> Support a comprehensive national air transportation strategy that includes adequate, predictable and long-term funding necessary to sustain the planning and financing of airport development and provide adequate aviation facilities for an orderly and safe flow of air traffic.</p>

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<b>8. Transportation &amp; Infrastructure</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>III.B.2. Address transportation funding issues.</p> <p>VII.A.1. Proactively seek state and federal funding for local projects.</p>	<p><b>Issue: 8.11.</b> The City competes with other jurisdictions for funding that provides traffic signalization, medians, public transit and designated turn lanes.</p> <p><b>Action: 8.11.</b> Support legislation to increase transportation funding sources and financial programs to ensure local government receives a reasonable share of competitive funds for congestion relief and transportation systems.</p>
	<p><b>Issue: 8.12.</b> Modesto City-County Airport has a low activity tower that is staffed by professional air traffic controllers through the Federal Aviation Administration's Contract Control Tower Program.</p> <p><b>Action: 8.12.</b> Support the Federal Aviation Administration's contract control tower program in order to insure that the safety of the airport, its users and local community is maximized.</p>
<p>III.B.3.a. Provide connections from conveniently located park and ride lots to ACE train.</p> <p>VII.A.1. Proactively seek state and federal funding for local projects.</p>	<p><b>Issue: 8.13.</b> Currently a proposal is being reviewed to bring the ACE train to Modesto. The state budget includes \$8 million specifically for an extension of ACE to Stanislaus County. The City of Modesto currently provides shuttle bus service to the Altamont Commuter Express (ACE) train Station in Lathrop/Manteca.</p> <p><b>Action: 8.13.</b> Support legislation and funding to extend the Altamont Commuter Express Train to Modesto.</p>
<p>III.B.6. Reduce transportation impacts on air quality</p>	<p><b>Issue: 8.14.</b> The California Air Quality Board has adopted regulations restricting and controlling public transit operations with increasingly rigid air quality standards. These regulations can and will impact the operational costs of providing public transit service.</p> <p><b>Action: 8.14.</b> Support legislation that provides additional funding to assist public transit systems in meeting air quality standards. Oppose legislation that will mandate any single operational practice or use of fuel. Support legislation that allows city transit agencies flexibility in meeting air quality standards.</p>
<p>VII.A.1. Proactively seek state and federal funding for local projects.</p>	<p><b>Issue: 8.15.</b> The most difficult to predict operational cost for public transit operations is the cost of fuel.</p> <p><b>Action: 8.15.</b> Support legislation to provide supplemental funding to transit agencies to cover unexpected increases in fuel prices.</p>

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<b>8. Transportation &amp; Infrastructure</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VII.A.1. Proactively seek state and federal funding for local projects.	<b>Issue: 8.16.</b> The City of Modesto Transit Services is dependent upon federal and state funds for capital and operating expenses. Expansion of service is dependent on federal and state funds.
	<b>Action: 8.16.</b> Support legislation and funding that protects existing transit revenues from both state and federal budget cuts. Support appropriations of addition federal and state funds to public transit systems.
VII.A.1. Proactively seek state and federal funding for local projects.	<b>Issue: 8.17.</b> Protection of existing and future water sources.
	<b>Action: 8.17.</b> Support legislation, which enhances resources for local jurisdiction to maintain and operate their infrastructure.
	<b>Issue: 8.18.</b> Local governing bodies are in the best position to understand local circumstances. Decisions regarding land use should be based upon local criteria such as public safety, aesthetics, and economic and community development.
	<b>Action: 8.18.</b> Support legislation that provides increased local control over spending on streets and highways.
	<b>Issue: 8.19.</b> Every effort should be made to discourage frivolous lawsuits against municipalities.
	<b>Action: 8.19.</b> Support State legislation, which would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.
	<b>Issue: 8.20.</b> Section 1810 of the Streets & Highway Code provides that a City may acquire, or purchase or eminent domain, property outside its boundaries, if it is necessary to connect or widen the existing streets of the city and if the county consents to the acquisition.
	<b>Action: 8.20.</b> Support legislation amending Section 1810 of the Streets & Highway Code deleting the requirement that counties must consent to such acquisition and thereby "leveling the playing field" for cities which can be required to accept such streets.

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**9. Environment**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 9.1.</b> Air quality credits impact a region's ability to attract and retain business.</p> <p><b>Action: 9.1.</b> Oppose air quality legislation for the San Joaquin Basin which gives a competitive edge or any particular advantage to any individual county in regards to offset credits.</p>
I.C.1.b. Protect water supply from storm drainage contamination.	<p><b>Issue: 9.2.</b> Stormwater pollution prevention efforts such as best management practices and maximum extent practicable are effective water quality protective measures.</p> <p><b>Action: 9.2.</b> Support amendments to the 1987 Clean Water Act that would clarify that numerical effluent standards do not apply to NPDES Stormwater Discharge Permits and that "Maximum Extent Practicable" (MEP) is the standard for stormwater discharges.</p>
	<p><b>Issue: 9.3.</b> Remediation of groundwater contamination should be the financial responsibility of the entity responsible for the upstream-contaminated discharge.</p> <p><b>Action: 9.3.</b> Support legislation, which amends the Porter Cologne Water Quality Act in such a way that the local governments would not be held accountable to assess and remediate water contamination (such as PCE in the case of Turlock) by the sole virtue of being the discharger of water contaminated by a second party.</p>
	<p><b>Issue: 9.4.</b> Environmental fees should be based on the service levels provided by the revenue-seeking agency.</p> <p><b>Action: 9.4.</b> Support legislation which repeals Fish and Game filing fees, unless these fees are clearly related to the level of service provided by the Department of Fish and Game in promptly reviewing environmental documents.</p>
	<p><b>Issue: 9.5.</b> Current CEQA rules and regulations are sufficient for adequate protection of the environment.</p> <p><b>Action: 9.5.</b> Support legislation, which minimizes, or streamlines, project level environmental review (particularly cumulative effects and growth inducing effects), if key issues have already been adequately addressed at the "Master EIR" or "Program EIR level.</p>

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<b>9. Environment</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
II.B.2. Establish a city/county hazardous waste team to coordinate the use and disposal of hazardous materials, particularly in the case of emergencies.	<p><b>Issue: 9.6.</b> State and local governments must have an influence on the designation of hazardous material sites since the local level is most impacted.</p> <p><b>Action: 9.6.</b> Support legislation such as HR 3000 to provide a role for state and local government for designation of hazardous waste sites.</p>

<b>10. Solid Waste</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
II.C. Maximize recycling and recovery participation through education and program assessment and development.	<p><b>Issue: 10.1.</b> The Waste-to-Energy Facility generates electricity by diverting garbage that otherwise would be disposed of in the landfill and converting it into power.</p> <p><b>Action: 10.1.</b> Oppose legislation, which would limit or reduce recycling credits for Waste-to-Energy projects in California.</p>
II.C.3. Develop and implement new programs which will increase resource recovery and diversion.	<p><b>Issue: 10.2.</b> To assist in meeting diversion goals, local recyclers must have end markets for their products.</p> <p><b>Action: 10.2.</b> Support legislation, which would enhance or provide market incentives for recycling materials (e.g., plastics, compost).</p>

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<b>10. Solid Waste</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
II.D. Develop market for co-compost materials to allow for all biosolids to be utilized in the co-compost product.	<b>Issue: 10.3.</b> The recycling and composting of greenwaste and bio-solids increases waste diversion from landfills, and its reuse provides an excellent source of viable material for land and beautification use.
	<b>Action: 10.3.</b> Oppose legislation limiting reuse of greenwaste, bio-solids, or compost material.
	<b>Issue: 10.4.</b> In order to continue to provide quality service and to keep costs as low as possible for the rate payers, local jurisdictions must have flow control authority.
	<b>Action: 10.4.</b> Oppose legislation that would limit the local jurisdiction's authority by the County to regulate or direct municipal solid waste.
II.D.1. Continue use of green waste materials in co-composting operation to dispose of biosolids and expand markets for the co-compost.	<b>Issue: 10.5.</b> The land application of bio-solids and bio-solids compost has been demonstrated to be safe when done in accordance with State and Federal regulations.
	<b>Action: 10.5.</b> Support legislation which would prohibit counties from imposing outright bans or overly restrictive ordinance that would impose de-facto bans on the land application of bio-solids or bio-solids composts.

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**10. Solid Waste**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
<p>II.C.2. In accordance with AB939 regulations, prepare a resource recovery assessment that includes:</p> <ul style="list-style-type: none"> <li>• reevaluation of recycling program</li> <li>• green waste strategies</li> <li>• composting</li> </ul>	<p><b>Issue: 10.6.</b> Waste diversion, through recycling and source reduction, should be monitored for consistency according to each jurisdiction's existing programs and demographics.</p> <p><b>Action: 10.6.</b> Oppose legislation, which would increase diversion mandates above 50%.</p>

**11. Water Supply/Management**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 11.1.</b> The City's ability to protect its groundwater reserves is impacted by the ability to secure rights to surface water and groundwater reserves.</p> <p><b>Action: 11.1.</b> Support measures, which increase water supply or improve water quality within the city/region.</p>
	<p><b>Issue: 11.2.</b> Conservation of resources is a responsibility of all, including local government.</p> <p><b>Action: 11.2.</b> Support legislation that will encourage the use of drought tolerant plant material and water conservation techniques.</p>
	<p><b>Issue: 11.3.</b> Support water management strategies that are financially as well as scientifically responsible.</p> <p><b>Action: 11.3.</b> Oppose mandatory groundwater management unless it is reasonable and the management reflects the representative views of all agencies which will be regulated, particularly local government.</p>
	<p><b>Issue: 11.4.</b> Water providers must comply with drinking water standards established at both the State and Federal level.</p> <p><b>Action: 11.4.</b> Support a fiscally and environmentally responsible reauthorization of the Safe Drinking Water Act.</p>

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<b>11. Water Supply/Management</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VII.A.1. Proactively seek state and federal funding for local projects.	<b>Issue:</b> 11.5. Support water management strategies that are financially as well as scientifically responsible.
	<b>Action:</b> 11.5. Support measures that will fund water management improvements.

<b>12. Communication/Technology</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
IV.B.1. Seek state, federal and private grant funding for technology.	<b>Issue:</b> 12.1. Cities must have the authority to zone and plan for the deployment of telecommunications infrastructure and to maintain and manage the public rights-of-way and receive compensation for its use.
	<b>Action:</b> 12.1. Support State and Federal legislation to reaffirm home rule in oversight and revaluation of telecommunication entities, using public right-of-ways and affecting conditions addressed by local planning and land use policies.
IV.B.2. Identify potential public/private technology partnerships.	<b>Issue:</b> 12.2. Technology fuels economic development. That said, it is unlikely that local funding alone will accomplish the level of investment necessary to recognize all the benefits of the "information superhighway."
	<b>Action:</b> 12.2. Support legislation to fund telecommunication planning and implementation.
IV.B.1. Seek state, federal and private grant funding for technology.	<b>Issue:</b> 12.3. Geographic Information Systems (GIS) is a computerized mapping system that allows for the computerized inventory of infrastructure and other city assets. It provides an easy means for graphically presenting information, enhances the planning process, and promotes the sharing of information between agencies.
IV.B.2. Identify potential public/private technology partnerships.	<b>Action:</b> 12.3. Support legislation to fund GIS to better manage regional resources, respond to emergencies and plan for growth.

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**13. Energy**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
VII.A.1. Proactively seek state and federal funding for local projects.	<p><b>Issue: 13.1.</b> Numerous bills have been introduced during the 2001 legislative session to deal with the energy situation facing California consumers. Earlier this year, the League of California Cities adopted policy positions related to this issue. These policy statements will focus the League's efforts as all of these bills start moving through the process. The Modesto City Council, at their meeting of April 10, 2001, agreed to adopt these policy statements as part of their legislative platform when it is brought forward. The following Actions summarize the aforementioned policy statements.</p> <p><b>Action: 13.1.a.</b> Support conservation recommendations proposed by the League and California State Association of Counties.</p> <p><b>Action: 13.1.b.</b> Support legislation that provides direct funding for conservation and demand reduction projects in city facilities; seek grant or loan funding for essential services (i.e., police/fire, water/wastewater) to purchase new or replace existing back-up generators that are more energy efficient and less polluting.</p> <p><b>Action: 13.1.c.</b> Support incentives that stimulate development and siting of more energy generation facilities.</p>

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<b>13. Energy</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<b>Action: 13.1.d.</b> Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above) and oppose legislation which decreases the threshold.
	<b>Action: 13.1.e.</b> Support not getting directly involved with proposals to streamline the facility approval process except to suggest revisions which reflect technical comments from city experts on local government review and comment related provisions.
	<b>Action: 13.1.f.</b> Support actions to exempt cities with municipal utilities completely from the Energy Commission review process for all power plant proposed within their jurisdiction, regardless of the size of the facility.
	<b>Action: 13.1.g.</b> Support not getting directly involved in legislative discussions and take no position on legislation to relax, suspend, or eliminate environmental regulations except to ensure that cities do not bear the burden of meeting the shortfall in environmental protection.
	<b>Action: 13.1.h.</b> Support all bills that enhance the public power options available to cities and counties.
	<b>Action: 13.1.i.</b> Support attempts to ensure that resolution of the energy shortage seeks equity for ratepayer classes and communities.
	<b>Action: 13.1.j.</b> Ensure that police and fire facilities are appropriately protected either legislatively or administratively if the range of exempted facilities is expanded; seek legislation or administrative resolution to giving advance notification to those businesses that use hazardous materials which could pose a danger if the plant is not shut down properly.
	<b>Action: 13.1.k.</b> Support efforts to determine whether market abuse occurred and asking that appropriate action be taken to remedy the problem if illegal activity did occur.

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**14. Public Safety**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 14.1.</b> The Modesto Police Department, like other municipal law enforcement agencies, spends an inordinate amount of time enforcing federal and state drug laws. In many drug cases, assets of responsables can be seized and after due process can be sold, with the proceeds going to local criminal justice agencies involved in the responsables' arrests and prosecutions.</p> <p><b>Action: 14.1.</b> Support measures which would provide a greater share of seized assets to localities.</p>
	<p><b>Issue: 14.2.</b> Driving under the influence of alcohol/drugs constitutes a dangerous crime to the Modesto citizenry and DUI laws are strictly enforced by the Modesto Police Department. Each and every DUI arrest by the Modesto Police Department is a significant drain on public safety resources for the City.</p> <p><b>Action: 14.2.</b> Support efforts which allow local agencies to recover from the guilty party in accidents involving driving under the influence of drugs and/or alcohol.</p>
	<p><b>Issue: 14.3.</b> Fines and forfeitures are a traditional source of revenue for local law enforcement. These revenues have been eroded for municipal government through the passage of State law that allow numerous state or county charges, penalties or assessments to be levied against those fines and forfeitures.</p> <p><b>Action: 14.3.a.</b> Oppose attempts to transfer more fine and forfeiture funds to counties.</p> <p><b>Action: 14.3.b.</b> Oppose legislation which allows state or county charges, penalties or assessments to be levied in lieu of or to replace actual fines and forfeitures.</p>
H.I.B.6. Assess Drug Enforcement Efforts and minimize duplication of efforts (SDEA, MNET, etc.).	<p><b>Issue: 14.4.</b> Illegal drug trafficking, manufacture, sales and use are crimes in themselves and are also linked to other crimes that consume vast amounts of law enforcement resources. Prevention of illegal drug use is the most cost effective and efficient method to reduce drug and drug-related crime.</p> <p><b>Action: 14.4.</b> Support legislation encouraging, establishing, or enhancing drug use prevention programs and policies.</p>

**City of Modesto  
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<b>14. Public Safety</b>	
<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 14.5.</b> Graffiti is a blight to Modesto's community appearance; it is a crime of vandalism; and, it may incite gang action and/or retaliation.</p> <p><b>Action: 14.5.</b> Support additional legislation to fight graffiti which would:</p> <ol style="list-style-type: none"> <li>1) Expand parental responsibility.</li> <li>2) Prohibit the issuance of a driver's license to anyone under the age of 18 who has been convicted of graffiti offenses.</li> <li>3) Require publication of names to anyone arrested for graffiti offenses.</li> </ol>
	<p><b>Issue: 14.6.</b> The City of Modesto currently faces the cost of retrofitting the old Police Building into a patrol operations facility. The costs for this remodel/retrofit are high, in part due to the state requirements to bring the building to current earthquake building standards.</p> <p><b>Action: 14.6.</b> Support legislation providing cities and counties with State funding for retrofitting essential buildings (for examples: hospitals, fire and police buildings) to current earthquake standards.</p>
VII.A.1. Proactively seek state and federal funding for local projects.	<p><b>Issue: 14.7.</b> City of Modesto law enforcement costs continue to escalate due to the costs of necessary police personnel, the need for more sophisticated technological police equipment, the need for effective juvenile crime prevention programs and the existence of clandestine methamphetamine labs in the area.</p> <p><b>Action: 14.7.a.</b> Support Federal legislation to continue funding the Omnibus Crime Bill for the benefit of Modesto communities (for law enforcement officers and equipment).</p> <p><b>Action: 14.7.b.</b> Support legislation that will increase funding for public safety technology improvement.</p> <p><b>Action: 14.7.c.</b> Support legislation and increased funding for juvenile crime prevention and abatement programs.</p> <p><b>Action: 14.7.d.</b> Support legislation that will reimburse agencies responsible for identifying, tagging and removing waste from illegal drug labs.</p>

**City of Modesto  
2001 Legislative Platform**

**14. Public Safety**

<b>City's Strategic Plan Element</b>	<b>Legislative Issue</b>
	<p><b>Issue: 14.8.</b> The State's current energy crisis has led to, and will continue to precipitate, rolling electrical black-outs. The rolling black-outs are most effectively dealt with by local law enforcement when adequate notice of those black-outs is given.</p> <p><b>Action: 14.8.</b> Support State legislation that would require public safety notification by electrical suppliers of loss of power as soon as the planned loss becomes known as to when and where that power loss will occur.</p>

**Proposed 2001 City of Modesto Legislative Platform**

**General Goals**

The Modesto City Council and employees are committed to our Vision of:

*Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.*

The City's Legislative Platform reflects the City's Vision and Council's goals, as outlined in the *Strategic Plan*.

In 2001, the City Council will, as a top priority, support legislation that facilitates and encourages attractive economic development, including infrastructure funding. The Council will support measures that retain local control over land use and annexation decisions and oppose measures that limit the annexation and growth potential of the City.

At the same time, Council will continue to support legislation that brings health and safety funding to the City. The Council endorses the continuance of technology and other funding for public safety. Council also supports local authority to determine which ambulance companies operate in our jurisdiction.

As in past years, the Council will continue to oppose measures imposed by the state or federal government that serve as unfunded mandates or which threaten local control. Council will also support measures that bring increased federal and state funding to the City for projects that support the City's Vision and *Strategic Plan*.

This platform was prepared by the following City Council Committees: Community Development & Housing, Economic Development & Intergovernmental Relations, Financial Policy, Human Services, Public Safety, Transportation Policy, and Utility Service & Franchises. It forms the cornerstone of Council's policy direction and provides a proactive approach to influencing policy and other governmental entities.

**Proposed Preamble to the Legislative Platform**

Whereas, the City of Modesto's legislative agenda is to promote the general welfare for citizens of California and specifically improve the quality of life for residents of Modesto, it shall be the policy of the Modesto City Council to; Support legislation that protects individual rights and to oppose legislation that infringes, denies, or restricts individual rights protected by the Constitution of the United States and the State Constitution of California.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-433**

**A RESOLUTION REVISING SEWER SERVICE CHARGES AND RESCINDING  
RESOLUTION NO. 2000-581**

WHEREAS, Sections 11-6.10 and 11-6.11 of the Modesto Municipal Code authorize the Council to establish sewer service charges and storm drainage surcharges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and 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 August 14, 2001, 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 out to sewer customers set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, insufficient protests were made to defeat imposition of the sewer rate adjustments resulting in increases in some cases, therefore the rates in the notice are hereby imposed as set forth more specifically below,

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. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural" shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.
2. "Commercial" shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel" shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.
4. "Duplex" shall mean a developed parcel with two dwelling units on a single parcel.
5. "Government" shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.
6. "Hospital" shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.
7. "Industrial" shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.
8. "Multi-family Residential" shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<u>Density Category</u>	<u>Property Sq. Ft. Per Dwelling Unit</u>
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

9. "Multi-family Senior Mobile Home" shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.
10. "NPDES Industrial Stormwater Permit" shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations" shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.
12. "Parcel" shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.
13. "Parks" shall include all developed parcels operated as a park by a public agency.
14. "Parks/Cemeteries" shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.
15. "Schools" shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.
16. "Single-Family Residential" shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.
17. "Transportation/Utilities" shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.
18. "Undeveloped" shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE. Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be as follows:

Residential Monthly Charge	Effective Date			
	October 2001	October 2002	October 2003	October 2004
Each single family dwelling or mobil home on a lot	\$12.80	\$13.31	\$13.84	\$14.26
Each dwelling unit in a duplex	\$10.01	\$10.41	\$10.83	\$11.15
One additional dwelling unit or mobile home on a lot	\$10.01	\$10.41	\$10.83	\$11.15
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	\$8.23	\$8.56	\$8.90	\$9.17

- (b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.
- (c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge as follows per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

Residential Monthly Charge	Effective Date			
	October 2001	October 2002	October 2003	October 2004
Residential users not connected - Additional monthly charge for health hazard inspections	\$1.05	\$1.09	\$1.13	\$1.16

**SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.** Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Engineering and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

Sewer Service Charges Per 1000 Gals. Of Water Used	Effective Date			
	October 2001	October 2002	October 2003	October 2004
Group 1 - Combined B.O.D. and S.S. measured in mg/l is 400 mg/l or less	\$1.56	\$1.62	\$1.68	\$1.73
Group 2 - Combined B.O.D. and S.S. measured in mg/l is in the range of 401 mg/l to 900 mg/l	\$1.83	\$1.90	\$1.98	\$2.04
Group 3 - Combined B.O.D. and S.S. measured in mg/l is in the range of 901 mg/l to 1400 mg/l	\$2.22	\$2.31	\$2.40	\$2.47
Group 4 - Combined B.O.D. and S.S. measured in mg/l is in over 1400 mg/l	\$2.67	\$2.78	\$2.89	\$2.98

- (b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.
- (c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

Minimum Commercial Charge for the first 1680 cubic feet of water need	Effective Date			
	October 2001	October 2002	October 2003	October 2004
Group 1	\$19.70	\$20.49	\$21.31	\$21.95
Group 2	\$22.70	\$23.61	\$24.55	\$25.29
Group 3	\$27.83	\$28.94	\$30.10	\$31.00
Group 4	\$33.38	\$34.72	\$36.11	\$37.19

- (d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance, as follows:

Additional Charges	Effective Date			
	October 2001	October 2002	October 2003	October 2004
Commercial users not connected-Additional charge for health inspections	\$1.68	\$1.75	\$1.82	\$1.87

- (e) 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 not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. 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 Engineering and Transportation Director.
- (f) 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 Engineering and Transportation Director, and
  - (2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

**SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.** Each person owning property within the sewer district and receiving industrial sewer service shall pay a 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.

Industrial	Effective Date			
	October 2001	October 2002	October 2003	October 2004
Flow - per million gallons of total flow	\$800.88	\$832.92	\$866.24	\$892.23

- (1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Engineering and Transportation Director as follows:

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) 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.
  - (3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.
- (b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge as follows per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

BOD Charges	Effective Date			
	October 2001	October 2002	October 2003	October 2004
Additional BOD Charge	\$94.72	\$98.51	\$102.45	\$105.52

- (c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge as follows per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

SS Charges	Effective Date			
	October 2001	October 2002	October 2003	October 2004
Additional SS Charge	\$87.19	\$90.68	\$94.31	\$97.14

Industrial Charge shall be the sum of items (a), (b), and (c).

- (d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum \$10.00 per month sewer service charge.
- (e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

**SECTION 5. SEWER SERVICE CHARGES FOR SCHOOL SERVICE.**

- (a) The flat-rate sewer service charges for schools shall be established according to the following formula and table:

Domestic Use - ADA (Average daily attendance) x

c.f./pupil/month x 12 months x \$ Charge

133.69 c.f.

Charge	October 2001	October 2002	October 2003	October 2004
Domestic use per 133.69 cf (1000 gal.)	\$0.61	\$0.63	\$0.66	\$0.68

Where:

K-6 Schools..... .. 10 cu.ft./pupil/month  
 K-8 Schools..... .. 13 cu.ft./pupil/month  
 7-8 Schools..... .. 24 cu.ft./pupil/month  
 High Schools..... .. 36 cu.ft./pupil/month  
 College ..... .. 36 cu.ft./pupil/month

The formula set forth above shall be based on the number of pupils enrolled in each of the following schools:

<u>Empire Union School District</u>	<u>Grade Range</u>
Capistrano Elementary .....	K-5
Christine Sipherd Elementary .....	K-5
Bernard Hughes Elementary .....	K-5

<u>Modesto City School District</u>	
Harriet Kirschen Elementary.....	K-6
Elihu Beard Elementary .....	K-6
Fred C. Beyer High .....	9-12
Grace Davis High.....	9-12
Downey High .....	9-12
Enslin Elementary .....	K-6
Catherine Everett Elementary .....	K-6
Franklin Elementary.....	2-6
John C. Fremont Elementary .....	K-6
William H. Garrison Elementary and Joseph M. Kelly Center.....	K-6
Lakewood Elementary .....	K-6
La Loma Junior High .....	7-8
Alberta Marton Elementary.....	K-6
Modesto High.....	9-12
John Muir Elementary.....	K-6
Robertson Road Elementary .....	K-6
Roosevelt Junior High.....	7-8
Rose Avenue Elementary.....	K-6
Sonoma Elementary .....	K-6

Elliot Alternative Education Center .....	9-12
Mark Twain Junior High.....	7-8
Wilson Elementary.....	K-6
Burbank Elementary.....	K-6

Salida Union School District

Mildred Perkins Elementary .....	K-5
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Stanislaus Union School District

Chrysler Elementary.....	K-6
Eisenhut Elementary .....	K-6
Muncy Elementary .....	K-6
Prescott Junior High.....	7-8
Agnes Baptist Elementary.....	K-6

Sylvan Union School District

Coleman F. Brown Elementary.....	K-5
Orchard Elementary .....	K-5
Sherwood Elementary .....	K-5
Somerset Junior High.....	6-8
Standiford Elementary .....	K-5
Stockard Coffee Elementary .....	K-5
Sylvan Elementary .....	K-5
Woodrow Elementary .....	K-5
Elizabeth Ustach Junior High .....	6-8

Yosemite Community College District

Modesto Junior College - East Campus.....	College
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Central Catholic High ..... 9-12

St. Stanislaus Elementary..... K-8

Our Lady of Fatima Elementary..... K-8

- (b) The flat-rate sewer service charges shall be due and payable to the City of Modesto November 1st of each year.
- (c) The determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.
- (d) All other property owned or controlled by the schools and connected to the City sewer system shall be charged for the City sewer service on a regular flat-rate basis.

SECTION 6. SEWER SERVICE CHARGES FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT. The sewage dumping charge will be calculated at the current rates using the industrial rates and the following formula:

Biological Oxygen Demand (BOD); 3,680 MG/L  
 Suspended Solids (SS): 20,430 MG/L  
 Loads of Septic Waste to Plant: 4,211  
 Approximate Gallons of Septage 1992-93: 12,767,375

Charge	Effective Date			
	October 2001	October 2002	October 2003	October 2004
Flow charge at current rate for industrial users per 1,000 gallons	\$0.78	\$0.81	\$0.84	\$0.87
BOD Surcharge	\$2.67	\$2.78	\$2.89	\$2.98
SS Surcharge	\$14.28	\$14.85	\$15.44	\$15.91
Clean Septic Pit Twice per week				
Operator	\$1.50	\$1.56	\$1.62	\$1.67
Vactor truck	\$0.72	\$0.75	\$0.78	\$0.81
Total Dump Charges per 1,000 gallons of sewage	\$19.95	\$20.75	\$21.57	\$22.24

SECTION 7. 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 8. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 9. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the North Ceres Sewer Service Area.

SECTION 10. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

- (a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<u>Land Us</u>	<u>Intensity of Development Factor (IDF)</u>
Single-Family Residential.....	0.25
Duplex.....	0.50
Multi-Family High.....	0.95
Multi-Family Medium.....	0.80
Multi-Family Low.....	0.40
Multi-Family Very Low.....	0.25
Multi-Family Senior Mobile Home.....	0.31
Commercial.....	0.95
Industrial.....	0.75
Transportation/Utilities.....	0.40
Schools.....	0.25
Non-Profit Organizations.....	0.40
Government.....	0.70
Hospitals.....	0.50
Parks/Cemeteries.....	0.10
Agriculture.....	0.08
Undeveloped.....	0.00

- (b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<u>ARN</u>	<u>Square Footage of Property</u>
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

- (c) Single-Family Residential charges shall be as follows:

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF.....	\$1.65
3501-7000 SF.....	3.23
7000 + SF.....	4.85

- (d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.
- (e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.
- (f) The property's ERU is charged at a monthly rate of \$6.58. Therefore, the monthly property charge for all non Single-Family Residential is:  $ERU \times \$6.58$ .

- (g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Engineering and Transportation Director, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.
- (h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 11. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after October 1, 2001.

SECTION 12. RESCINDING PRIOR RESOLUTIONS. Resolution No. 2000-581 is hereby rescinded effective September 30, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 2001 by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith, Smith

NOES: Councilmembers: Conrad, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]  
MICHAEL D. MILICH, City Attorney



# ATTENTION PROPERTY OWNER

## Notice of Intent to Increase Sewer Rates

Dear Property Owner:

At its regular meeting to be held August 14, 2001 at 5:15 p.m. in the City Council chambers of 1010 Tenth Street, Modesto, California, the Modesto City Council will hold a public hearing to consider whether to approve rate increases for sewer services as shown in the table below and on the reverse side of this notice. The purpose of the proposed increases is to fund operation and maintenance, and capital improvement costs related to providing sewer service to customers within the City of Modesto sewer service area. When evaluating the need for a rate increase the following factors were considered:

1. Cost of continuing to meet regulatory requirements.
2. Cost of continuing operations & maintenance of the sewer system.
3. Costs of needed capital improvements to the system.
4. The need to fund deferred maintenance of the system.
5. The need to maintain a reasonable level of reserve funds to deal with emergencies.

Based on an analysis using the criteria above, the following rate increases are proposed over a period of 4 years:	
<b>Effective Date</b>	<b>Percent Increase</b>
October 2001	5%
October 2002	4%
October 2003	4%
October 2004	3%

**Need assistance calculating your bill?**

If you require assistance calculating your bill please call the City of Modesto Finance Department at (209) 577-5395. If you need more information about the sewer rate increase, you may contact the Engineering and Transportation Department at (209) 577-5462. You may also view a detailed report regarding the rate increase in the Engineering and Transportation Department at 1010 Tenth Street, Modesto, California or online at [www.modestogov.com](http://www.modestogov.com).

**Sewer Rate Increase Public Hearing**

**Date:** August 14, 2001  
**Time:** 5:15 p.m.  
**Place:** Modesto City Council Chambers  
 Tenth Street Place  
 Basement Floor  
 1010 Tenth Street, Downtown Modesto

**How to protest the proposed rate increases.**

The California Constitution requires that all property owners affected by the rate increase be given the opportunity to protest the rate increase. If written protests are filed by a majority of the affected parcel owners, the proposed rate increases will not be imposed. To oppose the proposed rate increases, mail your written protest to the Modesto City Clerk, PO Box 642, Modesto, CA 95353. The "Protest Form" attached to this notice has been provided for your convenience. You may also hand deliver your written protest to the City Clerk's Office at 1010 Tenth Street, Sixth Floor, Modesto, CA or submit a protest online at [sewerrates@modestogov.com](mailto:sewerrates@modestogov.com). All protests must be received prior to close of the public hearing to be considered valid.

**Asistencia en Español**

Si usted requiere asistencia en español, llame a la Ciudad de Modesto, Departamento de Servicios Comunitarios al 577-5395, lunes a viernes, 7:30 a.m. a 5:00 p.m.

*For Commercial, Industrial and School Rates, please see reverse side of this notice.*

Residential Monthly Charge	Existing	October 2001 ▲ 5%		October 2002 ▲ 4%		October 2003 ▲ 4%		October 2004 ▲ 3%	
		Change	Proposed	Change	Proposed	Change	Proposed	Change	Proposed
Single family dwelling or mobile home on lot	\$12.19	+\$0.61	\$12.80	+\$0.51	\$13.31	+\$0.53	\$13.84	+\$0.42	\$14.26
Each dwelling in a duplex	\$9.53	+\$0.48	\$10.01	+\$0.40	\$10.41	+\$0.42	\$10.83	+\$0.32	\$11.15
Each additional dwelling unit or mobile home on a lot*	\$7.84	+\$2.17	\$10.01	+\$0.40	\$10.41	+\$0.42	\$10.83	+\$0.32	\$11.15
Each dwelling within an apartment building or mobile home park	\$7.84	+\$0.39	\$8.23	+\$0.33	\$8.56	+\$0.34	\$8.90	+\$0.27	\$9.17
Residential users not connected – Additional monthly charge for health hazard inspections	\$1.00	+\$0.05	\$1.05	+\$0.04	\$1.09	+\$0.04	\$1.13	+\$0.03	\$1.16

(\*Note: This change includes a correction due to an error in a previous Proposition 218 notice. The change is the total of a \$1.69 correction from the incorrect rate shown in the previous Proposition 218 notice plus a \$0.48 (or 5%) increase.

## Protest Form

Date Received by the City Clerk \_\_\_\_\_

**Only one protest is allowed per property address.** If you would like to protest the proposed sewer increases, you may complete this Protest Form, detach it and mail to the Modesto City Clerk, P.O. Box 642, Modesto, CA 95353 or hand deliver to the City Clerk's Office, 1010 Tenth Street, Sixth Floor, Modesto, CA 95354. In order for this form to be counted as a valid protest against the proposed rate increase, this form must be delivered to the City Clerk no later than the close of the public hearing on August 14, 2001.

I protest the proposed sewer increases to fund operation and maintenance and capital improvement costs related to providing sewer service to those customers within the City of Modesto sewer service area.

The property owner information used to distribute this notice was gathered from the current information available through the Stanislaus County Assessor's Office. If the property owner information is different than the return address information on the reverse side, please provide the correct information below.

Property Owner(s) Name \_\_\_\_\_

Property Address \_\_\_\_\_



**CITY of MODESTO**  
 Engineering & Transportation Dept.  
 P.O. Box 642  
 Modesto, CA 95353

PRESORTED  
 FIRST CLASS MAIL  
 US POSTAGE  
 PAID  
 PERMIT #213  
 MODESTO, CA

Return Service Requested

*If you have a commercial account and do not know what "Group" category you are in or if you simply require assistance calculating your bill please call the City of Modesto Finance Department at 577-5395.*

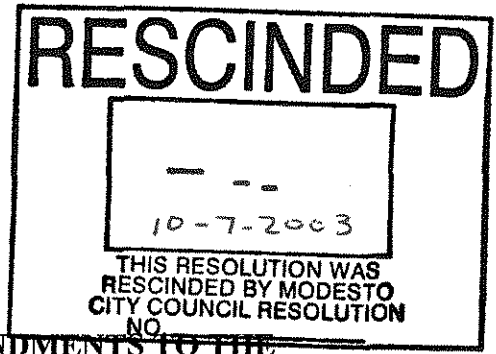
Commercial Monthly Charge	Existing	October 2001 ~ 5%		October 2002 ~ 4%		October 2003 ~ 4%		October 2004 ~ 3%	
		Change	Proposed	Change	Proposed	Change	Proposed	Change	Proposed
Per 1000 gallons Water used									
Group 1	\$1.49	+\$0.07	\$1.56	+\$0.06	\$1.62	+\$0.06	\$1.68	+\$0.05	\$1.73
Group 2	\$1.74	+\$0.09	\$1.83	+\$0.07	\$1.90	+\$0.08	\$1.98	+\$0.06	\$2.04
Group 3	\$2.11	+\$0.11	\$2.22	+\$0.09	\$2.31	+\$0.09	\$2.40	+\$0.07	\$2.47
Group 4	\$2.54	+\$0.13	\$2.67	+\$0.11	\$2.78	+\$0.11	\$2.89	+\$0.09	\$2.98
Minimum Commercial Charge for the first 1680 cubic feet of water need:									
Group 1	\$18.76	+\$0.94	\$19.70	+\$0.79	\$20.49	+\$0.82	\$21.31	+\$0.64	\$21.95
Group 2	\$21.62	+\$1.08	\$22.70	+\$0.91	\$23.61	+\$0.94	\$24.55	+\$0.74	\$25.29
Group 3	\$26.50	+\$1.33	\$27.83	+\$1.11	\$28.94	+\$1.16	\$30.10	+\$0.90	\$31.00
Group 4	\$31.79	+\$1.59	\$33.38	+\$1.34	\$34.72	+\$1.39	\$36.11	+\$1.08	\$37.19
Commercial users not connected - Additional monthly charge for health inspections	\$1.60	+\$0.08	\$1.68	+\$0.07	\$1.75	+\$0.07	\$1.82	+\$0.05	\$1.87
<b>Industrial</b>									
Flow - per million gallons of total flow	\$762.74	+\$38.34	\$800.88	+\$32.04	\$832.92	+\$33.32	\$866.24	+\$25.99	\$892.23
Biochemical Oxygen Demand - per 1000# of BOD in excess of 200 mg/l	\$90.21	+\$4.51	\$94.72	+\$3.79	\$98.51	+\$3.94	\$102.45	+\$3.07	\$105.52
Suspended Solids - per 1000# of suspended solids in excess of 200 mg/l	\$83.04	+\$4.15	\$87.19	+\$3.49	\$90.68	+\$3.63	\$94.31	+\$2.83	\$97.14
<b>Schools</b>									
Domestic use per 133.69 cf	0.58	+\$0.03	\$0.61	+\$0.02	\$0.63	+\$0.03	\$0.66	+\$0.02	\$0.68

If you need more information about the sewer rate increase, you may contact the Engineering and Transportation Department at (577) 577-5462. You may also view a detailed report regarding the rate increase in the Engineering and Transportation Department at 1010 Tenth Street, Modesto, California or online at [www.modestogov.com](http://www.modestogov.com).

Affix Stamp  
 Here



**CITY of MODESTO**  
 City Clerk's Office  
 P.O. Box 642  
 Modesto, CA 95353



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-434**

**A RESOLUTION APPROVING THE PROPOSED AMENDMENTS TO THE  
CITY'S DOWN PAYMENT ASSISTANCE PROGRAM**

2003-539

WHEREAS, in 1994, the City began to administer a down payment assistance program (DPAP) to help low and moderate income households purchase a new home in Modesto, and

WHEREAS, the City Council amended the DPAP guidelines in September 1995, January 1997, March 1997, and October 1998, and

WHEREAS, changes to the housing market since the last amendment include increased housing prices and home sizes, and

WHEREAS, local lenders have suggested that the current sales price limits and loan amounts are no longer adequate to help low-income households purchase a home in Modesto, and

WHEREAS, the proposed amendments to the City's Down Payment Assistance Program will enable the program to remain effective in providing home ownership opportunities, and

WHEREAS, the Community Development and Housing Committee met on June 20, 2001, and supported staff's recommended amendments to the DPAP guidelines,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the amendments to the Down Payment Assistance Program as follows:

1. Increase the eligible sales price limit for all homes to an index, such as the median sales price for homes.
2. Increase the maximum loan from \$7,500 to \$25,000.
3. Increase the amortization period from 15 years to 20 years.
4. Require the buyer to put at least 1.5% from his/her funds for the down payment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> of August, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-435**

**A RESOLUTION REVISING 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. 88-338 pursuant to Rule 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 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

**LAW ENFORCEMENT ACADEMY RECRUIT**

To create a non-sworn classification as entry into the law enforcement field for individuals who have no prior experience and no police academy training.

The specifications for the classification of Law Enforcement Academy Recruit (Range 122), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

**POLICE OFFICER TRAINEE**

By adding a non-sworn Law Enforcement Academy Recruit classification, the Police Officer Trainee (Range 304) job requirements need to be adjusted to require completion of a POST-certified basic law enforcement academy at time of appointment. The specifications for the classification of Police Officer Trainee as shown on the attached Exhibit "B", which is hereby

made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after September 4, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## LAW ENFORCEMENT ACADEMY RECRUIT

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.

### DISTINGUISHING CHARACTERISTICS

A **non-sworn** classification structured for incumbents hired for the purpose of becoming sworn police officers, but who have not yet entered or not yet completed the California POST-certified Basic Law Enforcement Academy.

### DEFINITION

To participate in a Peace Officers Standards and Training (POST) – certified Basic Law Enforcement Academy, resulting in graduation and certification, to enable the individual to become a sworn Police Officer Trainee with the City.

### SUPERVISION RECEIVED EXERCISED

Receives general supervision from higher level supervisory and management staff and from training staff at a POST-certified Basic Law Enforcement Academy.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions

Attend classroom activities, participate in both the learning process and in interactions with students and faculty resulting in achieving a passing grade on all classroom requirements.

Complete classroom assignments and projects as required.

Participate in physical activities resulting in achieving a passing grade on the POST physical agility exam.

Participate in firearms course resulting in achieving a qualifying score for firearms qualification under California Penal Code Section 832.

#### Marginal Functions:

Perform related duties as assigned.

## EXHIBIT "A"

QUALIFICATIONS

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (25 wpm).

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Participate in strenuous physical activities including sufficient strength, endurance and body flexibility to accomplish classroom requirements. This includes the ability to lift and carry up to 75 pounds of weight.

Prepare accurate and grammatically correct written reports.

Successful completion of a POST-certified Basic Law Enforcement Academy including classroom instruction, physical agility and use of firearms.

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:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver's license.

**Additional Requirement:**

Minimum of 20 years of age at time of application.

Possession of an appropriate typing certificate at 25 WPM from a recognized agency.

WORKING CONDITIONS

Environmental Conditions:

Classroom and Field environment.

Physical Conditions:

Requires maintaining physical condition necessary for walking or standing for prolonged periods of time and for participating in strenuous physical activity; operating motorized equipment and vehicles.

POLICE OFFICER/POLICE OFFICER TRAINEE

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 law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry level class in the **sworn** Police Officer series. This class is distinguished from the Police Officer by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over 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

Patrol a designated area of the City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

Essential Functions (Continued)

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations.

Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white-collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Essential Functions (Continued)

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

**Police Officer Trainee**

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (25 wpm).

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.

Prepare accurate and grammatically correct written reports.

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:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver's license.

Completion of a P.O.S.T.-certified Basic Law Enforcement Academy at time of final filing.

**Additional Requirement:**

Minimum of 20 years of age at time of application.

**Police Officer**

**In addition to the qualifications for Police Officer Trainee:**

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

Ability to:

Use and care for firearms.

Use maps and learn City geography.

Handle multiple assignments.

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:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

Completion of a California P.O.S.T. certified Basic Law Enforcement Academy.

**Police Officer**

Experience and Training Guidelines

License or Certificate

Possession of an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-436**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ESTABLISH A SALARY RANGE FOR LAW ENFORCEMENT ACADEMY RECRUIT; AND AMENDING EXHIBIT "A" OF RESOLUTION 2000-339 TO REVISE THE CLASS RANGE TABLE FOR GENERAL POLICE CLASSES TO REVISE THE SALARY RANGE OF COMPUTER FORENSICS INVESTIGATOR FROM RANGE 312 TO RANGE 314.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26 AND Exhibit "A" of Resolution No. 2000-339,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective September 4, 2001," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Law Enforcement Academy Recruit (Range 122) to the Class Range Table.

SECTION 2. AMENDMENT TO RESOLUTION 2000-339. Exhibit "A" entitled "City of Modesto Class Range Table General Police Classes Effective July 5, 2000, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Police Classes Effective September 4, 2001," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the salary range for Computer Forensics Investigator from Range 312 to Range 314.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after September 4, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>TH</sup> day of September, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL POLICE CLASSES

Effective **September 4, 2001**

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RANGE	TITLE
304	Police Officer Trainee
305	
306	
307	
308	Police Officer
309	
310	
311	
312	Detective
314	<b>Computer Forensics Investigator</b>

**EXHIBIT "A"**

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES  
Effective, **September 4, 2001**

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RANGE	TITLE
101	Custodian I Maintenance Aide
103	Administrative Clerk I
104	
105	
106	
107	Administrative Clerk II Custodian II
108	
109	Police Clerk
110	Animal Control Officer I Equipment Service Worker I Maintenance Worker I
111	Account Clerk Evidence and Property Specialist
112	
113	Administrative Technician Computer Operator Drafting and Graphics Technician
114	Electrical Technician I Equipment Service Worker II Maintenance Worker II Storeskeeper

**EXHIBIT "A"**

City of Modesto  
 Class Range Table – General Non-Sworn Classes

RANGE	TITLE
115	Accounting Technician Animal Control Officer II Assistant to the Events Coordinator Code Enforcement Officer I Community Service Officer I Planning Technician I Wastewater Treatment Plant Attendant
116	Equipment Operator Fire Prevention Technician I Motor Sweeper Operator Traffic Painter Traffic Sign Worker Traffic Technician Used Oil Coordinator Wastewater Collection System Operator Water Distribution System Operator
117	Electrical Technician II
118	Fleet Procurement Specialist Parking Lot Maintenance Crewleader Parks Crewleader Recreation Coordinator Senior Storeskeeper Tree Trimmer
119	Assistant Buyer Building Maintenance Mechanic Civil Engineering Technician I Code Enforcement Officer II Community Service Officer II Maintenance Mechanic – Parks Maintenance Mechanic – Pumps Planning Technician II Public Information Technician Wastewater Treatment Plant Operator

City of Modesto  
 Class Range Table – General Non-Sworn Classes

RANGE	TITLE
120	Accountant I Assistant Electrician Equipment Mechanic Fire Prevention Technician II Laboratory Analyst I Meter Reader Crewleader Senior Equipment Operator Traffic Painter Crewleader Welder/Fabricator
121	Wastewater Treatment Plant Relief Operator
122	Coach Mechanic Cross Connection Specialist Fire Equipment Mechanic Industrial Waste Inspector I <b>Law Enforcement Academy Recruit</b> Programmer Analyst I Tree Trimmer Crewleader
123	Airport Maintenance Crewleader Civil Engineering Technician II Identification Technician I Maintenance Mechanic Crewleader – Parks
124	Community Development Program Specialist I Equipment Crewleader Equipment Mechanic Crewleader Laboratory Analyst II Maintenance Mechanic Crewleader – Pumps Planning Assistant Plant Mechanic Wastewater Collection System Crewleader
125	Crime Analyst
126	Building Inspector I Coach Mechanic Crewleader Electrician Housing Financial Specialist Housing Rehabilitation Specialist I Industrial Waste Inspector II

City of Modesto  
Class Range Table – General Non-Sworn Classes

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RANGE	TITLE
127	Civil Engineering Assistant Identification Technician II Senior Fire Equipment Mechanic
128	Community Development Program Specialist II Instrument Repair Technician Programmer Analyst II Sr. Wastewater Treatment Plant Operator
129	
130	Building Inspector II Construction Inspector Hazardous Material Program Coordinator Housing Rehabilitation Specialist II Project Coordinator
131	Sr. Civil Engineering Assistant
132	
133	
134	Deputy Fire Marshal Plan Review Engineer Senior Building Inspector Senior Construction Inspector

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-437**

**A RESOLUTION AWARDING THE BIDS FOR ROCK, SAND, AND GRAVEL FOR FY 2002 TO WEST COAST MATERIALS INC., OF OAKDALE, CA. IN THE AMOUNT OF \$177,150.00 AND TO THORNBERRY OF CERES, CA. IN THE AMOUNT OF \$187,818.50 AND AUTHORIZING ISSUANCE OF PURCHASE ORDERS, WITH THE OPTION OF THREE (3) ADDITIONAL, ONE-YEAR EXTENSIONS.**

WHEREAS, the Finance Department has requested the purchase of rock, sand, and gravel for FY 2002, with the option of three (3) additional, one-year extensions, and

WHEREAS, Resolution 2001-390 authorized the solicitation of bids for rock, sand, and gravel for FY 2002 for the Finance Departments-Purchasing Division, with the option of three (3) additional, one-year extensions, and

WHEREAS, the Central Stores Division of the Finance Department is responsible for maintaining inventory for rock, sand, and gravel for use by all City departments for City projects, and

WHEREAS, out of six (6) suppliers solicited, two (2) chose to respond, and West Coast Materials was the lowest responsive and responsible bidder on certain items, with bid amount of \$177,150.00, and Thornberry was the lowest responsive and responsible bidder on certain items, with bid amount of \$187,818.50.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby awards bids to West Coast Materials and Thornberry for rock, sand, and gravel for FY 2002 in total amounts not to exceed \$177,150.00 and \$187,818.50, respectively, both with the option of three (3) additional, one-year extensions.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is authorized to issue purchase orders to West Coast Materials and Thronberry for rock, sand, and gravel for FY 2002, both with the option of three (3) additional, one-year extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of September, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmemeber Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-438**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND  
SUBMIT A GRANT APPLICATION AND STUDY PLAN TO THE STATE  
WATER RESOURCES CONTROL BOARD, AND AUTHORIZING THE CITY  
MANAGER TO NEGOTIATE AND EXECUTE A GRANT CONTRACT ON  
BEHALF OF THE CITY OF MODESTO**

WHEREAS, the Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act (AB 1584) which was approved by voters as Proposition 13, contains a bond law that includes loans and grants for the design of water recycling projects, and

WHEREAS, the City of Modesto's Utility Services and Franchise Committee has directed City Staff to proceed with the application of a planning grant, and

WHEREAS, the State Water Resources Control Board (SWRCB) has placed the City of Modesto's Northern San Joaquin Valley Water Reclamation project as a Category 2 (Early Planning Phases) Project on the Water Recycling Construction Program Priority List, which was adopted by the SWRCB with Resolution No. 2001-003 on January 25, 2001, and

WHEREAS, the City of Modesto has been approved to apply for a planning grant of up to 50% of the planning study costs, not to exceed \$75,000 and submit a detailed Plan of Study for grant approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager or his/her designee is hereby authorized and directed to sign and file, for and on behalf of the City of Modesto, a Water Recycling Facilities Planning Grant Application for a grant from the State Water Resources Control Board in the amount not to exceed \$75,000 for a facilities planning study of the Northern San Joaquin Valley Water Reclamation Plant.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby agrees and further does authorize the aforementioned representative or his/her designee to certify that the agency has and will comply with all applicable state statutory and regulatory requirements related to any state grant funds received.

BE IT FURTHER RESOLVED that the City Manager or his/her designee of the City of Modesto is hereby authorized to negotiate and execute a grant contract and any amendments or change order thereto 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 4<sup>th</sup> day of September 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-439**

**A RESOLUTION RESCINDING RESOLUTION NO. 2000-576 AND  
DIRECTING STAFF TO REVIEW PROPOSALS FROM AMERICAN G.I.  
FORUM, WEST SIDE KING-KENNEDY COLLABORATIVE AND THE  
HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS FOR USE OF  
CITY-OWNED PROPERTY AT 308 RUBERTO IN MODESTO, CALIFORNIA**

WHEREAS, on November 14, 2000, the City Council adopted Resolution No. 2000-576 which authorized the transfer of City-owned property at 308 Ruberto in Modesto to the YMCA for development of a children's program center, forgave a deferred payment loan in the amount of \$45,920.46 and authorized the City Manager to execute the agreement and necessary related documents, and

WHEREAS, the YMCA has been unable to comply with the terms of the agreement, and

WHEREAS, the Citizens Housing and Community Development Committee met on July 27, 2001, and recommended that the City Council rescind Resolution No. 2000-576 and further recommended that staff be directed to review the other three proposals from non-profits that were submitted in response to the City's request for interest and proposed use for the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby rescinds Resolution No. 2000-576.

BE IT FURTHER RESOLVED that staff is directed to review the other three proposals from non-profits that were submitted in response to the City's request for interest and proposed use for the property, and to return to the City Council with a recommended action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-440**

**A RESOLUTION APPROVING AN AGREEMENT WITH NIRVANA SOBER LIVING AND AUTHORIZING THE CITY MANAGER TO SIGN THE LOAN AGREEMENT AND RELATED DOCUMENTS IN THE AMOUNT OF \$79,700 TO ACQUIRE AND REHABILITATE A SINGLE FAMILY DWELLING AT 131 KELLEY STREET IN MODESTO, CALIFORNIA.**

WHEREAS, the City Council at its July 24, 2001, meeting approved Resolution No. 2001-395 allocating fiscal year 2000-2001 HOME funds for Affordable Housing Projects and authorizing the City Manager to execute related documents, and

WHEREAS, the above-referenced allocation included \$79,700 to Nirvana Sober Living to acquire and rehabilitate a single family dwelling at 131 Kelley Street, and

WHEREAS, on May 11, 2001, the Citizens Housing and Community Development Committee was presented with the proposed affordable housing projects, and

WHEREAS on June 22, 2001, the Citizens Housing and Community Development Committee recommended affordable housing projects to submit to the City Council for approval, which included a \$79,700 allocation to Nirvana Sober Living for acquisition and rehabilitation of a single family dwelling at 131 Kelley Street,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Nirvana Sober Living for the City to provide \$79,700 to Nirvana Sober Living to acquire and rehabilitate the single family dwelling at 131 Kelley Street is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement and other related documents by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of September, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahir  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-441**

**A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL FOR  
THE PROJECT TITLED "UPGRADE TRAFFIC SIGNALS – CITY"**

WHEREAS, the bids received for the signals at the intersections of College and Stoddard, 11<sup>th</sup> and J Streets, 10<sup>th</sup> and J Streets, and Miller and El Vista were opened at 11:00 a.m. on August 24, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$245,000 received from Collins Electrical, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$245,000, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of September, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-442**

**A RESOLUTION APPROVING THE PROVISION OF RENTAL ASSISTANCE  
TO UP TO TWELVE OWNER-OCCUPANTS AT PRESCOTT ESTATES**

WHEREAS, due to continuing code violations at Prescott Estates, renting tenants and owner-occupants are being displaced, and

WHEREAS, the City has been providing a Tenant Based Rental Assistance Program (TBRA) with a portion of its Federal HOME entitlement from the Department of Housing and Urban Development to tenants, and

WHEREAS, this program provides up to \$1,200 per eligible household to cover the first month's rent and security deposit at a new rental unit, and

WHEREAS, there are approximately twelve owner-occupied units at Prescott Estates who either do not have the funds to repair their units or they cannot get the cooperation of the other owners in their building, and

WHEREAS, these owner-occupants are not eligible for the TBRA program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of \$14,400 from the General Fund Reserve to be used for owner-occupant assistance at Prescott Estates, subject to the following criteria:

1. Units must be at Prescott Estates, due to the special building code issues existing there. Owner occupants in other areas of the City would not be eligible.
2. Owner occupants must be currently paid up for any dues and assessments owed to the Homeowner's Association.
3. Owner occupants would be subject to the income limitations used in the HOME TBRA program. These guidelines would limit those receiving benefits to the very low-income category.
4. The new rental unit would have to pass a HUD Housing Quality Standards (HQS) review.
5. The amount of assistance provided would be up to \$1,200, for the first month's rent and security deposit. No other form of financial assistance would be provided.
6. If owner-occupants have sold their units or if their units are in escrow, they would not be eligible for rental assistance.

7. An owner who has already moved due to the closure of his building, but has not sold his unit, would also be eligible for rental assistance under this program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of September, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-443**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 GENERAL FUND  
OPERATING BUDGET TO APPROPRIATE \$14,400 FROM 0100-800-8000-8003,  
GENERAL FUND RESERVE TO 0100-320-3201-0191, NEIGHBORHOODS  
ADMINISTRATION, TEMPORARY RELOCATIONS**

WHEREAS, due to continuing code violations at Prescott Estates, renting tenants are being displaced, and

WHEREAS, the City has been providing a Tenant Based Rental Assistance Program (TBRA) with a portion of its Federal HOME entitlement from the Department of Housing and Urban Development, and

WHEREAS, this program provides up to \$1,200 per eligible household to cover the first month's rent and security deposit at a new rental unit, and

WHEREAS, there are approximately twelve owner-occupied units at Prescott Estates who either do not have the funds to repair their units or they cannot get the cooperation of the other owners in their building, and

WHEREAS, these owner-occupants are not eligible for the TBRA program, and

WHEREAS, the City Council desires to provide assistance to these owner-occupants,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 General Fund Operating Budget to appropriate \$14,400 from 0100-800-8000-8003, General Fund Fees Reserve to 0100-320-3201-0491, Neighborhood Administration Tenant Relocations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day September, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-444**

**A RESOLUTION WITHHOLDING \$25,000.00 FROM THE DEVELOPER OF  
THE TOTAL REIMBURSEMENT REQUESTED FOR IMPROVEMENTS AT  
CARVER-BANGS/PELANDALE-SNYDER CFD NO. 1998-2**

WHEREAS, the Community Facilities District Administrator of the City is required to deny reimbursement for facilities provided by developers which are otherwise CFD reimbursable in circumstances where the developer does not enter into a written agreement with the Community Facilities District Administrator prior to construction of the otherwise reimbursable facilities, and

WHEREAS, Redev, Inc., a Buz Carrade entity, did provide certain CFD reimbursable facilities in the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 without first entering into a written agreement with the Community Facilities District Administrator, even though Redev, Inc. had actual knowledge of the legal requirement that it procure a written agreement in the nature of a public works contract from the District Administrator prior to commencement of construction of the subject facilities, and

WHEREAS, it is the view of the City Council that a forfeiture of the entire sum otherwise subject to reimbursement for facilities claimed to have been provided by Redev, Inc. is too harsh, but, some penalty should be imposed in light of the fact that Redev, Inc. did, in fact, provide the facilities without a written agreement.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto determines that the District Administrator's determination, in accordance with law, that Redev, Inc. should receive nothing for the facilities provided by it in the Carver-Bangs/Pelandale-Snyder Community Facilities District is hereby overruled, and Redev, Inc. shall be awarded all reimbursement to which it would have been entitled had it entered into a written agreement with the Community Facilities District Administrators minus a penalty of \$25,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of September, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Serpa, Smith

NOES: Councilmembers: Frohman, Mayor Sabatino

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-445

A RESOLUTION APPROVING THE INTERNAL AUDIT PLAN 2001-2002

WHEREAS, the Council of the City of Modesto did, on March 27, 2001, introduce an ordinance establishing the position of Internal Auditor in the City Clerk & Auditor office, and

WHEREAS, the Council of the City of Modesto did, on April 3, 2001, approve final adoption of said Ordinance 3210-C.S., thereby establishing the position of Internal Auditor in the City Clerk & Auditor office, and

WHEREAS, on July 3, 2001, said Internal Auditor was hired by the City Clerk & Auditor, and

WHEREAS, on August 6, 2001, the Audit Committee considered and recommended the Internal Audit Plan 2001-2002 to the City Council, and

WHEREAS, the Council of the City of Modesto, at its regular scheduled meeting on September 4, 2001, heard the Internal Audit Plan 2001-2002, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that Internal Audit Plan 2001-2002 be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of September, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-446**

**A RESOLUTION REVISING 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. 88-338 pursuant to Rule 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 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Traffic Operations Technician

This classification is being created as a result of the consolidation of three job classifications into one new classification assigned to the Operations and Maintenance Department.

The specifications for the classification of Traffic Operations Technician (Range 116), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Equipment Operator

This classification is being amended as a result of the needs of the position assigned to the Operations and Maintenance Department.

The specifications for the classification of Equipment Operator, as shown on the attached Exhibit "B", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby amended to abolish the following classifications:

- Traffic Painter
- Traffic Sign Worker
- Traffic Technician

Said classifications are being abolished as they will no longer be needed with the adoption of the Traffic Operations Technician classification.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after September 11, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## TRAFFIC OPERATIONS 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 skilled and semi-skilled work in the installation, repair and maintenance of traffic control devices, which includes traffic control signs and pavement markings as well as parking meters, ticket dispensers, and associated equipment.

### SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Provides technical supervision to less experienced maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Maintain and repair traffic control devices and related equipment.

Work as part of a traffic crew involved in the installation and maintenance of traffic pavement markings and traffic control signs.

Install, maintain, and repair traffic control signs and other miscellaneous signs.

Collect parking meter and ticket dispenser money; make bank deposits.

Conduct traffic counts and sign inventory.

Provide traffic controls around work site as needed.

Order and maintain inventory of equipment and parts necessary for job tasks.

Maintain service truck, office and shop area in clean condition.

Train less experienced maintenance staff.

**EXHIBIT "A"**

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Prepare and maintain work records.

Use and operate hand tools, power tools, sprayers, compressors, striping machines, and other related equipment.

Conduct night inspections of traffic signs and pavement markings to check reflectance of the traffic control devices.

MARGINAL FUNCTION STATEMENTS:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Traffic controls

Tools, materials, and equipment used in light construction or maintenance work.

Use of traffic counters.

Parking meters and ticket dispenser mechanisms.

Basic mathematical principles.

Safe work practices.

Basic mechanics and electronics.

Ability to:

Perform semi-skilled maintenance and repair on parking meters, ticket dispensers and traffic counters.

Operate assigned equipment.

Read and interpret work plans and blue prints.

Wear a respirator while painting.

Work independently in the absence of supervision.

QUALIFICATIONS

Ability to (Continued)

Evaluate problems and take corrective action.

Prepare and maintain records.

Perform heavy manual labor, including but not limited to lifting and carrying up to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Work safely in confined areas and in heavy traffic areas.

Make accurate arithmetic computations.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Work irregular shifts as required for successful job completion.

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:

One year of responsible maintenance or construction experience.

Training:

Completion of formal or informal education or training at a level which provides the ability to read and write at a level required by the job.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California Driver's license.

WORKING CONDITIONS

Environmental Conditions:

Field environment, travel from site to site, exposure to inclement weather conditions.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or moving for prolonged periods of time; operating motorized equipment and vehicles for an entire work shift.

## EQUIPMENT OPERATOR

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 operate construction, maintenance and transportation equipment in a variety of maintenance activities including refuse collection, street repair, water and wastewater maintenance and related operations according to required standards; and to perform semi-skilled and skilled maintenance tasks.

### SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

May exercise functional and technical supervision over lower level maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Drive and operate construction equipment on routine assignments, including dump trucks, packer trucks, equipment trailers, tractors, vactors, rodders and loaders.

Load and transport heavy construction equipment to and from the work site using a large dump truck and trailer.

Identify equipment needs for each assigned project.

Pick up and transport refuse to the appropriate dumping site.

Operate jackhammer and other construction tools.

Perform minor repairs on equipment and report the need for major repairs; check and adjust fluid level; grease and lubricate moving parts as required.

**EXHIBIT "B"**

Perform additional construction and maintenance tasks such as concrete work, truck driving, asphalt spreading, jackhammering and a variety of repair activities when equipment is not in use.

Provide training to lower level staff in the operation of equipment.

Install traffic cones and barricades as necessary.

Clean and care for tools and equipment.

Perform on-call duties as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Operation and maintenance requirements of trucks and less complex power-driven equipment.

Practices, methods, and materials used in construction, maintenance, and sanitation work.

Traffic laws, ordinances, and rules involved in truck and equipment operations.

Safe work practices; working in and around open trenches.

Traffic control on construction sites.

Concrete tools and finishing.

Ability to:

Operate a variety of less complex-driven equipment.

Attach auxiliary pieces of equipment to power-driven equipment.

Locate utilities and understand Underground Service Alert (USA) procedures.

Perform a variety of semi-skilled and skilled construction maintenance tasks.

Perform heavy manual labor, including, but not limited to, lifting and carrying 50 to 100 pounds of weight, climbing, bending, stooping, etc.

Understand and follow oral and written instructions.

Work independently or in a crew situation, as assigned.

Work in confined work spaces and follow confined space entry procedures.

Handle contaminated materials and equipment.

Establish and maintain cooperative 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:

Two years of increasingly responsible experience performing maintenance work involving the operation of light and medium size equipment.

##### Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

##### License or Certificate:

Possession of a valid class B California Driver's License is required within 45 days of appointment.

#### WORKING CONDITIONS

##### Environmental Conditions:

Field environment; travel from site to site; exposure to inclement weather conditions.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or moving for prolonged periods of time; operating motorized equipment and vehicles for an entire work shift.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-447**

**RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26  
TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN  
CLASSES TO ESTABLISH A SALARY RANGE FOR THE  
CLASSIFICATION OF TRAFFIC OPERATIONS TECHNICIAN AND TO  
ABOLISH THE SALARY RANGE FOR THE CLASSIFICATIONS OF  
TRAFFIC PAINTER, TRAFFIC SIGN WORKER AND TRAFFIC  
TECHNICIAN**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26,  
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as  
follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled  
"City of Modesto Class Range Table General Non-Sworn Classes Effective January 10,  
1995," is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto  
Class Range Table General Non-Sworn Classes Effective September 11, 2001," which is  
attached hereto and made a part hereof as though set forth in full herein. Said amended  
Exhibit "A" adds Traffic Operations Technician (Range 116) to the Class Range Table and  
abolishes the Salary Ranges for Traffic Painter, Traffic Sign Worker and Traffic  
Technician (Range 116).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and  
after September 11, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES  
Effective **September 11, 2001**

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RANGE	TITLE
101	Custodian I Maintenance Aide
103	Administrative Clerk I
104	
105	
106	
107	Administrative Clerk II Custodian II
108	
109	Police Clerk
110	Animal Control Officer I Equipment Service Worker I Maintenance Worker I
111	Account Clerk Evidence and Property Specialist
112	
113	Administrative Technician Computer Operator Drafting and Graphics Technician
114	Electrical Technician I Equipment Service Worker II Maintenance Worker II Storeskeeper

**EXHIBIT "A"**

City of Modesto  
 Class Range Table – General Non-Sworn Classes

RANGE	TITLE
115	Accounting Technician Animal Control Officer II Assistant to the Events Coordinator Code Enforcement Officer I Community Service Officer I Planning Technician I Wastewater Treatment Plant Attendant
116	Equipment Operator Fire Prevention Technician I Motor Sweeper Operator <b>Traffic Operations Technician</b> Used Oil Coordinator Wastewater Collection System Operator Water Distribution System Operator
117	Electrical Technician II
118	Fleet Procurement Specialist Parking Lot Maintenance Crewleader Parks Crewleader Recreation Coordinator Senior Storeskeeper Tree Trimmer
119	Assistant Buyer Building Maintenance Mechanic Civil Engineering Technician I Code Enforcement Officer II Community Service Officer II Maintenance Mechanic – Parks Maintenance Mechanic – Pumps Planning Technician II Public Information Technician Wastewater Treatment Plant Operator

City of Modesto  
 Class Range Table – General Non-Sworn Classes

RANGE	TITLE
120	Accountant I Assistant Electrician Equipment Mechanic Fire Prevention Technician II Laboratory Analyst I Meter Reader Crewleader Senior Equipment Operator Traffic Painter Crewleader Welder/Fabricator
121	Wastewater Treatment Plant Relief Operator
122	Coach Mechanic Cross Connection Specialist Fire Equipment Mechanic Industrial Waste Inspector I Law Enforcement Academy Recruit Programmer Analyst I Tree Trimmer Crewleader
123	Civil Engineering Technician II Identification Technician I Maintenance Mechanic Crewleader – Parks
124	Community Development Program Specialist I Equipment Crewleader Equipment Mechanic Crewleader Laboratory Analyst II Maintenance Mechanic Crewleader – Pumps Planning Assistant Plant Mechanic Wastewater Collection System Crewleader
125	Crime Analyst
126	Building Inspector I Coach Mechanic Crewleader Electrician Housing Financial Specialist Housing Rehabilitation Specialist I Industrial Waste Inspector II

City of Modesto  
Class Range Table – General Non-Sworn Classes

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RANGE	TITLE
127	Civil Engineering Assistant Identification Technician II Senior Fire Equipment Mechanic
128	Community Development Program Specialist II Instrument Repair Technician Programmer Analyst II Sr. Wastewater Treatment Plant Operator
129	
130	Building Inspector II Construction Inspector Hazardous Material Program Coordinator Housing Rehabilitation Specialist II Project Coordinator
131	Sr. Civil Engineering Assistant
132	
133	
134	Deputy Fire Marshal Plan Review Engineer Senior Building Inspector Senior Construction Inspector

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-448**

**A RESOLUTION REVISING 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. 88-338 pursuant to Rule 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 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

**Communications Specialist**

As a result of a job audit completed for the Public Information Technician position assigned to the City Manager's Department.

The specifications for the classification of Communications Specialist, as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 11, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, City Attorney

## COMMUNICATIONS SPECIALIST

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

Under direction from the City Manager, to plan, develop, organize and implement external and internal information and education programs and to establish goals and objectives in connection with implementing those programs as identified in the City's Strategic Plan.

### SUPERVISION RECEIVED AND EXERCISED

Receives general direction from a Deputy City Manager.

May exercise functional supervision over technical and clerical staff and provide oversight for professional services contracts.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Determine the need for citywide public information and educational activities and manage these programs by working with designated Public Information Technicians in the organization.

Advise personnel on department activities and matters pertaining to public relations.

Represent the City at various industry, government, business, community and educational functions; make public presentations regarding the City to various groups; work with community groups and organizations on issues of mutual concern.

Develop and maintain regular contacts through radio, television and the print media, including regular briefings with reporters and editorial staff to encourage

Essential Functions, Continued:

and assist reporters in the development of special features and in the dissemination of City information.

Work with Public Information Technicians to develop materials to be presented in press announcements including writing news releases, public service announcements, and feature stories on various City programs and services; develop monthly utility bill insert and annual report.

Plan and coordinate radio and television appearances for City Council and City staff and assist in preparing materials for their use; develop and host cable television productions.

Manage division budget to include developing timeframes and budget requirements for publications and events.

Solicit bids and recommend vendors; recommend design, color, graphics and appropriate media in accordance with budget constraints.

Meet regularly with department directors to understand their communication and community outreach needs and help to develop strategies to meet their goals.

Assist other departments and City staff in the development of publications, promotional material and oral presentations as requested; assist in the planning and presentation of classes relating to communications, public contact and City image.

Organize, coordinate and manage events and community activities including ribbon cuttings, grand openings, City Council open houses, receptions, tours, etc.

Provide content management of the City's Internet Website working with department liaisons in keeping the site current.

Manage the City's Public-Education-Government contract as part of the Cable Franchise Agreement.

Attend various City Council, commission, board, and other governmental meetings; prepare and present agenda items to the City Council; act as staff liaison to boards, commissions and committees.

QUALIFICATIONS

Knowledge Of:

City programs, policies and procedures

Various software programs including the ability to use Windows, Word, desktop publishing programs and data base development.

Public information, marketing and community relations program development and implementation.

Effective methods of preparation and presentation of facts and information for and to the public and media, including formatting of materials for publications and news releases.

Pertinent Federal, state and local laws, codes and regulations.

Journalism practices; layout and design concepts for publications; photographic techniques.

State and City regulations relating to information releasability and public records.

Principles and practices of budget preparation and monitoring.

Ability to:

Exercise independent judgment in identifying and responding to public and City Council issues and concerns; handle difficult situations with tact and diplomacy.

Articulate concepts verbally and in writing in clear, concise and accurate language.

Analyze and interpret public opinion and make decisions and recommendations based upon the conclusions.

Research, analyze, organize, write, edit, design and photograph.

QUALIFICATIONS:

Ability to, continued:

Establish and maintain relationships with community organizations, agencies, business and professional associations, services clubs, the media and coworkers demonstrating teamwork and cooperation.

Identify non-traditional marketing opportunities through new partnerships and associations.

Select or create graphic illustrations.

Interpret and apply Federal, state and local policies, procedures, laws and regulations.

Prepare and administer the public information budget.

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 experience in public information, communications, public relations, graphics, or journalism.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in public relations, communications, journalism, marketing, multi-media or a related field.

License or Certificate:

Possession of an appropriate, valid California Driver's License.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and travel from site to site.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-449**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270  
TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND  
CONFIDENTIAL NON-SWORN CLASSES TO ADD THE CLASSIFICATION  
OF COMMUNICATIONS SPECIALIST.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270,  
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as  
follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled  
"City of Modesto Class Range Table Management And Confidential Non-Sworn Classes  
Effective June 19,2001", is hereby amended as shown on the amended Exhibit "A" entitled  
"City of Modesto Class Range Table Management and Confidential Non-Sworn Classes  
Effective September 11, 2001", which is attached hereto and made a part hereof as though set  
forth in full herein. Said amended Exhibit "A" adds Communications Specialist (Range 432) to  
the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after  
September 11, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

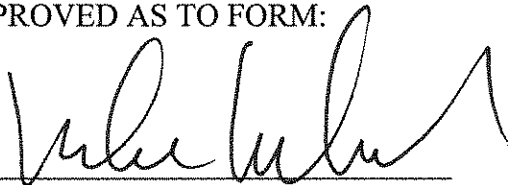
NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
 Effective **September 11, 2001**

RANGE	TITLE
407	Administrative Clerk II (Confidential)
408	
409	Police Clerk (Confidential)
410	
411	
412	
413	Administrative Technician (Confidential) Senior Personnel Clerk
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I
421	
422	Office Supervisor

RANGE	TITLE
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Assistant Risk Manager Personnel Analyst Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst

RANGE	TITLE
432	<b>Communications Specialist</b> Industrial Waste Supervisor Neighborhood Preservation Supervisor Operations and Maintenance Supervisor Plant Maintenance Supervisor Recreation Supervisor II Secondary Treatment Facilities Supervisor Senior Accountant Water Quality Control Operations Supervisor Youth Program Supervisor
433	Organizational Development Specialist
434	Arborist Assistant Civil Engineer Assistant Traffic Engineer Electrical Supervisor Events Supervisor II Geographic Information Systems Coordinator Operations Supervisor SCADA Supervisor Senior Housing Rehabilitation Specialist Senior Programmer Analyst
435	Business Analyst Cultural Services Manager Integrated Waste Specialist Management Analyst Senior Personnel Analyst
436	Senior Planner
437	Deputy City Attorney I

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RANGE	TITLE
438	Budget Officer Communications and Marketing Manager Development and Operations Coordinator Financial/Investment Officer Housing Program Supervisor Land Surveyor Property Agent Purchasing Supervisor Systems Engineer Transportation Planner
439	Administrative Services Officer
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Assistant Personnel Director Building Maintenance Superintendent Deputy City Attorney II Fire Marshal Fleet Manager Golf Services Manager Parks Operations Superintendent Parks Planning and Development Manager Police Records Manager Recreation Superintendent Risk Manager Solid Waste Program Manager Streets Engineer Transit Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent

City of Modesto  
 Class Range Table – Management and Confidential Non-Sworn Classes  
 Page 12

RANGE	TITLE
442	Customer Services Division Manager Information Services Manager Manager of Budget and Financial Analysis Supervising Building Inspector Supervising Construction Inspector
443	Deputy Chief Building Official Senior Deputy City Attorney I
444	Business Development Manager General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director -- Engineering and Transportation Deputy Director – Recreation and Neighborhoods
453	
455	Assistant City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-450**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
GRANT CONTRACT WITH THE CALIFORNIA GOVERNOR'S OFFICE OF  
CRIMINAL JUSTICE PLANNING FOR THE "MODESTO PROJECT TO  
ENHANCE THE IDENTIFICATION, APPREHENSION AND PROSECUTION  
OF CAREER CRIMINALS"**

WHEREAS, the City of Modesto Police Department's grant application, "The Modesto Project to Enhance the Identification, Apprehension and Prosecution of Career Criminals" was selected in a competitive solicitation for Career Criminal Apprehension State-of-the-Art Proposals by the California Governor's Office of Criminal Justice Planning, and

WHEREAS, the grant project will enhance police operations in apprehending career criminals by providing advanced technological equipment to assist the operations of the Modesto Narcotics Enforcement Team (MNET), Street Terrorism Apprehension Team (STAT) and the four area command Tactical Patrol Units (TPU's), and

WHEREAS, The Modesto Project to Enhance the ID, Apprehension and Prosecution of Career Criminals is a 12-month, match-free program that will provide the Police Department with \$97, 516 of highly specialized equipment for the apprehension of career criminals and allow for the Police Crime Analysis Unit to provide sworn personnel more complete and precise information regarding parolees, and

WHEREAS, acceptance of this grant enhances two Healthy and Safe Strategic Action Plan actions, H.I.B.11., "Obtain public service grants" and H.II.K.1.e., "Perform crime analysis by crime type and evaluate clearance rates, convictions, arrests and costs," and

WHEREAS, the Public Safety Committee, at its meeting of August 2, 2001, unanimously recommended acceptance of the contract to provide this grant program and these match-free funds from the State of California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a grant contract in the amount of \$97,516 with the California Governor's Office of Criminal Justice Planning for "The Modesto Project to Enhance the Identification, Apprehension and Prosecution of Career Criminals."

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said grant contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11 day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2001-451**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001/02 ANNUAL BUDGET  
ESTIMATING REVENUE AND APPROPRIATING FUNDS**

WHEREAS, the Police Department acquired a grant award from the State of California, Governor's Office of Criminal Justice Planning in the sum of \$97,516, and

WHEREAS, there is no match requirement for the grant project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2001/02 Annual Budget is hereby amended as indicated below:

Expense:

To: 0410-190-2981-5000                      \$97,516                      Career Criminal Grant

Revenue:

From: 0410-190-2981-3178                      \$97,516                      Career Criminal Grant

BE IT FURTHER RESOLVED that the Finance Director 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 11<sup>th</sup> day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:                      Councilmembers:      Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES:                      Councilmembers:      None

ABSENT:                      Councilmembers:      Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-452**

**A RESOLUTION APPROVING THE FINAL MAP OF SUNDANCE LAKE UNIT  
NO. 1 SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, SUNDANCE LAKE MODESTO, LLC, a Delaware Limited Liability Company, and JOSEPH DARWIN COLBY, Trustee of the JOSEPH DARWIN COLBY TRUST dated April 1, 1994, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 25.07 acres, known as Sundance Lake No. 1 in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 18<sup>th</sup> day of December, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUNDANCE LAKE UNIT NO. 1 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None


ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By:   
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-453**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO  
RECOGNIZE ADDITIONAL REVENUE FROM THE SEWER FUND RESERVE  
TO FUND THE LEGAL SERVICES OF DAVIDOVITZ & BENNETT FOR  
DEFENSE OF CLAIMS FILED BY MAULDIN-DORFMEIER CONSTRUCTION,  
INC. FOR CONSTRUCTION OF THE PARALLEL OUTFALL PHASE III AND  
COFFEE ROAD AND CLARATINA AVENUE SANITARY SEWER SUBTRUNK  
AND SEWER LIFT STATION – NORTH BEYER PARK NEIGHBORHOOD  
PROJECTS**

WHEREAS, on August 12, 1997, the City Council awarded a \$3,667,505.00 contract to Mauldin-Dorfmeier Construction, Inc. for the project entitled “Parallel Outfall Phase III”, and

WHEREAS, the Contractor filed a claim in the amount of \$575,000.00 for additional construction costs related to the removal of groundwater, soil stabilization, delays and damages for the Hackett Road tie-in, and

WHEREAS, on June 6, 2000, City Council accepted the improvements entitled “Parallel Outfall Phase III”, and

WHEREAS, on August 12, 1997, the City Council awarded a \$794,082.00 contract to Mauldin-Dorfmeier Construction, Inc. for the project entitled “Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station – North Beyer Park Neighborhood” and

WHEREAS, the Contractor filed a claim in the amount of \$63,000.00 for additional construction costs related to the removal of groundwater, delays, modifications to the plans and bypass pumping, and

WHEREAS, on June 6, 2000, City Council accepted the improvements entitled “Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station – North Beyer Park Neighborhood, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the “Parallel Outfall Phase III” project to increase the amount of revenue in the amount of \$82,200 transferred from Sewer Fund Reserves and to increase the budgeted amount for construction by \$82,200 and

an amendment to the current capital improvement budget for the "Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station, North Beyer Neighborhood" project to increase the amount of revenue in the amount of \$17,800.00 transferred from Sewer Funds Reserves and to increase the budgeted amount for construction by \$17,800.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-454**

**A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR QUALIFICATIONS AND REQUEST FOR PROPOSAL FOR A STORM DRAIN MASTER PLAN FOR THE EXISTING DEVELOPED AREA OF THE CITY OF MODESTO**

WHEREAS, staff has completed the Stormwater Master Plan for Selected Comprehensive Planning Districts , and

WHEREAS, several areas within the existing portions of Modesto experience flooding during large storm events, and

WHEREAS, staff has not had the time or staff available to study the existing storm drainage problems

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to proceed with a Request for Qualifications and a Request for Proposal for a Storm Drain Master Plan of the Existing Developed Area 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 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-455**

**A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5)  
AFFIRMATIVE VOTES AND AUTHORIZING THE PURCHASING SUPERVISOR  
TO PURCHASE A USED ASPHALT MILLING MACHINE AND TRAILER FOR AN  
AMOUNT NOT TO EXCEED \$260,000.00.**

WHEREAS, the City's Street Division currently uses a rented asphalt milling machine when available for its street repair projects, and

WHEREAS, the asphalt milling machine and transport equipment is rented at the rate of \$300.00 per hour, averaging \$15,000 per month when the machine is available, and

WHEREAS, the Operations and Maintenance Department has requested the purchase of a used asphalt milling machine and trailer due to limited availability of the rental unit, and a concern about citizen safety and inconvenience, and

WHEREAS, the Purchasing Supervisor will purchase the used asphalt milling machine and trailer when one becomes available, and

WHEREAS, funds are available in the Franchise Fee revenue account 0100-480-4612-1307 per Council Resolution No. 2001-280,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the formal bid procedures for the purchase of a used asphalt milling machine and trailer are hereby waived and

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to purchase a used asphalt milling machine and trailer, when one becomes available, in a cumulative amount not to exceed \$260,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-456**

**A RESOLUTION AMENDING THE BUDGET BY \$214,000.00 TO FUND THE  
PURCHASE OF A USED ASPHALT MILLING MACHINE AND TRAILER.**

WHEREAS, the City desires to fund the purchase of a used asphalt milling machine and trailer, and

WHEREAS, funds are available in Franchise Fee revenue account 0100-480-4612-1307 for said purchase,

NOW THEREFORE BE IT RESOLVED that the budget is hereby amended to increase expense account 7210-480-5814-5756 Street Grinder, by \$214,000.00, said increased funds coming from revenue account 0100-480-4612-1307, Franchise Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None


ABSENT: Councilmembers: Conrad

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-457**

**A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5) AFFIRMATIVE VOTES AND AUTHORIZING THE PURCHASE OF LANDSCAPE MAINTENANCE SERVICES FOR FIVE (5) PARK SITES FROM GROVER LANDSCAPING SERVICES FOR A COST FOR THE REMAINDER OF FY 2002 OF \$48,735.00 AND A TOTAL CONTRACT PRICE OF \$113,715.00.**

WHEREAS, the Operations and Maintenance Department is currently maintaining the five (5) parks sites, and

WHEREAS, there is an existing price agreement which was approved by Council Resolution No. 99-493, and

WHEREAS, Grover Landscaping Services has quoted the same rate on a per acre basis as the original price agreement for the additional park sites.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of landscape services for the five (5) park sites are hereby waived.

BE IT FURTHER RESOLVED that the purchase of the landscape services for the five (5) park sites in an amount not to exceed \$48,735.00 for Fiscal Year 2002 and a total contract price not to exceed \$113,715.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM  
By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-458**

**A RESOLUTION DECLARING UNIVERSAL BUILDING SERVICES LOWEST  
RESPONSIVE AND RESPONSIBLE BIDDER FOR SCHEDULED JANITORIAL  
SERVICES AT MODESTO CENTRE PLAZA AND AUTHORIZING THE  
AWARD OF THOSE SERVICES.**

WHEREAS, bids were solicited from twenty (20) vendors for janitorial services for the Modesto Centre Plaza, and said bid was formally advertised, and

WHEREAS, the three (3) bids received for the janitorial services were opened at 11:00 am on June 5, 2001, and later evaluated by the Finance Director for the consideration of the Council, and

WHEREAS, said three year bid amount is \$59,040.00, and

WHEREAS, the Finance Director has recommended that the bid of Universal Building Services in the amount of \$59,040.00, be accepted,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of Universal Building Services in the amount of \$59,040.00 be accepted, and the preparation of a formal price agreement by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-459**

**A RESOLUTION DECLARING AMERICAN BUILDING MAINTENANCE  
LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR EVENT CLEAN  
UP JANITORIAL SERVICES AT MODESTO CENTRE PLAZA AND  
AUTHORIZING THE AWARD OF THOSE SERVICES.**

WHEREAS, bids were solicited from twenty (20) vendors for janitorial services for the Modesto Centre Plaza, and said bid was formally advertised, and

WHEREAS, the three (3) bids received for the janitorial services were opened at 11:00 am on June 5, 2001, and later evaluated by the Finance Director for the consideration of the Council, and

WHEREAS, said three-year bid amount is \$176,043.00, and

WHEREAS, the Finance Director has recommended that the bid of American Building Maintenance in the amount of \$176,043.00, be accepted,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of American Building Maintenance in the amount of \$176,043.00 be accepted, and the preparation of a formal price agreement by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-460**

**A RESOLUTION AUTHORIZING CALL FOR BIDS FOR VALVES AND  
HYDRANTS**

WHEREAS, the Finance Department - Central Stores Division and the Operations and Maintenance Department - Water Division has requested the purchase of valves and hydrants, and

WHEREAS, by soliciting formal bids, the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the furnishing of valves and hydrants to be opened in the office of the City Clerk, 1010 10<sup>th</sup> Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

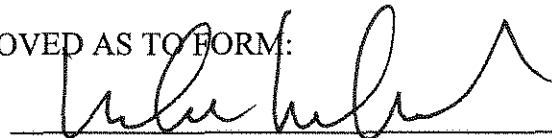
ABSENT: Councilmembers: Conrad

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
\_\_\_\_\_  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-461**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT PLAN BUDGET TO APPROPRIATE \$312,940 FROM 1350-800-8000-8003, PARKS CFF RESERVE, TO REALLOCATE \$200,000 FROM 1350-310-M175-6030, FRAZINE NEIGHBORHOOD PARK ACQUISITION AND DEVELOPMENT, TO REALLOCATE \$36,854 FROM 135-310-P950-6030, NORTHEAST MCHENRY NEIGHBORHOOD PARK ACQUISITION, AND TO REALLOCATE \$274,206 FROM 135-310-K055-6030, ACQUISITION, TO 1350-310-L002-6000, NORTHEAST MCHENRY NEIGHBORHOOD PARK ACQUISITION TO PROVIDE FUNDING FOR ACQUISITION OF THE COFFEE/CLARANTINA NEIGHBORHOOD PARK SITE.**

WHEREAS, the Parks, Recreation and Neighborhoods Department is given the charge of acquiring and developing parks in the Modesto Urban Area General Plan (the plan) and in the Specific Plan for Coffee/Clarantina, and

WHEREAS, the plan calls for the development of a new neighborhood park in the Coffee/Clarantina Specific Plan, and in order to fulfill this charge it is necessary to acquire 7.89 acres of land, and

WHEREAS, staff has identified property as meeting the criteria of the plan, and

WHEREAS, the cost of acquisition is \$1,147,000.00, and

WHEREAS, funds are included in the Capital Improvement Plan, in Fund 1350, Parks Capital Facilities Fees Fund and,

WHEREAS, funds for Fiscal Year 2001-02 are partially included in project 1350-310-L002, Northeast McHenry Neighborhood Park Acquisition, and

WHEREAS, an additional \$824,000 is needed for the project for Fiscal Year 2001-02,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the fiscal year 2001-02 Capital Improvement Plan budget to appropriate \$312,940 from 1350-800-8000-8003, Parks CFF Reserve, to reallocate \$200,000 from 1350-310-M175-6030, Frazine Neighborhood Park Acquisition and Development, to reallocate \$36,854 from 135-310-P950-6030, Northeast McHenry Neighborhood Park Acquisition, and to reallocate \$274,206 from 135-310-K055-6030, Acquisition, to 1350-310-L002-6000, Northeast McHenry Neighborhood Park Acquisition to provide funding for acquisition of the Coffee/Clarantina Neighborhood Park Site.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**Modesto City Council  
Resolution 2001-462**

**Was Not Used**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-463**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270  
TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND  
CONFIDENTIAL NON-SWORN CLASSES TO AMEND THE SALARY FOR  
DEPUTY CHIEF BUILDING OFFICIAL.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270,  
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as  
follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled  
"City of Modesto Class Range Table Management And Confidential Non-Sworn Classes  
Effective June 19,2001," is hereby amended as shown on the amended Exhibit "A" entitled  
"City of Modesto Class Range Table Management and Confidential Non-Sworn Classes  
Effective September 18, 2001," which is attached hereto and made a part hereof as though set  
forth in full herein. Said amended Exhibit "A" revises the salary range for Deputy Chief  
Building Official from Range 443 to Range 444.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after  
September 18, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 18th day of September, 2001, by Councilmember Frohman, who moved  
its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
 Effective **September 18, 2001**

RANGE	TITLE
407	Administrative Clerk II (Confidential)
408	
409	Police Clerk (Confidential)
410	
411	
412	
413	Administrative Technician (Confidential) Senior Personnel Clerk
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I
421	
422	Office Supervisor

**EXHIBIT "A"**

City of Modesto  
 Class Range Table – Management and Confidential Non-Sworn Classes  
 Page 4

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RANGE	TITLE
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Assistant Risk Manager Personnel Analyst Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst

RANGE	TITLE
432	Communications Specialist Industrial Waste Supervisor Neighborhood Preservation Supervisor Operations and Maintenance Supervisor Plant Maintenance Supervisor Recreation Supervisor II Secondary Treatment Facilities Supervisor Senior Accountant Water Quality Control Operations Supervisor Youth Program Supervisor
433	Organizational Development Specialist
434	Arborist Assistant Civil Engineer Assistant Traffic Engineer Electrical Supervisor Events Supervisor II Geographic Information Systems Coordinator Operations Supervisor SCADA Supervisor Senior Housing Rehabilitation Specialist Senior Programmer Analyst
435	Business Analyst Cultural Services Manager Integrated Waste Specialist Management Analyst Senior Personnel Analyst
436	Senior Planner
437	Deputy City Attorney I

RANGE	TITLE
438	Budget Officer Communications and Marketing Manager Development and Operations Coordinator Financial/Investment Officer Housing Program Supervisor Land Surveyor Property Agent Purchasing Supervisor Systems Engineer Transportation Planner
439	Administrative Services Officer
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Assistant Personnel Director Building Maintenance Superintendent Deputy City Attorney II Fire Marshal Fleet Manager Golf Services Manager Parks Operations Superintendent Parks Planning and Development Manager Police Records Manager Recreation Superintendent Risk Manager Solid Waste Program Manager Streets Engineer Transit Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent

City of Modesto  
Class Range Table – Management and Confidential Non-Sworn Classes  
Page 7

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RANGE	TITLE
442	Customer Services Division Manager Information Services Manager Manager of Budget and Financial Analysis Supervising Building Inspector Supervising Construction Inspector
443	Senior Deputy City Attorney I
444	Business Development Manager <b>Deputy Chief Building Official</b> General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Engineering and Transportation Deputy Director – Recreation and Neighborhoods
453	
455	Assistant City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-464**

**A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST  
FOR QUALIFICATIONS AND REQUEST FOR PROPOSALS FOR A  
HYDRAULIC MODEL OF THE CITY OF MODESTO'S WATER  
DISTRIBUTION SYSTEM.**

WHEREAS, the City of Modesto's water demand has increased as a result of the tremendous population growth experienced over the last few years, and

WHEREAS, due to the City's expansion, it is unknown what affects the new water line connections to the water mains have on the existing water distribution system, and

WHEREAS, the last hydraulic model of the water distribution system was done prior to the City of Modesto's acquisition of the Del Este Water Company in 1995, and

WHEREAS, since the acquisition of the former Del Este Water Company, the City's Operations & Maintenance Department has discovered some problems within the current distribution system after connecting the two systems together, and

WHEREAS, in order to continue to provide quality water service for all current needs and for future economic growth, and before any major improvements can be made to the water distribution system, an updated hydraulic model is necessary to determine and make any improvements to the critical areas of the system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to proceed with a Request for Qualifications and a Request for Proposals for a Hydraulic Model of the of the City of Modesto's Water Distribution System.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18<sup>th</sup> day of September 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-465**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS  
TO THE SERVICE AGREEMENTS WITH BERTOLOTTI DISPOSAL, INC.  
FOR THE COLLECTION OF SOLID WASTE, INCLUDING GARBAGE,  
INDUSTRIAL GARBAGE, CONTAINERIZED GREEN WASTE,  
COMMINGLED GARBAGE/RECYCLABLES, RECYCLABLE  
MATERIALS, AND SALVAGEABLE WASTE.**

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1990 ("AB 939"), has declared that it is within the public interest to authorize and require local agencies to make adequate provisions for handling solid waste, including garbage, garbage/recyclables, recyclables, yard waste, industrial garbage, and salvageable waste handling within their jurisdictions, and

WHEREAS, pursuant to California Public Resources Code Section 40059, the City Council of the City of Modesto has determined that the public health, safety, and well-being require that Service Agreements be executed with a qualified firm for the collection, transport, recycling, and disposal of solid waste, including garbage, garbage/recyclables, recyclables, containerized yard waste, industrial garbage, and salvageable waste in residential, commercial, and industrial areas and construction/demolition sites in the CITY, and

WHEREAS, at a duly noticed public hearing conducted on January 23, 2001, the Council adopted a resolution authorizing negotiations with the Bertolotti Disposal, Inc. of a new Service Agreement, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the attached Service Agreement with Bertolotti Disposal, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18<sup>th</sup> day of July, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-466**

**A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND BURT WAYNE VAN DYKE FOR THE LEASE OF 660 EL VISTA AVENUE, A CITY-OWNED PROPERTY.**

WHEREAS, the City of Modesto is the owner of property located at 660 El Vista Avenue within the city limits of Modesto, and

WHEREAS, the prior tenants of said property have terminated their lease agreement and the property is now vacant, and

WHEREAS, City of Modesto has an interest in maintaining beneficial use of this property through a lease agreement, and

WHEREAS, the City staff has completed the standard process for reviewing rental applications, which includes advertisement, application review, and credit/reference checks and recommends that the City enter into a lease agreement with Mr. Van Dyke,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Burt Wayne Van Dyke for the lease of City-owned property at 660 El Vista Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18<sup>th</sup> day of September, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-467**

**A RESOLUTION SETTING A PUBLIC HEARING TO BE HELD ON  
OCTOBER 9, 2001, WITH THE INTENT OF ESTABLISHING A  
BATTERY BACK-UP SYSTEM EQUIPMENT DONATION FRANCHISE  
WITH SAFER INTERSECTIONS.**

WHEREAS, on June 5, 2001, the Modesto City Council approved \$200,000 for the installation of battery back-up systems at 15 intersections throughout the City, and

WHEREAS, Safer Intersections proposed the establishment of a Battery Back-up System Equipment Donation Program to install battery back-up systems at all intersections controlled by Traffic signals, and

WHEREAS, on July 3, 2001, the City Council acknowledged support of the Safer Intersection Battery Back-up System Program, and

WHEREAS, on August 16, 2001, the Transportation Policy Committee unanimously approved the establishment of a franchise with Safer Intersections, and

WHEREAS, on September 18, 2001, the City Council considered City staff's recommendation of setting a public hearing to be held on October 9, 2001, to consider establishing a Battery Back-up System Equipment Donation franchise with Safer Intersections,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuesday, October 9, 2001, at 5:15 pm, located in the Chambers at 1010 Tenth Street, Modesto, California, is hereby set as the date, time and place for a public hearing to be held to consider the Adoption of a Battery Back-up System Equipment Donation franchise with Safer Intersections. The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18<sup>th</sup> day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-468**

**A RESOLUTION SETTING A PUBLIC HEARING TO BE HELD NOVEMBER 27, 2001, WITH THE INTENT TO CONSIDER THE ADOPTION OF PROPOSED STORM DRAINAGE SEWER SURCHARGE RATE INCREASE OF 8% ACROSS-THE-BOARD WITHIN THE CITY LIMITS TO FUND OPERATIONS AND MAINTENANCE COSTS AND FACILITY REPLACEMENT COSTS RELATED TO THE CITY OF MODESTO STORM DRAINAGE SYSTEM, AND GIVING NOTICE AS PROVIDED BY LAW OF THE PROPOSED STORM DRAINAGE SEWER SURCHARGE RATE INCREASE.**

WHEREAS, under Proposition 218, certain fees or charges cannot be increased by any agency unless it meets certain requirements, and

WHEREAS, by an Agenda Report dated August 30, 2001, from the Engineering and Transportation Director, City staff recommended a storm drainage sewer surcharge rate increase, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on September 18, 2001, the City Council considered City staff's recommendation to give notice as required by Proposition 218 and set a public hearing to be held on November 27, 2001, to consider the adoption of a storm drainage sewer surcharge rate increase to fund capital improvement and operations and maintenance costs related to the storm drain system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuesday, November 27, 2001, at 5:15 p.m., located in the Chambers at 1010 Tenth Street, Modesto, California, is hereby set as the date, time and place for a public hearing to consider a storm drainage sewer surcharge rate increase to fund capital improvements and operations and maintenance costs related to the storm drainage system within the City Limits as recommended by City staff in its Agenda Report dated August 30, 2001, from the Engineering and Transportation Director, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that staff is authorized to send notices as provided by law of the proposed storm drainage sewer surcharge rate increase.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18<sup>th</sup> day of September, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith  
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-469**

**A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$24,000  
TO FULLY FUND THE MAILING OF A NOTICE OF PUBLIC HEARING FOR  
THE STORM DRAINAGE SEWER SURCHARGE RATE INCREASE.**

WHEREAS, the Engineering and Transportation Department did not budget for the cost for the mailing of a Notice of Public Hearing for the Storm Drainage Sewer Surcharge Rate Increase, and

WHEREAS, this was a result of not anticipating the need to increase the Storm Drainage Sewer Surcharge rates,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 0100-430-4302-8099: \$24,000.00

TO: 6280-440-5319-0235: \$24,000.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18<sup>th</sup> day of September, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith,  
Mayor Sabatino

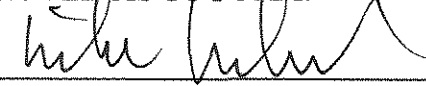
NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-470**

**A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF  
SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED  
ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO  
COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE -  
ANNEXATION #7)**

WHEREAS, this Council did, on August 9, 2001, adopt its Resolution No. 2001-404 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 1996-1 (the "District") in order to finance certain public facilities (the "Facilities") and services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, a copy of the Resolution of Intention to Annex, describing the territory proposed to be annexed, the list of Facilities and Services to be financed by the Annexed Territory, and the Special Tax to be levied in the Annexed Territory, and setting the hearing thereon, is on file with the City Clerk and is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, on September 11, 2001, this Council held the hearing as required by law related to the proposed annexation of territory and the levy of the Special Tax within the Annexed Territory and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council at the conclusion of the hearing was fully advised as to all matters related to

the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the Special Tax therein have not been filed with the City Clerk by fifty percent or more of the registered voters, or six registered voters, whichever is more, residing within either the District or the Annexed Territory proposed to be annexed to the District, or the owners of one-half or more of the area of land in either the territory in the District or the Annexed Territory and not exempt from the Special Tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of territory and the levy of the Special Tax therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. (a) The Facilities to be financed by the Annexed Territory are set forth in EXHIBIT "A" attached hereto and by this reference incorporated herein.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the Annexed Territory as a result of development occurring therein.

(c) No land within the Annexed Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5. (a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.

SECTION 6. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7. (a) As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the Annexed Territory to estimate the maximum amount that he or she will have to pay, is described in EXHIBIT A hereto and by this reference incorporated herein.

(c) The Special Tax as apportioned to each parcel pursuant to EXHIBIT A is based on the cost of making the Facilities and Services available to each parcel of the Annexed Territory, or other reasonable basis, and is not based on or upon the ownership of real property.

(d) There is no ad valorem property tax currently being levied on property within the Annexed Territory for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the Annexed Territory.

SECTION 8. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory. This Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 9. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory on any one day during the ninety days preceding the close of the protest hearing. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of

votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

SECTION 10. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on or before Tuesday, the 18<sup>th</sup> day of September, 2001, the Election shall be held on that day, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots. Otherwise, the Election shall be held on the first Tuesday after that date which is 90 days after the date on which this Resolution is adopted.

The Election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a certified map of sufficient scale and clarity to show the boundaries of the Annexed Territory and a sufficient description to allow the City Clerk to determine the boundaries of the Annexed Territory within three business days after the adoption of this Resolution shall be conclusively evidenced by the signature of the City Clerk on the certificate of adoption relating to this Resolution.

In accordance with Section 53326 of the Act, the ballots for the election shall be distributed by mail or by personal service by the City Clerk, with return postage prepaid, to each Landowner, or Landowner's authorized representative for the purpose of voting its interests at the special election, within the Annexed Territory. The City Clerk shall certify the proper mailing or service of ballots by an affidavit, which shall constitute conclusive proof of mailing or service in the absence of fraud. The voted ballots shall be returned to the City Clerk in person or by mail, courier, messenger or other means of delivery not later than 7:00 p.m. on the day of the Election.

SECTION 11. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the "Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

SECTION 12. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 13. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;
2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;
3. Cause the official ballots to be mailed or personally delivered, as required by law;
4. Receive the returns of the Election and supplies;
5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;
6. Canvass the returns of the Election;
7. Furnish a tabulation of the number of votes given in the Election;
8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and
9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

SECTION 14. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, this Council may levy the Special Tax in the Annexed Territory in the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT A.

SECTION 15. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in

the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 18<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**

**COMMUNITY FACILITIES DISTRICT  
NO. 1996-1 (VILLAGE ONE)**

**CITY OF MODESTO  
STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT  
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**AMENDED APRIL 1997  
FOR  
ANNEXATION NO. 1**

Prepared by:

**VAIL ENGINEERING CORPORATION  
2033 Howe Ave., Ste. 220  
Sacramento, CA 95825  
(916) 929-3323  
(916) 929-1772 FAX**

**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)  
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

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**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)**  
**CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT**  
**MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**INTRODUCTION**

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

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

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

- (1) A description of the public capital facilities and services proposed for the District;
- (2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;
- (3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;
- (4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;
- (5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)**  
**CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT**  
**MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**I. DESCRIPTION OF FACILITIES**

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

**A. ARTERIAL ROADS**

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Expressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Expressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

**B. STORM DRAINAGE SYSTEM**

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9.56 acres):** Retention with pump out facilities to Central Basin.
2. **Central Basin (15.59):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.
3. **Industrial Basin (8 acres):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

**C. UTILITY RELOCATION**

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

**D. PARKS**

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

**E. PUBLIC FACILITIES**

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

**F. OTHER**

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

**G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS\***

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*\*Street parkways includes median and roadside landscape and hardscape.*

## **II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1**

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

### III. COST ESTIMATES

#### A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is \$48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads	\$20,509,278
Storm Drainage	\$13,240,470
Utility Relocation	\$1,120,458
Parks	\$10,863,967
Public Facilities	\$25,000
Other	<u>\$2,698,683</u>
Subtotal:	\$48,457,856
Annual CFD Administration (1%)	\$484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or \$484,579 over the life of the district.

Total district with administration is: \$48,942,435

**B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX**

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is \$850,000. A breakdown of these annual O&M costs are:

\* Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks .....	\$149,073
Street/Parkways: 1,500,000 sq. ft. x \$0.417 / sq. ft. ....	\$625,500
Pathway Landscaping: Subtotal Paths .....	\$44,965
Class I: 17,889 / 5,280 x \$4,020 =	\$13,560
Class II: 82,388 / 5,280 x \$1,500 =	\$23,405
Class III: 84,480 / 5,280 x \$500 =	<u>\$8,000</u>
	\$44,965
Weed and Litter Abatement .....	\$4,251
Misc. Annual Admin/Cont. (3%) .....	<u>\$26,211</u>
	Total Annual Cost \$850,000

\* Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is \$708,676. The amount attributed to the Village One CFD is \$149,073.

#### IV. RATE AND METHOD *(By David Taussig and Associates)*

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

##### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Acre or Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

**"Annual Maintenance Special Tax"** means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

**"Assessor's Parcel Map"** means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

**"City"** means the City of Modesto.

**"City Manager"** means the City Manager of the City of Modesto.

**"Commercial Property"** means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

**"Council"** means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

**"Developed Property"** means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

**"Facilities Special Tax"** means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

**"Final Subdivision Map"** means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

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

**"Gross Acreage"** means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan #8*, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

**"Industrial Property"** means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

**"Land Use Class"** means any of the five classes listed in Table 1 and Table 2 below.

**"Maintenance Special Tax Requirement"** means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

**"Maximum Special Tax"** means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

**"Multi-Family Residential"** means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

**"Other Property"** means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

**"Other Undeveloped Property"** means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

**"Public Agency"** means the federal government, State of California or other local governments or public agencies.

**"Subdivided Property"** means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

**"Undeveloped Commercial Property"** means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Undeveloped Industrial Property"** means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Undeveloped Residential Property"** means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Very Low Density Residential"** means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

**"Village One Facilities Master Plan"** means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

**"Village One Specific Plan"** means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

**"Village Residential"** means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

## **B. ASSIGNMENT TO LAND USE CLASS**

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

**Step 1:** Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

**Step 2:** Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

**Step 3:** Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

**Step 4:** Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

**Step 5:** Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

**Step 6:** Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

**Step 1:** Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

**Step 2:** Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

**Step 3:** Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

*CFD NO. 1996-1 (VILLAGE ONE)  
Public Report - Mello Roos Community Facilities Act of 1982*

**Table 1**  
**Per-Acre Special Tax to be Used in**  
**Calculation of Maximum Facilities Special Tax**  
**For Annexation Area No. 1**  
**(Fiscal Year 1996-97)**

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	\$19,715 per Gross Acre
2	Village Residential	\$29,479 per Gross Acre
3	Multi-Family Residential	\$76,394 per Gross Acre
4	Commercial	\$86,610 per Gross Acre
5	Industrial	\$40,564 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

**2. Maintenance Special Tax**

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

**Table 2**  
**Maximum Annual Maintenance Special Tax**  
**(Fiscal Year 1996-97)**

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	\$112.43 per lot
2	Village Residential	\$112.43 per lot
3	Multi-Family Residential	\$ 72.99 per unit
4	Commercial	\$394.30 per Gross Acre
5	Industrial	\$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

**Step 1:** Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan*.

**Step 2:** Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.

**Step 3:** Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

**Step 4:** Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

**D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX**

**1. Facilities Special Tax**

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 for any residential or non-residential structure within CFD No. 1996-1, and shall be immediately delinquent if not so paid.

**2. Maintenance Special Tax**

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

- Step 1:* Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.
  
- Step 2:* Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.
  
- Step 3:* If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.
  
- Step 4:* Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

**E. LIMITATIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

**F. ENFORCEMENT**

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

## **V. GENERAL TERMS AND CONDITIONS**

### **A. SUBSTITUTION FACILITIES**

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

### **B. APPEALS AND INTERPRETATION PROCEDURE**

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

### **C. ADMINISTRATION OF FUNDS**

#### **1. Facilities Fund**

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

**2. Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

**VI. CERTIFICATION**

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

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**Jerry L. Slinkard**  
**Vail Engineering Corporation**

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**Date**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-471**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 24 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH SIDE OF (FUTURE) FLOYD AVENUE AND ON THE WEST SIDE OF CLAUS ROAD IN THE VILLAGE ONE SPECIFIC PLAN AREA (RENEE ELLIS-SINGLETON)**

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Renee Ellis-Singleton for a Precise Plan for Area No. 24, property located on the south side of (future) Floyd Avenue and on the west side of Claus Road, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay Zone, SP-O, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2001-29, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2001-36, adopted on June 4, 2001, and City staff, by a report dated June 20, 2001, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 24 of the Village One Specific Plan as set forth in said Resolution No. 2001-36, and recommended approval of an Amendment to Section 13-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area No. 24, property located on the south side of (future) Floyd Avenue and on the west side of Claus Road, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on July 10, 2001, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2001-29, entitled "City of Modesto Initial Study Precise Plan No. 24 and Banyon Estates Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Program EIR and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project which will require major revisions of the Program EIR.
4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Program EIR.
5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.
6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. The initial study, Environmental Assessment No. EA/CDD 2001-29, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-29, entitled "City of Modesto Initial Study Precise Plan No. 24 and Banyon Estates Vesting Tentative Subdivision Map ", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**  
**INITIAL STUDY**  
**EA/CDD NO. 2001-29**

City of Modesto  
**Initial Study**

**Precise Plan No. 24 and  
Banyon Estates Vesting Tentative Subdivision Map**

EA/CDD 2001-29  
May 21, 2001

**I. PURPOSE**

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Sections 15168(c) and 15182 of the CEQA Guidelines allows the approval of subsequent projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

- A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
- B. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
- C. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR.
- D. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR.
- E. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
- F. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

The purpose of this initial study is to provide the substantial evidence to support the above findings.

## **II. PROJECT DESCRIPTION**

- A. Project title:  
Precise Plan No. 24 and Banyon Estates Vesting Tentative Subdivision Map
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:  
Brad Wall, Community Development Department, (209) 577-5287
- A. Project Location:  
The project is located at the southwest corner of Floyd Avenue and Claus Road.
- E. Project Sponsor:  
Horizon Consulting Services, 900 H Street, Suite G-2, Modesto CA 95354
- F. General Plan Designation:  
Village Residential (VR)
- G. Current Zoning:  
Specific Plan-Holding (SP-H) Zone
- H. Description of Proposed Project:  
This is a precise plan and subdivision map in the Village One Specific Plan to create a 108-lot single-family subdivision on 21.5 acres, 2.5 acres of commercial, and 9 acres of multi-family residential development.
- I. Surrounding land uses:  
The project is bounded on the north by vacant lands designated for future residential development by the Village One Specific Plan, on the east by Claus Road, on the west by existing single-family subdivisions, and on the south by existing ranchette parcels designated by the Village One Specific Plan for future residential development.
- J. Other public agencies whose approval is required:  
None

## **III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS**

Following is an analysis of how the project is within the scope of the Village One Program EIR and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

### **A. Traffic and Circulation**

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan.

Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**B. Degradation of Air Quality**

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**C. Generation of Noise**

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity, and the project includes a masonry sound wall adjacent to Claus Road, as required by the Specific Plan. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**D. Vegetation and Wildlife**

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**E. Land Use**

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**F. Population, Employment and Housing**

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**G. Urban Design and Visual Quality**

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this subdivision is consistent with the Village One Specific Plan in terms of land use, intensity and urban design, and includes landscaped setbacks along the surrounding streets, as required by the Specific

Plan. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **H. Geology and Soils**

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **I. Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and includes the necessary storm drainage systems required by the Specific Plan. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **J. Public Services**

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **K. Fiscal Impacts**

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **L. Cumulative Impacts**

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**M. Growth Inducing Impacts**

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS**

- A. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

- B. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

**V. MITIGATION MEASURES**

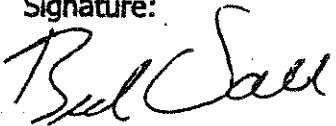
Since the project is within the scope of the Village One Specific Plan Program EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

**VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
3. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.
5. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
6. There are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. This initial study provides the substantial evidence to support the above findings.

Signature:



Brad Wall,  
Associate Planner

**RESCINDED**

NOV 27 2001

THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION  
NO. 2001-609

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-472**

**A RESOLUTION AMENDING RENTAL CHARGES AND FEES FOR  
ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY  
AIRPORT/HARRY SHAM FIELD, TO ADD AN ULTRALIGHT VEHICLE  
ACCESS FEE, AND RESCINDING RESOLUTION NO. 2001-236**

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, the Council in April 2001, adopted an ultralight operation policy that became effective on May 10, 2001, and

WHEREAS, Modesto Municipal Code Section 7-3.401 was amended to include an ultralight vehicle access fee that would substitute lost revenue from fuel sales and personal property taxes on aircraft and helicopters as the County does not assess taxes on ultralight vehicles, and

WHEREAS, the Airport Advisory Committee recommended the adoption of \$100.00 per year ultralight vehicle access fee at its meeting on July 11, 2001, and

WHEREAS, the Transportation Policy Committee considered the ultralight vehicle access fee at their meeting on August 16, 2001, and unanimously supported the adoption of a \$100.00 per year ultralight vehicle access fee, and

WHEREAS, a duly noticed public hearing was held by the Council on September 18, 2001, at 5:15 p.m. in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, to consider adopting the ultralight vehicle access fee.

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(1)	T-Hangars	
	Hangar A	..... \$107.00 unit per month
	End Units	..... \$124.00 unit per month
	Hangar B	..... \$130.00 unit per month
	End Units	..... \$160.00 unit per month
	Hangar C	..... \$137.00 unit per month
	End Units	..... \$165.00 unit per month
	Hangar D	..... \$122.00 unit per month
	End Units	..... \$145.00 unit per month
	Hangar E	..... \$179.00 unit per month
	End Units	..... \$209.00 unit per month
	Hangar F	..... \$179.00 unit per month
	End Units	..... \$209.00 unit per month
	Hangar G	..... \$179.00 unit per month
	Hangar H	..... \$179.00 unit per month
	Hangar I	..... \$349.00 unit per month
	Hangar J	..... \$179.00 unit per month
	Portable Land Rent	..... \$53.00 unit per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid in advance.

(b) Storage Hangars:

Hangar No. 1	....	\$1,341.00 – Sheriff Aero Squadron lease rate (is discounted to \$888.00 per month)
Hangar No. 2	....	\$1,091.00 per month
Hangar No. 3	....	\$575.00 per month
Hangar No. 4	....	\$978.00 per month
Hangar No. 5	....	\$974.00 per month
Hangar No. 6	....	\$570.00 per month

SECTION 2. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) Tail-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) \$32.00 per month
- (b) Taxi-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) \$53.00 per month
- (c) Taxi-in Tie-Down – Permanent, large multi-engine (over 12,500 lbs.) \$.038 per square foot per month
- (d) Taxi-in Tie-Down – Transient, helicopter/single-engine aircraft \$6.00 per day
- (e) Taxi-in Tie-Down – Transient, twin-engine aircraft (under 12,500 lbs.) \$8.00 per day
- (f) Taxi-In Tie-Down – Transient, twin-engine aircraft (over 12,000 lbs.) \$12.00 per day
- (g) Jets – \$12.00 per day

A five-percent (5%) discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (under 12,500 lbs.) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. ULTRALIGHT VEHICLE ACCESS FEE. An operator of an ultralight vehicle based at Modesto City-County Airport will pay to the City of Modesto an annual fee for the loss of fuel sales and personal property taxes not collected on ultralights that are collected on aircraft and helicopters. The fee is hereby established as follows:

Ultralight Vehicle .... \$100.00 per year

SECTION 4. OFFICE SPACE. The monthly charge for office spaces at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

- (a) Old Administration Building ..... \$.71 per square foot
- (b) Office Building No. 1 ..... \$.71 per square foot
- (c) Office Building No. 2 ..... \$.71 per square foot
- (d) Hangar Office Space ..... \$.326 per square foot

SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

- (a) Ticket counter ..... \$.067 per square foot
- (b) Other areas ..... \$.067 per square foot

SECTION 6. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS

AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single, multi-engine aircraft and helicopters - \$10.00 per landing
- (b) All large single and multi-engine aircraft – \$.66 per 1,000 pounds of gross weight, but not less than \$10.00 per landing
- (c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 7. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

- (a) Enplane passenger by airline \$3.00 per ticket passengers.

SECTION 8. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<u>Display Size</u>	<u>Display Only</u>	<u>Display &amp; Telephone</u>
7.5" x 9.5"	\$30.00	\$50.00
7.5" x 21"	\$35.00	\$55.00
19" x 21"	\$40.00	\$60.00

SECTION 9. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

- (a) Incoming Service ..... \$.50 per page
- (b) Outgoing Service ..... Area code 209 - \$1.00 per page  
Other area codes - \$2.00 first page  
\$1.50 - all other pages

SECTION 10. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 11. FUEL FLOWAGE FEES. A fuel flowage fee of six cents (\$.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the

fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths (\$200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 13. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto the greater of ten percent (10%) of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and callboard phone service. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 14. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths (\$25.00) Dollars per month, payable in advance.

SECTION 15. PENALTIES. A five percent (5%) penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 16. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES.

Commencing July 1, 2001, the rents, fees and charges set forth in Sections 1, 2, and 3 of this resolution may be adjusted within six (6) months or on the first day of January ("the Adjustment Date"), as follows:

The base for computing the adjustment is the National Consumer Price Index for the West Urban (all urban consumers), published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). The Index published most immediately preceding the Adjustment Date in question ("Adjustment Index") is to be used in determining the amount of the adjustment. If the Adjustment Index has increased over the Beginning Index, the rents, fees and charges set forth in this resolution shall be set by multiplying the rents, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index.

In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges nor shall any increase in a year be greater than five (5%) percent. If the indexes change so that the base year differs from that in effect on July 1, 2001, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 17. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation upon its adoption.

SECTION 18. RESCIND. Resolution No. 2001-236 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the September 18, 2001 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-473**

**A RESOLUTION APPROVING THE CITY OF MODESTO CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE FISCAL YEAR 2000-2001, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, each year the City must review and report on the performance of activities funded under the Community Development Block Grant, HOME, and Emergency Shelter Grant Programs, and

WHEREAS, a report known as the Consolidated Annual Performance and Evaluation Report (CAPER) must be made available for public review and comment for a minimum 15-day period, and

WHEREAS, all public comments, and staff responses to these comments, must be presented to the City Council for review and approval, and

WHEREAS, the CAPER reflects the activity of the City and its sub-recipients for the period of July 1, 2000, through June 30, 2001, and

WHEREAS, the Citizens Housing and Community Development Committee met on August 17, 2001, and reviewed and approved the CAPER, and

WHEREAS, a duly noticed public hearing was held by the Council on September 11, 2001, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider approval of the CAPER,

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

1. That the CAPER is hereby approved subject to any correction for accuracy being made by the City Manager, and a copy of said Report is on file in the office of the City Clerk.
2. That the City Manager or his authorized designee is hereby authorized, after having made any necessary correction, to submit said report to the U.S. Department of Housing and Urban Development (HUD).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2001-474**

**A RESOLUTION APPROVING THE FEDERAL 2001 LOCAL LAW  
ENFORCEMENT BLOCK GRANT CONTRACT WITH THE U.S.  
DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR THE  
PROCUREMENT OF EQUIPMENT AND TECHNOLOGY AND AUTHORIZING  
THE CITY MANAGER TO EXECUTE SAID CONTRACT**

WHEREAS, the City of Modesto Police Department made application to the U. S. Department of Justice, Bureau of Justice Assistance for the 2001 Local Law Enforcement Block Grant Program, and

WHEREAS, the program is of 24-month duration, and it includes the program area of procuring equipment and technology to enhance law enforcement, and

WHEREAS, the Police Department submitted an application for various unmet equipment and technology needs, as attached, and

WHEREAS, acceptance of this grant enhances Healthy and Safe Strategic Action Plan action, H.1.B.8., which calls for obtaining public service grants, and

WHEREAS, the total grant project is \$302,929 of which the federal share is \$272,636 and the local match is \$30,293 and that match is available from the Supplemental Law Enforcement Services Fund, and

WHEREAS, at its meeting of September 6, 2001, the Public Safety Committee recommended approval of the grant contract, and

WHEREAS, the grant will make possible the purchase of bullet proof vests for officers, batons and holsters for officer and numerous computers for communication with the Police Records Management System,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the Federal 2001 Local Law Enforcement Block Grant contract for the purchase of police equipment and technology, as attached.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said grant contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**2001 Local Law Enforcement Block Grant**  
(To Be Utilized For Purpose Area 1C:Equipment)

**Total Funds: \$302,929**

Federal: \$272,636  
Local Match: \$ 30,293  
Total: \$302,929

<u>Equipment</u>	<u>Price</u>
Bullet Proof Vests 175 @ \$520/ea	\$91,000
For the Identification Unit: 2 Digital Cameras for Crime Scene ID Work Portable Generator and Lights and Computer with communication to RMS	10,000 10,000
For the Mall Office: Channel Two Repeater	4,000
For the Mobile Command Center: computers and communication to RMS	40,000
VIP Protection Communication Devices	5,000
Standardized Batons for Entire Sworn Force 258 sworn @ \$42/baton	11,000
Duty Holsters for Entire Sworn Force 258 sworn @ \$72/holster	19,000
Off-Duty Holsters for Entire Sworn Force 258 sworn @ \$42/off-duty holster	11,000
Gigabyte Ethernet Service for Police Computer System Network	51,729
Wireless Access Platform for update of police vehicle MDC's and wireless equipment	6,200
Desktop Computers 22 @ \$2,000/computer	44,000
<b>TOTAL</b>	<b>\$302,929</b>

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2001-475**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001/02 ANNUAL BUDGET  
ESTIMATING REVENUE AND APPROPRIATING FUNDS**

WHEREAS, the Police Department acquired a grant award from the U.S. Department of Justice of the 2001 Local Law Enforcement Block Grant Program in the sum of \$272,636, and

WHEREAS, the City's match for the Federal grant program is \$30,293 and will be made from the Supplemental Law Enforcement Services Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2001/02 Annual Budget is hereby amended as indicated below:

<u>Expense:</u>			
To:	0400-190-2980-5905	2001 LLEBG	\$301,929

<u>Revenue:</u>			
From:	0400-190-2980-3506	2001 LLEBG	\$272,636
	0400-Balance Sheet Acct. 6310	SLESF	\$30,293

BE IT FURTHER RESOLVED that the Finance Director 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 18<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Gean Zahir*  
GEAN ZAHIR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *Michael D. Milich*  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-476**

**A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF  
MODESTO URBAN AREA GENERAL PLAN COMMUNITY SERVICES AND  
FACILITIES CIRCULATION AND TRANSPORTATION SECTION TO ADD  
POLICIES ALLOWING FOR ACCESS TO CLASS B AND C EXPRESSWAYS TO  
NON-RESIDENTIAL USES ON A CASE-BY-CASE BASIS SUBJECT TO  
CERTAIN DESIGN CRITERIA; (CITY INITIATED).**

WHEREAS, on August 15, 1995 by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, a General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", was adopted by the City Council by Resolution No. 95-409 on August 15, 1995, in accordance with Section 65300 of the Government Code, 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 and 2001-47, copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, the City staff has proposed an amendment to the City of Modesto Urban Area General Plan Amendment (File No. GPA 2001-02) to amend the Community Services and Facilities Circulation and Transportation Section to add policies allowing for access to Class B and C Expressways on a case-by-case basis subject to certain design criteria as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, City's Engineering and Transportation Department and the City Council conducted public study sessions on the expressway access policy on June 22, 2000, and October 30, 2000, and, based on public input regarding the draft proposed expressway access policy, refinements were made to the draft policy, and

WHEREAS, on July 16, 2001, 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 amendment to the Modesto Urban General Plan was considered, and

WHEREAS, after said public hearing, the Modesto Planning Commission adopted Resolution No. 2001-43, recommending to the City Council an amendment to the Modesto Urban Area General Plan Community Services and Facilities Circulation and Transportation Section to add policies allowing for access to Class B and C Expressways on a case-by-case basis subject to certain design criteria and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 11, 2001, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Community Services and Facilities Circulation and Transportation Section to add policies allowing for access to Class B and C Expressways on a case-by-case basis subject to certain design criteria.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban Area General Plan Community Services and Facilities Circulation and Transportation Section allowing access to Class B and C Expressways on a case-by-case basis subject to certain design criteria is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto and said General Plan is hereby amended to read as shown on Exhibit "A" attached hereto and incorporated herein by reference.

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

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on September 11, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Sabatino

Noes: Councilmembers: Frohman, Serpa

Absent: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Millich  
MICHAEL D. MILLICH, City Attorney

Exhibit "A"

Expressway Access General Plan Amendment  
Text and Diagram Revisions

## Attachment "A"

### Urban Area General Plan Amendment Text Revisions Expressway Access

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#### Description of the Amendment:

The requested amendment is to the Community Services and Facilities – Circulation and Transportation, Circulation and Transportation Designations components of the City of Modesto Urban Area General Plan. Additions are *italicized*, deletions are denoted by ~~strikeouts~~.

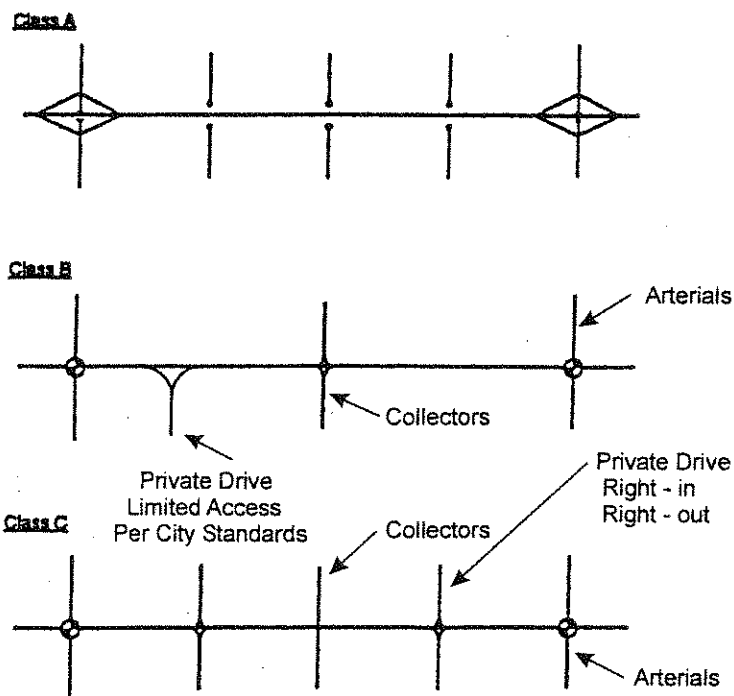
#### 4. Policies Relating to Street Designations (page V-3)

c. *Expressways* – *The City's General Plan provides for a system of expressways throughout the City. The City will continue to include these expressways in its Circulation and Transportation plan and to implement them in cooperation with the development community according to applicable design standards.*

1. *The City shall regulate and limit the number and design of expressway access locations in order to ensure the overall operational viability of expressways in the community.*
2. *Any consideration of access to expressways shall be contingent on the ability of an applicant to provide a properly designed solution consistent with the adopted City standard specifications for access to Class B or Class C expressways. The City Engineer may approve variations and deviations from adopted standard specifications pursuant to section 7-1.701(I)(2) of the Municipal Code. Consideration of a variation and/or deviation from adopted standard specifications shall be subject to environmental review pursuant to the California Environmental Quality Act (CEQA).*
3. *Any access to expressways from private parcels shall be at the sole expense of the private party, including any reconstruction of the expressway which may be necessitated.*
4. *The City may allow expressway access along either Class B or Class C expressways to non-residential uses on a case-by-case basis when conditions A and B are met, or condition C is met or condition D is met as noted below:*
  - A. *When an applicant demonstrates to the City Council's satisfaction that economic purposes are clearly restricted by denial of access to a particular parcel.*
  - B. *When an applicant demonstrates to the City Council's satisfaction that there are either no or only highly restrictive alternative access solutions available to a particular parcel under consideration.*
  - C. *For infill site developments, when an applicant demonstrates to the City Council's satisfaction that the economic benefits derived from development of the remnant parcel overrides the need to limit access to that parcel.*
  - D. *It is recognized that City of Modesto emergency facilities, such as police and fire stations, will be located from time to time on expressways, and further, that direct access is desirable. In these cases, direct access is allowed and shall be designed in cooperation with the Engineering and Transportation Department. Said design shall have City Council approval prior to implementation.*

5. *The City shall adopt access management guidelines and design standards for expressway access. The purpose of the guidelines and design standards is to provide safe ingress and egress to adjacent parcels while at the same time not degrading the carrying capacity, flow and efficiency of the expressway. Such access management guidelines and design standards conform to design criteria and standards as set forth by the American Association of State Highway and Transportation Officials (AASHTO).*

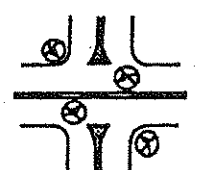
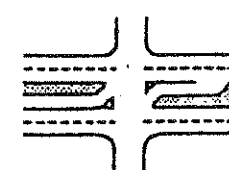
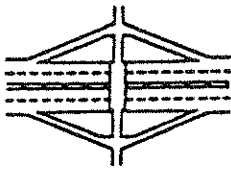
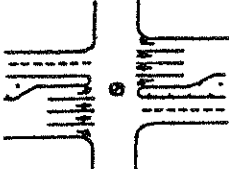
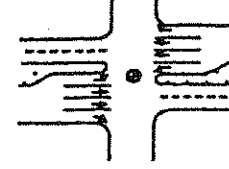
## EXPRESSWAY DESIGN FEATURES



This diagram illustrates levels of side-street and driveway access permitted on a one-mile section of typical Class A, Class B, and Class C expressways, see next figure for greater detail on individual types of access

**Note: Design of Expressway access shall conform to City Standard Specifications**

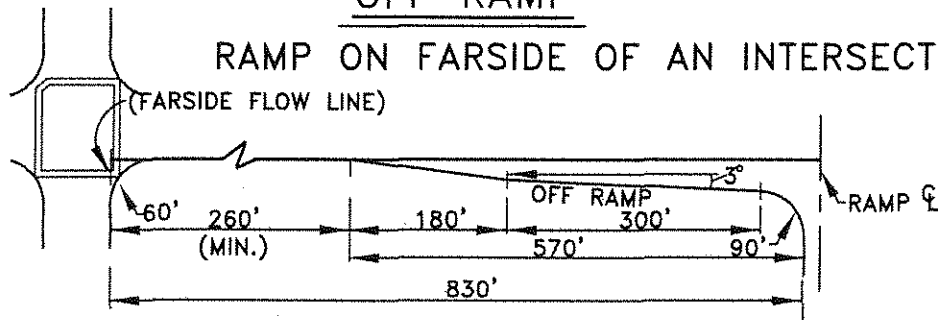
### Expressway Design Classes

Type of Access Point	Minimum Spacing along Expressway (If permitted at all)	Typical Design of Access Point		
		Class A Expressway	Class B Expressway	Class C Expressway
Driveway	>300ft	(Not Permitted)	Permitted in limited Circumstances Per City Standard	Permitted in limited Circumstances Per City Standard
Collector	1/4-1/2 ml.	(Not Permitted)	 (Per City Standards)	
Arterial	1 ml.			

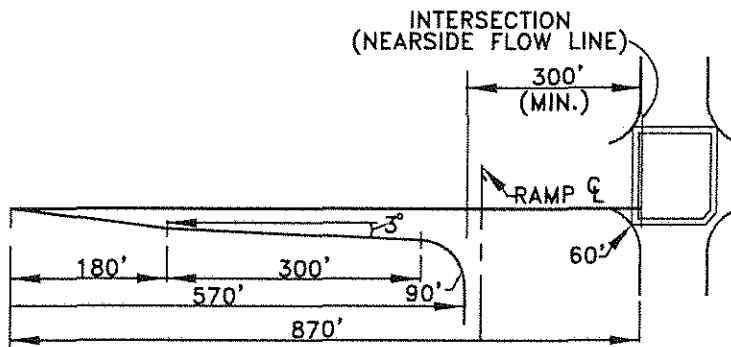
### Expressway Access Management

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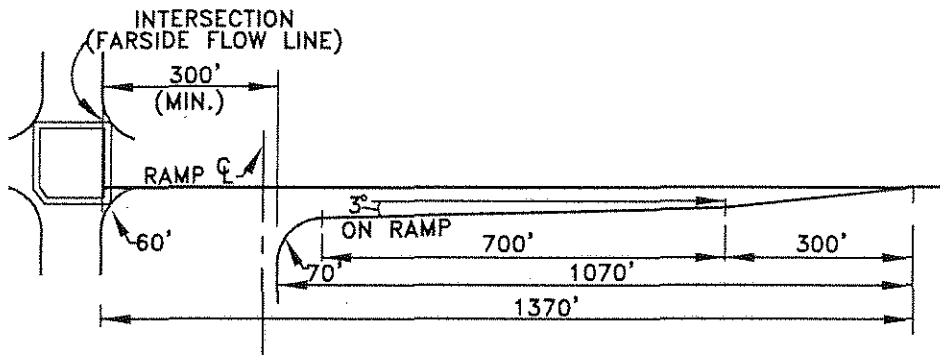


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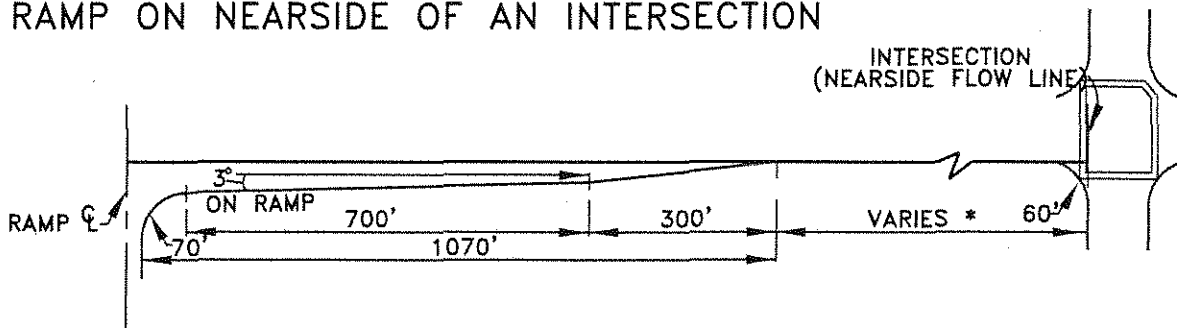


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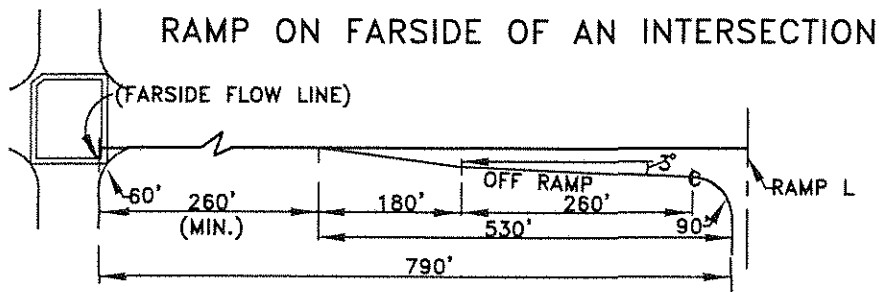


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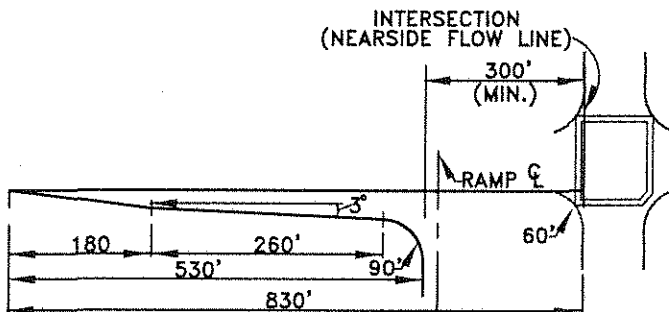


\* LENGTH DEPENDS ON DECELERATION AND STACKING DISTANCE BY PROJECTED RIGHT TURN TRAFFIC VOLUME AT INDIVIDUAL LOCATION

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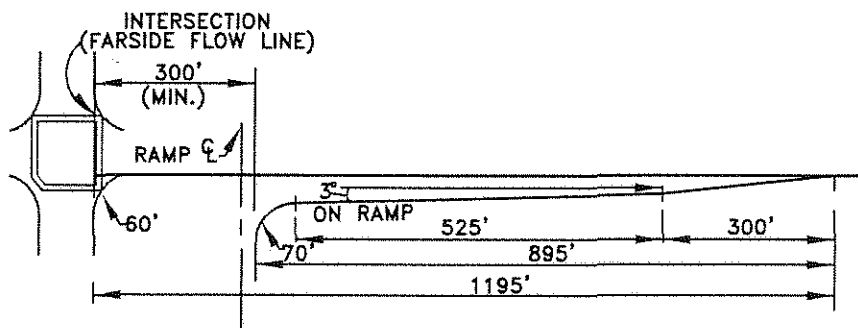


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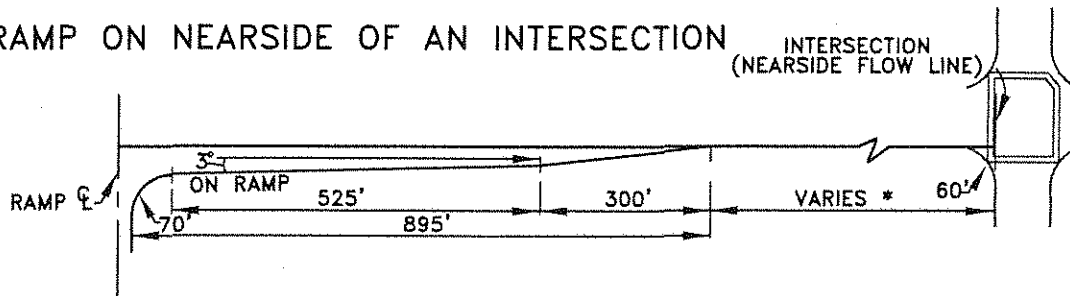


ON RAMP

RAMP ON FAR SIDE OF AN INTERSECTION



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\* LENGTH DEPENDS ON DECELERATION AND STACKING DISTANCE BY PROJECTED RIGHT TURN TRAFFIC VOLUME AT INDIVIDUAL LOCATION

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-477**

**A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO STANDARD SPECIFICATIONS FOR ACCESS TO CLASS B AND C EXPRESSWAYS IN CONFORMANCE WITH DESIGN CRITERIA AND STANDARDS AS SET FORTH BY THE AMERICAN ASSOCIATION OF STATE HIGHWAY TRANSPORTATION OFFICIALS (AASHTO); (CITY INITIATED).**

WHEREAS, City staff has proposed an amendment to the City of Modesto Urban Area General Plan Amendment (File No. GPA 2001-02) to amend the Community Services and Facilities Circulation and Transportation Section to add policies allowing for access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design criteria as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, the proposed amendment to the City of Modesto standard specifications for access design standards for Class B and C Expressways provide standards and criteria for expressway access within 1,000 feet of an arterial/expressway intersection with a minimum length of 850 feet to accommodate access to expressways to non-residential uses as set forth in Exhibit "B" attached hereto and incorporated herein by reference, and

WHEREAS, the proposed amendment to the City of Modesto standard specifications for access design standards for Class B and C Expressways provides standards and criteria for expressway access for other on/off-ramps including a mid-block location to accommodate access to expressways to non-residential uses as set forth in Exhibit "C" attached hereto and incorporated herein by reference, and

WHEREAS, the purpose of the American Association of State Highway and Transportation Officials (AASHTO) Expressway Access Standards as set forth in Exhibits "B"

and "C" are to provide safe ingress and egress to non-residential parcels adjacent to a Class B or C Expressway while not degrading the carrying capacity, flow and efficiency of the expressway, and

WHEREAS, on July 16, 2001, 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 amendment to the City of Modesto standards specifications for access design standards for Class B and C Expressways, in conformance with AASHTO Expressway Standards was considered, and

WHEREAS, the Planning Commission desires that the expressway access standard specifications be administered in a flexible manner, and

WHEREAS, after said public hearing, the Modesto Planning Commission adopted Resolution No. 2001-44, recommending to the City Council adoption of an amendment to the City of Modesto standard specifications for access to Class B and C Expressways in compliance with AASHTO Expressway Standards, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 11, 2001, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the City of Modesto standard specifications for access standards for Class B and C Expressways.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the City of Modesto standard specifications for access design entitled "Standard Specifications for Class B and C Expressways" is hereby adopted, a copy of which is on file in the City Clerk's office.

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on September 11, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Sabatino

Noes: Councilmembers: Frohman, Serpa

Absent: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Millich  
MICHAEL D. MILLICH, City Attorney

Exhibit "A"

Expressway Access General Plan Amendment  
Text and Diagram Revisions

## Attachment "A"

### Urban Area General Plan Amendment Text Revisions Expressway Access

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#### Description of the Amendment:

The requested amendment is to the Community Services and Facilities – Circulation and Transportation, Circulation and Transportation Designations components of the City of Modesto Urban Area General Plan. Additions are *italicized*, deletions are denoted by ~~strikeouts~~.

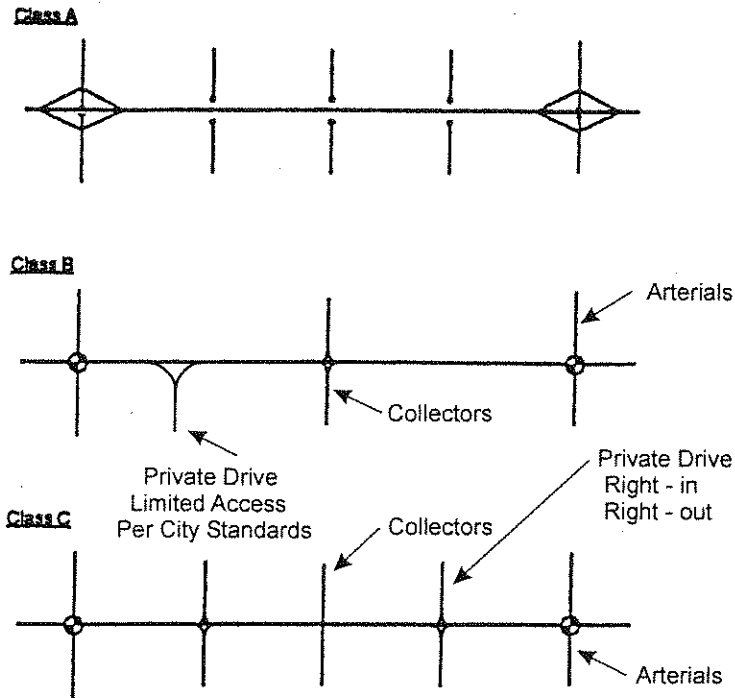
#### 4. Policies Relating to Street Designations (page V-3)

c. *Expressways* – *The City's General Plan provides for a system of expressways throughout the City. The City will continue to include these expressways in its Circulation and Transportation plan and to implement them in cooperation with the development community according to applicable design standards.*

1. *The City shall regulate and limit the number and design of expressway access locations in order to ensure the overall operational viability of expressways in the community.*
2. *Any consideration of access to expressways shall be contingent on the ability of an applicant to provide a properly designed solution consistent with the adopted City standard specifications for access to Class B or Class C expressways. The City Engineer may approve variations and deviations from adopted standard specifications pursuant to section 7-1.701(I)(2) of the Municipal Code. Consideration of a variation and/or deviation from adopted standard specifications shall be subject to environmental review pursuant to the California Environmental Quality Act (CEQA).*
3. *Any access to expressways from private parcels shall be at the sole expense of the private party, including any reconstruction of the expressway which may be necessitated.*
4. *The City may allow expressway access along either Class B or Class C expressways to non-residential uses on a case-by-case basis when conditions A and B are met, or condition C is met or condition D is met as noted below:*
  - A. *When an applicant demonstrates to the City Council's satisfaction that economic purposes are clearly restricted by denial of access to a particular parcel.*
  - B. *When an applicant demonstrates to the City Council's satisfaction that there are either no or only highly restrictive alternative access solutions available to a particular parcel under consideration.*
  - C. *For infill site developments, when an applicant demonstrates to the City Council's satisfaction that the economic benefits derived from development of the remnant parcel overrides the need to limit access to that parcel.*
  - D. *It is recognized that City of Modesto emergency facilities, such as police and fire stations, will be located from time to time on expressways, and further, that direct access is desirable. In these cases, direct access is allowed and shall be designed in cooperation with the Engineering and Transportation Department. Said design shall have City Council approval prior to implementation.*

5. *The City shall adopt access management guidelines and design standards for expressway access. The purpose of the guidelines and design standards is to provide safe ingress and egress to adjacent parcels while at the same time not degrading the carrying capacity, flow and efficiency of the expressway. Such access management guidelines and design standards conform to design criteria and standards as set forth by the American Association of State Highway and Transportation Officials (AASHTO).*

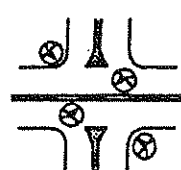
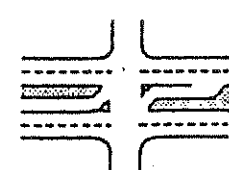
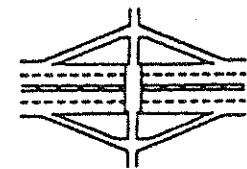
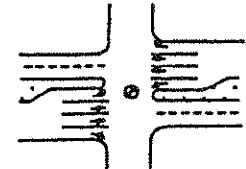
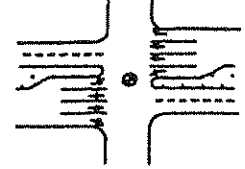
## EXPRESSWAY DESIGN FEATURES



This diagram illustrates levels of side-street and driveway access permitted on a one-mile section of typical Class A, Class B, and Class C expressways, see next figure for greater detail on individual types of access

**Note: Design of Expressway access shall conform to City Standard Specifications**

### Expressway Design Classes

Type of Access Point	Minimum Spacing along Expressway (If permitted at all)	Typical Design of Access Point		
		Class A Expressway	Class B Expressway	Class C Expressway
Driveway	>300ft.	(Not Permitted)	Permitted in limited Circumstances Per City Standard	Permitted in limited Circumstances Per City Standard
Collector	1/4-1/2 ml.	(Not Permitted)	 (Per City Standards)	
Arterial	1 ml.			

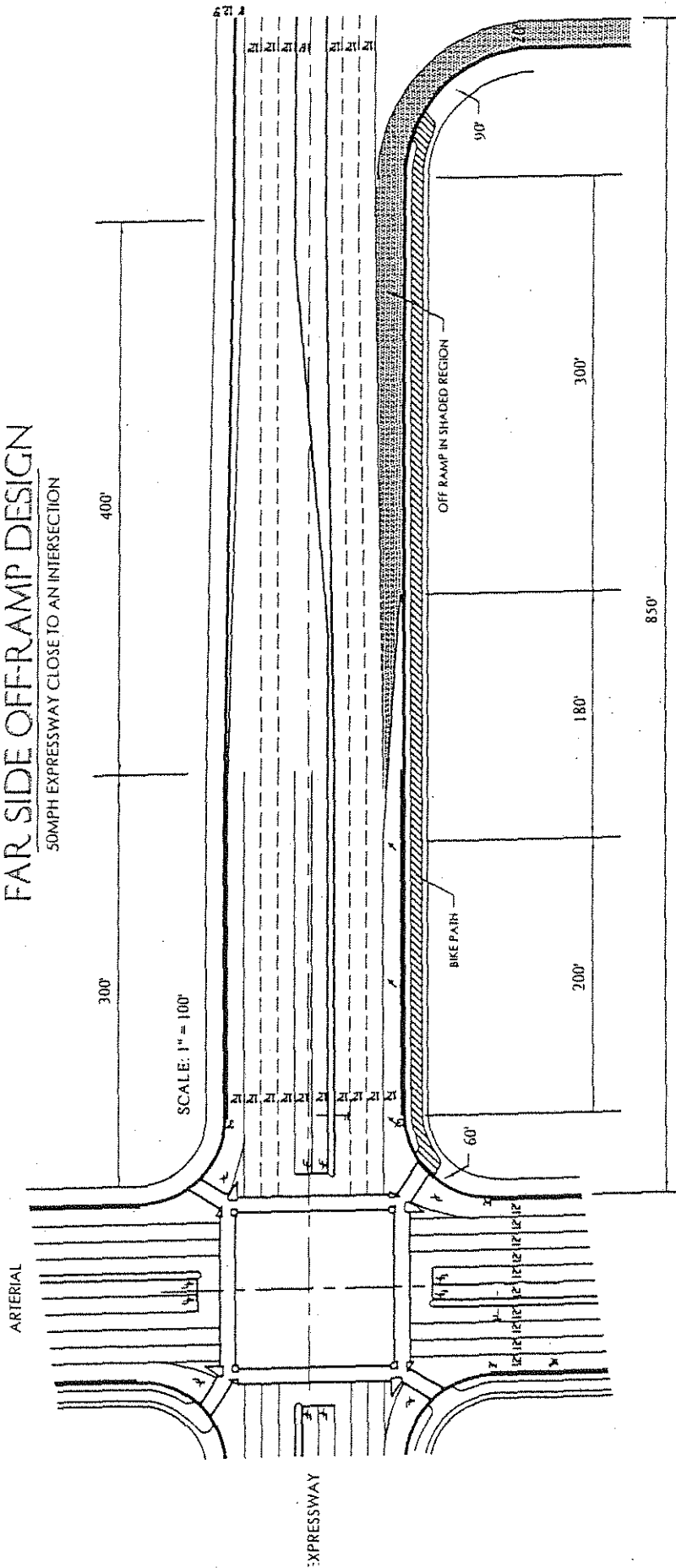
### Expressway Access Management

Exhibit "B"

Expressway Access Standard Specifications

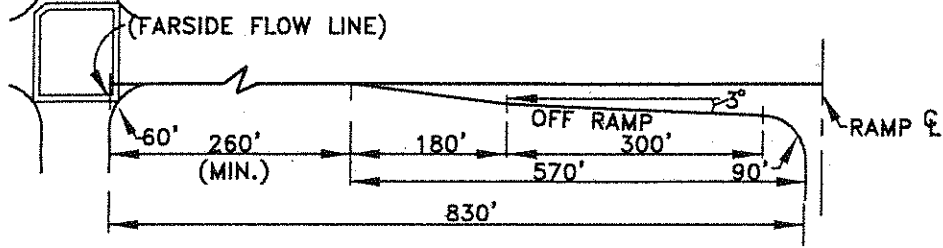
# FAR SIDE OFF-RAMP DESIGN

50MPH EXPRESSWAY CLOSE TO AN INTERSECTION

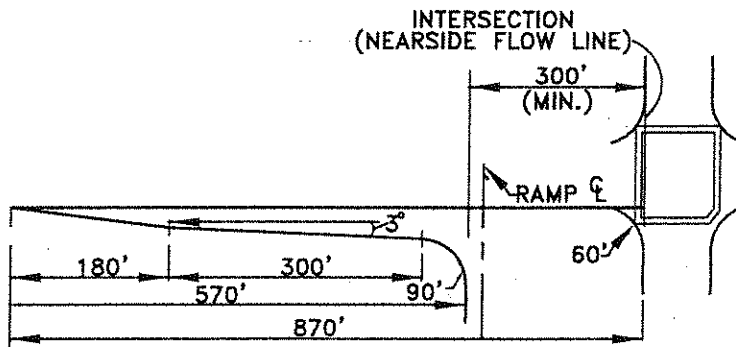


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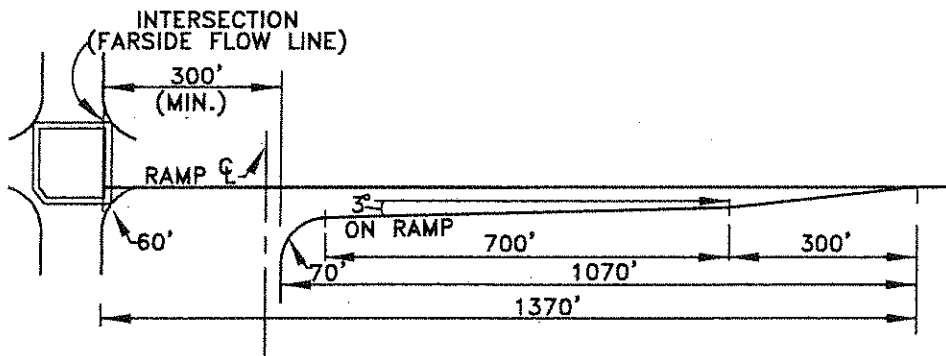


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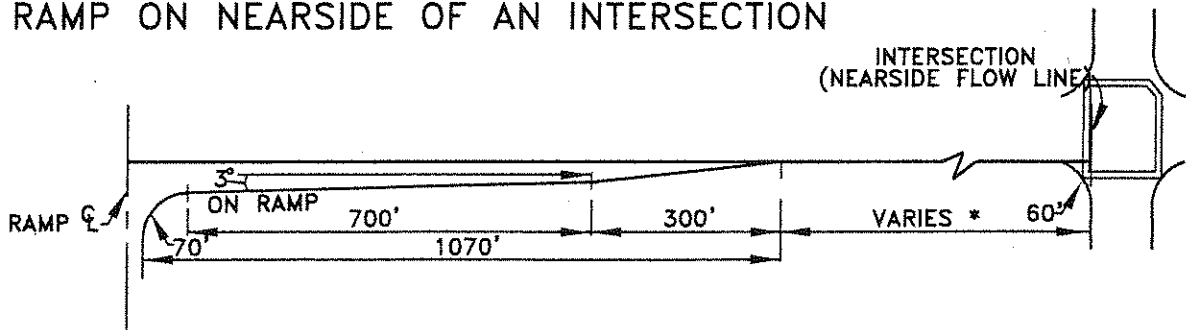


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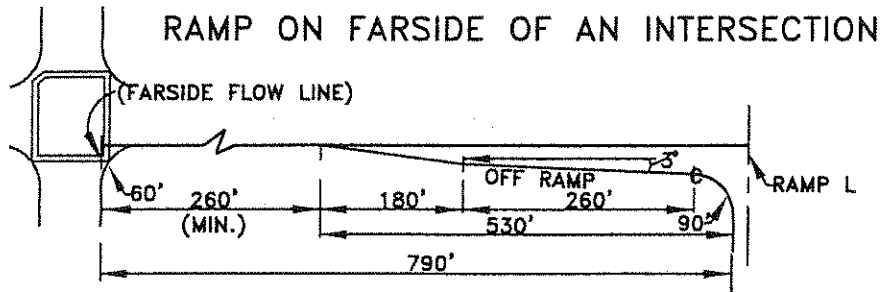


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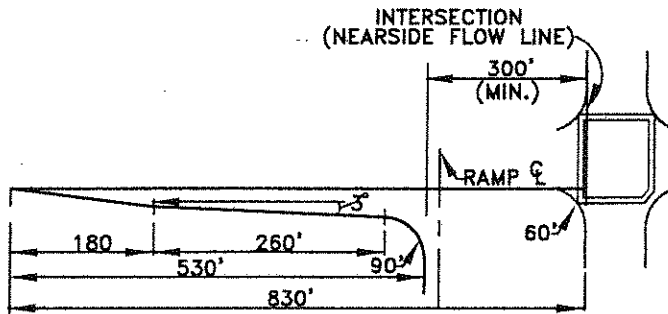


\* LENGTH DEPENDS ON DECELERATION AND STACKING DISTANCE BY PROJECTED RIGHT TURN TRAFFIC VOLUME AT INDIVIDUAL LOCATION

OFF RAMP

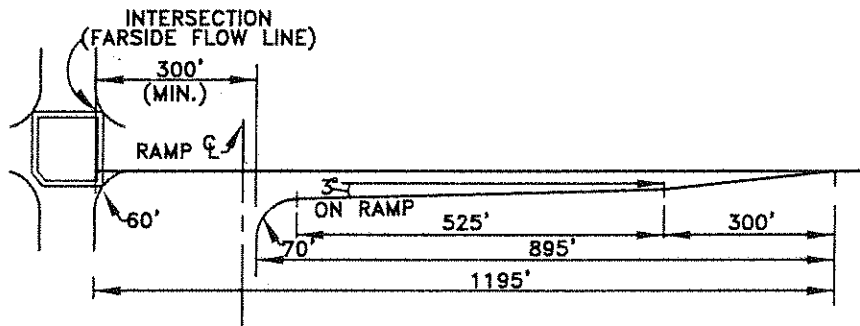


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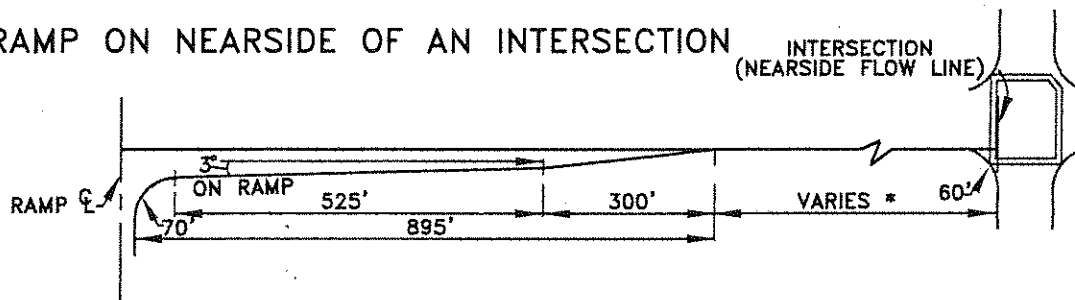


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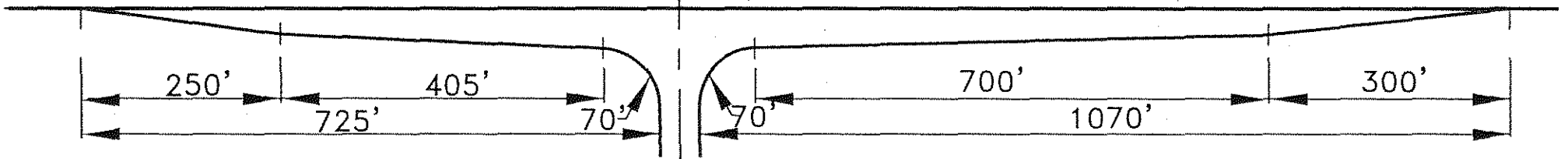
\* LENGTH DEPENDS ON DECELERATION AND STACKING DISTANCE BY PROJECTED RIGHT TURN TRAFFIC VOLUME AT INDIVIDUAL LOCATION

Exhibit "C"

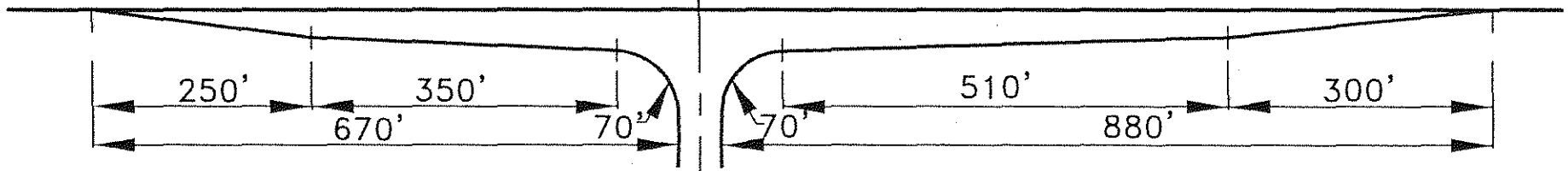
Expressway Access Standard Specification  
(Midblock ramp design)

# CLASS B&C EXPRESSWAY MIDBLOCK ACCESS

AASHTO MINIMUM DESIGN @ 50 MPH DESIGN SPEED



AASHTO MINIMUM DESIGN @ 45 MPH DESIGN SPEED



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-478**

**A RESOLUTION APPROVING A DESIGN EXCEPTION TO THE CITY OF MODESTO STANDARD SPECIFICATIONS FOR FAR SIDE OFF-RAMP ACCESS TO CLASS B EXPRESSWAYS FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DALE ROAD AND PELANDALE AVENUE; (CITY INITIATED).**

WHEREAS, the City staff has proposed an amendment to the City of Modesto Urban Area General Plan (File No. GPA 2001-02) to amend the Community Services and Facilities Circulation and Transportation Section to add policies allowing for access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design criteria as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, the proposed amendment to the City of Modesto standard specifications for access design standard specifications for Class B and C Expressways provide standards and criteria for expressway access within 1,000 feet of an arterial/expressway intersection and other on/off-ramps including mid-block locations as set forth in Exhibits "B" and "C" attached hereto and incorporated herein by reference, and

WHEREAS, on May 8, 2001, 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 the adoption of an amendment to the City of Modesto standard specifications for access to Class B and C Expressways was considered, and

WHEREAS, during said public hearing, the Planning Commission set a goal of developing expressway access standards and criteria to accommodate seventy (70) percent of the undeveloped property along expressways; and

WHEREAS, to meet the Planning Commission goal of developing expressway access standards and criteria to accommodate access to seventy (70) percent of the undeveloped property along expressways, the Engineering and Transportation Department recommended a design exception to the City of Modesto standard specifications for access to far side off-ramp Class B

Expressways for property located at the southeast corner of Dale Road and Pelandale Avenue as set forth in Exhibit "D", attached hereto and incorporated herein by reference, and

WHEREAS, the proposed design exception to the City of Modesto standard specifications for access to far side off-ramp Class B Expressways, provides safe ingress and egress to property located at the southeast corner of Dale Road and Pelandale Avenue while not degrading the carrying capacity, flow and efficiency of the expressway, as determined by the City Engineer, and

WHEREAS, on July 16, 2001, 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 adoption of the design exception to the City of Modesto standard specifications for access to far side off-ramp Class B Expressways was considered, and

WHEREAS, after said public hearing, the Modesto Planning Commission adopted Resolution No. 2001-45, recommending to the City Council adoption of the design exception to the City of Modesto standard specifications for access to far side off-ramp Class B Expressways exclusively for property located at the southeast corner of Dale Road and Pelandale Avenue, and

WHEREAS, said matter was set for a public hearing of the City Council held on September 11, 2001, 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 design exception to the City of Modesto standard specifications for far side off-ramp access to Class B Expressways for property located at the southeast corner of Dale Road and Pelandale Avenue.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the proposed "design exception to the City of Modesto standard specifications for far side off-ramp access to Class B Expressways exclusively for property located at the southeast corner of Dale Road and Pelandale Avenue", is hereby adopted, on condition that the City may later revoke approval of this design exception in the event that Pelandale is widened and on the further condition that any approval of access to Pelandale for such property is approved by the Council, a copy of which is on file in the City Clerk's office.

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on September 11, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Sabatino

Noes: Councilmembers: Frohman, Serpa

Absent: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

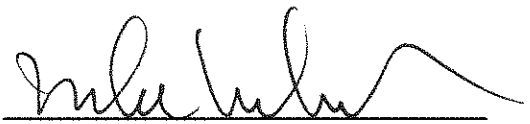
By:   
MICHAEL D. MILLICH, City Attorney

Exhibit "A"

Expressway Access General Plan Amendment  
Text and Diagram Revisions

## Attachment "A"

### Urban Area General Plan Amendment Text Revisions Expressway Access

---

#### Description of the Amendment:

The requested amendment is to the Community Services and Facilities – Circulation and Transportation, Circulation and Transportation Designations components of the City of Modesto Urban Area General Plan. Additions are *italicized*, deletions are denoted by ~~strikeouts~~.

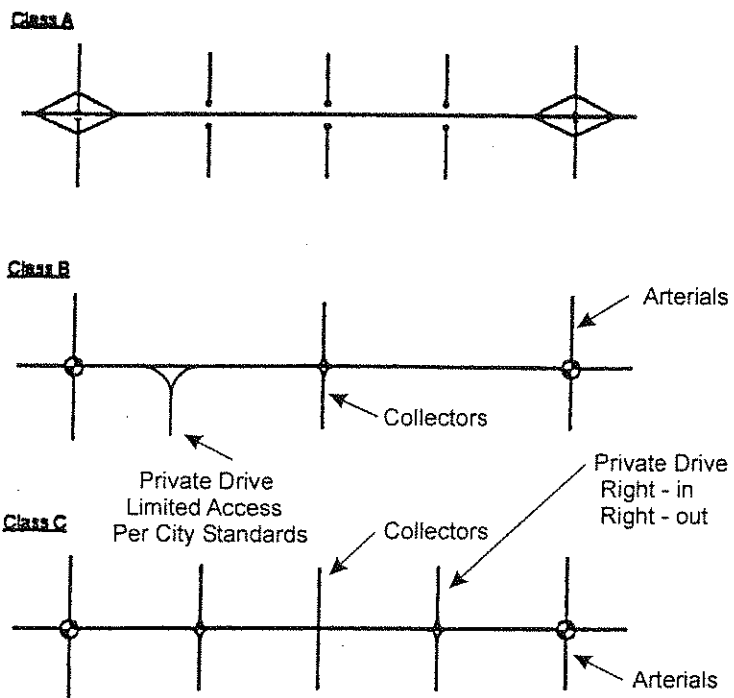
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c. *Expressways* – *The City's General Plan provides for a system of expressways throughout the City. The City will continue to include these expressways in its Circulation and Transportation plan and to implement them in cooperation with the development community according to applicable design standards.*

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2. *Any consideration of access to expressways shall be contingent on the ability of an applicant to provide a properly designed solution consistent with the adopted City standard specifications for access to Class B or Class C expressways. The City Engineer may approve variations and deviations from adopted standard specifications pursuant to section 7-1.701(I)(2) of the Municipal Code. Consideration of a variation and/or deviation from adopted standard specifications shall be subject to environmental review pursuant to the California Environmental Quality Act (CEQA).*
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  - C. *For infill site developments, when an applicant demonstrates to the City Council's satisfaction that the economic benefits derived from development of the remnant parcel overrides the need to limit access to that parcel.*
  - D. *It is recognized that City of Modesto emergency facilities, such as police and fire stations, will be located from time to time on expressways, and further, that direct access is desirable. In these cases, direct access is allowed and shall be designed in cooperation with the Engineering and Transportation Department. Said design shall have City Council approval prior to implementation.*

5. *The City shall adopt access management guidelines and design standards for expressway access. The purpose of the guidelines and design standards is to provide safe ingress and egress to adjacent parcels while at the same time not degrading the carrying capacity, flow and efficiency of the expressway. Such access management guidelines and design standards conform to design criteria and standards as set forth by the American Association of State Highway and Transportation Officials (AASHTO).*

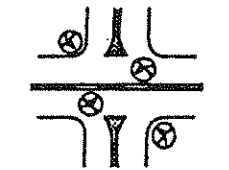
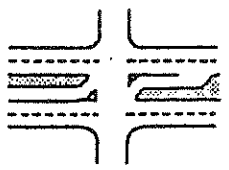
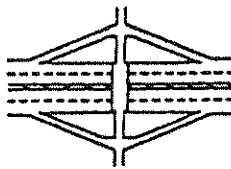
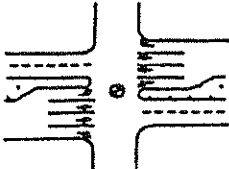
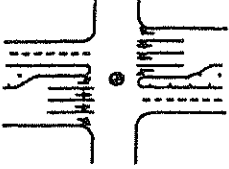
# EXPRESSWAY DESIGN FEATURES



This diagram illustrates levels of side-street and driveway access permitted on a one-mile section of typical Class A, Class B, and Class C expressways, see next figure for greater detail on individual types of access

**Note: Design of Expressway access shall conform to City Standard Specifications**

## Expressway Design Classes

Type of Access Point	Minimum Spacing along Expressway (If permitted at all)	Typical Design of Access Point		
		Class A Expressway	Class B Expressway	Class C Expressway
Driveway	>300ft.	(Not Permitted)	Permitted in limited Circumstances Per City Standard	Permitted in limited Circumstances Per City Standard
Collector	1/4-1/2 ml.	(Not Permitted)	 (Per City Standards)	
Arterial	1 ml.			

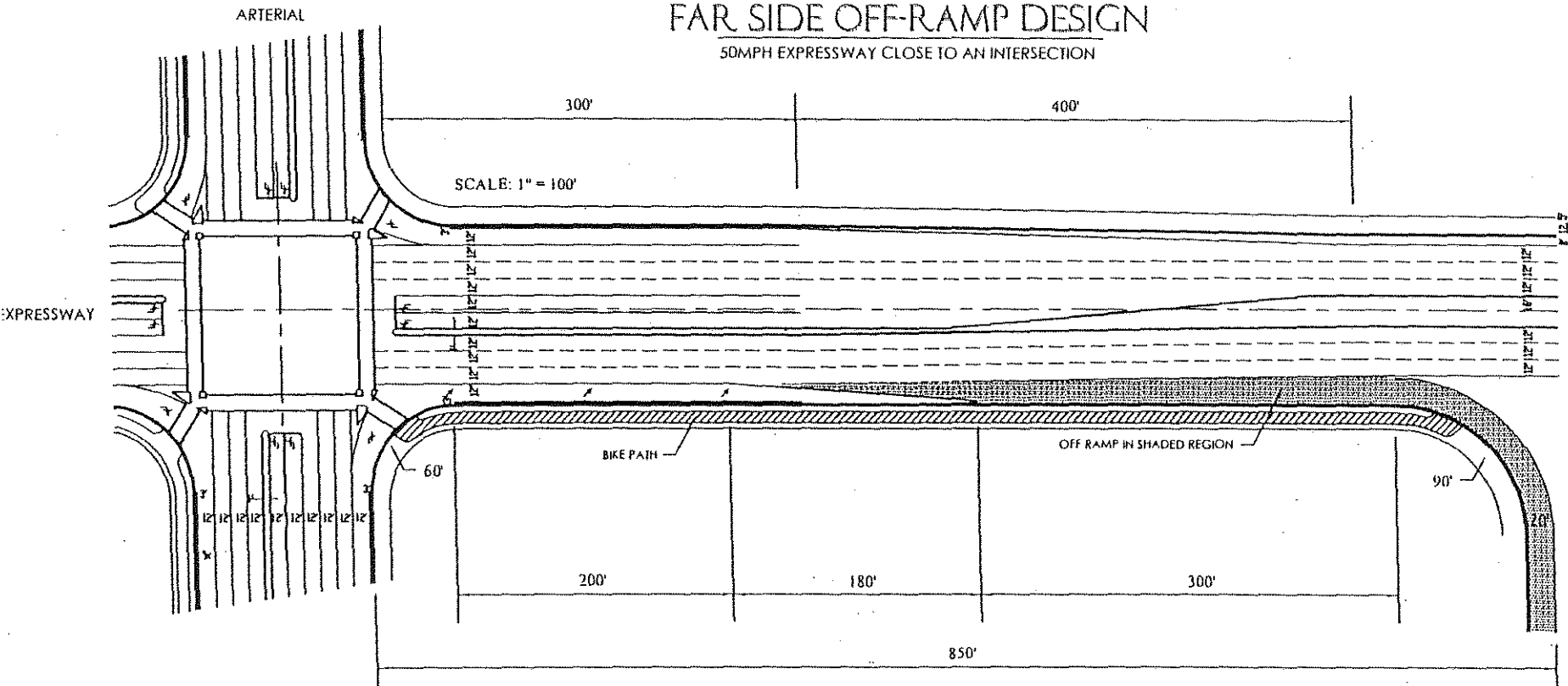
## Expressway Access Management

Exhibit "B"

Expressway Access Standard Specifications

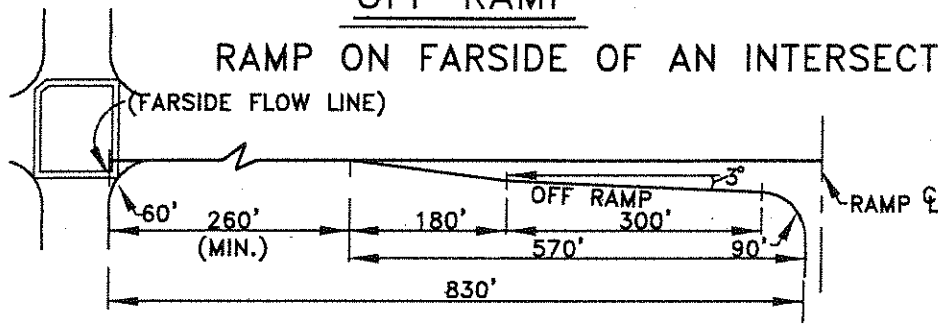
# FAR SIDE OFF-RAMP DESIGN

50MPH EXPRESSWAY CLOSE TO AN INTERSECTION

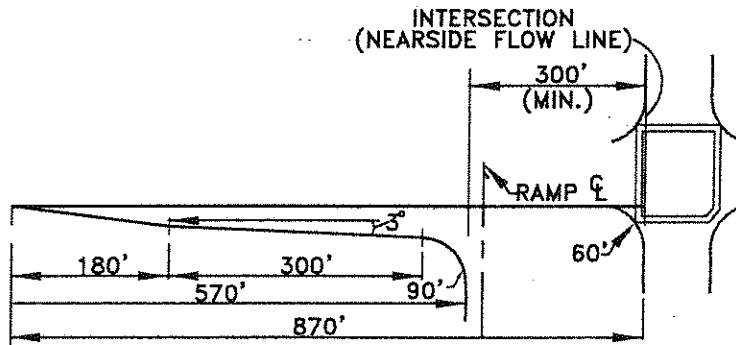


OFF RAMP

RAMP ON FARSIDE OF AN INTERSECTION

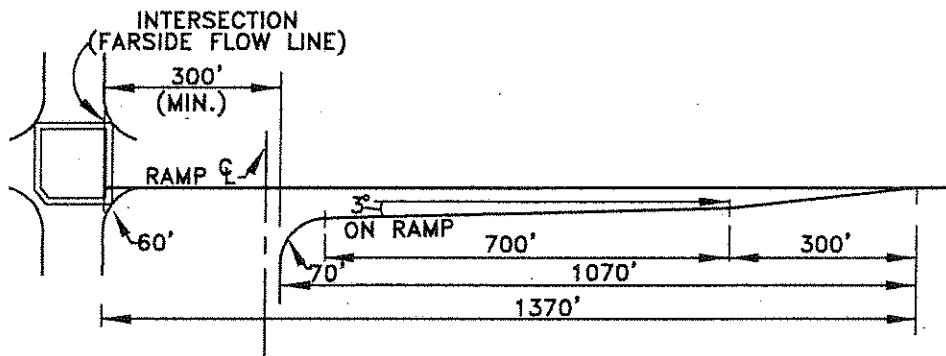


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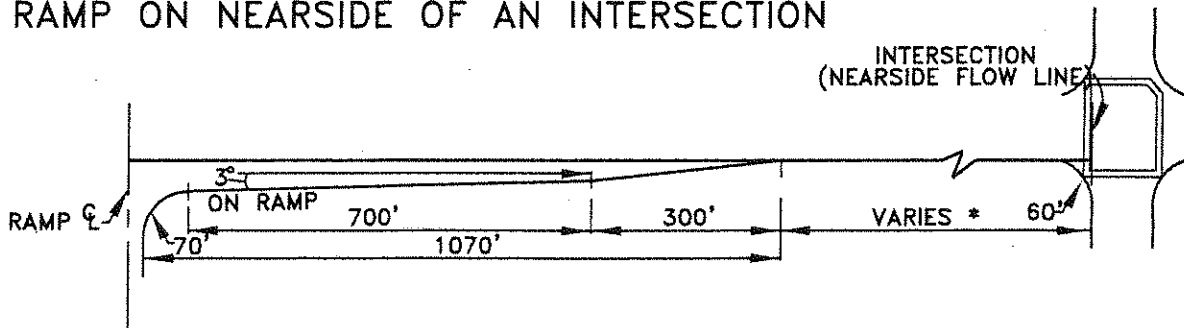


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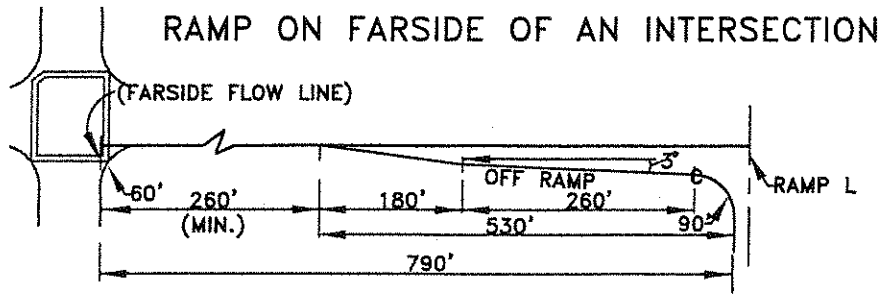


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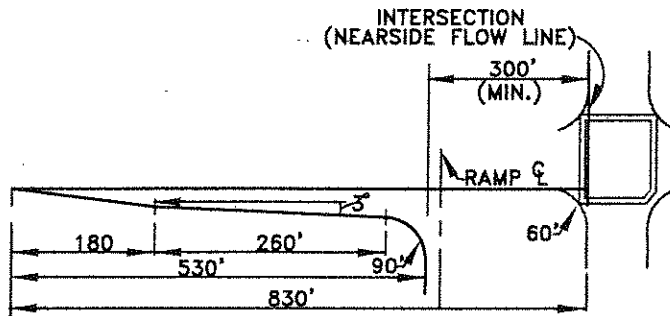


\* LENGTH DEPENDS ON DECELERATION AND STACKING DISTANCE BY PROJECTED RIGHT TURN TRAFFIC VOLUME AT INDIVIDUAL LOCATION

OFF RAMP

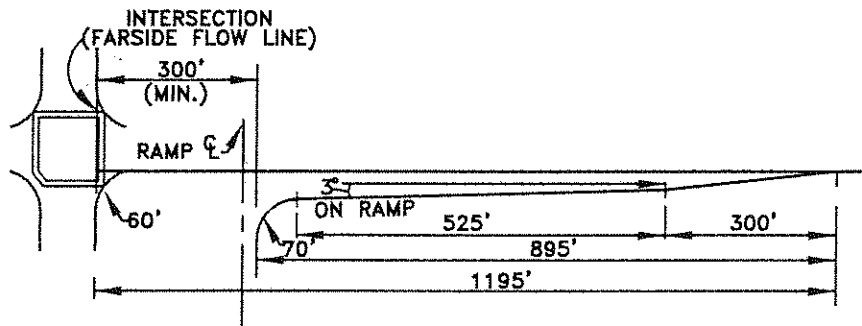


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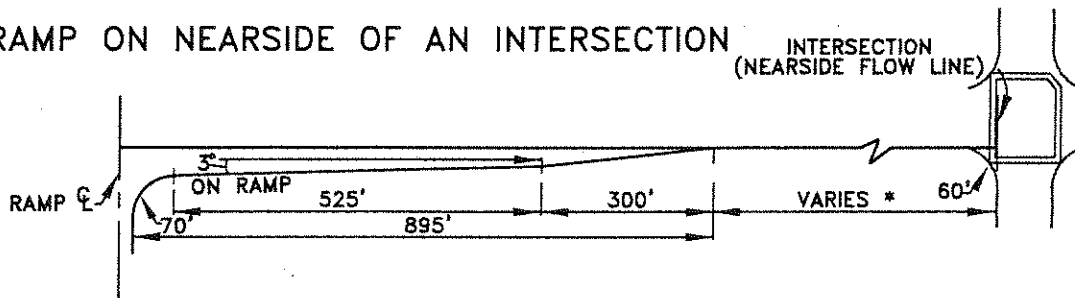


ON RAMP

RAMP ON FAR SIDE OF AN INTERSECTION



RAMP ON NEAR SIDE OF AN INTERSECTION



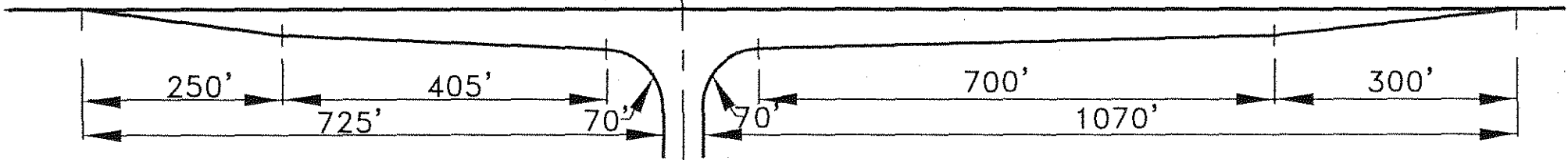
\* LENGTH DEPENDS ON DECELERATION AND STACKING DISTANCE BY PROJECTED RIGHT TURN TRAFFIC VOLUME AT INDIVIDUAL LOCATION

Exhibit "C"

Expressway Access Standard Specification  
(Midblock ramp design)

# CLASS B&C EXPRESSWAY MIDBLOCK ACCESS

AASHTO MINIMUM DESIGN @ 50 MPH DESIGN SPEED



AASHTO MINIMUM DESIGN @ 45 MPH DESIGN SPEED

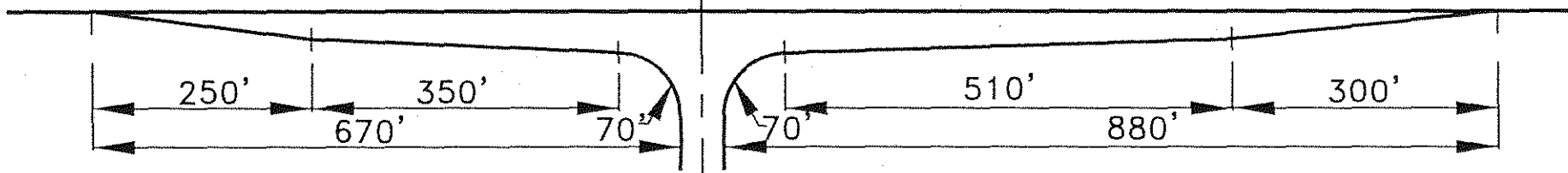
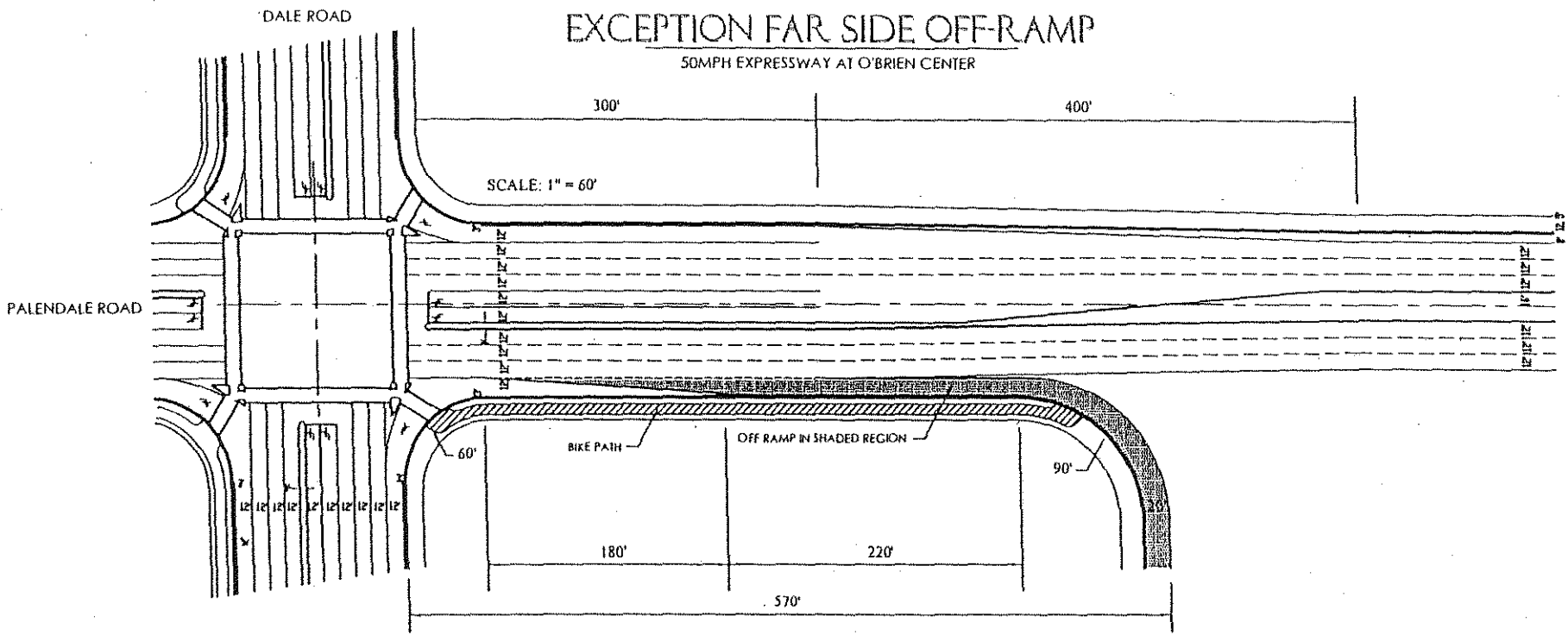


Exhibit "D"

Expressway Access Standard Specification

(Design exception to the far side off-ramp standard specification for Class B Expressways  
for property located at the southeast corner of Dale Road and Pelandale)



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-479**

**A RESOLUTION FINDING THAT AN AMENDMENT TO THE CITY OF MODESTO URBAN AREA GENERAL PLAN COMMUNITY SERVICES AND FACILITIES CIRCULATION AND TRANSPORTATION SECTION TO ADD POLICIES ALLOWING FOR ACCESS TO CLASS B AND C EXPRESSWAYS TO NON-RESIDENTIAL USES ON A CASE-BY-CASE BASIS SUBJECT TO CERTAIN DESIGN CRITERIA IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017); (CITY INITIATED.)**

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, the City staff has proposed an amendment to the City of Modesto Urban Area General Plan (File No. GPA 2001-02) to amend the Community Services and Facilities Circulation and Transportation Section to add policies allowing for access to Class B and C Expressways on a case-by-case basis subject to certain design criteria as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2001-27 reviewed the proposed amendment to City of Modesto Urban Area General Plan, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR.

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 amendment to the Modesto Urban Area General Pan, a copy of which is attached hereto as Exhibit "B", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed Expressway Access General Plan Amendment is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH#92052017).

2. That the proposed Expressway Access General Plan Amendment will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document nor findings shall be required by the California Environmental Quality Act (per section 21157.1).

4. There are no specific features unique to this proposed Expressway Access General Plan Amendment that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

5. The Initial Study, Environmental Assessment No. EA/CDD 2001-27, provides the substantial evidence to support findings 2-4 noted above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 the regular meeting of the Council of the City of Modesto held on September 11, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Sabatino

Noes: Councilmembers: Frohman, Serpa

Absent: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

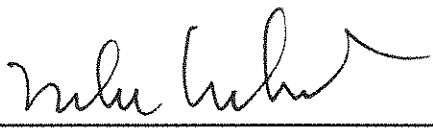
By:   
MICHAEL D. MILLICH, City Attorney

Exhibit "A"

Expressway Access General Plan Amendment  
Text and Diagram Revisions

## Attachment "A"

### Urban Area General Plan Amendment Text Revisions Expressway Access

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#### Description of the Amendment:

The requested amendment is to the Community Services and Facilities – Circulation and Transportation, Circulation and Transportation Designations components of the City of Modesto Urban Area General Plan. Additions are *italicized*, deletions are denoted by ~~strikeouts~~.

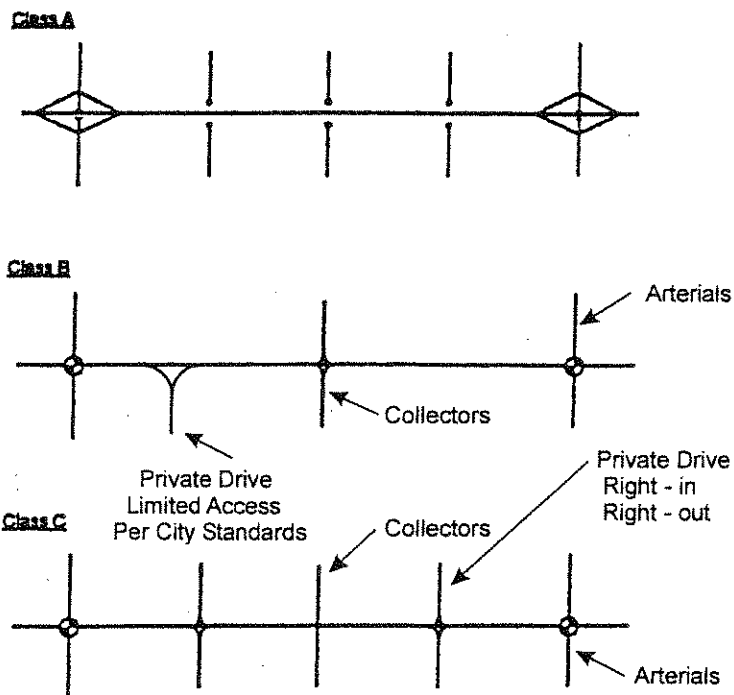
#### 4. Policies Relating to Street Designations (page V-3)

c. *Expressways* – *The City's General Plan provides for a system of expressways throughout the City. The City will continue to include these expressways in its Circulation and Transportation plan and to implement them in cooperation with the development community according to applicable design standards.*

1. *The City shall regulate and limit the number and design of expressway access locations in order to ensure the overall operational viability of expressways in the community.*
2. *Any consideration of access to expressways shall be contingent on the ability of an applicant to provide a properly designed solution consistent with the adopted City standard specifications for access to Class B or Class C expressways. The City Engineer may approve variations and deviations from adopted standard specifications pursuant to section 7-1.701(I)(2) of the Municipal Code. Consideration of a variation and/or deviation from adopted standard specifications shall be subject to environmental review pursuant to the California Environmental Quality Act (CEQA).*
3. *Any access to expressways from private parcels shall be at the sole expense of the private party, including any reconstruction of the expressway which may be necessitated.*
4. *The City may allow expressway access along either Class B or Class C expressways to non-residential uses on a case-by-case basis when conditions A and B are met, or condition C is met or condition D is met as noted below:*
  - A. *When an applicant demonstrates to the City Council's satisfaction that economic purposes are clearly restricted by denial of access to a particular parcel.*
  - B. *When an applicant demonstrates to the City Council's satisfaction that there are either no or only highly restrictive alternative access solutions available to a particular parcel under consideration.*
  - C. *For infill site developments, when an applicant demonstrates to the City Council's satisfaction that the economic benefits derived from development of the remnant parcel overrides the need to limit access to that parcel.*
  - D. *It is recognized that City of Modesto emergency facilities, such as police and fire stations, will be located from time to time on expressways, and further, that direct access is desirable. In these cases, direct access is allowed and shall be designed in cooperation with the Engineering and Transportation Department. Said design shall have City Council approval prior to implementation.*

5. *The City shall adopt access management guidelines and design standards for expressway access. The purpose of the guidelines and design standards is to provide safe ingress and egress to adjacent parcels while at the same time not degrading the carrying capacity, flow and efficiency of the expressway. Such access management guidelines and design standards conform to design criteria and standards as set forth by the American Association of State Highway and Transportation Officials (AASHTO).*

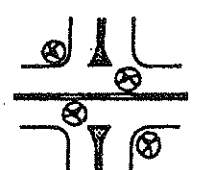
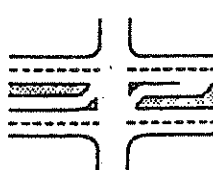
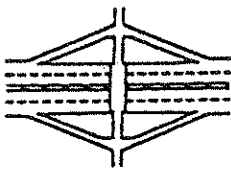
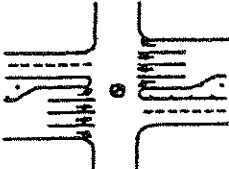
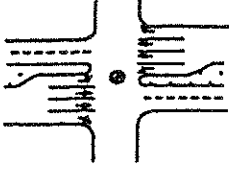
## EXPRESSWAY DESIGN FEATURES



This diagram illustrates levels of side-street and driveway access permitted on a one-mile section of typical Class A, Class B, and Class C expressways, see next figure for greater detail on individual types of access

**Note: Design of Expressway access shall conform to City Standard Specifications**

### Expressway Design Classes

Type of Access Point	Minimum Spacing along Expressway (If permitted at all)	Typical Design of Access Point		
		Class A Expressway	Class B Expressway	Class C Expressway
Driveway	>300ft.	(Not Permitted)	Permitted in limited Circumstances Per City Standard	Permitted in limited Circumstances Per City Standard
Collector	1/4-1/2 ml.	(Not Permitted)	 (Per City Standards)	
Arterial	1 ml.			

### Expressway Access Management

Exhibit "B"

Initial Study  
EA/CDD 2001-27

# City of Modesto

## Initial Study

### Expressway Access General Plan Amendment

EA NO. CDD 2001 - 27

#### **I. PURPOSE:**

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this proposed Expressway Access General Plan Amendment. The Final Master EIR (SCH # 92052017) was certified by the Modesto City Council on August 15, 1995.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan. This Initial Study also provides documentation that the project is considered in the Master EIR as being within the scope of the General Plan.

#### **II. PROJECT DESCRIPTION:**

- A. Project Title:  
Expressway Access General Plan Amendment
- B. Lead Agency Name and Address:  
City of Modesto, P.O. Box 642 Modesto, CA 95353
- C. Contact Person, address and phone number:  
Firoz Vohra, Traffic Engineer, 1010 Tenth Street, Modesto, CA  
(209) 577-5430
- D. Project Location:  
The Modesto Urban Area along existing and proposed expressways
- E. Project Sponsor, address and phone number:  
City of Modesto, P.O. Box 624, Modesto, CA 95353
- F. Modesto General Plan Designation:  
Expressway

- G. Zoning:  
Existing: varies  
Proposed: varies, generally regional commercial

H. Description of Proposed Project:

Amend the Urban Area General Plan to add policy language and graphics to describe the City's expressway access policies and requirements for access to Class B Expressways to and from adjacent non-residential development provided certain criteria and access standards are met.

The City Council conducted a study session and based on public input reflected on a draft proposed expressway access policy, refined the policy. Exhibit 1 is the Draft Expressway Access Policy. Should the General Plan be amended as proposed, this policy would provide direction to those seeking direct access from a Class B Expressway in Modesto.

I. Surrounding Land Uses:

North: Unincorporated County island which includes a mix of existing residential and commercial uses.

South: Existing urban and rural areas

East: Existing urban and rural areas

West: Existing urban and rural areas

- J. Other Public agencies whose approval is required:  
none

**III ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. **Traffic and Circulation**

The City's Traffic Engineer has determined that the proposed project is in conformance with the MEIR.

The design standard, as shown in Exhibit 2, provides sufficient deceleration/acceleration length, taper length and provides for enough merge and diverge access for vehicles entering and exiting the expressway. It follows AASHTO standards and maintains safety as well as efficiency of the expressway. The minimum distance from existing and other intersections would maintain necessary distance for merge and diverge and therefore, maintain safety. The capacity and efficiency of the expressways will not be degraded as result of implementing this policy under the standards proposed.

Thus the proposed general plan amendment is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

**B. Degradation of Air Quality**

Based on the City Traffic Engineer's analysis of the proposed General Plan Amendment's effect on expressway level of service and capacity, the proposed project will not cause additional traffic-related impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-5) are, therefore, still valid.

**C. Generation of Noise**

Because the City's Traffic Engineer has determined that there would not be a significant increase in traffic impacts, and that roadway capacity and efficiency would be consistent with the General Plan, the proposed amendment will not cause an increase in the projected generation of traffic-related noise for this area. Therefore, the project will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

**D. Loss of Productive Agricultural Land**

The improvements to the facilities proposed by the expressway access AASHTO design standards would not significantly change the size or configuration of the expressway facilities. The proposed resulting amendment action will thus, not remove any additional agricultural lands from production not already analyzed by the General Plan Master EIR. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

**E. Increased Demand for Water Supplies**

The improvements to the existing and proposed facilities proposed by the expressway access AASHTO design standards would not significantly change the size or configuration of the expressway facilities. Therefore, the amendment would require no additional water supplies beyond that identified in the Increased Demand for Water Supplies section of the General Plan MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

F. **Increased Demand for Sanitary Sewer Services**

The proposed improvements to the existing and proposed facilities proposed by the expressway access AASHTO design standards would not significantly change the size or configuration of the expressway facilities. Therefore no increase in sewer demand from existing General Plan land uses will result nor will there be any increase in demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**

The improvements to the existing and proposed facilities proposed by the expressway access AASHTO design standards would not significantly change the size or configuration of the expressway facilities. Therefore, there is clearly no impact to sensitive wildlife or any plant habitat beyond that which was analyzed in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**

The improvements to the existing and future expressway facilities proposed by the expressway access AASHTO design standards will not significantly change the size or configuration of these facilities. Therefore there will not be an increased disturbance of any archaeological or historic sites from what was previously analyzed in the Master EIR. Thus the expressway sites will not require additional site specific investigations. The Existing conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**

The improvements to the existing and future expressway facilities proposed by the expressway access AASHTO design standards will not significantly change the size or configuration of these facilities. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. The project area is approximately two miles north of the designated flood plain area of the Tuolumne River. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

- J. Increased Demand for Storm Drainage**  
The improvements to the existing and future expressway facilities proposed by the expressway access AASHTO design standards will not significantly change the size or configuration of these facilities. The parcels to be developed will also be required to meet local standards for storm drainage. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore, still valid.
- K. Increased Demand for Parks and Open Space**  
The improvements to the existing and future expressway facilities proposed by the expressway access AASHTO design standards will not significantly change the size or configuration of these facilities. The proposal would affect roadway facilities only and would not generate any new population that would use parks or open space facilities. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.
- L. Increased Demand for Schools**  
The improvements to the existing and future expressway facilities proposed by the expressway access AASHTO design standards will not significantly change the size or configuration of these facilities. The proposed changes are to roadway design requirements only and do not affect demand for schools. Therefore, since there will be no students generated, the proposal will not impact the Modesto school system. Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.
- M. Increased Demand for Police Services**  
The improvements to the existing and future expressway facilities proposed by the expressway access AASHTO design standards will not significantly change the size or configuration of these facilities. These new design standards would allow for access to Class B Expressway facilities while maintaining an acceptable level of service. Thus, there would be no increased demand for traffic police units. Therefore, the project is anticipated to have a less than significant impact on the need for additional police services. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.
- N. Increased Demand for Fire Services**  
The improvements to the existing and future expressway facilities proposed by the expressway access AASHTO design standards will not

significantly change the size or configuration of these facilities. These new design standards would allow for access to expressway facilities while maintaining a consistent and safe level of service. Thus it would not result in a significant increase in service demand for the City of Modesto Fire Department. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

**O. Generation of Solid Waste**

The improvements to the existing and future expressway facilities proposed by the expressway access AASHTO design standards will not significantly change the size or configuration of these facilities. The proposed amendment relates to expressway design standards for access only. There is no proposal that would affect solid waste generation factors for any land uses within the City's General Plan area. Therefore, the analysis in the MEIR is still consistent. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.

**P. Generation of Hazardous Materials**

The improvements to the existing and proposed facilities proposed by the expressway access AASHTO design standards would not significantly change the size or configuration of the expressway facilities, this proposed amendment is focused on expressway design only and will not result in additional traffic or development not already identified in the adopted General Plan. Therefore, there will be no additional hazardous material generated beyond those identified in the MEIR. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore, still valid.

**Q. Landslides and Seismic Activity**

The improvements to the existing and proposed facilities proposed by the expressway access AASHTO design standards would not significantly change the size or configuration of the expressway facilities. This proposed amendment is focused on expressway design only and will not result in additional traffic or development not already identified in the adopted General Plan. Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, will have no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

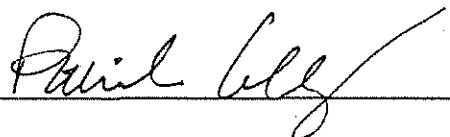
R. **Energy**

The improvements to the existing and proposed facilities proposed by the expressway access AASHTO design standards would not significantly change the size or configuration of the expressway facilities. This proposed amendment is focused on expressway design only and will not affect the efficiency or capacity of facilities or result in additional traffic impacts not already identified in the adopted General Plan. Thus, the General Plan amendment is consistent with the analysis in the MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore, still valid. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

**IV CONCLUSIONS/DETERMINATIONS OF FINDINGS**

- A. The proposed Expressway Access General Plan Amendment is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).
- B. The proposed Expressway Access General Plan Amendment will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).
- D. There are no specific features unique to this proposed Expressway Access General Plan Amendment that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.
- E. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: \_\_\_\_\_

 4-10-01

**DRAFT**

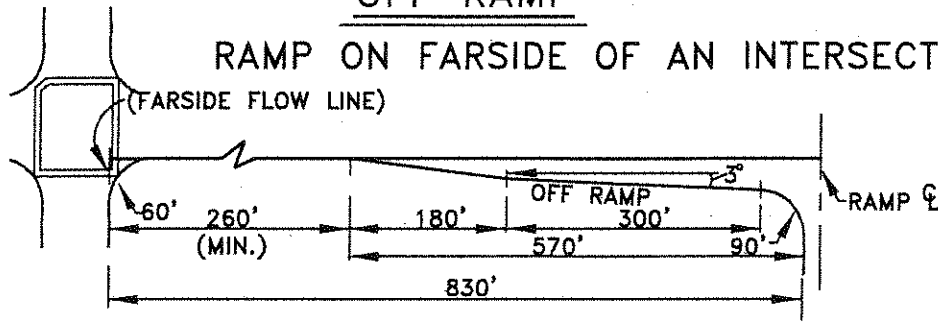
Proposed Policies  
for  
Expressway Access

**DRAFT**

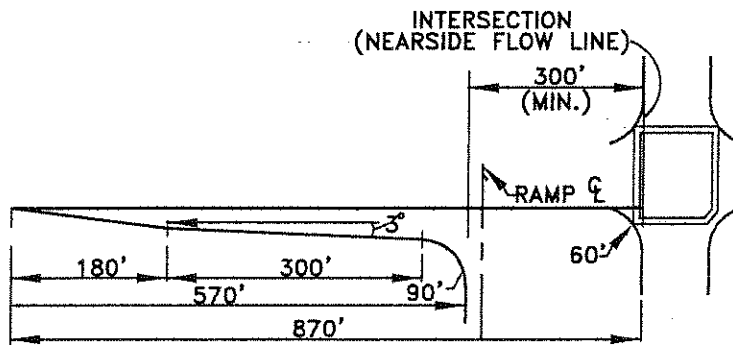
1. The City's General Plan provides for a system of expressways throughout the City. The City will continue to include these expressways in its Circulation and Transportation plan and to implement them in cooperation with the development community according to applicable design standards.
2. The City shall regulate and limit the number and design of expressway access locations in order to ensure the overall operational viability of expressways in the community.
3. The City may allow expressway access along either Class B or Class C expressways on a case-by-case basis when one or more of the following are met and all design criteria can be met:
  - A. When an applicant demonstrates to the City Council's satisfaction that economic purposes are clearly restricted by denial of access to a particular parcel.
  - B. When an applicant demonstrates to the City Council's satisfaction that there are either no or only highly restrictive alternative access solutions available to a particular parcel under consideration.
  - C. For infill site developments, when an applicant demonstrates to the City Council's satisfaction that the economic benefits derived from development of the remnant parcel overrides the need to limit access to that parcel.
  - D. It is recognized that City of Modesto emergency facilities, such as police and fire stations, will be located from time to time on expressways, and further, that direct access is desirable. In these cases, direct access is allowed and shall be designed in cooperation with the Engineering and Transportation Department. Said design shall have City Council approval prior to implementation.
4. Any consideration of access to expressways shall be contingent on the ability of an applicant to provide a properly designed solution consistent with adopted design standards.
5. Any access to expressways from private parcels shall be at the sole expense of the private party, including any reconstruction of the expressway which may be necessitated.
6. The City shall adopt access management guidelines and design standards for expressway accesses. The purpose of the guidelines and design standards is to provide safe ingress and egress to adjacent parcels while at the same time not degrading the carrying capacity, flow and efficiency of the expressway. Such access management guidelines and design standards conform to design criteria and standards as set forth by the American Association of State Highway and Transportation Officials (AASHTO).

OFF RAMP

RAMP ON FARSIDE OF AN INTERSECTION

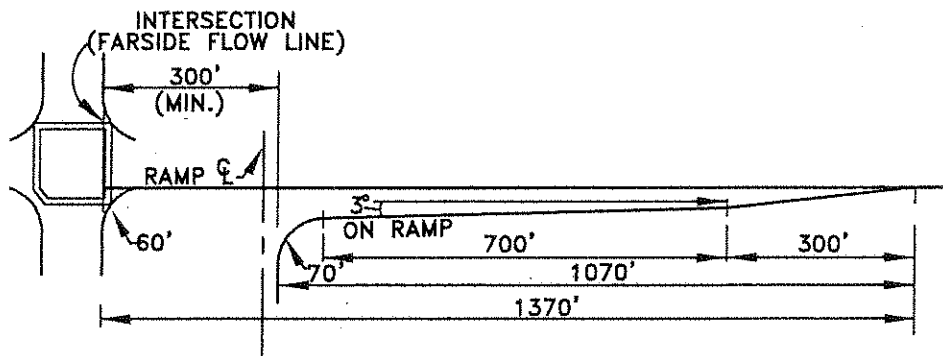


RAMP ON NEARSIDE OF AN INTERSECTION

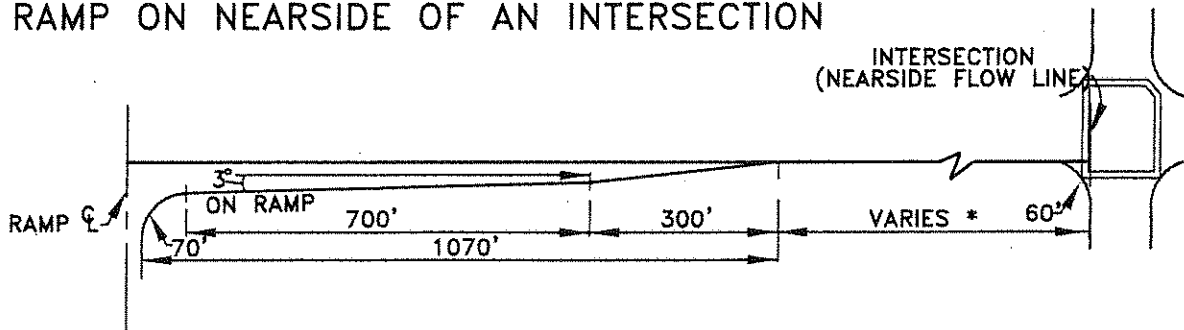


ON RAMP

RAMP ON FARSIDE OF AN INTERSECTION

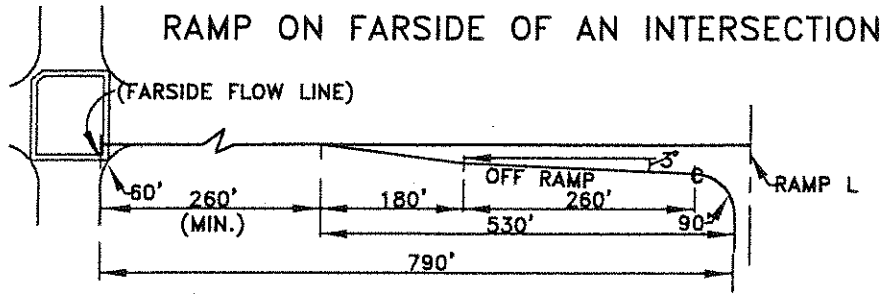


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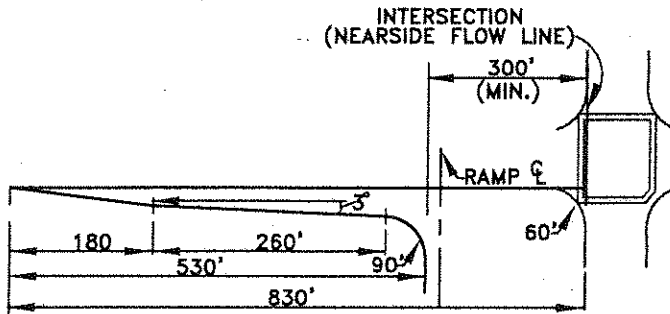


\* LENGTH DEPENDS ON DECELERATION AND STACKING DISTANCE BY PROJECTED RIGHT TURN TRAFFIC VOLUME AT INDIVIDUAL LOCATION

OFF RAMP

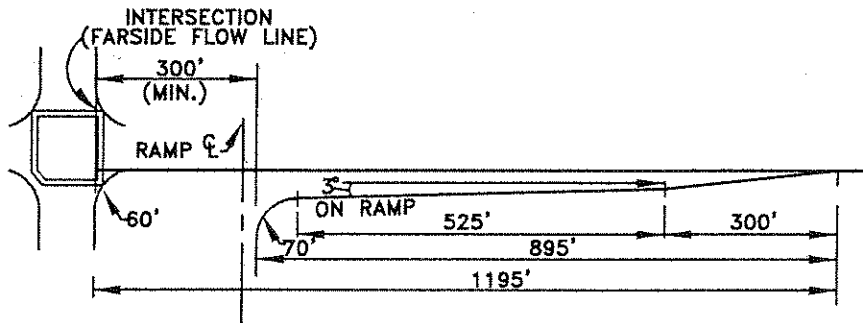


RAMP ON NEAR SIDE OF AN INTERSECTION

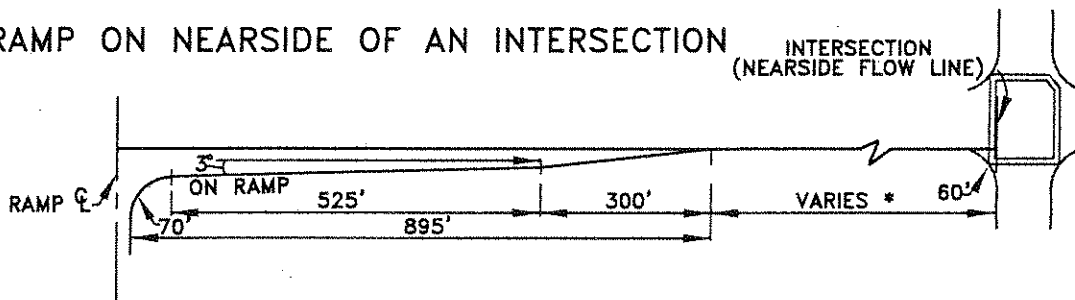


ON RAMP

RAMP ON FAR SIDE OF AN INTERSECTION



RAMP ON NEAR SIDE OF AN INTERSECTION



\* LENGTH DEPENDS ON DECELERATION AND STACKING DISTANCE BY PROJECTED RIGHT TURN TRAFFIC VOLUME AT INDIVIDUAL LOCATION

## City of Modesto

### Addendum to Initial Study Expressway Access General Plan Amendment July 16, 2001

#### EA No. CDD 2001 – 27

An Environmental Assessment has been prepared for the General Plan Amendment for Expressway Access (EA No. CDD 2001-27). This document serves as an addendum to the referenced initial study. The conclusions of the addendum do not affect the conclusions/findings outlined in the original environmental assessment.

#### **Project Description:**

Amend the Urban Area General Plan to add policy language and graphics to describe the City's expressway access policies and requirements for access to Class B and C Expressways to and from adjacent non-residential development provided certain criteria and access standards are met.

#### **Background Information:**

On May 19, 2001, the Expressway Access General Plan Amendment was continued to the June 18, 2001 Planning Commission meeting. The Planning Commission requested staff to develop an access standard to accommodate 70% of the undeveloped property along the expressway. Several meetings were held between staff, developers, and traffic engineers to develop standards for expressway access.

Based on meetings and discussion with property owners and their engineers, staff has developed standards for expressway access as shown on the attached exhibits. Collectively, all engineers agreed that the on-ramp design proposed by staff is per minimum allowable standards (Exhibit 1). The recommended off-ramp design standard is 850' in length (Exhibit 2). This would satisfy 7 of the 13 properties inventoried (Exhibit 3), therefore a design exception would be necessary for two additional properties to satisfy the 70<sup>th</sup> percentile requested by the Planning Commission (Exhibit 4). The 8<sup>th</sup> and 9<sup>th</sup> properties are located on the southeast corners of Dale/Pelandale and Coffee/Claratina respectively. The Dale/Pelandale property is at the beginning of the expressway, and, therefore is expected to have traffic traveling at 40 mph. In this instance, an off-ramp with shorter deceleration length can be recommended at this location. A design exception for this property has been prepared as identified by Exhibit 4 and the Engineering and Transportation Division has indicated that this design exception will work satisfactorily. The property located at the southeast corner of Coffee/Claratina is located in the middle of the expressway and therefore cannot be expected to have lower travel speeds and is not recommended for a design exception.

In addition, a travel speed study was performed to evaluate existing on/off ramps on the Briggsmore Expressway (Exhibit 5). The study indicated that these existing ramps may not be of adequate length to allow vehicles travelling at the roadway design speed to decelerate within the ramp area. Therefore, staff is recommending a farside off-ramp design standard of 850 feet in length.

## ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

Of the eighteen subject areas in the Master EIR for the General Plan, the proposed revised standards for expressway access including the exception for the property located at the southeast corner of Dale Road and Pelandale, one environmental factor is potentially affected: Circulation and Transportation. Following is an analysis of how this project conforms with the analysis contained within the Master EIR, with respect to Traffic and Circulation. Based on the City Traffic Engineer's analysis of the proposed General Plan Amendment's effect on expressway level of service and capacity, the proposed project as amended, will not cause additional traffic impacts or related impacts to any of the other environmental factors outlined in the initial study.


### A. **Traffic and Circulation:**

The City's Traffic Engineer has determined that the proposed project including the revised standards for expressway access is in conformance with the MEIR.

The revised design standards as shown in Exhibits 2 and 4 provide sufficient deceleration/acceleration length, taper length and provide for enough merge and diverge access for vehicles exiting the expressway. The minimum distance from existing and other intersections would maintain necessary distance for merge and diverge and therefore, maintain safety. The capacity and efficiency of the expressways will not be degraded as a result of implementing this policy under the standards proposed.

Thus, the proposed general plan amendment is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

No further changes or revisions are recommended for the remaining environmental factors addressed in the original environmental assessment for this project.

 7/16/2001

Steven R. Nish  
Associate Planner

Date

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-480**

**A RESOLUTION ADOPTING THE 2000 URBAN WATER MANAGEMENT  
PLAN**

WHEREAS, the California Water Code requires that all urban water suppliers providing water for municipal purposes, either directly or indirectly to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, must prepare an urban water management plan and update it at least every five years, and

WHEREAS, the City of Modesto, pursuant to the Water Code, filed Urban Water Management Plans in 1985, 1990 and 1995, and City Staff has recommended adopting the 2000 Urban Water Management Plan in accordance with Section 10642 of the California Water Code, which proposed action will fulfill the 2000 reporting date, and

WHEREAS, City Staff and Modesto Irrigation District Staff presented the Executive Summary of the Draft 2000 Urban Water Management Plan to the Utility Services and Franchise Committee on July 25, 2001, and

WHEREAS, City Staff held a public workshop to obtain public input on August 2, 2001, and

WHEREAS, on August 14, 2001, the City Council approved of a public hearing to be held on September 18, 2001, to obtain public comments, and

WHEREAS, as required by Section 6066 of the Government Code, the plan was made available for public review, and notices of a public hearing to be held by the City Council of the City of Modesto on September 18, 2001, were published in *The Modesto Bee* for two weeks prior to said public hearing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the 2000 Urban Water Management Plan in accordance with Section 10642 of the California Water Code. A copy of said plan is 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 18<sup>th</sup> day of September 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-481**

**A RESOLUTION APPROVING A CONCEPTUAL PLAN FOR A COMMUNITY  
BEAUTIFICATION PROJECT ON PROPERTY OWNED BY THE CITY OF  
MODESTO AND BOUNDED BY 19<sup>TH</sup> AND H STREETS IN THE CITY OF  
MODESTO.**

WHEREAS, the City of Modesto is interested in developing projects which beautify the community and has expressed that desire in the City's Strategic Plan, and

WHEREAS, the City of Modesto is particularly interested in projects for which partnerships can be formed with the local volunteers and businesses, and

WHEREAS, the City owns property bounded by 19<sup>th</sup> and H Streets which cannot be utilized for its original purpose and is, in its present state, an eyesore to the community, and

WHEREAS, local business leaders and civic groups have expressed interest in partnering with the City to beautify the City-owned property at 19<sup>th</sup> and H Streets, and

WHEREAS, the proposed design of said property shall include a fountain designed and built by a local design and installation firm for a total cost not to exceed \$32,000, and

WHEREAS, the Community Development & Housing Committee reviewed and approved the project on August 15, 2001,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves the conceptual beautification plan for 19<sup>th</sup> and H Streets,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

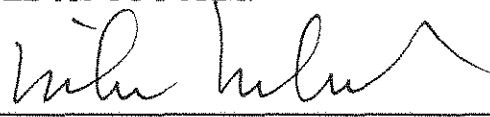
ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
\_\_\_\_\_

MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-482**

**A RESOLUTION APPROVING AN AGREEMENT FOR A GRANT IN THE AMOUNT OF \$50,000 BETWEEN THE CITY OF MODESTO AND AMERICAN GI FORUM FOR THE WORKFORCE DEVELOPMENT PROGRAM, CONTRACTOR SUPPORT CENTER, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the City Council of the City of Modesto has supported the efforts of the Workforce Development Program; and

WHEREAS, the Workforce Development Program has four components: Pre-Construction Training Program, Contractor Support Center, Affordable Housing and Policy Changes; and

WHEREAS, the Pre-Construction Training Program began in October, 2000, and has successfully graduated two classes; and

WHEREAS, the Citizens' Housing and Community Development Committee approved the request for funding recommendation at its July 27, 2001, meeting; and

WHEREAS, the City Council supports the continued expansion of the Workforce Development program through the creation of the Contractor Support Center.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that a grant in the amount of \$50,000 from Community Development Block Grant Funds is awarded to AMERICAN GI FORUM for the Workforce Development Contractor Support Center.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Agreement for Services between the City of Modesto and American GI Forum.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 25<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-483**

**A RESOLUTION ACCEPTING A FEDERAL AIRPORT IMPROVEMENT PROGRAM GRANT IN THE AMOUNT OF \$1,000,000 FOR IMPROVEMENTS TO MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT ACCEPTANCE**

WHEREAS, Modesto City-County Airport is a commercial service airport that is eligible for federal funds to complete needed airport improvements, and

WHEREAS, on March 1, 2001, the City submitted a Council approved Airport Improvement Program (AIP) grant application in the amount of \$10.560 million that included requested funding for improvements to install a generator for emergency airfield lighting, improve perimeter and passenger terminal security, and to rehabilitate an aircraft apron near the terminal estimated to cost approximately \$1,000,000, and

WHEREAS, the City received on September 11, 2001 from the Federal Aviation Administration (FAA) a grant in the amount of \$1,000,000 to complete installation of an emergency airfield generator, construct a perimeter access road, to partially fund the expansion and reconstruction of an aircraft apron which has already been approved and partially funded, and the design of a Security Identification Display Area (SIDA) upgrade, and

WHEREAS, the FAA notification included a deadline for accepting and returning the grant of September 30, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of an FAA grant in the amount of \$1.0 million to complete the above described projects, and

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the acceptance of the grant, titled AIP 3-06-0153-26, on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> of September, 2001 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Maileva Foxey, Acting  
for JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

by [Signature]  
for MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-484**

**A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF \$122,000 FOR THE NON-MOTORIZED TRAILS PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR THE CITY OF MODESTO COMPREHENSIVE TRAIL SIGNAGE PROJECT**

WHEREAS, the people of the State of California have enacted the **NON-MOTORIZED TRAILS PROGRAM**, which provides funds to the State of California for grants to local agencies and federally recognized California Indian tribes to increase public enjoyment of trails and access to public areas by the use of trails, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the program and the grant project shown above within the State, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby:

1. Approves the filing of an application for local assistance funds from the **Non-Motorized Trails Program** under the **Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000** in the amount of \$122,000; and
2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and
3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:   
for JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 

for MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-485**

**A RESOLUTION AUTHORIZING FIRE DEPARTMENT DIVISION AND  
BATTALION CHIEFS TO RECEIVE A STIPEND WHEN ASSIGNED TO  
CERTAIN MUTUAL AID ASSIGNMENTS.**

WHEREAS, the City desires to support the Statewide mutual aid system by providing assistance to major fires and other disasters in California, and

WHEREAS, the City desires to provide Chief Officers to fill Strike Team and Task Force Leader assignments when requested through the Office of Emergency Services, and

WHEREAS, the City desires to authorize stipends to Fire Department Battalion and Division Chiefs who participate in such assignments, and

WHEREAS, the participation in such assignments is beneficial to the Fire Department because it encourages the professional development of Chief Officers and provides valuable training under extraordinary conditions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Fire Battalion Chiefs assigned as Strike Team or Task Force Leaders or Strike Team or Task Force Leader Trainees shall receive a stipend of \$1,000 for a 24-hour period and Fire Division Chiefs assigned as Strike Team or Task Force Leaders or Strike Team or Task Force Leader Trainees shall receive a stipend of \$1,200 for a 24-hour period subject to the following conditions:

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-486**

**A RESOLUTION CANVASSING THE RESULTS OF THE SEPTEMBER 18, 2001, ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1, AND ORDERING ANNEXATION OF SAID TERRITORY TO THE DISTRICT (VILLAGE ONE - ANNEXATION #7)**

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), the City Council (the "Council") of the City of Modesto (the "City"), by its Resolution of Formation No. 96-544, adopted on October 8, 1996, formed its Community Facilities District No. 1996-1 (the "District"), relating to territory within the Village One Area, and, subject to the vote of the qualified electors therein, authorized the levy of a special tax therein, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 1 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 2 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 3 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 4 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 5 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 6 to the District, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of Intention to Annex No. 2001-404, adopted August 9, 2001, to annex certain territory to the District, a boundary map for which is recorded at Volume 3 A.M. of Maps of Assessment and Community Facilities Districts at page 52 in the Office of the Stanislaus County Recorder (the "Annexed Territory"), relating to territory within the Village One Area, and to levy a special tax therein (the

"Special Tax") as set forth in Exhibit A hereto and by this reference incorporated herein for the purposes of financing certain facilities and services as set forth in Exhibit A hereto, and by this reference incorporated herein, and to set a hearing thereon for September 18, 2001, and

WHEREAS, at the conclusion of the public hearing, the Council did, on September 18, 2001, adopt its Resolution No. 2001-470, in which it determined to submit the question of the annexation of territory to the District and the levy of the Special Tax therein to the qualified electors of the Annexed Territory, and called an election thereon, which was held on September 18, 2001, (the "Election"), and

WHEREAS, on September 18, 2001, the Election was held relative to the foregoing, and

WHEREAS, the City Clerk has certified that, at the Election the proposition of levying the Special Tax within the Annexed Territory was approved by one hundred (100%) percent of the votes cast,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The above recitals are true and correct.
2. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.
3. Based on the City Clerk's certificate of election results, attached hereto as Exhibit B, the ballot proposition presented to the qualified electors of the Annexed Territory, at the Election received at least two-thirds (2/3) of the votes cast.
4. Pursuant to Section 53339.8 of the Act, it is hereby determined that the Annexed Territory is added to and is a part of the District with full legal effect, and that this Council may levy the Special Tax within the Annexed Territory.
5. The City Clerk of the City of Modesto is hereby directed to enter this resolution in the minutes of this City Council, which shall constitute the official declaration of the result of such Election, and is hereby further authorized and directed to record notice of the annexation by filing an amendment to the notice of special tax lien with the Office of the County Recorder for the County of Stanislaus pursuant to Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

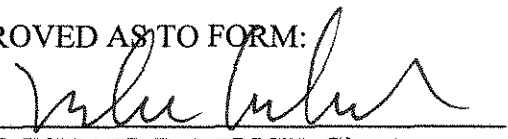
AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By:   
MICHAEL D. MILICH, City Attorney

# **Exhibit A**

**COMMUNITY FACILITIES DISTRICT  
NO. 1996-1 (VILLAGE ONE)**

**CITY OF MODESTO  
STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT  
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**AMENDED APRIL 1997  
FOR  
ANNEXATION NO. 1**

Prepared by:

**VAIL ENGINEERING CORPORATION  
2033 Howe Ave., Ste. 220  
Sacramento, CA 95825  
(916) 929-3323  
(916) 929-1772 FAX**

**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)  
PUBLIC REPORT - MELLO-RODS COMMUNITY FACILITIES ACT OF 1982**

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**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)**  
**CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT**  
**MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**INTRODUCTION**

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

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

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

- (1) A description of the public capital facilities and services proposed for the District;
- (2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;
- (3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;
- (4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;
- (5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

**COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)  
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA**

**PUBLIC REPORT  
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**I. DESCRIPTION OF FACILITIES**

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

**A. ARTERIAL ROADS**

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Expressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Expressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

**B. STORM DRAINAGE SYSTEM**

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9.56 acres):** Retention with pump out facilities to Central Basin.
2. **Central Basin (15.59):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.
3. **Industrial Basin (8 acres):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

**C. UTILITY RELOCATION**

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

**D. PARKS**

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

**E. PUBLIC FACILITIES**

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

**F. OTHER**

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

**G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS\***

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*\*Street parkways includes median and roadside landscape and hardscape.*

## **II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1**

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

### III. COST ESTIMATES

#### A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is \$48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads	\$20,509,278
Storm Drainage	\$13,240,470
Utility Relocation	\$1,120,458
Parks	\$10,863,967
Public Facilities	\$25,000
Other	<u>\$2,698,683</u>
Subtotal:	\$48,457,856
Annual CFD Administration (1%)	\$484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or \$484,579 over the life of the district.

Total district with administration is: \$48,942,435

**B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX**

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is \$850,000. A breakdown of these annual O&M costs are:

\* Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks .....	\$149,073
Street/Parkways: 1,500,000 sq. ft. x \$0.417 / sq. ft. ....	\$625,500
Pathway Landscaping: Subtotal Paths .....	\$44,965
Class I: 17,889 / 5,280 x \$4,020 =	\$13,560
Class II: 82,388 / 5,280 x \$1,500 =	\$23,405
Class III: 84,480 / 5,280 x \$500 =	<u>\$8,000</u>
	\$44,965
Weed and Litter Abatement .....	\$4,251
Misc. Annual Admin/Cont. (3%) .....	<u>\$26,211</u>
	Total Annual Cost: \$850,000

\* Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is \$708,676. The amount attributed to the Village One CFD is \$149,073.

#### **IV . RATE AND METHOD** (By David Taussig and Associates)

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

##### **A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**"Acre or Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

**"Annual Maintenance Special Tax"** means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

**"Assessor's Parcel Map"** means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

**"City"** means the City of Modesto.

**"City Manager"** means the City Manager of the City of Modesto.

**"Commercial Property"** means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

**"Council"** means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

**"Developed Property"** means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

**"Facilities Special Tax"** means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

**"Final Subdivision Map"** means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

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

**"Gross Acreage"** means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan #8*, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

**"Industrial Property"** means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

**"Land Use Class"** means any of the five classes listed in Table 1 and Table 2 below.

**"Maintenance Special Tax Requirement"** means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

**"Maximum Special Tax"** means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

**"Multi-Family Residential"** means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

**"Other Property"** means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

**"Other Undeveloped Property"** means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

**"Public Agency"** means the federal government, State of California or other local governments or public agencies.

**"Subdivided Property"** means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

**"Undeveloped Commercial Property"** means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Undeveloped Industrial Property"** means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Undeveloped Residential Property"** means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

**"Very Low Density Residential"** means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

**"Village One Facilities Master Plan"** means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

**"Village One Specific Plan"** means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

**"Village Residential"** means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

## **B. ASSIGNMENT TO LAND USE CLASS**

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

**C. MAXIMUM SPECIAL TAX**

**1. Facilities Special Tax**

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

**Step 1:** Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

**Step 2:** Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

**Step 3:** Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

**Step 4:** Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

**Step 5:** Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

**Step 6:** Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

**Step 1:** Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

**Step 2:** Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

**Step 3:** Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

*CFD NO. 1996-1 (VILLAGE ONE)  
Public Report - Mello Roos Community Facilities Act of 1982*

**Table 1**  
**Per-Acre Special Tax to be Used in**  
**Calculation of Maximum Facilities Special Tax**  
**For Annexation Area No. 1**  
**(Fiscal Year 1996-97)**

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	\$19,715 per Gross Acre
2	Village Residential	\$29,479 per Gross Acre
3	Multi-Family Residential	\$76,394 per Gross Acre
4	Commercial	\$86,610 per Gross Acre
5	Industrial	\$40,564 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

**2. Maintenance Special Tax**

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

**Table 2**  
**Maximum Annual Maintenance Special Tax**  
**(Fiscal Year 1996-97)**

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	\$112.43 per lot
2	Village Residential	\$112.43 per lot
3	Multi-Family Residential	\$ 72.99 per unit
4	Commercial	\$394.30 per Gross Acre
5	Industrial	\$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

**Step 1:** Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan*.

- Step 2:** Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.
- Step 3:** Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.
- Step 4:** Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

**D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX**

**1. Facilities Special Tax**

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 for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.

**2. Maintenance Special Tax**

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

- Step 1:* Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.
- Step 2:* Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.
- Step 3:* If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.
- Step 4:* Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

**E. LIMITATIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

**F. ENFORCEMENT**

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

## V. GENERAL TERMS AND CONDITIONS

### A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

### B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

### C. ADMINISTRATION OF FUNDS

#### 1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

**2. Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

**VI. CERTIFICATION**

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

---

**Jerry L. Slinkard**  
**Vail Engineering Corporation**

---

**Date**

# **Exhibit B**

**EXHIBIT B**

**CERTIFICATE OF CITY CLERK**


I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2001-470, the Resolution calling for the Election, adopted on September 18, 2001 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1(7) on September 18, 2001, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

**Proposition A.** Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established in the Resolution of Formation adopted at a public hearing held by the City Council of the City of Modesto on September 18, 2001, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1(7) for the purposes of financing certain public facilities and services as provided in the Resolution?

TOTAL VOTES CAST:            YES   17              NO     0    

Dated: September 20, 2001

  
\_\_\_\_\_  
JEAN ZAHR  
City Clerk of the City of Modesto

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 - 487**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM  
BUDGET FOR THE FISCAL YEAR 2001-2002 ANNUAL BUDGET**

WHEREAS, an analysis of the Police Headquarters Project (1300-190-J299) has been completed, and it has been determined that an adjustment to the project budget is required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the General Fund working capital (0100-800-8000-8001) will be reduced by \$2.0 million and transferred to the Police Headquarters Project (1300-190-J299-6010), budgeted in the Special Fund For Capital Outlay (fund: 1300). This will also require an inter-fund transfer.

Budget Transactions:

0100-800-8000-8001	<\$2,000,000>
0100-700-J299-7130	2,000,000
1300-900-J299-9010	2,000,000
1300-190-J299-6010	2,000,000

BE IT FURTHER RESOLVED that the Finance Director 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 25<sup>th</sup> day of September, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers  
STAN FEATHERS, Budget Officer

APPROVED AS TO FORM:

By: Mike Milich  
MIKE MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-488**

**A RESOLUTION APPROVING IMPROVEMENTS TO THE McCLURE  
COUNTRY PLACE AND INCLUSION OF A REVISION OF THE McCLURE  
COUNTRY PLACE MASTER PLAN IN THE FISCAL YEAR 2002-03 CAPITAL  
IMPROVEMENT PLAN**

WHEREAS, the City of Modesto acquired the 20-acre McClure Country Place in 1973 and 1975, and

WHEREAS, the McClure Country Place has great potential as an historic site featuring restored gardens, a charming house, an agricultural museum and other amenities, and

WHEREAS, the present tenants have maintained the grounds and provided security, and

WHEREAS, the tenants are scheduled to vacate the property on or before October 31, 2001, and

WHEREAS, prior to securing a new tenant, major improvements will be necessary, including connection to sewer lines, installation of a fire/burglar alarm system, installation of a heating/ventilation/air conditioning system, repair to the foundation, securing of the second floor, placement of signs, and installation of fencing, and

WHEREAS, during the period the property is vacant, security guards will be required, and

WHEREAS, landscape maintenance will be required, and

WHEREAS, the services of a property management agency are desired, and

WHEREAS the Master Plan was prepared in 1981 and is in need of revision, and

WHEREAS, the Human Services Committee met on August 1, 2001 and supported staff recommendations, requesting the following additions which have been incorporated into the recommendations: that fencing be added: that funds be included in the FY 02-03 Capital Improvement Plan; and, that the rental agreement provide the opportunity for the tenant to exchange maintenance of the property for rental reduction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves staff recommendations as follows:

1. Security guards will be hired to be on-site twenty-four hours per day, seven days per week from the time the property is vacated by the current tenant until another tenant occupied the property.
2. A fire/burglar alarm system will be installed.
3. The property will be connected to the existing sewer line at McClure Road.
4. A heating/ventilation/air conditioning system will be installed in the house.
5. The foundation of the house will be repaired.
6. The second floor will be secured for safety purposes: it will not be available to the tenants.
7. Signs will be placed on the perimeters of the property.
8. The services of a professional landscape maintenance company will be secured to provide routine maintenance of the gardens and other developed areas.
9. Perimeter fencing will be installed.

BE IT FURTHER RESOLVED that the Council hereby approves securing a property management company to handle rental of the property.

BE IT FURTHER RESOLVED that the Council hereby supports inclusion of a revision to the Master Plan for McClure Country Place in the FY 2002-03 Capital Improvement Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahir  
JEAN ZAHIR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-489**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 BUDGET TO  
TRANSFER \$220,014 FROM THE GENERAL FUND RESERVE TO 0100-360-  
3611-0235, CULTURAL GENERAL, SERVICES, PROFESSIONAL AND OTHER,  
TO PROVIDE FUNDING FOR NECESSARY IMPROVEMENTS TO THE  
McCLURE COUNTRY PLACE**

WHEREAS, the City of Modesto acquired the 20-acre McClure Country Place in 1973 and 1975, and

WHEREAS, the McClure Country Place has great potential as an historic site featuring restored gardens, a charming house, an agricultural museum and other amenities, and

WHEREAS, the present tenants are scheduled to vacate the property on or before October 31, 2001, and

WHEREAS, prior to securing a new tenant, major improvements will be necessary, including connection to sewer lines, installation of a fire/burglar alarm system, installation of a heating/ventilation/air conditioning system, repair to the foundation, securing of the second floor, placement of signs, and installation of fencing, and

WHEREAS, security services will be needed from the time the property is vacated until a new tenant is in the property, and

WHEREAS, landscape maintenance will also be required, and

WHEREAS, the Human Services Committee met on August 1, 2001 and supported staff recommendations, with the exception of the security, which is now necessary due to the timing of the repair project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2001-02 operating budget to transfer \$220,014 from the General Fund Reserve, 0100-800-8000-8003, to 0100-360-3611-0235, Parks, Recreation and Neighborhoods Department, Cultural General Organization to be used as follows:

ITEM	ONE-TIME costs	ON-GOING costs
Fire/Burglar alarm system	\$ 8,000	\$2,339
Sewer line (2" line)	\$45,000	0
Engineering 10%	4,500	
Contingency 10%	4,500	
Construction admin. 8%	3,600	
HVAC		\$20,000
Engineering 10%	2,000	
Contingency 10%	2,000	
Construction admin. 8%	1,600	
Foundation repair	10,000	
Additional \$10,000 from building services reserves.		
Securing 2 <sup>nd</sup> floor	2,500	
Will not be used by tenants		
Signs		125
Landscape maintenance		\$18,000
Fencing (Utilitarian)	\$30,000	
Contract Management	33,450	
(25% of above to oversee public works project)		
Security	\$32,400	
<hr/> TOTAL	<hr/> \$220,014	<hr/> \$20,339

BE IT FURTHER RESOLVED that the City Council hereby approves increasing the Accountability Budgeting System target for Organization 3611, Cultural General, by \$20,339 to cover the on-going costs associated with this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-490**

**A RESOLUTION APPOINTING AN AD HOC COMMITTEE CONSISTING OF THE MAYOR, THE VICE MAYOR, THE CITY MANAGER, A REPRESENTATIVE FROM THE McHENRY MUSUEM, AND A REPRESENTATIVE FROM THE CENRAL CALIFORNIA ART LEAGUE TO DISCUSS MUSUEM BUILDING SPACE OCCUPIED BY THE CENTRAL CALIFORNIA ART LEAGUE.**

BE IT RESOLVED by the Council of the City of Modesto that an ad hoc committee consisting of the Mayor, the Vice Mayor, the City Manager, a representative from the McHenry Museum, and a representative from the Central California Art League is hereby appointed to discuss Museum building space occupied by the Central California Art League.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-491**

**A RESOLUTION APPROVING A FIFTEEN-YEAR LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CRICKET CALIFORNIA PROPERTY COMPANY, A DELAWARE CORPORATION, FOR A CELLULAR TOWER SITE LOCATED ON A PORTION OF APN 77-07-21, WITH THREE, FIVE-YEAR OPTIONS TO EXTEND THE LEASE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT.**

WHEREAS, the Cricket California Property Company, a Delaware corporation, desires to lease a cellular tower site located on a portion of APN 77-07-21, for the installation of phone equipment, and

WHEREAS, the City of Modesto is willing to lease a portion of APN 77-07-21 to Cricket California Property Company for said use for the sum of \$1,000.00 per month with a twenty five percent (25%) rental increase which will be adjusted after five years and ten years and at the beginning of each renewal period, and

WHEREAS, at its meeting on August 23, 2001, the Board of Zoning Adjustment approved a Conditional Use Permit for a cellular tower located on a portion of APN 77-07-21,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Lease Agreement between the City of Modesto and Cricket California Property Company, a Delaware corporation, for a cellular site at Water Tank No. 5 with three, five-year options to extend the lease, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Lease Agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:


AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith  
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None


APPROVED AS TO FORM:

By

  
\_\_\_\_\_  
MICHAEL D. MILICH  
City Attorney

ATTEST:

By

  
\_\_\_\_\_  
JEAN ZAHR  
City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-492**

**A RESOLUTION APPROVING A FIFTEEN-YEAR LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CRICKET CALIFORNIA PROPERTY COMPANY, A DELAWARE CORPORATION, FOR A CELLULAR TOWER SITE LOCATED ON A PORTION OF BEYER COMMUNITY PARK, WITH THREE, FIVE-YEAR OPTIONS TO EXTEND THE LEASE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT.**

WHEREAS, the Cricket California Property Company, a Delaware corporation, desires to lease a cellular tower site located on a portion of Beyer Community Park, for the installation of phone equipment, and

WHEREAS, the City of Modesto is willing to lease a portion of Beyer Community Park to Cricket California Property Company for said use for the sum of \$1,000.00 per month with a rental increase of the greater of twenty-five percent (25%) or the Consumer Price Index for the City of Modesto, which will be adjusted after five and ten years and at the beginning of each renewal period, and

WHEREAS, Cricket California Property Company is also willing to pay the City a lump sum of \$20,000 for the purpose of offsetting a portion of the cost of installation of computerized irrigation systems at City parks, and

WHEREAS, at its meeting on August 23, 2001, the Board of Zoning Adjustment approved a Conditional Use Permit for a cellular tower located on a portion of Beyer Community Park,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Lease Agreement between the City of Modesto and Cricket California Property Company, a Delaware corporation, for a cellular site located on a portion of Beyer Community Park, with three, five-year options to extend the lease, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Lease Agreement by the designated City officials be authorized.

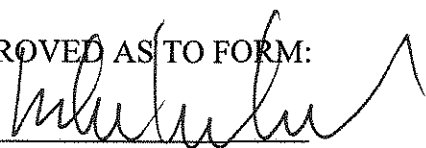
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith  
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH  
City Attorney

ATTEST:

By   
JEAN ZAHR  
City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-493**

**A RESOLUTION APPROVING A TEN-YEAR LEASE AGREEMENT  
BETWEEN THE CITY OF MODESTO AND CRICKET CALIFORNIA  
PROPERTY COMPANY, A DELAWARE CORPORATION, FOR A CELLULAR  
TOWER SITE LOCATED ON A PORTION OF CREEKSIDE GOLF COURSE  
WITH THREE FIVE-YEAR OPTIONS TO EXTEND THE LEASE, AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE  
AGREEMENT.**

WHEREAS, the Cricket California Property Company, a Delaware corporation, desires to lease a cellular tower site located on a portion of Creekside Golf Course for the installation of phone equipment, and

WHEREAS, the City of Modesto is willing to lease a portion of Creekside Golf Course to Cricket California Property Company for said use for the sum of \$1,800.00 per month with a rental increase of the greater of twenty seven percent (27%) of the previous lease rate or the Consumer Price Index for the City of Modesto, which will be adjusted after five and ten years and at the at the beginning of each renewal period, and

WHEREAS, at its meeting on August 23, 2001, the Board of Zoning Adjustment approved a Conditional Use Permit for a cellular tower located on a portion of Creekside Golf Course,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Lease Agreement between the City of Modesto and Cricket California Property Company, a Delaware corporation, for a cellular site at Creekside Golf Course, with three, five-year options to extend the lease, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Lease Agreement by the designated City officials be authorized.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith  
Mayor Sabatino


NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH  
City Attorney

ATTEST:

By   
JEAN ZAHR  
City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO 2001-494**

**A RESOLUTION APPROVING A FIFTEEN-YEAR LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CRICKET CALIFORNIA PROPERTY COMPANY, A DELAWARE CORPORATION, FOR A CELLULAR TOWER SITE LOCATED ON A PORTION OF DOWNEY COMMUNITY PARK, WITH THREE, FIVE-YEAR OPTIONS TO EXTEND THE LEASE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT.**

WHEREAS, the Cricket California Property Company, a Delaware corporation, desires to lease a cellular tower site located on a portion of Downey Community Park, for the installation of phone equipment, and

WHEREAS, the City of Modesto is willing to lease a portion of Downey Community Park to Cricket California Property Company for said use for the sum of \$1,000.00 per month with a rental increase of the greater of twenty-five percent (25%) or the Consumer Price Index for the City of Modesto, which will be adjusted after five and ten years and at the beginning of each renewal period, and

WHEREAS, Cricket California Property Company is also willing to pay the City a lump sum of \$20,000 for the purpose of offsetting a portion of the cost of installation of computerized irrigation systems at Downey Community Park, and

WHEREAS, the Board of Adjustment heard this item at its August 23, 2001 meeting, and continued it to its meeting of September 27, 2001,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Lease Agreement between the City of Modesto and Cricket California Property Company, a Delaware corporation, for a cellular site located on a portion of Downey Community

Park, with three, five-year options to extend the lease, is hereby approved, contingent upon receiving approval for a Conditional Use Permit by the Board of Zoning Adjustment.

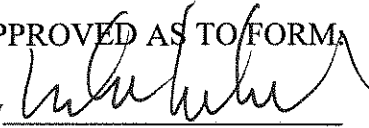
BE IT FURTHER RESOLVED that the execution of said Lease Agreement by the designated City officials be authorized.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of September, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith  
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

APPROVED AS TO FORM  
By   
MICHAEL D. MILICH  
City Attorney

ATTEST:  
By   
JEAN ZAHR  
City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-499**

**A RESOLUTION ACCEPTING STAFF REPORT ON X-FEST EVENT HELD ON  
JULY 21, 2001**

WHEREAS, on July 21, 2001, the second annual X-Fest special event was held in  
downtown Modesto, and

WHEREAS, the City Council has requested a staff report following this event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the  
Council hereby accepts the staff report on X-Fest.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 2<sup>nd</sup> day of October, 2001, by Councilmember Fisher, who moved its  
adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-495**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(548). (GREAT VALLEY CENTER)**

WHEREAS, a verified application for an amendment to Section 29-3-9 of the Zoning Map was filed by the Great Valley Center on August 17, 2001, to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(548), to allow the conversion of an existing church to an office, property located at 201 Needham Street, described as follows:

R-3 to P-D(548):

Lots 18, 19, and 20 in Block 549, of the City of Modesto, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records;

also, including the northerly one-half of Needham Street, the westerly one-half of Elmwood Avenue and the easterly one-half of the alley in said Block 549, all being immediately adjacent to the previously described property.

and

WHEREAS, after a public hearing held on September 17, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-57, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The property is located on a minor arterial street, and is located in close proximity to other office uses on Needham Street.
2. Office uses are compatible with the surrounding land uses in the area, and the applicant has provided adequate off-street parking to address potential compatibility issues related to the adequacy of parking for the site.

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 25, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of the Great Valley Center for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-57 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3236-C.S. on the 25th day of September, 2001, reclassifying the above-described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(548).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(548), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Development Sketch - Great Valley Center" as amended in red, stamped approved by the City Council on September 25, 2001.
2. Prior to the issuance of a building permit, the applicant shall provide proof satisfactory to the Community Development Director that a total of 38 off-street parking spaces are available to serve the proposed use. These 38 spaces, or equivalents acceptable to the Community Development Director, shall be maintained for the use of this office development as long as this zoning remains in effect. In the event of a change of use, a new parking plan shall be required, subject to approval by the City Council.
3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. All existing street trees on the site shall be preserved and protected to the satisfaction of the Operations and Maintenance Director.
4. Prior to the issuance of a building permit the applicant shall apply for Landmark Preservation Status under the City Landmark Preservation Ordinance. Improvements to the building shall comply with the standards adopted by the United States Secretary of the Interior for buildings having Landmark Preservation Status.
5. Fences or walls shall be constructed prior to occupancy and shall be as follows:
  - a. Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers along the north property line adjacent to the parking area.

- b. Six-foot-high, solid single-sided board fence with decorative masonry pilasters at 16 foot on centers along the north property line adjacent to the office building.
6. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
7. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
8. Existing underground and overhead electric facilities on site shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director. Appropriate easements for electric facilities to remain shall be dedicated as necessary.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
10. Trash bins shall be kept in enclosures as approved by the Community Development Director, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department Director.
11. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.
12. All signs shall comply with the sign requirements of the P-O Zone.
13. Any remodel of the existing building that exceeds 50% of the currently assessed valuation (for improvements) will cause the entire building to be equipped with an automatic fire sprinkler system.
14. Prior to the issuance of a building permit, the developer shall submit a plan to provide on-site treatment of storm water, as approved by the Operations and Maintenance Director. Storm drain improvements shall be constructed in accordance with the approved plans.

15 . The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(548):

The entire construction program be accomplished in one phase, construction to begin on or before September 25, 2003, and completion to be not later than September 25, 2004.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(548), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By: [Signature]  
Community Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-496**

**A 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 (SCH NO. 92052017): AMENDING SECTION 29-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(548), PROPERTY LOCATED AT 201 NEEDHAM STREET. (GREAT VALLEY CENTER)**

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, the Great Valley Center has proposed that the zoning designation for the property located at 201 Needham Street be amended to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(548), in the City of Modesto (the project), to allow conversion of an existing church to an office, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. EA/CDD 2001-63 reviewed the proposed amendment to the Zoning Map and rezone project to P-D(548) to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

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 amendment to the Zoning Map and rezone to P-D(548) 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. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

Michael D. Milich  
MICHAEL D. MILICH, City Attorney

EXHIBIT A  
Initial Study  
EA/CDD 2001-63

City of Modesto  
Initial Study

**Great Valley Center Rezone R-3 to P-D**

**EA/CDD 2001-63**

September 5, 2001

**I. PURPOSE**

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

**II. PROJECT DESCRIPTION**

- A. Project title:  
Great Valley Center rezone R-3 to P-D
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:  
Steve Mitchell, Community Development Department, (209) 577-5287
- A. Project Location:  
201 Needham Street.
- E. Project Sponsor:  
Great Valley Center, 911 13<sup>th</sup> St., Modesto, CA 95354
- F. General Plan Designation:  
Residential (R)
- G. Current Zoning:  
Medium High Density Residential (R-3)
- H. Description of Proposed Project:  
This is a rezone to allow an existing church to be converted into an office.

I. Surrounding land uses:

The project is surrounded to the north by an existing single-family residential neighborhood, to the east by a parking lot for a restaurant, to the south by offices, and to the west by multi-family development.

J. Other public agencies whose approval is required:

None

**III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

**A. Traffic and Circulation**

The proposed rezoning to allow the conversion of an existing church to office would generate additional traffic. However, this additional traffic would not be significant, because of the size of the project (11,438 sq. ft.). The City's Traffic Engineering Section estimates that there would only be 12 additional peak-hour trips generated by this change in use. The General Plan MEIR assumed that there would be further development within the Baseline Developed Area, and the traffic analysis for the MEIR was modeled with a "cushion" to allow for this additional development. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

**B. Degradation of Air Quality**

The air quality impacts for this abandonment are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this rezoning will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

**C. Generation of Noise**

The proposed office use will not generate significant noise impacts for the adjacent neighborhood, as offices are a low-intensity use with limited hours of operation. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

**D. Loss of Productive Agricultural Land**

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

**E. Increased Demand for Water Supplies**

The proposed office will not generate increased demand for water supplies, in that offices are a relatively low user of water, and the necessary water supply infrastructure already exists. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

**F. Increased Demand for Sanitary Sewer Services**

The proposed office will not generate increased demand for sanitary sewer services, in that offices are a relatively low user of sewer services, and the necessary infrastructure already exists. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

**H. Disturbance of Archaeological and Historic Sites**

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

**I. Drainage, Flooding and Water Quality**

The proposed project will conform to the City's standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

**J. Increased Demand for Storm Drainage**

The proposed project will be required to provide for on-site treatment of storm drainage in accordance with City standards, which is a higher standard than the existing church is required to meet. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of

overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

**K. Increased Demand for Parks and Open Space**

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are still valid.

**L. Increased Demand for Schools**

This project, being non-residential, would not generate any additional demand for schools. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

**M. Increased Demand for Police Services**

The proposed project should not generate any additional demand for police services, as there is no evidence that offices generate additional demand over churches. In addition, the Modesto Police Department has not indicated any problems with the proposed conversion.. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are still valid.

**N. Increased Demand for Fire Services**

The project will be required to meet all relevant fire codes, and there will be no physical expansion of the building. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are still valid.

**O. Generation of Solid Waste**

The proposed office will not generate a significant increase in the generation of solid waste, as there will be no physical expansion of the building, and the size of the project is small. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are still valid.

**P. Generation of Hazardous Materials**

The proposed office will not generate a significant increase in the generation of hazardous materials, in that offices do not generate significant amounts of hazardous materials. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are still valid.

**Q. Landslides and Seismic Activity**

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

**R. Energy**

The proposed office will not generate a significant increase in the need for energy, as there will be no physical expansion of the building, and the size of the project is small. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are still valid.

**IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

- A. The proposed project is within the scope of the General Plan Master EIR (SCH No. 92052017).
- B. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.
- D. There are not specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

  
Steve Mitchell,  
Principal Planner

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-497**

**A RESOLUTION APPROVING ADVANCED FUNDING FROM THE GENERAL  
FUND TO FUND STORM DRAINAGE IMPROVEMENTS IN VILLAGE ONE**

WHEREAS, the Village One storm drain system was master planned into three distinct drainage areas: 1) West Basin, 2) Central Basin, and 3) East Basin, and

WHEREAS, the current status of the drainage system in Village One is incomplete; the Central Basin has been excavated to about 50% of the ultimate volume, and neither the West Basin nor the East Basin has been constructed to date, and

WHEREAS all three basins are to be drained by mechanical pumping (positive drainage) as there will be no percolations basins in Village One, and

WHEREAS, development has been occurring in the area planned to contribute storm drainage to the West Basin, but currently relies on developer-owned and maintained temporary drainage basins, and

WHEREAS, the temporary basins were built to accommodate a 10-year storm as compared to a 100-year storm requirement for the permanent basins, and

WHEREAS, the Council asked that staff evaluate the potential of using General Fund monies to accelerate the development of the necessary storm drain infrastructure in Village One, and

WHEREAS, the costs associated with storm drain infrastructure were to be born entirely by the Village One Community Facilities District, and

WHEREAS, the adopted Financing Plan for storm drainage was a pay-as-you go strategy which means the fees, when paid would be accumulated until sufficient monies were available to pay for the capital improvements associated with the development, and

WHEREAS, the fees are payable when the Certificate of Occupancy is issued rather than when the building permit is pulled, and this strategy has made it very difficult to construct the required infrastructure in a timely manner, and

WHEREAS, the Community Facilities District administrators estimate that they have approximately \$0.5 million in cash on hand available for this project which is not currently sufficient to fund the necessary improvements, and

WHEREAS, advanced funding will allow the construction of additional storage volume in the basins and the necessary pumping facilities to discharge the storm water into Dry Creek, and

WHEREAS, the necessary improvements to provide the storm drainage system are as follows:

1. Basin excavation, pumps and necessary piping to complete the storm drain improvements
2. Completion of Bear Cub Lane and other street improvements adjacent to the West Basin
3. Landscaping within the basins, and

WHEREAS, the estimated cost for the above improvements is \$10.5 million,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes advanced funding from the General Fund up to \$5.2 million to fund the storm drainage improvements in Village One and direct staff to pursue amending Community Facilities District taxing in Village One to pursue an "overlay" approach as described in the staff report and a bonding alternative.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith  
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Conrad

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-498**

**A RESOLUTION APPOINTING ELEVEN HIGH SCHOOL STUDENTS TO THE  
MODESTO YOUTH 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, principals from the High Schools within the City Limits of the City of Modesto have recommended students to serve as Modesto Youth Commissioners,

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

SECTION 1. Eleven Modesto area high school students are hereby appointed to the Modesto Youth Commission, the three seniors with a one year term limit, and the eight juniors with a two year term limit, as follows:

Beyer High School	Elliot Alternative Education Center
Junior Janelle Howell	Senior Heidi Maurice
Central Catholic High School	Junior Jennifer Prue
Senior Kyle Weinheimer	Johansen High School
Junior Todd Lundrigan	Junior Trevor Lowe
Davis High School	Modesto Christian School
Junior Rachel Fracisco	Junior Michael Anderson
Downey High School	Modesto High School
Junior Jehna Bryon	Junior Samantha Obra

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Modesto Youth 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 25<sup>th</sup> day of September, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-500**

**A RESOLUTION APPROVING AN AGREEMENT WITH SEQUOIA  
PROPERTIES FOR THE PURCHASE OF PROPERTY NEEDED FOR THE  
BRIGGSMORE AVENUE/CLAUS ROAD URBAN INTERCHANGE AND  
CLAUS ROAD BIKE PATH AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE AGREEMENT**

WHEREAS, recent growth in the Village One area has prompted the owner located at the Northwest corner of the Briggsmore Avenue/Claus Road intersection to develop the property, and

WHEREAS, the owner, Sequoia Properties, a California Limited Partnership, desires to sell a portion of the property to the City for the future Briggsmore/Claus Urban Interchange, and another portion for the Claus Road Bike Path, and

WHEREAS, both projects are consistent with the Village One Facilities Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sequoia Properties, a California Limited Partnership, for the purchase of property needed for the Briggsmore Avenue/Claus Road Urban Interchange for \$120,380, and the purchase of property needed for the Claus Road Bike Path for \$24,050 be, and it is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized 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 October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-501**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN  
THE SCOPE OF THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT  
(SCH NO. 90020181) AS AMENDED BY THE SUPPLEMENTAL EIR:  
BRIGGSMORE/CLAUS IMPROVEMENTS. (SEQUOIA PROPERTIES)**

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, City desires to purchase from Sequoia Properties property for the Briggsmore Avenue/Claus Road Urban Interchange, and

WHEREAS, the City's Engineering & Transportation Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/ET 2001-30, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, City staff by report dated September 11, 2001, from the Engineering & Transportation Department, recommended to the City Council approval of the acquisition of the property for the Briggsmore Avenue/Claus Road Urban Interchange, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 2, 2001, at 5:15 p.m., in the Tenth Street Place Chambers, located at 1010 10<sup>th</sup> Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/ET 2001-30, entitled “Purchase of Property for the Briggsmore Avenue/Claus Road Urban Interchange Within the Village One Community Facilities District”, for the proposed project, and the Council hereby makes the following findings:

1. The proposed purchase of property for the Briggsmore Avenue/Claus Road Urban Interchange is consistent with the Modesto Urban Area General Plan.
2. As per Sections 15168(c), 15182, and 15162 of the California Environmental Quality Act (“CEQA”) Guidelines, the project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
3. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR (“Program EIR”) and no new mitigation measures would be required.
4. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.
5. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.
6. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
7. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
8. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

9. The Initial Study, Environmental Assessment No. EA/ET 2001-30, provides the substantial evidence to support findings 2-8 noted above.

A copy of said Environmental Assessment No. EA/ET 2001-30, entitled "Purchase of Property for the Briggsmore Avenue/Claus Road Urban Interchange within the Village One Community Facilities District", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

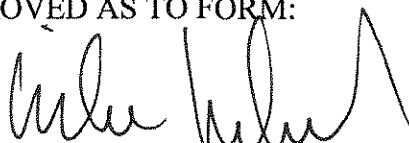
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**INITIAL STUDY**

**EA/ET 2001-30**

**EXHIBIT "A"**

City of Modesto  
**Initial Study**

**PURCHASE OF PROPERTY FOR THE  
BRIGGSMORE AVENUE/CLAUS ROAD URBAN INTERCHANGE  
WITHIN THE VILLAGE ONE COMMUNITY FACILITIES DISTRICT**

EA/ET 2001-30  
August 29, 2001

**I. PURPOSE**

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Sections 15168(c) and 15162 of the CEQA Guidelines allows the approval of subsequent projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

1. The proposed Specific Plan Amendment is consistent with the Modesto Urban Area General Plan.
2. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, the project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
3. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
4. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.
5. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.
6. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.

7. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
8. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
9. The Initial Study, Environmental Assessment No. EA/ET 2001-30, provides the substantial evidence to support findings 2-8 noted above.

## **II. PROJECT DESCRIPTION**

- A. Project title:  
Purchase of property for the Briggsmore Avenue/Claus Road Urban Interchange within the Village One Community Facilities District.
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:  
Dean Phillips, Engineering and Transportation Department, 209 577 5260
- C. Project Location:  
The project is located at the Briggsmore Avenue and Claus Road intersection, within the Village One Specific Plan.
- E. Project Sponsor:  
City of Modesto, 1010 Tenth Street, Modesto, CA 95353
- F. General Plan Designation:  
Village Residential (VR)
- G. Current Zoning:  
Specific Plan-Holding (SP-H) Zone
- H. Description of Proposed Project:  
The purchase of real property located in the Village One Specific Plan Area that is to be improved as the Briggsmore Avenue/Claus Road Urban Interchange totaling 27.84 acres for this acquisition.
- I. Surrounding land uses:  
The project is bounded on the north, south and west by developing single-family subdivisions designated in the Village One Specific Plan for residential development, and on the east by a proposed industrial area.
- J. Other public agencies whose approval is required:  
None

### **III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS**

Following is an analysis of how the project is within the scope of the Village One Program EIR and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

#### **A. Traffic and Circulation**

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The land to be acquired is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan for the Claus Road Expressway. Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **B. Degradation of Air Quality**

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **C. Generation of Noise**

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The land to be acquired is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **D. Vegetation and Wildlife**

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR separating residential and industrial development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **E. Land Use**

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The land to be acquired is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**F. Population, Employment and Housing**

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The land to be acquired is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**G. Urban Design and Visual Quality**

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this precise plan is consistent with the Village One Specific Plan in terms urban design. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**H. Geology and Soils**

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The land to be acquired is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**I. Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The land to be acquired is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**J. Public Services**

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The land to be acquired is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

**K. Fiscal Impacts**

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The land to be acquired is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **L. Cumulative Impacts**

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The land to be acquired is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

#### **M. Growth Inducing Impacts**

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The land to be acquired is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

### **IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS**

- A. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Village One Program EIR.

- B. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

### **V. MITIGATION MEASURES**

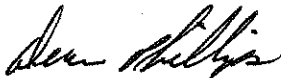
Since the project is within the scope of the Village One Specific Plan Program EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

### **VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

1. The proposed Specific Plan Amendment is consistent with the Modesto Urban Area General Plan.

2. As per Sections 15168 (c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, the project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.
3. The project will have no new effects which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.
4. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.
5. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.
6. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
7. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
8. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
9. The Initial Study, Environmental Assessment No. EA/ET 2001-30, provides the substantial evidence to support findings 2-8 noted above.

Signature:



Dean Phillips,  
Sr. Civil Engineer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-502**

**A RESOLUTION APPROVING A WATER MAIN REIMBURSEMENT  
AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BLUFFS  
SENIOR HOUSING DEVELOPMENT, LLC FOR SERENO SUBDIVISION AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the Bluffs Senior Housing Development, LLC, (DEVELOPER) had an ownership interest in a certain tract of land within Stanislaus County, commonly known as Sereno Subdivision (SUBDIVISION), and

WHEREAS, in connection with the development of said SUBDIVISION, DEVELOPER installed 1,766 linear feet of 12-inch water line and appurtenances thereto, located in Parker Road, from Held Drive to the east boundary of the SUBDIVISION ("Water Line"), which is larger than needed to serve DEVELOPER's SUBDIVISION, and

WHEREAS, DEVELOPER has requested, and City has agreed, that DEVELOPER be reimbursed for the cost of installation of said Water Line, and

WHEREAS, City has given DEVELOPER a credit against the water system fee in excess of the reimbursable amount actually due to DEVELOPER, and

WHEREAS, City has overseen the inspection of said Water Line and has accepted said Water Line as part of the City's water system.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Bluffs Senior Housing Development, LLC for Water Main Reimbursement is hereby approved.

BE IT FURTHER RESOLVED that the City Manager 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 2<sup>nd</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-503**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
EDWARD HAYDEN JR. FROM CULTURE COMMISSION, EFFECTIVE  
OCTOBER 2, 2001**

WHEREAS, EDWARD HAYDEN JR. was appointed a member of the Culture Commission on January 6, 1998; and

WHEREAS, EDWARD HAYDEN JR. has tendered his resignation from the Culture Commission, effective October 2, 2000; and

WHEREAS, EDWARD HAYDEN JR. has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of EDWARD HAYDEN JR. from the Culture Commission 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 this City, hereby expresses its sincere appreciation to EDWARD HAYDEN JR. for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-504**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
EXPRESSING ITS INTENT TO ISSUE TAX EXEMPT DEBT FOR THE  
FINANCING AND REFINANCING OF CONSTRUCTION AND  
DEVELOPMENT OF MULTIFAMILY HOUSING AND TAKING RELATED  
ACTIONS (LIVE OAK APARTMENTS PROJECT)**

**WHEREAS**, the City of Modesto (the “City”) is authorized by Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California, as amended (the “Act”), to issue and sell revenue bonds for the purpose of providing financing and refinancing for the construction and development by private developers of family rental housing facilities located within the City of Modesto, California (the “City”), to be occupied by low and very low income tenants; and

**WHEREAS**, L.O. Associates (the “Developer”), the developer of a 328-unit multifamily housing complex located at 1900 Oakdale Road in the City of Modesto (the “Original Project”), has requested the City to issue revenue bonds (the “Bonds”) pursuant to the Act for the purpose of refinancing the construction and development of the Original Project and financing a 36-unit addition to the Original Project (the “Original Project, including such addition, being hereinafter referred to as the “Project”); and

**WHEREAS**, a notice of public hearing has heretofore been prepared for publication in a newspaper of general circulation in the City, to the effect that a public hearing will be held by the Finance Director of the City on behalf of the City, regarding the issuance of the Bonds by the City and the nature and location of the Project; and

**WHEREAS**, said public hearing will provide an opportunity for members of the general public to be heard and to present arguments for and against the issuance of the Bonds and the nature and location of the Project; and

**WHEREAS**, it is intended by the City that interest on the Bonds to assist in the financing and refinancing of the construction and development of the Project be excluded from gross income for federal income tax purposes; and

**WHEREAS**, Section 1.142-4(b) of the United States Income Tax Regulations (the “Treasury Regulations”) provides that if an expenditure is paid prior to the issue date of tax-exempt Bonds (including for this purpose the repayment of debt other than state or local debt), such Bonds will qualify as exempt facility bonds under Section 142(a) of the Internal Revenue Code of 1986, as amended (the “Code”), only if the expenditure meets the requirements of Section 1.150-2 of the Treasury Regulations (relating to the ability to “reimburse” for pre-issuance expenditures); and

**WHEREAS**, Section 1.150-2 of the Treasury Regulations provides generally that proceeds of tax-exempt Bonds are not deemed to be expended when such proceeds are used to reimburse expenditures made prior to the date of issuance of such Bonds unless certain procedures are followed, among which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer declares an intention to reimburse such expenditure; and

**WHEREAS**, the Developer has paid and will continue to pay, on and after the date hereof, certain expenditures (the “Expenditures”) in connection with the construction and development of the Project; and

**WHEREAS**, the City Council has determined that those moneys previously advanced and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Developer for the Expenditures from the proceeds of the Bonds;

**WHEREAS**, the Bonds are intended to be treated as exempt facility bonds under Section 142(a) of the Code, and, to that end, Section 147(f) of the Code requires that the City or any person appointed or employed by the City with respect to the City hold a public hearing on

and that the “applicable elected representative” of the City approve the issuance of the Bonds after a public hearing following reasonable public notice; and

**WHEREAS**, the Mayor is the chief elected executive officer of the City and therefore is an “applicable elected representative” with respect to the City for purposes of Section 147(f) of the Code; and

**WHEREAS**, the City Council desires to direct the Finance Director of the City to hold the public hearing required to be held under Section 147(f) of the Code prior to approval of the issuance of the Bonds by the Mayor, and to take all actions necessary to apply for private activity bond allocation for the Project from the California Debt Limit Allocation Committee; and

**WHEREAS**, the City Council desires to authorize the Mayor to approve the issuance of the Bonds after such public hearing following reasonable public notice;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:**

**SECTION 1.** The City intends to issue the Bonds in a principal amount not to exceed \$12,000,000 for the purpose of paying the costs of financing and refinancing the construction and development of the Project.

**SECTION 2.** The City Council hereby declares the City’s intent to reimburse the Developer with the proceeds of the Bonds for the Expenditures with respect to the Project made (subject to certain exceptions) no earlier than 60 days prior to the date hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), or (b) a cost of issuance with respect to the Bonds. A written reimbursement allocation evidencing the allocation of proceeds of the Bonds to the Expenditures will be made no later than 18 months after the later of the date on which the Expenditure is paid

or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

**SECTION 3.** The City Council directs the Finance Director to hold, following reasonable public notice, the public hearing required to be held under Section 147(f) of the Code prior to approval of the issuance of the Bonds by the Mayor, and to take all actions necessary or desirable to obtain allocation for the issuance of private activity bonds from the California Debt Limit Allocation Committee (“CDLAC”) in an amount not to exceed \$4,300,000 (the “Allocation”). The Finance Director shall take all actions required or desirable under the procedures of CDLAC and Chapter 11.8 of Division 1 of Title 2 (commencing with Section 8869.80 of the California Government Code) to apply for the Allocation from CDLAC. In accordance with the procedures of CDLAC concerning a deposit, the City shall obtain the deposit required by CDLAC from moneys made available by the Developer. The Finance Director is authorized to negotiate and execute a Deposit and Escrow Agreement between the City and the Developer to provide for safekeeping of said deposit.

**SECTION 4.** The Council authorizes the Mayor to approve the issuance of the Bonds after the public hearing to be held as directed pursuant to Section 3 of this resolution.

**SECTION 5.** The City hereby declares that it reasonably expects that a portion of the proceeds of the Bonds will be used for reimbursement of expenditures for the construction and development of the Project that are paid before the date of issuance of the Bonds. The maximum amount of proceeds of the Bonds to be used for reimbursement of expenditures for the construction, development and expansion of the Project is \$4,300,000.

**SECTION 6.** The Director of Finance and such other proper officers of the City are hereby authorized to take all actions and execute any and all documents described in this Resolution and otherwise necessary or desirable to carry out, give effect to and comply with the terms of this Resolution. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

**SECTION 7.** The adoption of this Resolution is solely for the purpose of meeting certain requirements of the Code and the Treasury Regulations and shall not be construed in any other manner. Neither the City nor its staff has fully reviewed or considered the financial feasibility of the Project or the expected operation of the Project with regard to any State of California statutory requirements, and the adoption of this Resolution shall not obligate, without further formal action to be taken by this City Council, (i) the City to provide financing to the Developer for the construction and development of the Project or to issue the Bonds for purposes of such financing; or (ii) the City, of or any department of the City, to approve any application or request for, or take any other action in connection with, any environmental, zoning or any other permit or other action necessary for the construction, development, expansion or operation of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHIR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-505**

**A RESOLUTION OF INTENT TO SUPPLEMENT MILITARY PAY AND  
CONTINUE HEALTH INSURANCE FOR UP TO 12 MONTHS FOR  
EMPLOYEES CALLED TO ACTIVE DUTY FOR NATIONAL DEFENSE.**

WHEREAS, in the wake of the September 11<sup>th</sup> terrorist attack on America, President Bush has alerted citizens that we will be involved in a protracted mobilization against terrorism, and

WHEREAS, as a result of this action, one City employee has already been called into active duty, and

WHEREAS, the City has identified 10 regular City employees who are reservists and who could be called into active duty, and

WHEREAS, On October 2, 2001, Mark Frink requested the Council, on behalf of the Modesto Police Officers' Association, to provide additional salary and health benefits to activated employees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby affirms its intent to continue City salary payments for up to 12 months to reservists called into active duty.

BE IT FURTHER RESOLVED, that this salary continuation will be an addition to monthly military pay to equal the employee's regular monthly salary with the City.

BE IT FURTHER RESOLVED, that Council affirmed its intent to continue medical benefits to employees on active duty for the same duration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-506**

**A RESOLUTION DENYING THE APPEAL OF SAVE OUR NEIGHBORHOOD COMMITTEE TO A BOARD OF ZONING ADJUSTMENT DECISION GRANTING A CONDITIONAL USE PERMIT TO RECOVERY SYSTEMS ASSOCIATES TO ALLOW THE CONVERSION OF A FORMER CONVALESCENT HOSPITAL FOR A DRUG AND ALCOHOL TREATMENT PROGRAM AT 823 EAST ORANGEBURG AVENUE**

WHEREAS, an application for a conditional use permit for conversion of a former convalescent hospital as a drug and alcohol treatment center at 823 East Orangeburg Avenue, was filed by Recovery Systems Associates on May 7, 2001, and

WHEREAS, Sections 10-1.202(a) and 10-2.503 of the Modesto Municipal Code authorize the Board of Zoning Adjustment (BZA) to grant conditional use permits, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on June 28, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, but due to a lack of quorum was continued to July 26, 2001, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on July 26, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, and because the five attending Board members were unable to arrive at a decision on whether to approve or deny the application, the hearing was continued to August 23, 2001, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on August 23, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 2001-11, the BZA granted a conditional use permit to Recovery Systems Associates for conversion of a former convalescent hospital for a drug and alcohol treatment program at 823 East Orangeburg Avenue, subject to the following reasons:

1. The proposed conditional use permit is consistent with the Modesto Urban Area General Plan.
2. The conditions of approval will ensure that the proposed drug and alcohol treatment facility will be compatible with other uses in the area.

and

WHEREAS, an appeal to the decision of the BZA was filed with the Office of the City Clerk by Save Our Neighborhood Committee on August 31, 2001, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on Tuesday, September 25, 2001, at 5:15 p.m., in the Tenth Street Place Chambers, located at 1010 10<sup>th</sup> Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Council found and determined that said appeal to the decision of the BZA should be denied and the decision of the BZA should be affirmed, for reasons set forth in BZA Resolution No. 2001-11, quoted above.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL by the Council of the City of Modesto that the appeal of Save Our Neighborhood Committee to the decision of the Board of Zoning Adjustment granting the application of Recovery Systems Associates for a conditional use permit to allow the conversion of a former convalescent hospital for a drug and alcohol treatment program at 823 East Orangeburg Avenue is denied, and the decision of the Board of Zoning Adjustment is hereby affirmed for the reasons set forth in BZA Resolution No. 2001-11 and quoted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith

NOES: Councilmembers: Frohman, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

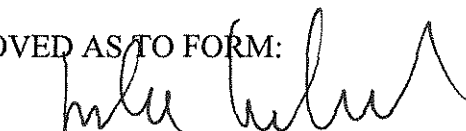
ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-507**

**A RESOLUTION DENYING THE APPEAL OF DANO CONSTRUCTION TO A PLANNING COMMISSION DECISION DENYING AN AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL, ZONE R-1, AND HIGHWAY COMMERCIAL, ZONE C-3, TO PLANNED DEVELOPMENT ZONE, P-D, FOR A SENIOR HOUSING COMPLEX, PROPERTY LOCATED ON THE SOUTH SIDE OF SCENIC DRIVE EAST OF COFFEE ROAD AT 1340 SCENIC DRIVE (DANO CONSTRUCTION, INC.)**

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Dano Construction Inc., on February 20, 2001, to reclassify from Low Density Residential Zone R-1, and Highway Commercial Zone C-3, to Planned Development Zone P-D, for a senior housing complex, property located on the south side of Scenic Drive east of Coffee Road, and

WHEREAS, a public hearing was held by the Planning Commission on April 16, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering staff recommendations and testimony from the applicant and general public, the Planning Commission continued the hearing to May 7, 2001, and directed the applicant to provide additional information relative to topographical detail of the site, construction phasing as it would affect the bicycle path, and the required oak tree preservation/mitigation plan, and

WHEREAS, the continued public hearing was held by the Planning Commission on May 7, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering staff recommendations and testimony from the applicant and general public, the Planning Commission continued the hearing again to June 4, 2001, and directed the applicant to provide additional information relative to a site plan revised for adequate fire access and general accuracy, proposed building elevations, construction impacts to the bicycle path, and the required oak tree preservation/mitigation plan, and

WHEREAS, after a continued public hearing on June 4, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-34, that amendment to Section 27-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, and Highway Commercial Zone, C-3, to Planned Development Zone, P-D, as proposed, is not required by public necessity, convenience and general welfare for the following reasons:

1. The proposed development, consisting of three and four story buildings with a total of 221 dwelling units, was deemed too intense for the site and therefore incompatible with surrounding land uses;
2. The proposed access to the site raises traffic safety concerns and issues due to the high volumes of traffic on both Coffee Road and Scenic Drive, and also due to the proximity of driveways to the Coffee Road / Scenic Drive intersection;
3. The proposed development was determined to have potentially damaging effects to oak trees existing along the north bank of Dry Creek within the project site.

and,

WHEREAS, the Planning Commission by its Resolution No. 2001-34 denied the application of Dano Construction for an amendment to Section 27-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, and Highway Commercial Zone, C-3, to Planned Development Zone, P-D, to allow a senior housing complex, property located on the south side of Scenic Drive east of Coffee Road at 1340 Scenic Drive for the reasons set forth in Planning Commission Resolution No. 2001-34 and quoted above, and

WHEREAS, an appeal to the decision of the Planning Commission was filed with the Office of the City Clerk by letter from Horizon Consulting Services on behalf of Dano Construction on June 19, 2001, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council, to be held on Tuesday, October 2, 2001, at 5:15 p.m., in the Tenth Street Place Chambers, located at 1010 10<sup>th</sup> Street, Modesto, California, at which time said public hearing was held and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Council found and determined that said appeal to the decision of the Planning Commission should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution 2001-34 and quoted above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Dano Construction to the decision of the Planning Commission denying the application for an amendment to Section 27-3-9 of the Zoning Map to rezone from Low Density Residential Zone R-1, and Highway Commercial Zone C-3, to Planned Development Zone P-D, for a senior housing complex, property located on the south side of Scenic Drive east of Coffee Road is denied, and the decision of the Planning Commission is hereby affirmed for the reasons set forth in Planning Commission Resolution No. 2001-34 and quoted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-508**

**A RESOLUTION APPROVING A STANDARD AGREEMENT FOR  
CONSULTANT SERVICES IN THE AMOUNT OF \$64,800 WITH PATTON  
BOGGS, LLP, TO PERFORM FEDERAL LEGISLATIVE LOBBYING  
SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
AGREEMENT.**

WHEREAS, the City of Modesto has determined it is desirable to retain a consultant to represent the City's interests at the federal level, and

WHEREAS, in October 1993, the City enlisted the services of Ball Janik LLP to represent the City's federal interests, and

WHEREAS, on June 30, 2001, the consultant contract agreement with Ball Janik LLP expired, and

WHEREAS, on May 22, 2001, the Modesto City Council adopted Resolution No. 2001-229, approving issuance of a Request for Qualifications (RFQ) for Federal Legislative Lobbying Services, and

WHEREAS, on May 23, 2001, a RFQ for Federal Legislative Lobbyist Services was issued and 17 responses were received, and

WHEREAS, the RFQ responses were reviewed and ranked according to criteria established in the RFQ, and

WHEREAS, personal interviews were conducted with the top eight respondents, and

WHEREAS, on August 2, 2001, the Economic Development and Intergovernmental Relations Committee conducted interviews with Patton Boggs and Van Scoyoc and made a recommendation that the full Council approve sole source negotiations with Patton Boggs, and

WHEREAS, on August 14, 2001, the Modesto City Council adopted Resolution Number 2001-424 authorizing the City Manager to conduct sole source negotiations with Patton Boggs, LLP, to perform Federal Legislative Lobbyist Services, and

WHEREAS, said sole source negotiations have been completed with Patton Boggs, LLP

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Consultant Services in the amount of \$64,800 with Patton Boggs, LLP, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Manager 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 October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-509**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-2002 ANNUAL OPERATING BUDGET TO APPROPRIATE \$28,975 FROM 0100-800-8000-8003 GENERAL FUND RESERVE TO FULLY FUND AN AGREEMENT FOR CONSULTANT SERVICES WITH PATTON BOGGS, LLP, TO PERFORM FEDERAL LEGISLATIVE LOBBYING SERVICES.**

WHEREAS, the City of Modesto has determined it is desirable to retain a consultant to represent the City's interests at the federal level, and

WHEREAS, on August 14, 2001, the Modesto City Council adopted Resolution Number 2000-424 authorizing the City Manager to conduct sole source negotiations with Patton Boggs, LLP, to perform Federal Legislative Lobbyist Services, and

WHEREAS, said sole source negotiations have been completed with Patton Boggs, LLP, for consulting services in the amount of \$64,800, and

WHEREAS, the terms of said agreement exceed the amount budgeted for federal legislative lobbying services for Fiscal Year 2002 by \$28,975,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the request to fund the Agreement for Consulting Services with Patton Boggs, LLP, to perform Federal Legislative Lobbying Services and the Annual Operating Budget is hereby amended as indicated below:

Account	Adjustment	Description
0100-800-8000-8003	(\$28,975.00)	General Fund Reserve
0100-020-0201-0235	\$28,975.00	City Manager's Office Professional Services

BE IT FURTHER RESOLVED that the Finance Director 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 2nd day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

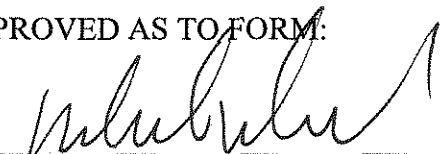
NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By   
Stan Feathers, Budget Officer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-510**

**A RESOLUTION APPROVING AMENDMENTS TO THE FINANCE  
COMPONENT OF THE 2001 LEGISLATIVE PLATFORM.**

WHEREAS, on August 14, 2001, the Modesto City Council adopted the 2001 Legislative Platform, and

WHEREAS, at the time of adoption Council proposed Amendments to the Platform, and

WHEREAS, Council directed staff to prepare proposed Amendments to the Legislative Platform for review by the appropriate Council Committees, and

WHEREAS, on September 27, 2001, the Financial Policy Committee reviewed the Finance Amendments to the Legislative Platform and recommended approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed Amendments to the 2001 Legislative Platform, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-511**

**A RESOLUTION APPROVING AN AGREEMENT FOR A GRANT IN THE AMOUNT OF \$78,238 BETWEEN THE CITY OF MODESTO AND CENTRAL VALLEY OPPORTUNITY CENTER FOR THE WORKFORCE DEVELOPMENT PRE-CONSTRUCTION TRAINING PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the City Council of the City of Modesto has supported the efforts of the Workforce Development Program; and

WHEREAS, the Workforce Development Program has four components: Pre-Construction Training Program, Contractor Support Center, Affordable Housing and Policy Changes; and

WHEREAS, the Pre-Construction Training Program began in October, 2000 and has successfully graduated two classes; and

WHEREAS, the Citizens' Housing and Community Development Committee approved the request for funding recommendation at its July 27, 2001 meeting; and

WHEREAS, the City Council supports the continued growth of the Workforce Development program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that a grant in the amount of \$78,238 from Community Development Block Grant Funds is hereby awarded to Central Valley Opportunity Center for the Workforce Development Program.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Agreement for Services between the City of Modesto and Central Valley Opportunity Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 9<sup>th</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-512**

**A RESOLUTION APPROVING THE FINAL MAP OF VILLAGE HIGHLANDS  
NO. 6 SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, GARRARD W. MARSH and DALLAS KADRY, Husband and Wife as Joint Tenants, and INLAND VILLAGE, a General Partnership by Heritage Homes, LLC General Partner, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 16.09 acres, known as Village Highland No. 6 in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 2nd day of April, 2001, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said VILLAGE HIGHLANDS NO. 6 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in

Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-513**

**A RESOLUTION AMENDING THE BUDGET TO FUND REIMBURSEMENT  
OF CAPITAL FACILITIES FEES AS PROVIDED FOR IN A DEVELOPMENT  
AGREEMENT BETWEEN THE CITY OF MODESTO AND COSTA LIMITED  
PARTNERS FOR CONSTRUCTION OF IMPROVEMENTS ON PELANDALE  
AVENUE AND CHAPMAN ROAD, P-D (540)**

WHEREAS, the City Council adopted Ordinance No. 3168 on January 4, 2000 authorizing the City Manager to execute a development agreement with Costa Limited Partners for P-D (540), and

WHEREAS, said development agreement was executed on February 3, 2000, and

WHEREAS, Costa Limited Partners was to install improvements to Pelandale Avenue and Chapman Road, and

WHEREAS, said improvements have been constructed to the satisfaction of the City Engineering and Transportation Director, and

WHEREAS, Costa Limited Partners was to be reimbursed through Streets Capital Facilities Fees credits for work included in the Capital Facilities Fees program, and

WHEREAS, Streets Capital Facilities Fees in the amount of \$829,036 have been paid to date to the City for the project, and

WHEREAS, the City has determined that Costa Limited Partners has installed more than \$829,036 in improvements that are reimbursable under terms of said development agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that budget account 1410-430-M191 (Object 6040) shall be increased by \$829,036, the increased funds coming from the Streets's CFF undesignated fund balance, for the purpose of reimbursing Costa Limited Partners for construction of improvements on Pelandale Avenue and Chapman Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-514**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE  
MEMORANDUM OF UNDERSTANDING ESTABLISHING THE TURLOCK  
GROUNDWATER BASIN ASSOCIATION**

WHEREAS, the Turlock Groundwater Basin Association was originally formed in 1995, through an agreement which has now expired, to develop a basin-wide groundwater management plan pursuant to Water Code Section 10750 et seq., and

WHEREAS, the City of Modesto was a member of that Association, and

WHEREAS, members of the former Turlock Groundwater Basin Association would like to form an association by means of a memorandum of understanding to implement the groundwater management plan and other groundwater management activities to manage, preserve, protect and enhance the Turlock Groundwater Basin, and

WHEREAS, adoption of this memorandum of understanding does not constitute a project under the terms of the California Environmental Quality Act, and

WHEREAS, on October 9, 2001, the Council considered authorizing the City Manager to sign a Memorandum of Understanding establishing the Turlock Groundwater Basin Association.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to sign a Memorandum of Understanding establishing the Turlock Groundwater Basin Association.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-515**

**A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING  
(M.O.U.) ESTABLISHING THE STANISLAUS AND TUOLUMNE RIVERS  
GROUNDWATER BASIN ASSOCIATION AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE THE M.O.U.**

WHEREAS, the Stanislaus and Tuolumne Rivers Groundwater Basin Association was originally formed in 1994, through an agreement which has now expired, to develop a basin-wide groundwater management plan pursuant to Water Code Section 10750 et seq., and

WHEREAS, the City of Modesto was a member of that Association, and

WHEREAS, members of the former Stanislaus and Tuolumne Rivers Groundwater Basin Association desire to form an association by means of a memorandum of understanding to implement the groundwater management plan and other groundwater management activities to manage, preserve, protect and enhance the Stanislaus and Tuolumne Rivers Groundwater Basin, and

WHEREAS, at its September 25, 2001 meeting, the Utility Services and Franchises Committee recommended that staff submit the M.O.U. to Council for approval and authorization for the City Manager's execution, and

WHEREAS, adoption of this Memorandum of Understanding does not constitute a project under the terms of the California Environmental Quality Act,

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-516**

**A RESOLUTION APPROVING A JOINT EXERCISE OF POWERS  
AGREEMENT TO ENABLE MODESTO RESIDENTS TO PARTICIPATE IN  
THE LEASE-TO-OWN HOME OWNERSHIP PROGRAM FOR HOMEBUYERS  
AS ADMINISTERED BY THE PACIFIC HOUSING AND FINANCE AGENCY  
AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID  
AGREEMENT**

WHEREAS, Pacific Housing and Finance Agency is a coalition of California cities and counties that have joined together to help individuals who can afford a monthly house payment, but lack enough savings to pay for additional costs associated with buying a home, and

WHEREAS, the Lease-to-Own Home Ownership Program provides down payment and closing cost assistance for homebuyers, and

WHEREAS, said program will take out a mortgage on behalf of the applicant at current mortgage rates, and

WHEREAS, participants lease the property from Pacific Housing and Finance Agency for three years, and the lease payments are used to build equity in the property during the initial three-year lease period, and

WHEREAS, after three years, the participant can assume the mortgage from the Program, and

WHEREAS, staff found the program to be sound and worth pursuing, and

WHEREAS, the Community Development and Housing Committee met on June 20, 2001, and supported staff's recommendation to pursue entering into a joint powers agency,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Joint Exercise of Powers Agreement to enable Modesto residents to participate in the Lease-to-own Home Ownership Program for homebuyers as administered by the Pacific Housing and Finance Agency.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said Joint Exercise of Powers Agreement with Pacific Housing Finance Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**Modesto City Council  
Resolution No. 2001-517**

**Was Not Used**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-518**

**A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND EDAW, INC., AMENDING THE SCOPE OF SERVICES TO INCLUDE PREPARATION OF FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING PLAN, AND NOTICE OF DETERMINATION FOR THE MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) FOR THE TUOLUMNE RIVER REGIONAL PARK AND ATTENDANCE BY CONSULTANT AT CITY OF MODESTO PLANNING COMMISSION MEETING AT WHICH THE MEIR IS BEING PRESENTED AT A COST NOT TO EXCEED \$12,000, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT.**

WHEREAS, on February 22, 1972, the City of Modesto entered into an agreement with the City of Ceres and the County of Stanislaus relating to the acquisition, development and operation of the Tuolumne River Regional Park, and

WHEREAS, that agreement authorizes the City of Modesto to enter into contracts or agreements with third parties to carry out the purposes of the regional park, and

WHEREAS, on July 6, 1999, the City entered into an agreement for consultant services with EDAW, Inc., (Consultant) to prepare a comprehensive update to the 1968 Land Use Plan for the Tuolumne River Regional Park, a Gateway Master Plan, a Master Environmental Impact Report and related documents, and

WHEREAS, the City and Consultant desire to amend said agreement to expand the Scope of Services to include preparation by Consultant of Findings, Statements of Overriding Considerations and Mitigation Monitoring Plan and Notice of Determination and attendance by Consultant at the City of Modesto Planning Commission Meeting at which the MEIR is being presented, and

WHEREAS, Consultant has agreed to perform said services at a cost not to exceed \$12,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to Agreement for services to include preparation by Consultant of Findings, Statements of Overriding Considerations, Mitigation Monitoring Plan and Notice of Determination, and attendance by Consultant at the City of Modesto Planning Commission meeting at which the MEIR is presented at a cost not to exceed \$12,000,

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-518A**

**A RESOLUTION DENYING WITHOUT PREJUDICE VILLAGE ONE SPECIFIC PLAN AMENDMENT NO. SPA 2001-01 AND AMENDMENT TO THE PRECISE PLAN FOR AREA NO. 27 TO REDESIGNATE 1.15 ACRES LOCATED ON BOTH SIDES OF PARAMONT WAY NORTH OF MERLE AVENUE FROM MULTI-FAMILY RESIDENTIAL TO VILLAGE RESIDENTIAL (DENIS FAMILY PROPERTY).**

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 a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

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

WHEREAS, Ordinance No. 2873-C.S., which became effective on January 13, 1994, adopted a Precise Plan for Area No. 27 of the Village One Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body, and the Council has previously adopted fourteen (14) such amendments to the Village One Specific Plan by Resolutions adopted by the Council from time to time, and

WHEREAS, the City Council on March 18, 1997, by Resolution No. 97-113, denied an application by the J.C. Williams Company to amend the Precise Plan for Area No. 27 to delete the Multi-Family Residential designation from the plan area, and

WHEREAS, Denis Family Property has filed an application to amend the Village One Specific Plan and the Precise Plan for Area No. 27 to redesignate 1.15 acres located on both sides of Paramont Way north of Merle Avenue from Multi-Family Residential to Village Residential, and

WHEREAS, on August 6, 2001, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, regarding the proposed Village One Specific Plan Amendment No. SPA 2001-01 and amendment to the Precise Plan for Area No. 27, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolutions Nos. 2001-48 and 2001-49, recommending to the City Council Village One Specific Plan Amendment No. SPA 2001-01 and amendment to the Precise Plan for Area No. 27, respectively, to redesignate 1.15 acres located on both sides of Paramount Way north of Merle Avenue from Multi-Family Residential to Village Residential, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 2, 2001, and continued to October 9, 2001, 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 Village One Specific Plan Amendment No. SPA 2001-01 and amendment to the Precise Plan for area No. 27.

WHEREAS, after said hearing, the Council found and determined that said proposed Village One Specific Plan Amendment No. SPA 2001-01 and amendment to the Precise Plan for Area No. 27 as recommended by the Planning Commission should be denied without prejudice.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies without prejudice the proposed Village One Specific Plan Amendment

No. SPA 2001-01 and amendment to the Precise Plan for Area No. 27 to redesignate 1.15 acres located on both sides of Paramount Way north of Merle Avenue from Multi-Family Residential to Village Residential.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Mayor Sabatino

NOES: Councilmembers: Serpa, Smith

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-519**

**A RESOLUTION DENYING THE APPEAL OF DENNIS E. WILSON TO A  
PLANNING COMMISSION DECISION APPROVING AN AMENDMENT TO  
PLANNED DEVELOPMENT ZONE, P-D(501). (TIMOTHY MURPHY)**

WHEREAS, the Modesto City Council, by Ordinance No. 2905-C.S., which was introduced on April 26, 1994, finally adopted on May 3, 1994, and which became effective on June 2, 1994, granted Planned Development Zone, P-D(501), to allow a neighborhood shopping center, property located on the northwest corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, City Council Resolution No. 94-221 adopted by the City Council on April 26, 1994, approved the development plan for Planned Development Zone, P-D(501), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 3044-C.S., which was introduced on May 27, 1997, finally adopted on June 10, 1997, and which became effective on July 10, 1997, approved an amendment to Planned Development Zone, P-D(501), to allow an auto-oriented commercial strip center in place of the previously approved neighborhood shopping center, and

WHEREAS, City Council Resolution No. 97-283 adopted by the City Council on May 27, 1997, approved a revised development plan for Planned Development Zone, P-D(501), and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(501), was filed by Timothy Murphy on December 12, 2000, to allow a two-story mini-storage facility in place of a previously approved retail/drug store at the northeast corner of Sylvan Avenue and Carson Oak Drive, and

WHEREAS, a public hearing was held by the Planning Commission on February 5, 2001, and continued to February 26, 2001 in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission by Resolution No. 2001-19 adopted February 26, 2001 denied the application, citing incompatibility of the two-story building with the surrounding existing single-story uses established under Planned Development Zone, P-D(501), and

WHEREAS, upon appeal by the applicant, on March 27, 2001, and continued to April 10, 2001, the City Council heard the matter and by unanimous motion, returned the item to the Planning Commission, and

WHEREAS, on May 21, 2001, the Planning staff received a revised set of site plans and elevations intended to enhance the visibility of the adjoining Del Taco establishment to eastbound traffic on Sylvan Avenue by taking another “notch” out of the southeast corner of the building, and

WHEREAS, said matter was set again for a public hearing before the Planning Commission on July 2, 2001, and continued to July 16, 2001, August 6, 2001, and August 20, 2001, and

WHEREAS, prior to the Planning Commission rehearing, on June 20, 2001, the counsel for the owner of the Del Taco establishment adjoining the subject project to the east, requested a reconsideration by the City Council at its meeting of June 26, 2001, specifically asking the Council to stipulate that in referring the matter back to the Planning Commission, it did so on the basis that a revised development plan would cause the storage building to be located back from Sylvan Avenue, the same distance as the Del Taco building, and

WHEREAS, on June 26, 2001 the Council, by motion agreed that it had indeed understood that the direction was for the building to be redesigned back “even” with the Del Taco building, and

WHEREAS, after a public hearing on August 20, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-52, that amendment to the Planned Development Zone, P-D(501), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. The development, redesigned by holding the building back “even” with adjoining developments will not unduly restrict visibility to motorists eastbound on Sylvan Avenue.
2. The property is located on a principle arterial, and is located in close proximity to other commercial uses on Sylvan Avenue.
3. Commercial uses are compatible with the existing and planned surrounding uses in the area.
4. The proposed amendment to P-D(501) is consistent with the Modesto Urban Area General Plan.

WHEREAS, on August 23, 2001, an appeal to the Planning Commission’s decision was filed by Dennis E. Wilson was filed in the office of the City Clerk requesting the opportunity to appear before the Council to make a presentation to demonstrate that the revised building design would not interfere with visibility of adjoining properties, and

WHEREAS, said appeal was set for a public hearing before the Council of the City of Modesto on Tuesday, October 9, 2001, at 5:15 p.m., in the Tenth Street Place Chambers, located at 1010 10<sup>th</sup> Street, Modesto, California, at which time all persons interested in or objecting to the appeal were afforded the opportunity to appear, and

WHEREAS, after said public hearing the Council found and determined that said appeal should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 2001-52 and quoted above and for the additional reasons set forth below:

1. The applicant has failed to show that the revised site plan sought for approval would not unduly restrict visibility to adjoining businesses particularly from eastbound traffic.
2. The uniform building setbacks would provide an equitable public exposure of all adjoining businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Dennis E. Wilson to the decision of the Planning Commission approving an amendment to Planned Development Zone, P-D(501), to allow a two-story mini-storage building but with a greater setback than originally proposed, property located at the northeast corner of Sylvan Avenue and Carson Oak Drive, is denied for the reasons set forth in Planning Commission Resolution No. 2001-19 and quoted above, and the additional reasons set forth above and the decision of the Planning Commission is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of October, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman, Serpa

ABSENT: Councilmembers: None:

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-520**

**A RESOLUTION APPROVING A JOINT CITY/COUNTY EFFORT TO ESTABLISH A MASTER DEVELOPMENT PLAN FOR THE KIERNAN BUSINESS PARK AND OTHER NORTH COUNTY BUSINESS PARK PROPERTIES LOCATED ALONG HIGHWAY 99, AND AUTHORIZE THE CITY MANAGER TO EXPEND UP TO \$50,000 FOR SUCH PURPOSES.**

WHEREAS, combining City and County planning and development resources will increase the likelihood of successfully creating economic development opportunities which will lead to job creation, a diversified tax base and an improved quality of life for residents and businesses in the City of Modesto and the County as a whole, and

WHEREAS, the City and County need to look beyond the narrow confines of the Kiernan Business Park site in order to ensure the timely and successful development of all the business park properties in the North County area, including the County's Salida Community Plan area, and

WHEREAS, it is estimated that initial planning consulting costs will be \$100,000, in order to establish a study area, hold Scoping Meetings with Stakeholders and interested parties, inventory existing studies and available data, and identify issues and preliminary development strategies.

WHEREAS, the initial \$100,000 cost should be shared 50/50 with the County.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the amount of \$50,000.00 for funding professional planning consulting services with the County of Stanislaus for a joint City/County effort to establish a master development plan for the Kiernan Business Park and other North County business park properties located along Highway 99, and authorizing the city manager to expend up to \$50,000 for such purposes, is hereby approved.

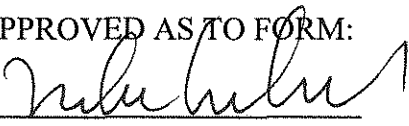
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 9<sup>th</sup> day of October, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-521**

**A RESOLUTION APPROVING FUNDING FOR PROFESSIONAL SERVICES  
PROVIDED BY THE BOHL CORPORATION RELATED TO THE KANSAS  
AVENUE BUSINESS PARK.**

WHEREAS, the Agency is desirous of encouraging the development of an industrial/commercial business park in the area of downtown Modesto for the benefit of the Agency and of the City of Modesto, and

WHEREAS, in order to complete the development of the Kansas Avenue Business Park, funding is required in the amount of \$89,155 from the Strategic Planning Fund of the City of Modesto the purpose of which is to contract with the Bohl Corporation for professional services related to the development of the Kansas Avenue Business Park and other associated projects.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the amount of \$89,155.00 for funding professional services provided by, or to be provided by, The Bohl Corporation related to the Kansas Avenue Business Park is hereby approved.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 9<sup>th</sup> day of October, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-522**

**A RESOLUTION AWARDING A CONTRACT TO CALLANDER AND ASSOCIATES NOT TO EXCEED \$304,000 FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES TO PREPARE A SPECIFIC PLAN FOR A 4.2 MILE LINEAR PARK/CLASS I BIKEWAY IN THE VIRGINIA AVENUE CORRIDOR AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS**

WHEREAS, the City of Modesto is currently finalizing the process of securing an abandoned railroad corridor, utilizing the Rails to Trails Program, and

WHEREAS, staff interviewed landscape architectural firms and determined that Callander and Associates is the most qualified, and

WHEREAS, Callander and Associates has agreed to provide the Specific Plan at a cost not to exceed \$304,000, and

WHEREAS, a total of \$370,000 has been allocated to this Capital Project in various Capital Improvement Accounts, which will be consolidated through a separate action of the City Council at the October 9, 2001 meeting, and

WHEREAS, on December 14, 1999, by Resolution No. 99-624, the City Council reviewed and considered the Initial Study/Negative Declaration (SCH 9701236) prepared for the Non-Motorized Transportation master Plan, and based on the substantial evidence included in said Initial Study/Negative Declaration, found that the proposal to preserve the Virginia Avenue Railroad Corridor from Needham Street to Bangs Avenue for use as a Class I Bike Path/Trail is in conformance with said Initial Study/Negative Declaration, and

WHEREAS, at its September 20, 2001 meeting, the Transportation Policy Committee supported awarding a contract for a Specific Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby awards a contract to Callander and Associates for professional landscape architectural services to prepare the Specific Plan for a 4.2 mile linear park/Class I bikeway in the Virginia Avenue Corridor in the amount not to exceed \$304,000.00.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said contract documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-523**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL  
IMPROVEMENT PLAN BUDGET AND ESTIMATING REVENUE**

WHEREAS, the City of Modesto is currently finalizing the process of securing an abandoned railroad corridor through the Rails to trails Program, and

WHEREAS, by Resolution No. 2001-522, the City Council approved an agreement with Callander and Associated Landscape Architecture, Inc. to prepare a Specific Plan for a 4.2 mile linear park/Class I bikeway, and

WHEREAS, a total of \$370,000 is needed to fund the Specific Plan, and

WHEREAS, \$31,300 is available from Capital Improvement Project 0520-310-M139, Virginia Corridor, and

WHEREAS, \$62,700 is available in 1430-800-8000-8003, the Air Quality Capital Facilities Fees Fund available fund balance, and

WHEREAS, revenue in the amount of \$186,000 is available from a Transportation and Community System Preservation Grant, and

WHEREAS, the balance of \$90,000 is available in Capital Improvement Project 1430-310-M198, Non-Motorized Trail System, and

WHEREAS, staff desires to consolidate funding into one project, and

WHEREAS, this project is identified in the City of Modesto Fiscal Year 2001-02 Adopted Budget, Volume III, page 49,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 Capital Improvement Plan budget to close Project 0520-310-M139, Virginia Corridor; estimate grant revenue of \$186,000; transfer \$31,300 from the Non-Motorized Local Transportation Fund; and transfer \$62,700 from 1430-800-8000-8003, Air Quality Capital Facilities Fees Reserve to project 1430-310-M198-6010.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-524**

**A RESOLUTION SUPPORTING PARTICIPATION WITH MODESTO CITY SCHOOLS IN AN APPLICATION FOR \$242,000 IN FUNDING UNDER THE STATE AFTER SCHOOL LEARNING AND SAFE NEIGHBORHOODS PARTNERSHIPS PROGRAM, AND COMMITTING \$60,500 FROM CAPITAL IMPROVEMENT PROJECT 1300-310-M165, YOUTH MASTER PLAN, TO FUND ONE-HALF OF THE REQUIRED FIFTY PERCENT MATCH.**

WHEREAS, the City of Modesto and Modesto City Schools (District) are interested in expanding the after school programs at four schools within the Modesto Schools District, and

WHEREAS, the State After School Learning and Safe Neighborhoods Partnerships Program has been identified as a potential funding source, and

WHEREAS, the grant application will be prepared and submitted by Modesto City Schools, and

WHEREAS, a local match of 50% of the grant request is required, and

WHEREAS, total project costs will be \$363,000, \$242,000 of which will be in grant funding, with the balance of \$121,000 to be split equally between the City and District, and

WHEREAS, the Human Services Committee met on October 3, 2001, and recommended that match funding be provided from Capital Improvement Project 1300-310-M165, Youth Master Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby supports participation with Modesto City Schools in an application for \$242,000 in funding under the State After School Learning and Safe Neighborhoods Partnerships Program.

BE IT FURTHER RESOLVED that the Council hereby commits \$60,500 from Capital Improvement Project 1300-310-M165, Youth Master Plan, to fund one-half of the required fifty percent match.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-525**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "RECOAT TANK  
INTERIOR – WATER TANK 5" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Recoat Tank Interior – Water Tank 5, has been completed by Robison-Prezioso, Inc., in accordance with the contract agreement dated April 3, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Recoat Tank Interior – Water Tank 5 be accepted from said contractor, Robison-Prezioso, Inc., and that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$82,070.00 as provided in the contract be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

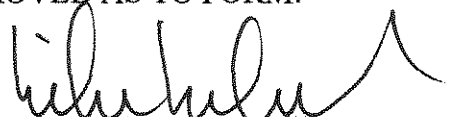
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-526**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "MODESTO CENTRE  
PLAZA HARVEST HALL FLOOR" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Modesto Centre Plaza Harvest Hall Floor, has been completed by Pro-Tec Painting & Coating, Inc., in accordance with the contract agreement dated April 3, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Modesto Centre Plaza Harvest Hall Floor be accepted from said contractor, by Pro-Tec Painting & Coating, Inc., and that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$78,534.00 as provided in the contract be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-527**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "WATER QUALITY  
CONTROL BUILDING LABORATORY REMODEL" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Water Quality Control Building Laboratory Remodel, has been completed by Silveira General Construction, in accordance with the contract agreement dated April 3, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Water Quality Control Building Laboratory Remodel be accepted from said contractor, by Silveira General Construction, and that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$101,830.00 as provided in the contract, be authorized.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-528**

**A RESOLUTION ADOPTING A VETERANS' PREFERENCE SYSTEM  
FOR ENTRY LEVEL, OPEN RECRUITMENTS.**

WHEREAS, the State of California enacted legislation amending Government Code Section 50088 effective January 1, 2002, and

WHEREAS, this legislation requires each city council and board of supervisors in California with a civil service (merit) system to either implement a veterans' preference system or adopt a resolution identifying why it is not implementing such a program, and

WHEREAS, California Government Code Section 18973 defines "veteran," and

WHEREAS, veterans' preferences for entry-level jobs are, in part, a reward for service in defense of the nation and state; in part, a compensation for postponed or interrupted civilian careers; and, in part, a recognition of a practical credential,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Veterans' Preference for job applicants in accordance with California Government Code Section 50088, utilizing the definition of "veteran" as specified in California Government Code Section 18973.

BE IT FURTHER RESOLVED that the Veterans' Preference System be used on recruitments for entry level, open recruitments as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference.

BE IT FURTHER RESOLVED that this System would add five (5) percentage points at the time an eligible list is established, to all qualified veterans as defined, who have received a qualifying score on exams up to the point of eligibility, on a one-time only basis that leads to employment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

18973. Except as provided in Section 18978, in the case of all other entrance examinations, veterans and widows or widowers of veterans who become eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be allowed one of the following additional credits:

(a) Disabled veterans, 15 points.

(b) All other veterans, widows or widowers of veterans, and spouses of 100 percent disabled veterans, 10 points.

For the purpose of this section, "veteran" means any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940, to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.

For the purpose of this section: "disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of his or her service; and "100 percent disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be 100 percent disabled as a result of his or her service. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

## "EXHIBIT A"

50088. (a) As used in this section:

(1) "Civil service system," as applied to a county or city or county, means the approved local merit system (ALMS).

(2) "Veteran" has the same meaning as in Section 18973.

(3) "Veterans service office" means an office established pursuant to Section 970 of the Military and Veterans Code.

(b) When any city, county, or city and county, general law or chartered, has established a civil service system and entrance examination for the selection of appointive officers and employees, the board of supervisors or city council, by January 1, 2002, shall either implement a veterans' preference system giving preference to a veteran over other identically qualified applicants, or shall adopt a resolution identifying reasons that it does not implement a veterans' preference system.

(c) Nothing in this act shall be construed to require a city, county, or city and county, to implement a veterans' preference system. However, it is the intent of the Legislature in enacting this section that cities, counties, and cities and counties, to the extent possible, further the public policy embodied in Section 6 of Article VII of the California Constitution to promote veterans' preference.

(d) In enacting this section, the Legislature finds and declares that veterans' preference in civil service examinations is a matter of statewide concern.

(e) It is the intent of the Legislature that a board of supervisors or city council may seek the voluntary assistance of a veterans service office serving that area in implementing a veterans' preference system.

## "EXHIBIT A"

VETERANS' PREFERENCE PROGRAM  
City of Modesto  
Eligible Job Classifications

Account Clerk  
Accountant I  
Administrative Analyst I  
Administrative Clerk I  
Administrative Clerk II  
Animal Control Officer I  
Assistant Buyer  
Assistant Planner  
Budget Analyst  
Building Inspector I  
Civil Engineering Technician I  
Code Enforcement Officer I  
Community Services Officer I  
Crime Analyst  
Custodian I  
Deputy City Attorney I  
Electrical Technician I  
Equipment Service Worker I  
Firefighter Trainee  
Fire Prevention Technician I  
Housing Rehabilitation Specialist I  
Industrial Waste Inspector I  
Junior Civil Engineer  
Junior Traffic Engineer  
Laboratory Analyst I  
Maintenance Worker I  
Planning Technician I  
Police Clerk  
Police Officer Trainee (Academy Recruit)  
Programmer Analyst I  
Recreation Coordinator  
Storekeeper  
Systems Technician  
Waste Water Treatment Plant Attendant

**“EXHIBIT A”**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-529**

**A RESOLUTION AUTHORIZING CITY MANAGER TO IMPLEMENT THE  
AGREEMENTS WITH THE MODESTO CITY FIREFIGHTERS ASSOCIATION  
THAT WERE REACHED THROUGH THE MEET AND CONFER PROCESS.**

WHEREAS, the Memorandum of Understanding between City and Modesto City Fire Fighters Association expired on January 1, 2001, and

WHEREAS, the City and Modesto City Fire Fighters Association did meet and confer in good faith and reached agreement on twenty-four issues, and

WHEREAS, City and Modesto City Fire Fighters Association desire to honor these agreements and implement them before the remaining issues are resolved through Arbitration .

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to implement the agreements on the twenty-four issues that are listed on Exhibit "A" and were reached during the Meet and Confer process with Modesto City Firefighters Association. Said agreements be included in the final Memorandum of Understanding between City and Modesto City Fire Fighters Association covering the period from January 2, 2001 through December 24, 2004.

BE IT FURTHER RESOLVED, that the issues listed on Exhibit "A" shall be effective on October 23, except that the issues pertaining to Haz-Mat Pay, Relief Engineer Pay, Special Assignment Pay, and Uniform Allowance shall be effective retroactive to January 2, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

IN THE MATTER OF INTEREST ARBITRATION BETWEEN  
CITY OF MODESTO  
AND  
MCFFA

List of Resolved Issues

- Haz Mat pay
- Relief Engineer Pay
- Uniform allowance
- FF Trainee
- Special Assignment pay
- Call Back
- Bid System
- 1959 Survivor Benefit
- Consecutive Work Hours
- Violence in the Workplace
- Salary on Promotion
- Catastrophic Leave
- Sick Leave for Family Care
- Dispute Resolution (re-opener)
- Sick Leave for Service Credit (re-opener)
- Personnel Redesign (re-opener)
- Sleep Hours
- Mutual/Automatic Aid
- Annual Physicals Overtime
- Uniform Allowance PERSability
- ALS Delivery
- Flex Staffing
- 4 Year Term
- Vantage Healthcare (re-opener)

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-530**

**A RESOLUTION REVISING 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. 88-338 pursuant to Rule 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 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

**Deputy Director of Operations and Maintenance**

Council approved this position during the last budget review in order to reduce the number of direct reports to the Department Director and to establish a clear line of authority during the Director's absence for communication to the organization, the City Manager, the City Council and the community.

**Utility Dispatch Supervisor**

To provide supervisory oversight to the Dispatch and Customer Services Unit of Water Operations Division.

The specifications for the classifications of Deputy Director of Operations (Range 452), as shown on the attached Exhibit "A", and Utility Dispatch Supervisor ((Range 422) as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 16, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## DEPUTY DIRECTOR OF OPERATIONS AND MAINTENANCE

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 assist the Director of Operations and Maintenance in the planning, directing, supervising, and coordinating of departmental functions and operational activities; to assist in the monitoring and preparation of operating and capital improvement budgets and management of personnel assigned to the department; and to provide highly complex staff assistance to the Director of Operations and Maintenance.

### SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Operations and Maintenance.

Exercises direct supervision over professional, technical and clerical staff.

Exercises management of assigned operations and maintenance functions.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Assist in planning, directing, supervising, and coordinating departmental operations; oversee and participate in the development of departmental strategic planning; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Appear before the City Council, Council Committees, boards, commissions and numerous civic organizations representing the Department.

Assist with the preparation of operating and capital improvement budgets and control of expenditures, including the preparation of long-term maintenance management models.

## “EXHIBIT A”

Essential Functions: (Continued)

Supervise and assist subordinate supervisors in the operations and maintenance of City infrastructure, particularly water, wastewater and storm drainage systems; establish long-range plans and goals, including strategic planning for the utility enterprise funds and issues dealing with environmental regulations.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Director of Operations and Maintenance; prepare and present staff reports and other necessary correspondence.

Oversee storm water and wastewater NPDES permitting processes; maintain positive relationships with outside regulatory authorities.

Work across department line to insure long-term infrastructure needs of the city are met.

Establish performance expectations and evaluate performance of subordinate personnel.

Prepare a variety of correspondence including general and special reports.

Serve as Director of Operations and Maintenance, as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training, management and public works administration.

Principles of budget preparation and expenditure control.

Principles and practices of public administration labor relations and public personnel management.

QUALIFICATIONS: (Continued)

Knowledge of, Continued:

Principles and practices as applied to the field of operating and maintaining the city infrastructure.

Technical, legal, and financial issues related to the conduct of municipal public works program.

Strategic planning and environmental regulations for municipal utilities.

National Pollution Discharge Elimination Systems (NPDES) permitting and compliance.

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed public works projects.

Procedures, materials, equipment and methods used in all areas of public works activities.

Pertinent Federal, State, and local laws, codes and regulations.

Ability to:

Oversee and coordinate the activities of a number of sections within the Department.

Assist with the preparation of departmental operating and capital improvement budgets and control budget expenditures.

Review and interpret cost estimates.

Effectively represent the Department before the Council, Council Committees, boards, commissions, public agencies and private groups.

Prepare clear and concise written reports and develop appropriate recommendations.

QUALIFICATIONS: (Continued)

Ability to:

Effectively manage assigned areas of the departmental program.

Establish and maintain cooperative relationships with those contacted during the course of work.

Perform a variety of technical research and prepare reports of findings.

Manage a large staff of field, office, professional and technical staff.

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:

Seven years of increasingly responsible professional management experience in a public works environment, including at least five years in a supervisory or administrative capacity.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public administration, civil engineering, business administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office environment; occasionally travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.

## UTILITY DISPATCH SUPERVISOR

### DEFINITION

To plan, organize, coordinate, administer and supervise all functions of the Dispatch and Customer Services Unit of the Water Operations Division.

### SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from Water Superintendent and upper management staff.

Exercises direct supervision over assigned clerical and field staff.

EXAMPLES OF DUTIES – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Perform a wide variety of complex, responsible and confidential duties for the management staff in the Water Operations Division.

Plan, prioritize, assign, supervise and review the work of the staff involved in the Dispatch and Customer Services Unit.

Responds to internal customer requests for information and resolve citizen concerns and complaints as they relate to the functions of the Dispatch and Customer Services Unit.

Interpret City policies, procedures, laws and regulations in response to inquiries and complaints; refer inquiries as appropriate to proper departments.

Participate and assist in the administration of the department; prepare comprehensive reports, compile information to be used in special projects and reports.

Plans, organizes, reviews and monitors work flow of assigned staff.

Schedules routes to ensure coverage during vacation, illnesses, etc.

Instructs crew in work procedures and safe work practices and ensures the use of safety equipment as needed.

**“EXHIBIT B”**

EXAMPLES OF DUTIES, Continued:

Essential Functions:

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with management staff to correct deficiencies; implement discipline procedures; recommend employee terminations.

Assist in budget preparation and implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Recommend goals and objectives; assist in the development and implementation of policies and procedures.

Assist in the development and implementation of dispatch systems and reporting procedures.

Review, develop, and modify dispatch control methods to improve existing procedures; ensure conformity to policy and increase effectiveness.

Marginal Functions:

Performs related work as required.

QUALIFICATIONS:

Knowledge of:

Customer relations practices and techniques.

English usage, spelling, grammar and punctuation.

Principles and procedures of record keeping.

Principles and practices of effective employee supervision, including selection, training, work evaluation, and discipline.

Principles and practices of organization, public administration, and pertinent Federal, State, and local laws, codes, and regulations.

Safe work practices and regulations.

Ability to:

Interpret and apply departmental policies, procedures, laws and regulations.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

Perform responsible work involving the use of independent judgement and person initiative.

Understand the organization and operation of the City as necessary to assume assigned responsibilities.

Analyze problems, identify options, project consequences of proposed actions, and recommend changes in policies and procedures.

Work with and control sensitive, confidential information.

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 clerical experience in an office setting involving financial record keeping and customer service. One year of supervisory experience is highly desirable. Work experience in a public or private water utility is highly desirable.

- OR -

Four years of increasingly responsible experience in water meter reading, customer service calls and delinquent payments. One year of lead or supervisor experience is highly desirable.

Training:

Equivalent to the completion of the twelfth grade.

LICENSE OR CERTIFICATE

Possession of, or ability to obtain, an appropriate, valid California driver's license. DMV print out must be submitted with application.

WORK CONDITIONS:

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and travel from site to site.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-531**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270  
TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND  
CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY  
RANGE FOR THE CLASSIFICATIONS OF DEPUTY DIRECTOR OF  
OPERATIONS AND MAINTENANCE AND UTILITY DISPATCH SUPERVISOR**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270,  
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as  
follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled  
"City of Modesto Class Range Table Management And Confidential Non-Sworn Classes  
Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "A" entitled  
"City of Modesto Class Range Table Management and Confidential Non-Sworn Classes  
Effective October 16, 2001", which is attached hereto and made a part hereof as though set forth  
in full herein. Said amended Exhibit "A" adds Operations & Maintenance Department Director  
(Range 452) and Utility Dispatch Supervisor (Range 422) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after  
October 16, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
 Effective **October 16, 2001**

RANGE	TITLE
407	Administrative Clerk II (Confidential)
408	
409	Police Clerk (Confidential)
410	
411	
412	
413	Administrative Technician (Confidential) Senior Personnel Clerk
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I
421	

**“EXHIBIT A”**

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RANGE	TITLE
422	Office Supervisor <b>Utility Dispatch Supervisor</b>
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor

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RANGE	TITLE
431	Administrative Analyst II Assistant Risk Manager Personnel Analyst Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst
432	Communications Specialist Industrial Waste Supervisor Neighborhood Preservation Supervisor Operations and Maintenance Supervisor Plant Maintenance Supervisor Recreation Supervisor II Secondary Treatment Facilities Supervisor Senior Accountant Water Quality Control Operations Supervisor Youth Program Supervisor
433	Organizational Development Specialist
434	Arborist Assistant Civil Engineer Assistant Traffic Engineer Electrical Supervisor Events Supervisor II Geographic Information Systems Coordinator Operations Supervisor SCADA Supervisor Senior Housing Rehabilitation Specialist Senior Programmer Analyst
435	Business Analyst Cultural Services Manager Integrated Waste Specialist Management Analyst Senior Personnel Analyst
436	Senior Planner

City of Modesto  
 Class Range Table – Management and Confidential Non-Sworn Classes  
 Page 16

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RANGE	TITLE
437	Deputy City Attorney I
438	Budget Officer Communications and Marketing Manager Development and Operations Coordinator Financial/Investment Officer Housing Program Supervisor Land Surveyor Property Agent Purchasing Supervisor Systems Engineer Transportation Planner
439	Administrative Services Officer
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Assistant Personnel Director Building Maintenance Superintendent Deputy City Attorney II Fire Marshal Fleet Manager Golf Services Manager Parks Operations Superintendent Parks Planning and Development Manager Police Records Manager Recreation Superintendent Risk Manager Solid Waste Program Manager Streets Engineer Transit Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent

City of Modesto  
 Class Range Table – Management and Confidential Non-Sworn Classes  
 Page 17

RANGE	TITLE
442	Customer Services Division Manager Information Services Manager Manager of Budget and Financial Analysis Supervising Building Inspector Supervising Construction Inspector
443	Senior Deputy City Attorney I
444	Business Development Manager Deputy Chief Building Official General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Engineering and Transportation <b>Deputy Director – Operations and Maintenance</b> Deputy Director – Recreation and Neighborhoods
453	
455	Assistant City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-532**

**A RESOLUTION ADOPTING A REVISED DISADVANTAGED BUSINESS  
ENTERPRISE (DBE) PROGRAM FOR FEDERALLY FUNDED STREET  
PROJECTS**

WHEREAS, the Federal Government has adopted Federal Regulation 49 CFR Part 26, which mandates that the City adopt a DBE Program to be eligible to receive Federal Highway Funds, and

WHEREAS, Caltrans has tentatively approved the draft City of Modesto DBE Program for Federally Funded Streets Projects, contingent upon Council adopting the program, and

WHEREAS, the City of Modesto has requested public comments, and none were received, and

WHEREAS, the DBE Program was presented to the Transportation Policy Committee on September 20, 2001, who recommended its approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto DBE Program for Federally Funded Streets Projects is hereby adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-533**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY UP TO  
\$4,000 FOR PARTICIPATION IN THE UNIFIED CERTIFICATION PROGRAM  
(UCP)**

WHEREAS, the Federal Government has adopted Federal Regulation 49 CFR Part 26, which mandates that the City participate in the California Unified Certification Program (UCP) in order to continue to receive Federal Highway Funding, and

WHEREAS, the California UCP Board screens and certifies potential disadvantaged business contractors, and

WHEREAS, the California UCP Board has estimated that the City portion of the annual cost is \$2,000, and

WHEREAS, the City anticipates the annual cost to increase in the future, and

WHEREAS, the City's participation in the Unified Certification Program (UCP) was presented to the Transportation Policy Committee on September 20, 2001, who recommended approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is authorized to pay up to \$4,000 for participation in the Unified Certification Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-534**

**A RESOLUTION ACCEPTING THE BID OF ACTION TARGET, INC. FOR THE  
POLICE SHOOTING RANGE.**

WHEREAS, the bids received for the Police Shooting Range were opened at 11:00 a.m. on May 8, 2001, and later tabulated by the Engineering & Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Action Target, Inc., be accepted as the lowest responsible bid for a total amount of \$95,134.25,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Action Target, Inc., in the amount of \$95,134.25 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the contract for completion of the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
Michael D. Milich  
BY: MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-535**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING AND  
TRANSPORTATION TO ISSUE A CONTRACT CHANGE ORDER FOR  
ADDITIONAL CONCRETE AND ELECTRICAL WORK FOR THE POLICE  
OUTDOOR SHOOTING RANGE EQUIPMENT PROJECT**

WHEREAS, the Outdoor Shooting Range is a portion of the City of Modesto Police Training Center, and

WHEREAS, a concrete pad and electrical conduit must be installed prior to the installation of the target system, and

WHEREAS, a contract change order to the shooting range equipment contract must be issued before the targets can be installed, and

WHEREAS, the low bidding contractor Action Target, Inc., can fully complete the concrete pad and electrical conduit installation,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Director of Engineering and Transportation is authorized to negotiate and issue a contract change order for the installation of a concrete pad and electrical conduit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16<sup>th</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-536**

**A RESOLUTION DECLARING SURPLUS AND DONATING THE OLD MILL  
CAFE COUNTER AND COUNTER STOOLS TO MODESTO CITY SCHOOLS.**

WHEREAS, Modesto City Schools has requested the use of the counter and counter stools as part of a stage for a performing arts program, and

WHEREAS, due to the potential for damage to the counter and counter stools, it was determined that the counter and counter stools should be donated to Modesto City Schools, and

WHEREAS, Howard M. Johnson, ASA, performed an appraisal of equipment and furnishings, and

WHEREAS, the estimated salvage value of the counter and counter stools is \$160.00,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the counter and counter stools, salvage valued at \$160.00, be donated to Modesto City Schools.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

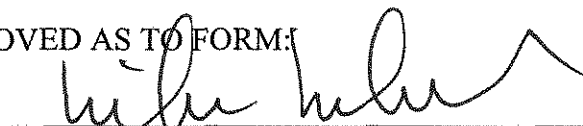
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-537**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
FORMALLY SOLICIT BIDS FOR NETWORK INFRASTRUCTURE  
UPGRADES.**

WHEREAS, the City of Modesto has deemed it necessary to purchase network infrastructure upgrades, and

WHEREAS, the estimated cost for the network infrastructure upgrades is \$102,000.00, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the network infrastructure upgrades.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the solicitation of bids for network infrastructure upgrades is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

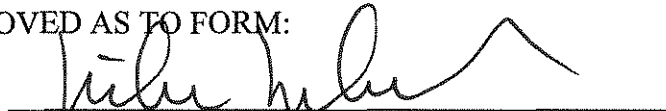
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-538**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
PURCHASE THE NETWORK INFRASTRUCTURE UPGRADES FROM THE  
LOWEST RESPONSIVE AND RESPONSIBLE BIDDER.**

WHEREAS, the City of Modesto has deemed it necessary to purchase network infrastructure upgrades, and

WHEREAS, the estimated cost for the network infrastructure upgrades is \$102,000.00, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the network infrastructure upgrades, and

WHEREAS, the Purchasing Supervisor will purchase the network infrastructure upgrades from the lowest responsive and responsible bidder.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of the network infrastructure upgrades from the lowest responsive and responsible bidder is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-539**

**A RESOLUTION APPROVING TWO LEASE AGREEMENTS WITH THE  
FEDERAL AVIATION ADMINISTRATION (FAA) FOR USE OF  
AIRPORT PROPERTY WHERE THE INSTRUMENT LANDING  
SYSTEM LOCALIZER AND GLIDE SLOPE AND THE RIGHT-OF-WAY  
TO THE FACILITY SITES ARE LOCATED, AND AUTHORIZING THE  
CITY MANAGER TO EXECUTE THE LEASES ON BEHALF OF THE  
CITY**

WHEREAS, the Modesto City-County Airport is equipped with an Instrument Landing System (ILS) to serve Runway 28R, and it allows continued air carrier and general aviation flights during times of reduced visibility, and

WHEREAS, the ILS at Modesto City-County Airport is owned, operated, and maintained by the FAA, and the system has been in operation since it was first installed in the 1970's, and

WHEREAS, the FAA's existing leases for the property sites of the localizer and the glide slope have expired, and the use of the property has been on a month-to-month tenancy basis since their expiration, and

WHEREAS, the FAA is interested in renewing the leases on a non-monetary basis, and has requested the City to approve new leases with a term commencing on October 1, 2000, and expiring on September 30, 2020, or until either party gives the other written notice that they wish to terminate the lease prior to their expiration date, and

WHEREAS, the Transportation Policy Committee considered the leases at the September 20, 2001, meeting and recommended their approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease agreements with the FAA for the use of the airport's property where the ILS localizer and glide slope, and the utility right-of-ways to the sites are located.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the leases 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 16<sup>th</sup> day of October, 2001 by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-540**

**A RESOLUTION APPOINTING A THREE-MEMBER APPEALS BOARD TO  
CONSIDER AN APPEAL OF THE CFD ADMINISTRATOR'S  
DETERMINATION OF THE AMOUNT OF TAX DUE ON LOTS IN THE  
CENTER COURT SUBDIVISION**

WHEREAS, Counsel for the developer of the Center Court Subdivision in Village One has requested an appeal of the tax calculation of Community Facilities District taxes due in the Center Court Subdivision located in Community Facilities District No. 1996-1, and

WHEREAS, the Public Report applicable to Community Facilities District No. 1996-1 provides for the appointment of an Appeals Board to hear appeals of Community Facilities District tax calculations,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does appoint that certain committee of the City Council denominated the Community Development & Housing Committee as the Appeals Board to hear the tax issues brought before the appeals board, and to fix the appropriate tax.

BE IT FURTHER RESOLVED that the proceedings before the Appeals Board shall be in the nature of a quasi-judicial administrative fact-finding hearing, requiring the presentation of evidence through witnesses, documents, and other appropriate means, recorded by a licensed court reporter. The rules of evidence shall not be strictly enforced, but rather, information deemed reliable by the Board shall be admitted and the appropriate weight given to the evidence by the Board in its discretion. Trial briefs may be presented at the time and place of the Appeals Board hearing, and the Board shall provide its written determination with respect to the issues presented no later than the sixtieth day following the submission of the issues to the Board by both parties. The Board may have benefit of counsel to advise it on procedural matters in the event it so desires. Both the CFD and the complainant may have representatives at the hearing of their own choosing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2001-541**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001/02 BUDGET TO  
TRANSFER FUNDS FROM THE ASSET FORFEITURE TRUST FUND TO THE  
GENERAL FUND - POLICE OPERATIONS FOR THE PURCHASE OF THREE  
NEW CANINES.**

WHEREAS, there are currently three vacancies in officer/handlers on the Police Department Canine Unit due to retirements of the dogs, and

WHEREAS, the Police Department has purchased three replacement canines at Orchard Knoll Kennels in North Carolina, and

WHEREAS, costs, including travel to the kennel and air transport of the dogs, for the replacement of these canines is \$12,500, and

WHEREAS, the Asset Forfeiture Trust Fund has monies available for this purchase, and

WHEREAS, at its meeting on September 6, 2001, the Public Safety Committee unanimously supported purchase of the three canines and the transfer of funds for the expenses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2001/02 Annual Budget is hereby amended as indicated below:

Appropriate:

To: 0100-190-1961-5297	\$12,500	Police Field Operations
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Revenue:

From: 0100-190-1961-7202	\$12,500	Seized Forfeitures
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BE IT FURTHER RESOLVED that the Finance Director 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 23<sup>rd</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Sean Zahr  
SEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 - 542**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA CONSERVATION CORPS, DELTA SERVICE DISTRICT, FOR THE PURPOSE OF UTILIZING CORPSMEMBERS AND STAFF TOWORK ON VARIOUS PROJECTS THAT PROTECT, ENHANCE, AND BEAUTIFY THE COMMUNITY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, the City of Modesto has adopted a Strategic Plan which includes as a goal the establishment of a California Conservation Corps (CCC) crew in Greater Modesto, and

WHEREAS, the CCC recently adopted a policy change allowing for "Satellite Operation Centers," allowing crews to live and work in local areas, such as Modesto, and

WHEREAS, the use of CCC crews provides the City with much-needed support for beautification projects and as a source of labor in emergency situations, and

WHEREAS, the City Council on June 19, 2001, adopted Ordinance No. 3226-C.S. approving the FY 2001-2002 Operating Budget that included funding for the establishment of a CCC crew presence in Greater Modesto,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the California Conservation Corps, Delta Service District, for the purpose of utilizing corps members and staff to work on various projects that protect, enhance, and beautify the community is hereby approved.

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 23<sup>rd</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

APPROVED AS TO FORM:

By: Stanley Feathers  
STANLEY FEATHERS, Budget Officer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-543**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO  
RECOGNIZE ADDITIONAL REVENUE FROM THE SEWER FUND RESERVE  
TO FUND SETTLEMENT OF CLAIMS FILED BY MAULDIN-DORFMEIER  
CONSTRUCTION, INC. FOR CONSTRUCTION OF THE PARALLEL  
OUTFALL PHASE III AND COFFEE ROAD AND CLARATINA AVENUE  
SANITARY SEWER SUBTRUNK AND SEWER LIFT STATION – NORTH  
BEYER PARK NEIGHBORHOOD PROJECTS**

WHEREAS, on August 12, 1997, the City Council awarded a \$3,667,505.00 contract to Mauldin-Dorfmeier Construction, Inc. for the project entitled “Parallel Outfall Phase III”, and

WHEREAS, the Contractor filed a claim in the amount of \$575,000.00 for additional construction costs related to the removal of groundwater, soil stabilization, delays and damages, and

WHEREAS, on June 6, 2000, City Council accepted the improvements entitled “Parallel Outfall Phase III”, and

WHEREAS, on August 12, 1997, the City Council awarded a \$794,082.00 contract to Mauldin-Dorfmeier Construction, Inc. for the project entitled “Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station – North Beyer Park Neighborhood”, and

WHEREAS, the Contractor filed a claim in the amount of \$63,000.00 for additional construction costs related to the removal of groundwater, delays, modifications to the plans and bypass pumping, and

WHEREAS, on June 6, 2000, City Council accepted the improvements entitled “Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station – North Beyer Park Neighborhood, and

WHEREAS, on March 27, 2001, City Council authorized the City Attorney to execute an agreement for Legal Services with the Law Firm of Davidovitz and Bennett to defend the City against these claims, and

WHEREAS, plaintiff and defendant agreed to mediate said construction claims to settle the lawsuits, and

WHEREAS, on October 16, 2001, City Council, in closed session, approved the October 1, 2001, mediated settlement in the amount of \$437,500,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current Capital Improvement Budget for the "Parallel Outfall Phase III" project to increase the amount of revenue in 623-480-J889-6040 by \$369,900, transferred from Sewer Fund Reserves, thereby increasing the budgeted amount for construction by \$369,900, and further authorizes an amendment to the current Capital Improvement Budget for the "Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station, North Beyer Neighborhood" project to increase the amount of revenue in 621-480-H818-6040 by \$80,100, transferred from Sewer Fund Reserves, thereby increasing the budgeted amount for construction by \$80,100.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-544**

**A RESOLUTION AUTHORIZING STAFF TO SOLICIT PROPOSALS FOR A  
FIVE-YEAR CONTRACT TO OPERATE THE MODESTO AREA EXPRESS  
BUS SERVICE**

WHEREAS, the existing agreement with Laidlaw Transit to operate the Modesto Area Express (MAX) bus service expires May 31, 2002, and

WHEREAS, the City wishes to continue providing bus service to the citizens of Modesto, and

WHEREAS, the Federal Transit Administration (FTA) requires that bus service contracts be rebid every five years, and

WHEREAS, by an agenda report to the City Council dated October 10, 2001, from the Engineering and Transportation Director, solicitation of proposals for a new five-year MAX operations contract was recommended, and

WHEREAS, on September 20, 2001, the Transportation Policy Committee reviewed this proposal and recommended the solicitation of proposals for MAX bus service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to solicit proposals for a five-year contract for the operation of the MAX bus service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-545**

**A RESOLUTION APPROVING A TWENTY-FOUR MONTH AGREEMENT  
BETWEEN THE CITY OF MODESTO AND THE McHENRY MANSION TO  
PROVIDE FUNDING FOR A 1,000 HOUR EMPLOYEE TO SERVE AS THE  
MANSION GIFT STORE EMPLOYEE AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE THE AGREEMENT**

WHEREAS, the McHenry Mansion Foundation (Foundation) desires to provide funding for a 1,000 hour employee to serve at the McHenry Mansion Gift Store, and

WHEREAS, in addition to providing funding for salary and benefits for said employee, the Foundation will provide an additional 7% for administrative costs, and

WHEREAS, the Human Services Committee, at its October 3, 2001 meeting, supported approval of the agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the twenty-four month agreement with the McHenry Mansion Foundation to provide funding for a 1,000 hour McHenry Mansion Gift Store employee.

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 23<sup>rd</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-546**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 OPERATING BUDGET TO ESTIMATE \$12,616 IN REVENUE TO 0100-360-3613-4085, SALARY REIMBURSEMENT AGREEMENT, AND TO APPROPRIATE \$12,616 IN EXPENDITURES TO VARIOUS OBJECTS IN ORGANIZATION 3613, McHENRY MANSION**

WHEREAS, the McHenry Mansion Foundation (Foundation) desires to provide funding for a 1,000 hour employee to serve at the McHenry Mansion Gift Store, and

WHEREAS, in addition to providing funding for salary and benefits for said employee, the Foundation will provide an additional 7% for administrative costs, and

WHEREAS, the Human Services Committee, at its October 3, 2001 meeting, supported approval of the salary reimbursement agreement for funding of said employee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 Operating Budget to estimate \$12,616 in revenue from the McHenry Mansion Foundation to 0100-360-3613-4085, Salary Reimbursement Agreement, and to appropriate \$12,616 in expenditures to: 0100-360-3613-0140, Salaries and Wages, Part-time (\$10,817); 0100-360-3613-0189, Benefits, Part-time (\$974); and, 0100-360-3613-0235, Services, Professional & Other (\$825).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-547**

**A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF \$250,000 FOR THE ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR THE ACQUISITION OF THE 4.1 ACRE FAIRWAY NEIGHBORHOOD PARK SITE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION.**

WHEREAS, the people of the State of California have enacted the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, which provides funds for the Roberti-Z'berg-Harris Open Space and Recreation Program, and

WHEREAS, the Legislature of the State of California has enacted the Roberti-Z'berg-Harris Open Space and Recreation Program, which provides funds to certain political subdivisions of the State of California for acquiring lands and for developing facilities to meet urban recreational needs, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the program and the grant project shown above within the State, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project, and

WHEREAS, the Human Services Committee met on October 3, 2001, and supported submission of a grant application for \$250,000, with the required \$107,145 match to be provided from Community Development Block Grant funds,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby:

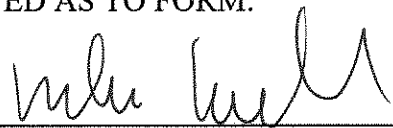
1. Approves the filing of an application for local assistance funds from the **Roberti-Z'berg-Harris Open Space and Recreation Program** under the **Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000** in the amount of \$250,000; and
2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and
3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
4. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest:   
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-548**

**A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF \$120,000 FOR THE URBAN RECREATION AND CULTURAL CENTERS, MUSEUMS, AND FACILITIES FOR WILDLIFE EDUCATION OR ENVIRONMENTAL EDUCATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR PREPARATION OF PLANNING DOCUMENTS FOR AN EXHIBIT AT THE McHENRY MUSEUM AND AUTHORIZING THE CITY MANAGER TO EXECUTE APPLICATION DOCUMENTS**

WHEREAS, the people of the State of California have enacted the Urban Recreational and Cultural Centers, Museums, and Facilities for Wildlife Education or Environmental Education Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, which provides funds to the State of California for grants to cities, counties, non-profit organizations and federally recognized California Indian Tribes, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the Program within the state and the grant project shown above, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project, and

WHEREAS, the Human Services Committee met on October 3, 2001, and supported submission of the grant application,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby:

1. Approves the filing of an application for local assistance funds from the Urban Recreational and Cultural Centers, Museums, and Facilities for Wildlife Education or Environmental Education Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 in the amount of \$120,000; and

2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-549**

**A RESOLUTION APPROVING AN AGREEMENT WITH FLORSHEIM BROTHERS, INC. FOR ACQUISITION OF THE 9.44 ACRE COFFEE/CLARATINA NEIGHBORHOOD PARK/DUAL USE SITE AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS.**

WHEREAS, the Parks, Recreation and Neighborhoods Department is given the charge of acquiring and developing parks in the Modesto Urban Area General Plan (the plan) and in the Specific Plan for Coffee/Claratina, and

WHEREAS, the plan calls for the development of a new neighborhood park in the Coffee/Claratina Specific Plan, and in order to fulfill this charge it is necessary to acquire 7.94 acres of land, and

WHEREAS, by Resolution No. 2000-632, the City Council adopted the Dual Use Park/Storm Water Guidelines, which call for another 1.5 acres, and

WHEREAS, staff has identified property as meeting the criteria of the plan, and

WHEREAS, the developer will provide the 1.5 acres for the storm drainage basin, and

WHEREAS, the cost of acquisition of the 7.94 acres for a park site is \$952,800.00, and

WHEREAS, funds are included in the Capital Improvement Plan, in Fund 1350, Parks Capital Facilities Fees Fund, project 1350-310-L002, Northeast McHenry Neighborhood Park Acquisition, and

WHEREAS, on several occasions, the Human Services Committee discussed the Dual Use Park/Storm Water Guidelines, at which time the proposed site was also discussed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Florsheim Brothers, Inc. for acquisition of the Coffee/Claratina Neighborhood Park/Dual Use Site for \$952,800.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-550**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): ACQUISITION OF 9.44 ACRES OF LAND FROM FLORSHEIM BROTHERS, INC. FOR THE COFFEE/CLARATINA NEIGHBORHOOD PARK/DUAL USE SITE, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF DRAKESHIRE DRIVE AND GRECIAN AVENUE.**

WHEREAS, the Modesto City Council has adopted Resolution No. 95-408 certifying that the Modesto Urban Area General Plan Master Environmental Impact Report (“MEIR”) (State Clearing House No. 92052017) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (CEQA) Guidelines, and

WHEREAS, the City of Modesto desires to acquire 9.44 acres of land for the Coffee/Claratina Neighborhood Park/Dual Use Site, in accordance with the Modesto Urban Area General Plan, and

WHEREAS, staff has identified Florsheim Brothers, Inc. as a willing seller, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/PR&N 0107, which concluded that the proposed project is within the scope of the Modesto Urban Area General Plan MEIR (SCH No. 92052017)

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has hereby reviewed and considered Environmental Assessment No. EA/R&N 0107, entitled “City of Modesto Initial Study Coffee/Claratina Neighborhood Park/Dual Use Site Acquisition and Future Construction Phases”, for the proposed project and the Council hereby makes the following findings:

1. As per Sections 15168 (c) and 15182 of the California Environmental Quality Act (CEQA) Guidelines, this project is within the scope of the projects covered by the Modesto Urban Area General Plan MEIR, and no new environmental documents or findings are required by CEQA.
2. The project will have no new effects which were not examined in the Modesto Urban Area General Plan MEIR and no new mitigation measures would be required.
3. There are no substantial changes proposed within the project which will require major revisions of the Modesto Urban Area General Plan MEIR.
4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Modesto Urban Area General Plan MEIR.
5. No new information, which was not known and could not have been known at the time that the Modesto Urban Area General Plan MEIR was certified as complete, has become available.
6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Modesto Urban Area General Plan MEIR will be sufficient for this project.
7. All feasible mitigation measures set forth in the Modesto Urban Area General Plan MEIR which are appropriate to the project shall be incorporated in the project.
8. The Initial Study, Environmental Assessment No. EA/PR&N 0107, provides the substantial evidence to support finding 1-7 above.

A copy of said Environmental Assessment No. EA/PR&N 0107, entitled "City of Modesto Initial Study Coffee/Claratina Neighborhood Park/Dual Use Site Acquisition and Future Construction Phases", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-551**

**A RESOLUTION ACCEPTING THE BID OF CUNNINGHAM & SONS, INC.  
FOR THE PROJECT TITLED "2001-2002 ROCKWELL AND CATCH BASIN  
REPLACEMENT /ADDITION"**

WHEREAS, the bids received for "2001-2002 ROCKWELL AND CATCH BASIN REPLACEMENT /ADDITION" were opened at 11:00 a.m. on October 9, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$509,258.00 received from Cunningham & Sons, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$509,258.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

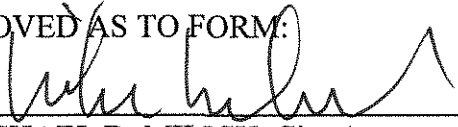
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-522**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 OPERATING BUDGET TO TRANSFER \$323,740.52 FROM THE GENERAL FUND RESERVE TO THE FIRE DEPARTMENT, EMERGENCY OPERATIONS DIVISION, FOR RETROACTIVE PAY FOR FIRE DEPARTMENT EMPLOYEES FOR FIRST RESPONDER AND EMERGENCY MEDICAL TECHNICIAN INCENTIVE PAY ON OVERTIME WORKED BETWEEN JULY 4, 1989, AND JULY 17, 2001.**

WHEREAS, THE city Council desires to approve retroactive pay to current and former Fire Department employees for First Responder and Emergency Medical Technician incentive on overtime worked between July 4, 1989, and July 17, 2001,

NOW, THEREFORE, BE IT RESOLVED BY THE council of the City of Modesto that the Fiscal Year 2001-02 Operating Budget is hereby amended to transfer \$323,740.52 from the General Fund Reserve, 0100-800-8000-8003 to 0100-0180-1832-0139, Fire Department, Emergency Operations Division, EMT Payback.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-553**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
DAVID CHASE FROM THE CITIZENS ADVISORY COMMITTEE ON  
RECYCLING, EFFECTIVE OCTOBER 23, 2001**

WHEREAS, DAVID CHASE was appointed a member of the Citizens Advisory Committee on Recycling on September 17, 1995; and

WHEREAS, DAVID CHASE has tendered his resignation from the Citizens Advisory Committee on Recycling, effective October 23, 2001; and

WHEREAS, DAVID CHASE has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of DAVID CHASE from the Citizens Advisory Committee on Recycling 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 this City, hereby expresses its sincere appreciation to DAVID CHASE for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-554**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
MARK PETERS FROM THE AIRPORT ADVISORY COMMITTEE,  
EFFECTIVE OCTOBER 23, 2001**

WHEREAS, MARK PETERS was appointed a member of the Airport Advisory Committee on May 18, 1999; and

WHEREAS, MARK PETERS has tendered his resignation from the Airport Advisory Committee, effective October 23, 2001; and

WHEREAS, MARK PETERS has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of MARK PETERS from the Airport Advisory 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 this City, hereby expresses its sincere appreciation to MARK PETERS for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-555**

**A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5) AFFIRMATIVE VOTES AND AUTHORIZING THE PURCHASE OF DELL COMPUTERS FROM DELL MARKETING, LP, FOR FISCAL YEAR 2001-2002 UTILIZING THE WESTERN STATES CONTRACTING ALLIANCE THROUGH THE STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES FOR AN ESTIMATED TOTAL COST OF \$353,000.00.**

WHEREAS, the City of Modesto has deemed it necessary to purchase personal computers, and

WHEREAS, there is an existing contract in place through the State of California Department of General Services which utilizes the Western States Contracting Alliance competitive contract, and

WHEREAS, the City of Modesto Municipal Code allows for this action in Section 8-3.203 (b).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of personal computers from Dell Marketing LP in the estimated amount of \$353,000.00, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Fahr  
JEAN FAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-556**

**A RESOLUTION APPOINTING A CITY COUNCIL MEMBER TO THE  
GOVERNING BOARD OF THE PACIFIC HOUSING AND FINANCE AGENCY  
AND APPOINTING A STAFF PERSON AS ALTERNATE**

WHEREAS, Pacific Housing and Finance Agency (Agency) is a coalition of California cities and counties that have joined together to help individuals who can afford a monthly house payment, but lack enough savings to pay for additional costs associated with buying a home, and

WHEREAS, by Resolution No. 2001-516, on October 2, 2001, the City Council approved a Joint Exercise of Powers Agreement with Pacific Housing and Finance Agency, and

WHEREAS, said agreement requires the City of Modesto to appoint a representative to serve on the governing board of the Agency, and

WHEREAS, staff has recommended that the representative should be a member of the Modesto City Council, and

WHEREAS, staff has further recommended that a staff alternate also be appointed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby appoints Council Member Frohman to serve as representative.

BE IT FURTHER RESOLVED that the City Council appoints City Manager Jack Crist or his designee as alternate representative.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-557**

**A RESOLUTION DENYING APPLICATION SUBMITTED BY THE AMERICAN  
G.I. FORUM FOR USE OF 308 RUBERTO STREET AND DIRECTING STAFF  
TO HAVE THE BUILDINGS DEMOLISHED AND THE PROPERTY SOLD ON  
THE OPEN MARKET**

WHEREAS, the City owns the property located at 308 Ruberto Street in Modesto, California, and

WHEREAS, on September 4, 2001, the City Council adopted Resolution No. 2001-439 authorizing staff to request new proposals from three non-profit agencies for use of the property, and

WHEREAS, staff received only one proposal by the deadline of September 14, 2001, from American G.I. Forum, and said proposal was incomplete, and

WHEREAS, staff is now recommending denying that proposal, demolishing the buildings on the property and selling the property, and

WHEREAS, the Citizens Housing and Community Development Committee met on September 28, 2001, and supported the recommendations to deny the application, demolish the buildings and sell the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby denies the application submitted by the American G. I. Forum for use of the City-owned property at 308 Ruberto Street.

BE IT FURTHER RESOLVED that staff is hereby directed to have the buildings demolished and to sell the property on the open market.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23<sup>rd</sup> day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Fisher, Friedman

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-558**

**RESOLUTION ADOPTING THE 2001-2004 STRATEGIC PLAN AND VISION**

WHEREAS, in September 2000, Council and staff embarked on a strategic planning process to develop a Vision and *Strategic Plan* for the City, and

WHEREAS, the Vision forms the foundation for the *Strategic Plan*, and

WHEREAS, the Vision and *Strategic Plan* build upon previous visioning and planning efforts on the part of the City, and

WHEREAS, the City's organization structure has been realigned to reflect the City's Vision and *Strategic Plan*, and

WHEREAS, on June 18, 2001, Council held a Workshop to review the draft *Strategic Plan* and Vision, and

WHEREAS, since that time, numerous public presentations have been made to receive comments on the Vision and *Strategic Plan*, and

WHEREAS, the Vision and *Strategic Plan* have been refined based upon public comments received during the review process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the *2001 – 2004 Strategic Plan and Vision*, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith,  
Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-559**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
STEVEN BARBIERI FROM THE COMMUNITY QUALITIES FORUM,  
EFFECTIVE NOVEMBER 7, 2001**

WHEREAS, STEVEN BARBIERI was appointed a member of the Community Qualities Forum on October 17, 2000; and

WHEREAS, STEVEN BARBIERI has tendered his resignation from the Community Qualities Forum, effective November 7, 2001; and

WHEREAS, STEVEN BARBIERI has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of STEVEN BARBIERI from the Community Qualities Forum 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 this City, hereby expresses its sincere appreciation to STEVEN BARBIERI for his outstanding 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 November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-560**

**A RESOLUTION ADOPTING REVISIONS TO THE STANDARD  
SPECIFICATIONS OF THE CITY OF MODESTO**

WHEREAS, Section 4-4.801 of the Modesto Municipal Code provides for the adoption by the City Council of “Standard Specifications of the City of Modesto”, said Standard Specifications to be prepared by the Engineering and Transportation Department and recommended by the Planning Commission, and

WHEREAS, the Engineering and Transportation Department, Development Services Division, has recommended revisions, which include additions, deletions, or revisions to the Standard Specifications, which are contained in the document titled “2001 Proposed Revisions, Standard Specifications of the City of Modesto”, and

WHEREAS, the proposed revisions are to accomplish correcting grammatical errors, clarifying existing text and drawings, updating to including the current editions of standards, tests and materials already required by the standards, and, adding policies and procedures which have already been established by the Engineering and Transportation Department, and

WHEREAS, the proposed revisions were considered by the Construction Industry Liaison Committee and notices of an informal public hearing by the Planning Commission to consider the proposed revisions were sent to the Building Industry Association, Board of Realtors, Stanislaus County Public Works, and local developers, engineers, and utility companies, and

WHEREAS, the Planning Commission, by Resolution No. 2001-58, adopted on September 17, 2001, recommended to the City Council the adoption of revisions to the Standard Specifications of the City of Modesto as incorporated in the document titled “2001 Proposed Revisions, Standard Specifications of the City of Modesto”, copies of which are on file in the offices of the Engineering and Transportation Director and the Secretary of the Planning Commission, and

WHEREAS, said proposed revisions to the Standard Specifications of the City of Modesto, as prepared by the Engineering and Transportation Director and recommended by the Planning Commission, were considered by the City Council at its regular meeting on October 2, 2001, at which time the Council determined that the proposed revisions to the Standard Specifications of the City of Modesto, as recommended by the Planning Commission, should be adopted as the Standard Specifications of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain revisions to the "Standard Specifications of the City of Modesto, 2001", copies of which revisions are on file in the offices of the Engineering and Transportation Director and the Secretary of the Planning Commission, are hereby adopted as revisions to the Standard Specifications 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 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-561**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN CRAWFORD ESTATES  
SUBDIVISION, AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, SHERWOOD FOREST ESTATES, INC., a California Corporation, KENT W. CRAWFORD and LISA CRAWFORD, husband and wife as Community Property, and PHILLIP AUSTIN and IDA AUSTIN, husband and wife as Joint Tenants, subdividers of Crawford Estates subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of \$83,943.00 and \$41,971.50, respectively, and,

WHEREAS, SHERWOOD FOREST ESTATES, INC., a California Corporation, KENT W. CRAWFORD and LISA CRAWFORD, husband and wife as Community Property, and PHILLIP AUSTIN and IDA AUSTIN, husband and wife as Joint Tenants, has filed a warranty bond in the amount of \$8,394.30 to guarantee improvements in CRAWFORD ESTATES subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Crawford Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$83,943.00 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of \$41,971.50 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty to guarantee improvements in the amount of \$8,394.30 one year and one day following 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 November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-562**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN GENERATIONS  
SUBDIVISION, AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, subdividers of Generations subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of \$843,671.73 and \$421,835.86, respectively, and,

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, has filed a warranty bond in the amount of \$84,367.17 to guarantee improvements in GENERATIONS subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Generations Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$843,671.73 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of \$421,835.86 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$84,367.17 one year and one day following 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 November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-563**

**A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS FOR  
QUALIFICATIONS (RFQs) AND REQUESTS FOR PROPOSALS (RFPs) TO  
SELECT A CONSULTANT ENGINEER FOR THE DESIGN OF THE  
REPLACEMENT OF THE 9<sup>TH</sup> STREET STORM DRAIN**

WHEREAS, the 9<sup>th</sup> Street Storm Drain was originally constructed in the early 1920's,  
and

WHEREAS, additional tributary drainage has been added to the storm drain system over  
the years, and

WHEREAS, the existing storm drain system on 9<sup>th</sup> Street is substantially undersized,  
causing localized flooding, and

WHEREAS, the Union Pacific Railroad track will soon be removed, and

WHEREAS, Cal Trans has scheduled construction of a new layer of asphalt concrete on  
9<sup>th</sup> Street in 2004, and

WHEREAS, completing the storm drain installation prior to the Caltrans overlay will  
eliminate the need for a large utility cut on the new asphalt pavement, and

WHEREAS, City staff does not have the personnel hours available to design the  
replacement of the 9<sup>th</sup> Street Storm Drain,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
City Staff is hereby authorized to solicit Requests for Qualifications and Requests for Proposals  
to select a consultant engineer for the design of the replacement of the Ninth Street Storm Drain.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Mayor Sabatino

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-564**

**A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS FOR QUALIFICATIONS (RFQs) AND REQUESTS FOR PROPOSALS (RFPs) TO SELECT AN ARCHITECT FOR THE DESIGN OF FIRE STATION NO. 11 AT THE SOUTHWEST CORNER OF PELANDALE AVENUE AND CARVER ROAD**

WHEREAS, there has been rapid growth in the northwest portion of the City, and  
WHEREAS, the City wishes to maintain an effective emergency response system, and  
WHEREAS, the City has met with the immediate neighbors to the proposed fire station and the proposal received a favorable response, and

WHEREAS, the Public Safety Committee approved the proposed location on January 4, 2001, and

WHEREAS, City staff does not have the expertise nor the personnel hours available to complete the design of Fire Station No. 11 in a timely manner,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Staff is hereby authorized to solicit Requests for Qualifications and Requests for Proposals to select an Architect for the design of Fire Station No. 11 at the southwest corner of Pelandale Avenue and Carver Road.

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-565**

**A RESOLUTION APPROVING AN EMERGENCY PUBLIC WORKS  
CONTRACT WITH CONCO WEST FOR PUMP REPAIRS MADE TO  
MUNICIPAL WELL #42 AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE CONTRACT.**

WHEREAS, the City of Modesto is the owner of Municipal Well #42 which experienced a cave-in in March 2001, and

WHEREAS, said well site is the only well in the northwest area with a back-up generator for use in the case of emergency power outages or rolling black-outs, and

WHEREAS, the northwest area is the site of many homes and businesses that are dependent on the City's water service, and

WHEREAS, at the time of the cave-in, the State of California was experiencing significant power-related problems including rolling black-outs to customers, and

WHEREAS, it is the City's obligation to provide and maintain adequate water pressure in this area for public health and safety, and

WHEREAS, City staff, believing the situation to be of an emergency nature, arranged for Conco West to make repairs to Well #42 to bring it back into service, and

WHEREAS, the repair work requested by City staff of Conco West has been done to the City's satisfaction at a cost of \$91,777,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an emergency public works contract with Conco West in the amount of \$91,777 for repairs made to Municipal Well #42.

BE IT FURTHER RESOLVED that execution of the Conco West contract by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

Michael D. Milich

MICHAEL D. MILICH, City Attorney

APPROVED AS TO FORM:

Stanley Feathers

STANLEY FEATHERS, Budget Officer

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-566**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
FORMALLY SOLICIT BIDS FOR WELL REHABILITATION.**

WHEREAS, the City of Modesto has deemed it necessary to purchase well rehabilitation,  
and

WHEREAS, the estimated cost for the well rehabilitation is \$80,000.00 annually, and

WHEREAS, the Water Division of the Operations and Maintenance Department has  
assisted in writing bid specifications and fully supports solicitation of bids, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the well  
rehabilitation upon Council approval,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the  
solicitation of bids for well rehabilitation is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved  
its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-567**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
FORMALLY SOLICIT BIDS FOR PUMP STATION REJUVENATION.**

WHEREAS, the City of Modesto has deemed it necessary to purchase pump station rejuvenation, and

WHEREAS, the estimated cost for the pump station rejuvenation is \$500,000.00 annually, and

WHEREAS, the Water Division of the Operations and Maintenance Department has assisted in writing the bid specifications and fully supports solicitation of bids, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the pump station rejuvenation upon Council approval,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the solicitation of bids for pump station rejuvenation is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:   
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-568**

**A RESOLUTION AMENDING THE CITY POLICY AGAINST  
HARASSMENT.**

WHEREAS, on May 2, 1989, the Council of the City of Modesto adopted Resolution No. 89-529, entitled "A Resolution Adopting a City Policy Against Harassment"; and

WHEREAS, on August 6, 1991, the City Council of Modesto adopted Resolution No. 91-514, amending the City's harassment policy, entitled "A Resolution Amending the City Policy Against Harassment to Include the Ten Required Bases for Protected Groups", and

WHEREAS, in accordance with the requirements and guidelines established by the Fair Employment and Housing Act and the Equal Employment Opportunity Act, the City of Modesto desires to further amend the City Policy Against Harassment to add "perceived disability" as a protected status; to provide clarification on types of unacceptable behaviors; and to retitle the policy "City Policy Against Harassment and Discrimination," and

WHEREAS, on October 15, 2001, the Equal Opportunity and Disability Commission for the City reviewed and recommended adoption of the amended policy by the City Council,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby adopts the amended "City Policy Against Harassment and Discrimination", a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)  
APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

# CITY POLICY AGAINST HARASSMENT AND DISCRIMINATION

## Examples of Harassment

is the policy of the City of Modesto that harassment is unacceptable and will not be tolerated. Further, it is the policy of the City of Modesto to treat its citizens, customers and employees with respect and dignity and to strive to provide a working environment free of discrimination and harassment. This policy applies to all employees, officials, agents, and volunteers, and all non-employees who have contact with employees during working hours.

Any City employee who has been found, after an investigation, to have harassed another City employee, official, agent, volunteer, consultant or non-employee because of their race, color, ancestry, religion, sex, national origin, marital status, age, physical or mental disability or perceived disability, or sexual orientation will be subject to disciplinary action up to and including termination.

Written examples include suggestive or obscene letters, notes, and invitations.

Verbal examples include derogatory comments, slurs, jokes, and racial epithets.

Physical examples include assault, touching, impeding or blocking movements.

Visual examples include leering, gestures or displays of sexually suggestive objects or pictures, cartoons or posters.

Other examples include but are not limited to threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, rejection during probation, punitive actions, changes of assignments, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

The harassing act may be focused on an individual who is not physically present at the time, or who was present but did not actually see or hear the acts.

## Definition of Harassment

Harassment based on a person's race, ancestry, religion, sex, national origin, marital status, age, mental or physical disability, or perceived disability, or sexual orientation can constitute a violation of Title VII of the Civil Rights Act, the California Fair Employment Act and/or the City of Modesto's Equal Opportunity Policy. Harassment based on a person's race, color, ancestry, religion, sex, national origin, marital status, age, mental or physical disability, or perceived disability, or sexual orientation occurs when:

1. The focus and/or content of the harassing act is race, color, ancestry, religion, sex, national origin, marital status, age, physical or mental disability or perceived disability, or sexual orientation; and,
2. The harassing act tends to create an intimidating, oppressive, hostile or offensive working environment or tends to otherwise interfere with an individual's emotional well-being or ability to perform work.

Sexual harassment is a form of sex discrimination. It includes an unwelcome or unsolicited sexual advance, a request for sexual favors, and other verbal or physical conduct of a sexual nature, and can constitute a violation of Title VII of the Civil Rights Act, and Fair Employment Housing Act.

Conduct is considered sexual harassment when:

1. Submission is made an express or implied term or condition of employment; or
2. Submission to or rejection of the harassing act is used as a basis for employment or business decisions affecting an individual; or
3. Such conduct may have the purpose or effect of interfering with an individual's work performance and/or may create an intimidating, hostile or otherwise offensive work or business environment.

## Responsibilities

1. The City Manager is responsible for enforcement of the City Policy Against Harassment and Discrimination.
2. The Equal Opportunity Officer is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager, Department Director, or Supervisor.
3. Every Department Director is responsible for informing all employees of the City Policy Against Harassment and Discrimination and for taking the steps necessary to set a positive example in the prevention of harassment.
4. Every Supervisor is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.
5. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor or Department Director, or the City's Equal Opportunity Officer or Personnel Director.

## Complaint Resolution Procedures

City employees shall report any act of harassment to their immediate Supervisor or Department Director, or to the City's Equal Opportunity Officer or the Personnel Director. The Equal Opportunity Officer (or designee) will investigate and attempt resolution of harassment complaints in accordance with the City's Complaint Process as outlined in the City's Equal Opportunity Plan.

## **CITY POLICY AGAINST HARASSMENT AND DISCRIMINATION**

It is the policy of the City of Modesto that harassment is unacceptable and will not be tolerated. Further, it is the policy of the City of Modesto to treat its citizens, customers and employees with respect and dignity and to strive to provide a working environment free of discrimination and harassment. This policy applies to all employees, officials, agents and volunteers, and all non-employees who have contact with employees during working hours.

Any City employee who has been found, after an investigation, to have harassed another City employee, official, agent, volunteer, consultant or non-employee because of their race, color, ancestry, religion, sex, national origin, marital status, age, physical or mental disability or perceived disability, or sexual orientation will be subject to disciplinary action up to and including termination.

### **Definition of Harassment**

Harassment based on a person's race, ancestry, religion, sex, national origin, marital status, age, mental or physical disability, or perceived disability, or sexual orientation can constitute a violation of Title VII of the Civil Rights Act, the California Fair Employment Act and/or the City of Modesto's Equal Opportunity Policy. Harassment based on a person's race, color, ancestry, religion, sex, national origin, marital status, age, mental or physical disability, or perceived disability, or sexual orientation occurs when:

1. The focus and/or content of the harassing act is race, color, ancestry, religion, sex, national origin, marital status, age, physical or mental disability or perceived disability, or sexual orientation; and,
2. The harassing act tends to create an intimidating, oppressive, hostile or offensive working environment or tends to otherwise interfere with an individual's emotional well being or ability to perform work.

Sexual harassment is a form of sex discrimination. It includes an unwelcome or unsolicited sexual advance, a request for sexual favors, and other verbal or physical conduct of a sexual nature, and can constitute a violation of Title VII of the Civil Rights Act, and Fair Employment Housing Act.

Conduct is considered sexual harassment when:

1. Submission is made an express or implied term or condition of employment; or
2. Submission to or rejection of the harassing act is used as a basis for employment or business decisions affecting an individual; or
3. Such conduct may have the purpose or effect of interfering with an individual's work performance and/or may create an intimidating, hostile or otherwise offensive work or business environment.

### **Examples of Harassment**

- Written examples include suggestive or obscene letters, notes, and invitations.
- Verbal examples include derogatory comments, slurs, jokes, and racial epithets.
- Physical examples include assault, touching, impeding or blocking movements.
- Visual examples include leering, gestures or displays of sexually suggestive objects or pictures, cartoons or posters.

Other examples include but are not limited to threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, rejection during probation, punitive actions, changes of assignments, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

The harassing act may be focused on an individual who is not physically present at the time, or who was present but did not actually see or hear the acts.

### **Responsibilities**

1. The City Manager is responsible for enforcement of the City Policy Against Harassment and Discrimination.
2. The Equal Opportunity Officer is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager, Department Director, or Supervisor.
3. Every Department Director is responsible for informing all employees of the City Policy Against Harassment and Discrimination and for taking the steps necessary to set a positive example in the prevention of harassment.
4. Every Supervisor is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.
5. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor or Department Director, or the City's Equal Opportunity Officer or Personnel Director.

### **Complaint Resolution Procedures**

City employees shall report any act of harassment to their immediate Supervisor or Department Director, or to the City's Equal Opportunity Officer or the Personnel Director. The Equal Opportunity Officer (or designee) will investigate and attempt resolution of harassment complaints in accordance with the City's Complaint Process as outlined in the City's Equal Opportunity Plan.

MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-569

**A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS-FOR-PROPOSALS FOR A STRUCTURAL INVESTIGATION AND COST ESTIMATE OF REMEDIATION ACTIONS OF THE MODESTO COMMUNITY SERVICE CENTER AT 800 E. MORRIS AT A COST NOT TO EXCEED \$15,000.**

WHEREAS, the City of Modesto owns the Modesto Community Service Center located at 800 E. Morris, and

WHEREAS, the City desires to have a structural investigation completed on the facility, including a cost estimate of remediation actions, and

WHEREAS, the Mayor's Ad Hoc Committee met on October 10, 2001, and supported staff's recommendation to solicit RFP's for said investigation and cost estimate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to solicit Requests-for-Proposals for a structural investigation and cost estimate of remediation actions of the Modesto Community Service Center at 800 E. Morris at a cost not to exceed \$15,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-570**

**A RESOLUTION AMENDING THE BUDGET TO TRANSFER \$15,000 FROM THE GENERAL FUND RESERVE TO PROVIDE FUNDING TO THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO COVER THE COSTS OF A STRUCTURAL INVESTIGATION AND COST ESTIMATE OF REMEDIATION ACTIONS FOR THE MODESTO COMMUNITY SERVICE CENTER AT 800 E. MORRIS.**

WHEREAS, the City of Modesto owns the Modesto Community Service Center located at 800 E. Morris, and

WHEREAS, the City desires to have a structural investigation completed on the facility, including a cost estimate of remediation actions, and

WHEREAS, the Mayor's Ad Hoc Committee met on October 10, 2001, and supported staff's recommendation to solicit RFP's for said investigation and cost estimate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2001-02 operating budget is hereby amended to transfer \$15,000 from the General Fund Reserve, 0100-800-8000-8003, to 0100-380-3810-0235, Parks Recreation and Neighborhoods Department, Facilities-Building Rental.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-571**

**A RESOLUTION DE-OBLIGATING SET ASIDE FUNDS FOR THE CHICAGO WINDS PROJECT IN THE AMOUNT OF \$245,000 AND AUTHORIZING STAFF TO SEEK A REQUEST FOR QUALIFICATIONS FOR FISCAL YEAR 01-02 TO DEVELOP A NEW MULTI-FAMILY QUALITY HOUSING FOR WORKING CITIZENS PROJECT IN VILLAGE ONE**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (H.U.D.), and

WHEREAS, the City receives a HOME funds grant annually because of its population size, number of households living below the poverty level, and the number of housing units that are considered substandard, and

WHEREAS, the City Council approved Resolution No. 2001-67 on February 13, 2001, which in part, conditionally approved allocating \$245,000 of HOME/CHDO funds to Desarrollo-Latino Americano, Inc. (DLA) for their Chicago Winds project, and

WHEREAS, DLA has lost the purchase option on the property and is no longer able to fulfill the conditions set forth in Resolution No. 2001-67, and

WHEREAS, staff desires to seek Requests for Qualifications for predevelopment and neighborhood participation strategy costs to develop an affordable multi-family complex in Village One at a cost not to exceed \$245,000, and

WHEREAS, the Citizens Housing and Community Development Committee met on several occasions and supported de-obligation of the set aside funds for the Chicago Winds project and re-allocating these funds toward development of a multi-family Quality Housing for Working Citizens project in Village One,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves de-obligating set aside funds for the Chicago Winds project in the amount of \$245,000 and authorizing staff to seek a Request for Qualifications for Fiscal Year 01-02 to develop a new multi-family Quality Housing for Working Citizens project in Village One.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-572**

**A RESOLUTION AUTHORIZING STAFF TO PUBLISH A REQUEST FOR PROPOSALS FOR THE AMOUNT OF \$953,996 FOR THE DEVELOPMENT AND CONSTRUCTION OF NEW MULTI-FAMILY OR SINGLE FAMILY QUALITY HOUSING FOR WORKING CITIZENS**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (H.U.D.), and

WHEREAS, the City receives a HOME funds Grant annually because of its population size, number of households living below the poverty level, and the number of housing units that are considered substandard, and

WHEREAS, \$953,996 is available in HOME funds for the development and construction of new multi-family or single family Quality Housing for Working Citizens, and

WHEREAS, the City of Modesto desires to solicit proposals for the development and construction of Quality Housing for Working Citizens, and

WHEREAS, the Citizens Housing and Community Development Committee met on several occasions and supported staff's recommendation to solicit proposals for the development and construction of Quality Housing for Working Citizens,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to publish a Request for Proposals for the amount of \$953,996 for the development and construction of new multi-family or single family Quality Housing for Working Citizens.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-573**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 OPERATING BUDGET TO ESTIMATE \$53,017 IN UNEXPENDED CARRY OVER FROM VARIOUS PROJECTS, TO ESTIMATE \$245,000 IN DE-OBLIGATED CARRYOVER; TO APPROPRIATE \$248,017 OF SAID CARRY OVER TO 1170-320-3258-0497, DIRECT LOANS; AND APPROPRIATE \$50,000 OF SAID CARRY OVER TO 1170-320-3258-0491, TEMPORARY RELOCATIONS**

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (H.U.D.), and

WHEREAS, the City receives a HOME funds grant annually because of its population size, number of households living below the poverty level, and the number of housing units that are considered substandard, and

WHEREAS, the city desires to re-allocate \$245,000 in de-obligated carry over to be used for pre-construction costs for a multi-family Quality Housing for Working Citizens complex in Village One, and

WHEREAS, the city desires to re-allocate \$53,017 in unexpended carry over from various projects, with \$3,017 to be appropriated to Direct Loans and \$50, 000 to be appropriated to Temporary relocations for the purpose of assisting tenants in the Prescott Estates complex,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 operating budget to estimate \$53,017 in unexpended carry over from various projects, to estimate \$245,000 in de-obligated carryover; to appropriate \$248,017 of said carry over to 1170-320-3258-0497, Direct Loans; and appropriate \$50,000 of said carry over to 1170-320-3258-0491, Temporary Relocations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-574**

**A RESOLUTION ACCEPTING \$28,050 IN GRANT FUNDING FROM THE  
FEDERAL LAND AND WATER CONSERVATION FUND FOR  
CONSTRUCTION OF A PICNIC AREA AT MARK TWAIN NEIGHBORHOOD  
PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
GRANT CONTRACT**

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-in-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, on April 24, 2001, the City Council authorized staff to submit an application for \$27,500 in funding under the Land and Water Conservation Fund for 50% of the construction costs of a picnic area at Mark Twain Neighborhood Park, with the balance of matching funds to be provided from the local Parks Capital Facilities Fees Fund reserve, and

WHEREAS, on October 10, 2001, staff received a contract for the above project with a grant award in the amount of \$28,050, \$27,500 of which is for project costs and \$550 of which will be retained by the state for the federally approved surcharge for project administration, and

WHEREAS, staff has identified the Parks Capital Facilities Fees Fund as a source for the required \$27,500 match,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts \$28,050 in funding under the Land and Water Conservation Fund for construction of a picnic area at Mark Twain Neighborhood Park.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager 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 November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-575**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT PLAN BUDGET TO ESTIMATE \$27,500 IN REVENUE FROM THE FEDERAL LAND AND WATER CONSERVATION FUND, TO TRANSFER \$27,500 FROM 1350-800-8000-8003, PARKS CAPITAL FACILITIES FEES RESERVE AND TO APPROPRIATE \$55,000 TO A NEW CAPITAL IMPROVEMENT PROJECT IN THE PARKS CAPITAL FACILITIES FEES FUND 1350, MARK TWAIN NEIGHBORHOOD PARK PICNIC AREA**

WHEREAS, on April 24, 2001, the City Council authorized staff to submit an application for \$27,500 in funding under the Land and Water Conservation Fund for 50% of the construction costs of a picnic area at Mark Twain Neighborhood Park, with the balance of matching funds to be provided from the local Parks Capital Facilities Fees Fund reserve, and

WHEREAS, on October 10, 2001, staff received a grant contract for the above project, and

WHEREAS, staff has identified the Parks Capital Facilities Fees Fund as a source for the required \$27,500 match,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 Capital Improvement Plan budget to estimate \$27,500 in revenue from the Federal Land and Water Conservation Fund, to transfer \$27,500 from 1350-800-8000-8003, Parks Capital Facilities Fees reserve and to appropriate \$55,000 to a new capital improvement project in the Parks Capital Facilities Fees Fund 1350, Mark Twain Neighborhood Park Picnic Area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-576**

**A RESOLUTION APPROVING AN AMENDMENT TO THE LAND USE AND  
PLANNING COMPONENT OF THE 2001 LEGISLATIVE PLATFORM.**

WHEREAS, on August 14, 2001, the Modesto City Council adopted the 2001 Legislative Platform, and

WHEREAS, since adoption, Governor Davis has signed AB 1602, which places a Resource Protection Bond on the 2002 ballot, and

WHEREAS, this \$2.6 billion measure would provide funding to state and local parks, historical and cultural resources, urban forestry and other open space acquisition, preservation, protection and development projects, and

WHEREAS, on October 3, 2001, the Human Services Committee reviewed the Land Use and Planning Amendment to the Legislative Platform and recommended approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed Amendment to the 2001 Legislative Platform, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**CITY OF MODESTO 2001 LEGISLATIVE PLATFORM  
LAND USE AND PLANNING ELEMENT AMENDMENT**

Strategic Plan Elements

*I.A.2.a.(10). Preserve existing park infrastructure, such as tennis courts, buildings, swimming pools, etc.*

*III.B.5.C. Develop the Virginia Corridor as a priority Class I Bikeway and linear parkway.*

*XI.B. Provide ample and timely open space opportunities to attract new businesses.*

*XI.B.3. Look for opportunities to expand open space within the urban area, including development of the Virginia Corridor and expansion of the boundaries of the Tuolumne River Regional Park.*

*H.I.B.1. Support efforts to identify and Collaborate Regionally for Sports Facilities and services.*

*H.II.D.2.c. Preserve Historic Properties.*

*H.II.E.1.b. Improve access to the Tuolumne River Regional Park.*

*H.II.F.1.c. Identify and assess Community Center Opportunity Sites.*

*C.I.A.3. Plan for and develop Community Centers in the neighborhoods.*

*C.I.A.4. Seek funding for, and implement the Tuolumne River Regional Park Master Plan.*

*C.I.A.9. Improve access to, and develop uses for McClure Country Place.*

*C.IV.A.2. Utilize the McClure Country Place as a living history farm.*

*C.V.A.10. Support development of a site for BMX activities.*

Proposed amendment

*Issue: 2.10. To acquire, preserve, develop and protect the City's open space and recreation facilities, so that the City's Open Space Standards are met, funding from non-City sources is needed.*

*Action: 2.10. Support legislation that would provide funding to: acquire open space for park and recreation purposes; restore and preserve historical properties; preserve and protect riparian and riverine habitats; and, develop parks, trails and recreation facilities.*

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-577**

**A RESOLUTION VACATING AND ABANDONING A PORTION OF ESTA AVENUE SOUTH OF SYLVAN AVENUE AND RESERVING UTILITY EASEMENTS WITHIN THE SUBJECT RIGHT-OF-WAY**

WHEREAS, Streets and Highways Code Section 8320 et seq. prescribes the procedures to vacate and abandon public streets, and

WHEREAS, Government Code Section 65402 requires that prior to abandoning a public street, the Planning Commission shall make a determination as to whether the abandonment is consistent with the General Plan, and

WHEREAS, John Verner has filed an application to vacate and abandon a portion of Esta Avenue south of Sylvan Avenue, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to this portion of Esta Avenue in the adjacent land owners who are proponents of the abandonment, and

WHEREAS, the proposed partial street abandonment has been referred to affected City departments and local utility companies, and no objection to the abandonment has been received, and

WHEREAS, utility easements exist within the subject right-of-way that need to be retained sufficient in width to serve existing utility lines and to allow continued maintenance of said lines, and

WHEREAS, a public hearing was held by the Planning Commission on August 20, 2001, in the Tenth Street Chambers, located at 1010 10<sup>th</sup> Street, Modesto, California, at which hearing both oral and documentary was received and considered regarding the proposed abandonment, and

WHEREAS, by Planning Commission Resolution No. 2001-51, the Planning Commission recommended approval of the proposed vacation and abandonment, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Wednesday, November 7, 2001, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highways Code, Section 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law, in order to vacate and abandon the proposed area of Esta Avenue have been done and accomplished,

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

1. That the portion of Esta Avenue to be abandoned is unnecessary for present or future pedestrian or vehicular use.
2. That Environmental Assessment No. 2001-49 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing facilities, including streets.
3. That the vacation and abandonment of a portion of Esta Avenue is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of a portion of Esta Avenue south of Sylvan Avenue. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the street segment between Sylvan Avenue and Inverness Street, as shown in Exhibit "C" attached hereto will be renamed from Esta Avenue to Millbrook Avenue and that City staff will assist affected property owners in changing their addresses to reflect this street name change, consistent with City Council Policy No. 3.017.

BE IT FURTHER RESOLVED that the Council hereby approves the re-dedication of utility easements within the subject right-of-way, sufficient in width to serve existing utility lines and to allow continued maintenance of said lines.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County, concurrent with the lot line adjustment and new public utility easement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Exhibit "A"

**EXHIBIT "ONE"**

Being all that portion of 50.00 foot wide Esta Avenue lying in the North one half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northeast corner of the the Northwest quarter of the Southwest quarter of said Section 12; thence South  $00^{\circ}19'45''$  East, along the East line of the Northwest quarter of the Southwest quarter of said Section 12, a distance of 270.73 feet; thence South  $89^{\circ}40'15''$  West 19.50 feet to the POINT OF BEGINNING of this description; thence South  $00^{\circ}19'45''$  East 10.00 feet to the beginning of a curve concave to the Northeast, having a radius of 428.00 feet and a central angle of  $24^{\circ}48'33''$ ; thence Southeasterly, along the arc of said curve, 185.32 feet to the Easterly right-of-way line of said 50.00 foot wide Esta Avenue; thence South  $00^{\circ}19'45''$  East, on said Easterly right-of-way line, also being a non-tangent line, 200.51 feet to a point on a non-tangent curve concave to the Southeast, having a radius of 330.00 feet, from which the radius point of said curve bears South  $58^{\circ}22'35''$  East; thence Southwesterly, along the arc of said curve, through a central angle of  $31^{\circ}57'10''$ , an arc distance of 184.03 feet to the Westerly right-of-way line of said 50.00 foot wide Esta Avenue; thence along said Westerly right-of-way line, North  $00^{\circ}19'45''$  West 610.50 feet; thence leaving said Westerly right-of-way line, South  $13^{\circ}15'16''$  East 46.94 feet to the point of beginning.

Exhibit "B"

NE COR OF NW 1/4  
OF SW 1/4 OF SEC. 12

SYLVAN AVENUE

FUTURE R/W

SCALE 1" = 100'

PARCEL 3  
15-PM-85  
S.C.R.

LINE DATA:

LINE	BEARING	DISTANCE
L1	S 89°40'15" W	19.50'
L2	S 00°19'45" E	10.00'
L3	S 00°19'45" E	200.51'
L4	N 00°19'45" W	610.50'
	S 13°15'16" E	46.94'

PARCEL "A"

26-PM-88  
S.C.R.

PARCEL "B"

1/4 1/4 SEC LINE

CURVE DATA:

CURVE	DELTA	RADIUS	LENGTH
C1	24°48'33"	428.00'	185.32'
C2	31°57'10"	330.00'	184.03'

PARCEL 1

43-PM-88  
S.C.R.

PARCEL 2

ESTA AVENUE

LOT A

20

19

18

17

ATHERTON PLACE

LOT B

10

11

12

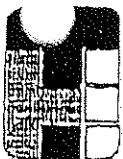
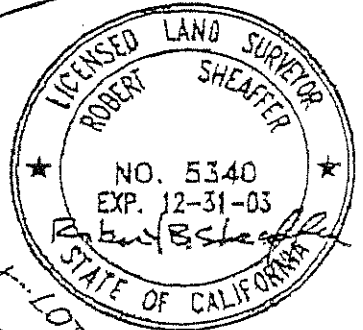
LOT H

LOT G

STREET

INVERNESS

MILLBROOK AVENUE



THOMPSON-HYSELL ENGINEERS

A DIVISION OF THE KEITH COMPANIES  
1018 12TH STREET, MODESTO, CA 95354  
(209) 521-8986 FAX (209) 521-8045

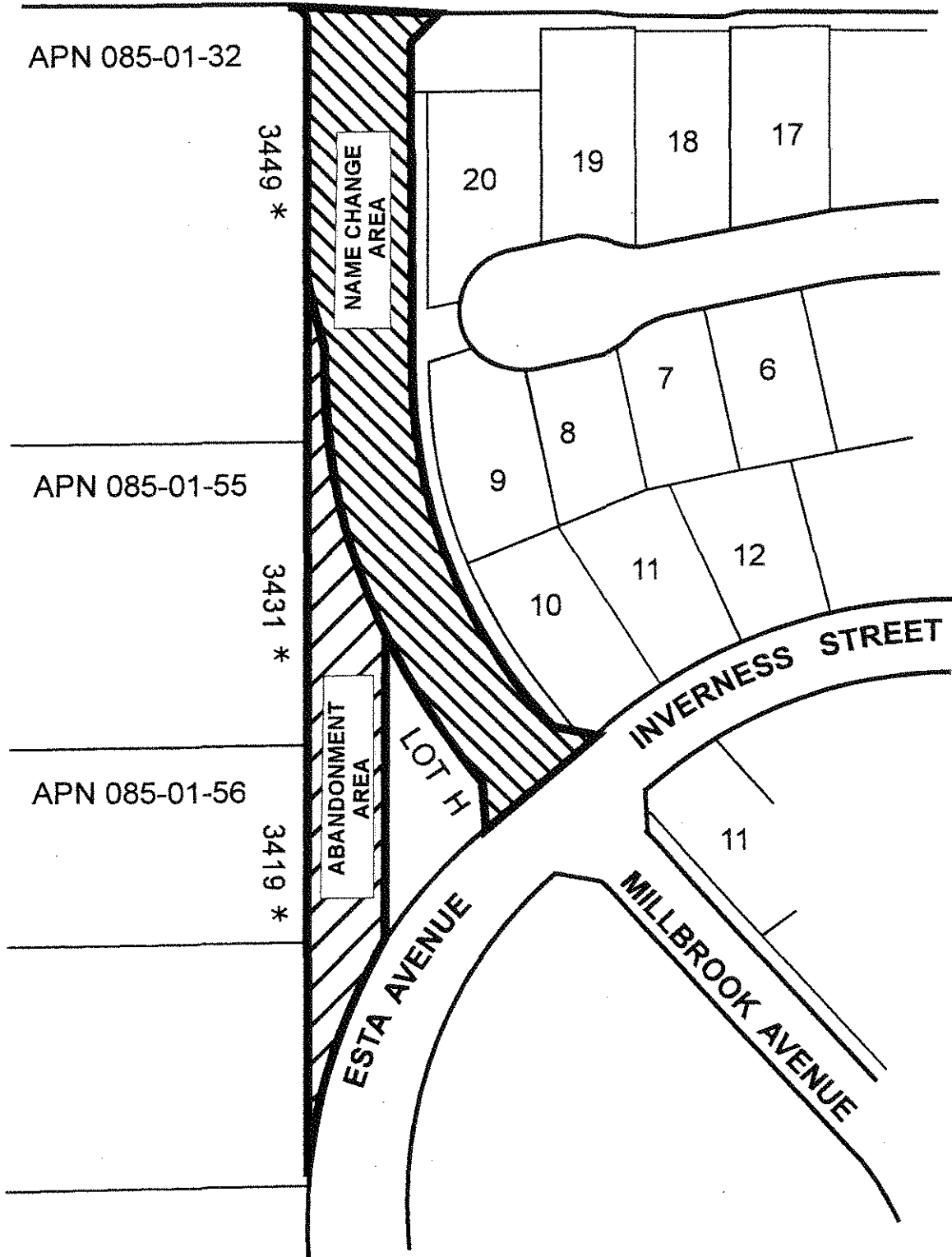
RIGHT-OF-WAY ABANDONMENT  
FOR A PORTION OF  
ESTA AVENUE  
MODESTO, CALIFORNIA

BY: RBS  
DATE: 6/18/01  
SHEET: 1 OF 1  
FILE: HENING/ATHERTON/180

Exhibit "C"

SYLVAN

AVENUE



\* These addresses to be changed from Esta Avenue to Millbrook Avenue.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-578**

**A RESOLUTION REVISING 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. 88-338 pursuant to Rule 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 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

**Geographic Information Systems Analyst**

Council approved this position during the last budget review as part of the expansion of the existing GIS Program.

**Production Technician**

Council approved this position during the last budget review to create a three-quarter lead position assigned to Modesto Centre Plaza.

**Water Conservation Specialist**

Council approved this position during the last budget review to administer the City of Modesto's Water Conservation Program.

The specifications for the classification of Geographic Information Systems Analyst, Range 431, as shown on the attached Exhibit "A", Production Technician, Range 114, as shown on the attached Exhibit "B", Water Conservation Specialist, Range 122, as shown on the attached Exhibit "C", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Planning Technician I & II

This classification is being amended to update the duties and responsibilities required.

The specifications for the classification of Planning Technician I/II as shown on the attached Exhibit "D", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 13, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## GEOGRAPHIC INFORMATION SYSTEMS ANALYST

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 assist in the continuous development and maintenance of geographic and tabular databases and maps; to serve as a project leader and work with end users to "translate" data, maps, and analytical needs into functional GIS products and services; to prepare maps on an "as needed" basis; and to carry out other GIS analytical functions as requested by end users.

### SUPERVISION RECEIVED

Receives general direction from the Geographic Information Systems Coordinator.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Develop procedures, methodologies, standards, and quality assurance routines for the development and maintenance of all geographic and tabular GIS data sets.

Assure that procedures, methodologies, and standards are followed and that data meets the quality requirements established as part of the quality assurance routine and/or overall quality assurance program.

Prepare documentation relevant to data development, maintenance and quality assurance checks.

Coordinate with various departments to address and respond to mapping, tabular, analytical and report needs.

Develop GIS training manuals, literature, and/or courses; train staff in the use of GIS software and specific GIS applications.

Essential Functions, Continued:

Define, develop and carry out analytical and reporting tasks requested by end users ranging from query tasks to complex overlay; present outcomes in the form of maps, tables, spreadsheets, charts or reports.

Work with others to define the conceptual and physical database layout structures of new GIS data layers to assure database indices, relational items and connectivity are properly and continuously maintained.

Maintain the City GIS Intra/Internet site and related data; work with the Web Administrator when adding or altering data to assure standards are met and to administrator the GIS web page(s).

Develop and maintain geographic data sets.

Assist in the development of project proposals and annual budget preparation.

Make recommendations for current and future technology infusions and upgrades.

Carry out data entry needs and geocoding services as needed.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Concepts and utilization of GIS systems, Global Position Systems, automated mapping systems, and database management systems.

Remote sensing including the capabilities, applications and use with GIS.

Principles, methods, techniques, and symbolism use in cartography.

Quality assurance programs.

Principles of Internet (Web) design including development and implementation.

Various computer programming languages such as: html, java, visual basic and C++.

Ability to:

Use ArcView or ArcInfo, AutoCAD, or other Computer Aided Drawing software tools.

Use database tools such as Access, Oracle, or SQL Server.

Read and interpret maps such as Assessor Plat maps, and subdivision improvement plans.

Plan, organize, and conduct research, analysis, and data evaluation and make recommendations based on findings.

Consult with and instruct others individually or in a group setting.

Exercise sound independent judgement within policy guidelines.

Prepare clear, concise and complete instructions, reports and other written materials.

Develop project proposals including the submission of budget items.

Work independently or in a team environment as required.

Establish and maintain effective working relationships with those contacted in the course of the 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:

Two years experience involving the use of Geographic Information Systems (GIS) or Computer Aided Drafting (CAD) technology to develop or maintain maps, drawings, or databases including project management. Experience with systems such as ESRI, developing project proposals and the development of WEB sites is desirable.

Education:

Equivalent to graduation from an accredited four-year college or university with major coursework in computer science, geography, or a closely

Education, Continued:

related field. Completion of GIS or Computer Aided Drafting training or coursework is highly desirable.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for viewing a computer screen and sitting for prolonged periods of time.

## PRODUCTION 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

The Production Technician performs skilled technical work involved in the modification, maintenance, design, fabrication and arrangement of facility stage lighting, sound, rigging and related theatrical equipment. Work also includes conducting periodic equipment inventories and the coordination of activities with outside production Companies.

### SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Operations Supervisor.

May exercise functional and technical supervision over assigned staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### Essential Functions:

Set up and arrange stage lighting, electrical and sound equipment in accordance with event requirements.

Inspect equipment for proper operation and safety requirements; and repair or replace defective equipment.

Perform preventative maintenance on equipment, modify electrical, electronic, stage rigging and mechanical equipment to meet event requirements.

Investigate and correct stage lighting, sound and rigging equipment malfunctions and defects.

Operate stage lighting, sound, rigging and related theatrical equipment as necessary to conduct events.

Essential Functions:

Conduct periodic inventories of capital equipment and expendable items, note deficiencies and recommend appropriate replacement to maintain inventory requirements.

Maintain accurate records of work performed, materials used, and associated costs; prepare daily and periodic reports of activities.

Schedule and supervise other technical staff.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Basic principles of electrical and electronic repair.

Operation and repair of theatrical staging equipment requirements, arrangements and operations.

Basic methods, materials, tools, equipment and procedures used in lighting, electrical, electronic, mechanical and rigging systems.

Safe working practices and procedures.

Ability to:

Use and operate a variety of electrical, electronic equipment and related tools.

Read and understand schematics, blueprints, specifications and maintenance manuals.

Effectively plan and maintain work schedules in accordance with instructions.

Maintain accurate records.

Perform medium-heavy manual labor, including but not limited to occasionally lifting and carrying up to 75 lbs. of weight.

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 and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of experience involving the maintenance, repair and modification of stage lighting, sound, electrical and rigging equipment.

Training:

Equivalent to completion of the twelfth grade. Additional specialized training in electrical or electronic maintenance is desirable.

License or Certificate

Possession of, or the ability to obtain, an appropriate and valid California Driver's License.

WORKING CONDITIONS

Environment conditions:

Indoor and outdoor environment; exposure to electrical energy; exposure to noise, dust, and dirt.

Physical conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, bending, stooping, twisting, crawling, lifting and other physical manipulations necessary for job performance; operating a variety of tools and related equipment; and the ability to distinguish color.

## WATER CONSERVATION SPECIALIST

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:

Plans, organizes, develops, promotes, and manages the City of Modesto's Water Conservation Program.

### SUPERVISION RECEIVED AND EXERCISED:

Receives general supervision from the Water Superintendent.

### ESSENTIAL AND MARGINAL FUNCTION STATEMENTS:

Essential and other important responsibilities and duties may include, but are not limited to the following:

#### Essential Functions:

Administer the City's Water Conservation Program.

Provide water conservation educational opportunities to schoolchildren and the general public.

Train and direct activities of other staff assigned to water conservation functions.

Provide water conservation information to residents, commercial businesses, and others.

Coordinate the development of uniform conservation policies and enforcement.

Evaluate and provide input regarding internal water conservation efforts such as metering, meter testing, system leak detection and management.

Manage computer software for irrigation control purposes.

Develop and implement incentives to alter water use practices.

Develop and maintain various media sources for providing conservation information to both internal and external customers.

Maintain accurate records.

Essential Functions, Continued:

Prepare and administer budget for program activities.

Perform activities of Water Distribution System Operator, if needed.

Marginal Functions:

Performs other related duties as required.

QUALIFICATIONS:

Knowledge of:

Water conservation methods and practices.

Municipal water system and water service components.

Pertinent state, federal, and local laws, codes, and regulations.

Basic mathematics.

Basic writing skills including proper grammar, punctuation, and spelling.

Ability to:

Perform a variety of skilled and complex assignments in the water conservation area in accordance with state, county, and city ordinances and regulations.

Work independently.

Maintain records and prepare reports.

Communicate effectively both orally and in writing.

Understand and carry out oral and written instructions.

Establish and maintain effective working relationships with others.

Tactfully deal with the public.

Enforce regulations relating to water conservation rules and practices.

Ability to, Continued:

Perform medium manual labor, including lifting and carrying up to 50 pounds.

Read and interpret blueprints.

Work in confined spaces.

Establish and maintain relationships with the community members, coworkers and others contacted in the course of work demonstrating teamwork and cooperation.

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 increasingly responsible experience in the water management field involving irrigation controls, water metering or other similar functions. Experience with a municipal or private water utility is highly desirable.

Training:

Equivalent to completion of the twelfth grade. Additional specialized training in the water management field is highly desirable.

License or Certificate:

Possession of, or the ability to obtain, an appropriate valid California drivers license.

Possession of an American Water Works Association (AWWA) Grade I Water Distribution System Operator certificate is required by time of appointment.

Possession of an American Water Works Association (AWWA) Grade II Water Distribution System Operator certificate within two years of appointment.

WORKING CONDITIONS:

Environmental Conditions:

Field environment; travel from site to site; hot and cold temperatures; inclement weather.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles and using a personal computer.

PLANNING TECHNICIAN I  
PLANNING TECHNICIAN II

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 provide technical assistance and support to the profession planning staff; to do basic technical and statistical research; and to provide information to the general public.

DISTINGUISHING CHARACTERISTICS

Planning Technician I - This is the entry level class in the Planning Technician series. This class is distinguished from the Planning Technician II by the performance of the more routine tasks and duties assigned to positions within the series including to research, gather, and present data and information needed in the daily running of the Department. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Planning Technician II - This is the full journey level class within the Planning Technician series. Employees within this class are distinguished from the Planning Technician I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. This class is distinguished from the Planning Assistant in that the latter perform more complex technical duties.

SUPERVISION RECEIVED AND EXERCISED

Planning Technician I

Receives immediate supervision from higher level planning personnel.

Planning Technician II

Receives general supervision from higher level planning personnel.

May exercise technical supervision over lower planning personnel.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Provide technical assistance to higher level planning staff; research, gather and present data and information for the planning staff; assist in the preparation of various reports such as the Urban Growth Policy Review report.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS , Continued:

Post notices of hearings for the Planning Commission, City Council and Board of Zoning Adjustment in field; make deliveries.

Conduct background research on plan reviews and make recommendations for approval or denial; prepare notices and ownership lists; conduct field survey for additions.

Assist the general public with zoning and street address requests.

Prepare notices for Planning Commission and Board of Zoning Adjustment hearings; prepare mailing list and mail notices for meetings.

Enter zoning changes on the city Zoning maps; verify accuracy of zoning descriptions.

Assist in the collection of data for annexations; assist in processing annexation applications.

Create and work with maps and drawings using computer programs such as AutoCAD and CorelDraw.

Work with the City's GIS system to create and update data.

Assist with maintaining the Department's web site.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Planning Technician I

Knowledge of:

Principles, practices and techniques of drafting and graphic design.

Computer mapping and graphics creation and manipulation programs such as AutoCAD or CorelDraw.

The use and manipulation of GIS systems.

Web site design.

QUALIFICATIONS, Continued:

Ability to:

Learn principles, practices and trends in planning, zoning, and land use.

Learn pertinent Federal, State, and local laws, codes and regulations.

Prepare maps, graphs, charts, site plans, and other descriptive material using computer graphics programs such as AutoCAD and CorelDraw.

Provide information to the public, developers and realtors regarding address and zoning regulation.

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:

No experience is required.

Training:

Equivalent to the completion of the twelfth grade.

Additional specialized training in drafting, graphic design, computer graphic design, urban planning, surveying, engineering, mathematics, computer sciences or a related field is desirable.

Planning Technician II

In addition to the qualifications for Planning Technician I:

Knowledge of:

Principles, practices and trends in planning and land use.

Planning Technician II, Knowledge of, Continued:

Procedures for gathering population and land use data.

Basic practices of City planning.

Pertinent Federal, State, and local laws, codes and regulations.

Statistical and engineering practices as applied to planning.

Ability to:

Independently research required background information for planning studies.

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 responsible technical planning experience.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in drafting, graphic design, urban planning, surveying, engineering, mathematics, computer science, the physical sciences or a related field is desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for viewing a computer screen and sitting for prolonged periods of time.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-579**

**A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF GEOGRAPHIC INFORMATION SYSTEMS ANALYST AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATIONS OF PRODUCTION TECHNICIAN AND WATER CONSERVATION SPECIALIST.**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270, AND Exhibit "A" of Resolution No. 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes effective November 13, 2001", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the Class Range Table to establish a salary range for Geographic Information Systems Analyst (Range 431).

SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective November 13, 2001," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the Class Range Table to establish a salary range for Production Technician (Range 114) and Water Conservation Specialist (Range 122).

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 13, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
 Effective **November 13, 2001**

RANGE	TITLE
407	Administrative Clerk II (Confidential)
408	
409	Police Clerk (Confidential)
410	
411	
412	
413	Administrative Technician (Confidential) Senior Personnel Clerk
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Police Training and Records Technician (Confidential) Public Information Technician (Confidential)
420	Accountant I (Confidential) Deputy City Clerk Employee Benefits Coordinator Executive Secretary Legal Services Technician Systems Technician Workers' Compensation Claims Examiner I
421	
422	Office Supervisor

**EXHIBIT "A"**

S:/CLASS RANGE TABLE NEW/MGMT & CONF NON-SWORN – 400 SERIES.doc 11-13-01

City of Modesto  
 Class Range Table – Management and Confidential Non-Sworn Classes  
 Page 20

RANGE	TITLE
423	Custodian Supervisor
424	Assistant Planner Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Police Support Services Supervisor Stores Manager
427	Assistant City Clerk/Auditor Legal Services Administrator
428	Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer
429	
430	Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Assistant Risk Manager <b>Geographic Information Systems Analyst</b> Personnel Analyst Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst

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RANGE	TITLE
432	Communications Specialist Industrial Waste Supervisor Neighborhood Preservation Supervisor Operations and Maintenance Supervisor Plant Maintenance Supervisor Recreation Supervisor II Secondary Treatment Facilities Supervisor Senior Accountant Water Quality Control Operations Supervisor Youth Program Supervisor
433	Organizational Development Specialist
434	Arborist Assistant Civil Engineer Assistant Traffic Engineer Electrical Supervisor Events Supervisor II Geographic Information Systems Coordinator Operations Supervisor SCADA Supervisor Senior Housing Rehabilitation Specialist Senior Programmer Analyst
435	Business Analyst Cultural Services Manager Integrated Waste Specialist Management Analyst Senior Personnel Analyst
436	Senior Planner
437	Deputy City Attorney I

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RANGE	TITLE
438	Budget Officer Communications and Marketing Manager Development and Operations Coordinator Financial/Investment Officer Housing Program Supervisor Land Surveyor Property Agent Purchasing Supervisor Systems Engineer Transportation Planner
439	Administrative Services Officer
440	Associate Civil Engineer Associate Traffic Engineer
441	Airport Manager Assistant Personnel Director Building Maintenance Superintendent Deputy City Attorney II Fire Marshal Fleet Manager Golf Services Manager Parks Operations Superintendent Parks Planning and Development Manager Police Records Manager Recreation Superintendent Risk Manager Solid Waste Program Manager Streets Engineer Transit Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent

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RANGE	TITLE
442	Customer Services Division Manager Information Services Manager Manager of Budget and Financial Analysis Supervising Building Inspector Supervising Construction Inspector
443	Senior Deputy City Attorney I
444	Business Development Manager Deputy Chief Building Official General Services Manager Principal Planner
445	Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Assistant to City Manager Chief Building Official Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Senior Deputy City Attorney II
450	
451	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Engineering and Transportation Deputy Director – Recreation and Neighborhoods
453	
455	Assistant City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 GENERAL NON-SWORN CLASSES  
 Effective, **November 13, 2001**

RANGE	TITLE
101	Custodian I Maintenance Aide
103	Administrative Clerk I
104	
105	
106	
107	Administrative Clerk II Custodian II
108	
109	Police Clerk
110	Animal Control Officer I Equipment Service Worker I Maintenance Worker I
111	Account Clerk Evidence and Property Specialist
112	
113	Administrative Technician Computer Operator Drafting and Graphics Technician
114	Electrical Technician I Equipment Service Worker II Maintenance Worker II <b>Production Technician</b> Storeskeeper

**Exhibit "A"**

RANGE	TITLE
115	Accounting Technician Animal Control Officer II Assistant to the Events Coordinator Code Enforcement Officer I Community Service Officer I Planning Technician I Wastewater Treatment Plant Attendant
116	Equipment Operator Fire Prevention Technician I Motor Sweeper Operator Traffic Operations Technician Used Oil Coordinator Wastewater Collection System Operator Water Distribution System Operator
117	Electrical Technician II
118	Fleet Procurement Specialist Parking Lot Maintenance Crewleader Parks Crewleader Recreation Coordinator Senior Storeskeeper Tree Trimmer
119	Assistant Buyer Building Maintenance Mechanic Civil Engineering Technician I Code Enforcement Officer II Community Service Officer II Maintenance Mechanic – Parks Maintenance Mechanic – Pumps Planning Technician II Public Information Technician Wastewater Treatment Plant Operator

RANGE	TITLE
120	Accountant I Assistant Electrician Equipment Mechanic Fire Prevention Technician II Laboratory Analyst I Meter Reader Crewleader Senior Equipment Operator Traffic Painter Crewleader Welder/Fabricator
121	Wastewater Treatment Plant Relief Operator
122	Coach Mechanic Cross Connection Specialist Fire Equipment Mechanic Industrial Waste Inspector I Programmer Analyst I Tree Trimmer Crewleader <b>Water Conservation Specialist</b>
123	Airport Maintenance Crewleader Civil Engineering Technician II Identification Technician I Maintenance Mechanic Crewleader – Parks
124	Community Development Program Specialist I Equipment Crewleader Equipment Mechanic Crewleader Laboratory Analyst II Maintenance Mechanic Crewleader – Pumps Planning Assistant Plant Mechanic Wastewater Collection System Crewleader
125	Crime Analyst
126	Building Inspector I Coach Mechanic Crewleader Electrician Housing Financial Specialist Housing Rehabilitation Specialist I Industrial Waste Inspector II

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RANGE	TITLE
127	Civil Engineering Assistant Identification Technician II Senior Fire Equipment Mechanic
128	Community Development Program Specialist II Instrument Repair Technician Programmer Analyst II Sr. Wastewater Treatment Plant Operator
129	
130	Building Inspector II Construction Inspector Hazardous Material Program Coordinator Housing Rehabilitation Specialist II Project Coordinator
131	Sr. Civil Engineering Assistant
132	
133	
134	Deputy Fire Marshal Plan Review Engineer Senior Building Inspector Senior Construction Inspector

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-580**

**A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF  
MODESTO AND RESCINDING RESOLUTION NO. 2001-251**

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and.

WHEREAS, Modesto Police Department, and Ms. Karen Sales, owner of the Old Mill Café has requested angle parking on the north side of F Street between 9<sup>th</sup> Street and 10<sup>th</sup> Street to maximize parking stall yields, and

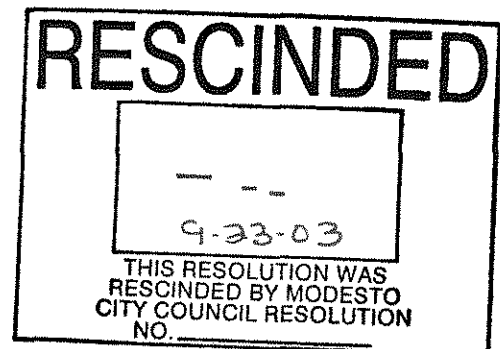
WHEREAS, City staff has reviewed the geometrics and traffic flow at this location and has concluded that angled parking can be accommodated as requested without creating a hazard and without impeding traffic flow, and

WHEREAS, by Agenda Report dated October 24, 2001, from the Engineering and Transportation Department, City staff recommended the installation of angle parking on the north side of F Street between 9<sup>th</sup> Street and 10<sup>th</sup> Street and

WHEREAS, the Transportation Policy Committee reviewed and approved angle parking on the north side of F Street as requested by the Modesto Police Department and Ms. Karen Sales respectively, at their meeting on October 18, 2001, and

WHEREAS, said matter was considered by the City Council at its meeting of November 7, 2001

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



2003-500

SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:

- Portions of 10<sup>th</sup> Street, between I & K Streets (west side) (diagonal)
- 18<sup>th</sup> Street, between G and H Streets (west side) (diagonal)
- F Street, between 10<sup>th</sup> and 11<sup>th</sup> Streets (south side) (diagonal)
- I Street between 9<sup>th</sup> and 12<sup>th</sup> Streets (both sides) (diagonal)
- P Street, between 9<sup>th</sup> and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4<sup>th</sup> Street, between E Street and G Street (west side)
- 16<sup>th</sup> Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8<sup>th</sup> and Laurel Streets (diagonal)
- 13<sup>th</sup> Street, between H and L Streets (east side)
- J Street, between 7<sup>th</sup> Street and 8<sup>th</sup> Street (north side)
- 10<sup>th</sup> Street, between G Street and F Street (east side) (diagonal)
- F Street, between 10<sup>th</sup> Street and 11<sup>th</sup> Street (north side) (diagonal)
- 15<sup>th</sup> Street between K Street and H Street (east side) (diagonal)
- F Street, between 9<sup>th</sup> Street and 10<sup>th</sup> Street (north side) (diagonal)

SECTION 2. The Engineering and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2001-251 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, CITY ATTORNEY

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-581**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN NOTTINGHAM 5  
SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND  
AUTHORIZING RELEASE OF BONDS**

WHEREAS, McHenry Ranch Joint Venture, a California Joint Venture composed of Modesto Village Ventures One, L.P., a California Limited Partnership and Stewart W. Bradley and Betty J. Bradley, subdividers of Nottingham 5 subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of \$389,500 and \$194,750, respectively, and,

WHEREAS, McHenry Ranch Joint Venture, a California Joint Venture composed of Modesto Village Ventures One, L.P., a California Limited Partnership and Stewart W. Bradley and Betty J. Bradley, has filed a warranty letter of credit in the amount of \$38,950 to guarantee improvements in Nottingham 5 subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Nottingham 5 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of \$389,500 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of \$194,750 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty letter of credit to guarantee improvements in the amount of \$38,950 one year and one day following 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 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-582**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "CARPENTER ROAD  
IMPROVEMENTS SOUTH OF MAZE" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Carpenter Road Improvements South of Maze, has been completed by Teichert Construction, in accordance with the contract agreement dated June 27, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Carpenter Road Improvements South of Maze be accepted from said contractor, Teichert Construction, that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$213,430.53 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-583**

**A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF  
\$7,000.00 TO FULLY FUND THE CARPENTER ROAD IMPROVEMENTS  
SOUTH OF MAZE PROJECT**

WHEREAS, on June 27, 2000, the City Council awarded a \$197,556.70 contract to Teichert Construction to construct improvements on Carpenter Road south of Maze Boulevard within the City of Modesto, and

WHEREAS, extra unforeseen work was required to provide an adequate transition from the new to the existing pavement at the intersection, and

WHEREAS, extra unforeseen work was required to alleviate a conflict with existing electrical services, and

WHEREAS, the material quantities associated with constructing the Carpenter Road south of Maze Boulevard project varied from the quantities specified by the original contract, and

WHEREAS, this resulted in adjustments having to be made in the quantities and additional funds being required, and

WHEREAS, additional Construction Administration staff costs were required as a result of the increased project cost.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an appropriation transfer of \$7,000.00 from Account Number 1410-430-L039, Pelandale: Dale to McHenry and Prescott, Snyder to Pelandale, to Account Number 141-430-J486, Carpenter South of Maze Improvements, to fully fund the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-584**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "MODIFICATION OF  
EIGHT TRAFFIC SIGNALS ALONG COLLEGE AVENUE AND TULLY  
ROAD" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Modification of Eight Traffic Signals along College Avenue and Tully Road, has been completed by Collins Electrical Company, Inc., in accordance with the contract agreement dated July 5, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Modification of Eight Traffic Signals along College Avenue and Tully Road be accepted from said contractor, Collins Electrical Company, Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$577,820.41 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-585**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "LA LOMA AVENUE  
TRAFFIC CIRCLE" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled La Loma Avenue Traffic Circle, has been completed by BDS Construction, Inc., in accordance with the contract agreement dated January 23, 2001.

NOW, THEREFORE, BE IT RESOLVED that the La Loma Avenue Traffic Circle be accepted from said contractor, BDS Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$225,444.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**RESCINDED**  
7-8-03  
THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-586**

**A RESOLUTION APPROVING THE REDUCTION OF TIPPING FEES AT THE  
STANISLAUS RESOURCE RECOVERY (WASTE-TO-ENERGY) FACILITY  
AND RESCINDING THAT PORTION OF RESOLUTION NO. 2001-19 2003-364  
RELATING TO TIPPING FEES**

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy Facility, which is operated by Covanta Stanislaus, and

WHEREAS, tipping fees are established to pay debt service, operation and maintenance costs and pass through costs, such as insurance, property taxes, and various permits and fees that are incurred by Covanta Stanislaus, as provided for in a Service Agreement, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the "Contracting Communities", which are the City of Modesto and Stanislaus County, and

WHEREAS, the Contracting Communities approved a \$34.00 per ton tipping fee at the Waste-to-Energy Facility which became effective June 1, 2001, and

WHEREAS, the Council of the City of Modesto must concur with any proposed reduction in the tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed an additional \$4.00 per ton reduction in the tipping fees at the Facility and has recommended approval of said decrease in the tipping fee and City staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be decreased from the present \$34.00 per ton to \$30.00 per ton, effective January 1, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves a decrease in the tipping fee at the Waste-to-Energy Facility from the present \$34.00 per ton to \$30.00 per ton, effective January 1, 2002, and rescinds that portion of Resolution No. 2001-19 which established the tipping fees at \$34 per ton.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-587**

**A RESOLUTION AMENDING RESOLUTION NO. 2001-455 AND AUTHORIZING  
THE EXPENDITURE OF AN ADDITIONAL \$49,000.00 FOR A USED ASPHALT  
MILLING MACHINE AND TRAILER.**

WHEREAS, the Operations and Maintenance Department has requested the purchase of a used asphalt milling machine and trailer, and

WHEREAS, on September 11, 2001, by Resolution No. 2001-455, Council waived the formal bidding procedures by five (5) affirmative votes, and

WHEREAS, by Resolution No. 2001-455 Council further authorized the purchase of a used, asphalt milling machine and trailer in an amount not to exceed \$260,000.00 , and

WHEREAS, the Streets Division has an exceptional one time opportunity to purchase a used asphalt milling machine (without the trailer) having less than seventy (70) hours of operation time on it for \$284,000.00 plus sales tax, and

WHEREAS, to allow the Streets Division to take advantage of this opportunity and still have funding to purchase a used trailer , an additional \$49,000.00 is needed, and

WHEREAS, the Purchasing Supervisor desires to purchase said used asphalt milling machine for \$284,000.00 plus sales tax and the used trailer when one becomes available for the total amount of \$309,000.00, and

WHEREAS, funds are available in the Street Grinder expense account 7210-480-5814-5756 in the amount of \$214,000.00, and

WHEREAS, additional funding will come from the Fleet Fund Reserves 7200-800-8000-8003 and will be assessed to the operating division for said amount through rental rates,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 2001-455 is hereby amended to authorize the expenditure of an additional \$49,000.00 , bringing the total expenditure for the used asphalt milling machine and trailer to \$309,000.00

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to proceed with the purchase of a used asphalt milling machine and trailer, in the amount of \$309,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-588**

**A RESOLUTION AMENDING THE BUDGET BY \$49,000.00 TO PROVIDE  
ADDITIONAL FUNDING FOR THE PURCHASE OF A USED ASPHALT MILLING  
MACHINE AND TRAILER.**

WHEREAS, by Resolution No. 2001-456, adopted on September 11, 2001 the Council approved an amendment to the budget in the amount of \$214,000.00 to fund the purchase of a used asphalt milling machine and trailer in the total amount of \$260,000.00, and

WHEREAS, the City desires to purchase a used asphalt milling machine, with less than seventy (70) hours operation time on it, at a cost of \$284,000.00 plus sales tax, and the used trailer, for the total amount of \$309,000.00, and

WHEREAS, an additional \$49,000.00 in funding is needed for the purchase, and

WHEREAS, funds are available in Fleet Fund reserve account 7200-800-8000-8003 for said purchase,

NOW THEREFORE BE IT RESOLVED that the budget is hereby amended to increase expense account 7210-480-5814-5756 Street Grinder, by \$49,000.00, said increased funds coming from reserve account 7200-800-8000-8003, Fleet Fund.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

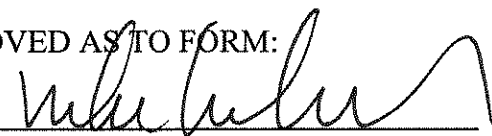
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-589**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
FORMALLY SOLICIT BIDS FOR BODY ARMOR FOR POLICE  
DEPARTMENT PERSONNEL.**

WHEREAS, the City of Modesto has deemed it necessary to purchase up-to-date, state  
-of-the-art, body armor for Police Department personnel, and

WHEREAS, the estimated cost for the body armor is \$91,000.00, and

WHEREAS, the body armor is being funded by the 2001 Local Law Enforcement  
Block Grant, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the body armor  
upon Council approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the  
solicitation of bids for body armor for Police personnel is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City  
of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its  
adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

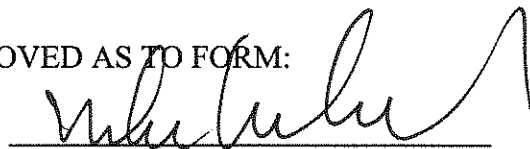
ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:

  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-590**

**A RESOLUTION RESCINDING RESOLUTION NO. 2000-254; REJECTING PROPOSED WATER RATE INCREASES TO PAY FOR ONGOING OPERATION AND MAINTENANCE COSTS ASSOCIATED WITH FLUORIDATION; AND REJECTING PROPOSED FUNDING AGREEMENTS WITH FLUORIDATION 2000 AND SIERRA HEALTH FOUNDATION.**

WHEREAS, community water fluoridation is the adjustment of the natural fluoride concentration in drinking water up to the level recommended by the United States Public Health Service in an effort to prevent tooth decay, and

WHEREAS, the City Council approved community water fluoridation for the City of Modesto after holding a public hearing on May 30, 2000, and further directed the City Manager to initiate the following actions to implement said approval:

1. Initiation of the Proposition 218 process to enable Council consideration of a water rate increase,
2. Authorized City staff to negotiate an agreement with the Fluoridation 2000 group for securing grant funds,
3. Directed the City Manager, upon receipt of grant funding for the system design and construction to fluoridate the drinking water to take all appropriate measures towards the introduction of fluoride into the City water system, and

WHEREAS, pursuant to Council direction, City staff noticed a public hearing pursuant to Proposition 218 to consider a water rate increase to fund the ongoing operation and maintenance expenses associated with fluoridation of the City's water supply on June 26, 2001, and

WHEREAS, the City Council also considered on that date the grant agreements with Fluoridation 2000 and Sierra Health Foundation necessary to fund the capital costs associated with fluoridation, and

WHEREAS, the public hearing with respect to the water rate increase and the issue of said grant funding agreements were both continued to November 13, 2001, due to the fact that Council determined to place the fluoridation issue on the ballot for consideration by the voters of Modesto at the general municipal election held on November 6, 2001, and

WHEREAS, the ballot measure (Measure M) placed before the voters which, had it passed, would have mandated fluoridation of the City's water failed with 16,001 voters voting "no" and 10,450 voters voting "yes".

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

1. Resolution No. 2000-254 is hereby rescinded.
2. The water rate increases proposed to pay for the ongoing operation and maintenance expenses associated with water fluoridation are hereby rejected.
3. The proposed agreements with Fluoridation 2000 and Sierra Health Foundation for funding to pay for the capital costs associated with water fluoridation are also hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To Andrew	From Jackie	
Co. Hicks	Co. City Clerk	
Dept.	Phone # Modesto	
Fax # 510-540-3939	Fax # 209-577-5396	

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-591**

**A 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 6, 2001, AND DECLARING THE RESULTS OF SAID  
ELECTION.**

WHEREAS, on Tuesday, November 6, 2001, 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 Chair No. 2 for a four year term;
2. One Councilmember to Chair No. 4 for a four year term;
3. One Councilmember to Chair No. 5 for a four year term;
4. Four Board of Education Members for four year terms; and

WHEREAS, as set forth in Section 5 hereof, Measures K and L, were proposed Charter Amendments, Measure M was a proposed Ordinance, and Measures N and O were Advisory measures, and were submitted to the qualified electors in the November 6, 2001, City of Modesto election, and

WHEREAS, said election was held on Tuesday, November 6, 2001, 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 20, 2001, 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 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. The Charter provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a Second Regular Municipal Election shall be held by mail ballot at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election of the office, therefore, the two candidates receiving the highest number of votes for City Council Chair 2, Armour Smith and Janice Keating, the two candidates receiving the highest number of votes for City Council Chair 4, William O'Bryant and Dan Hopkins, and the two candidates receiving the highest number of votes for City Council Chair 5, Kenni Friedman and Denny Jackman, shall have their names on the ballot for a run-off election to be held on Tuesday, December 11, 2001.

SECTION 4. The following votes were cast for Measures K through O:

<b>Measure</b>	<b>Total Votes For</b>	<b>Total Votes Against</b>
<p><b>Measure K:</b></p> <p><i>Proposed Charter Amendment to change general municipal election from November of odd years to March of even numbered years and impose prospectively a two-term limit on the office of Mayor and Councilmember.</i></p>	10,595	14,938
<p><b>Measure L:</b></p> <p><i>Proposed Charter Amendment to change general municipal election from November of odd numbered years to March of even numbered years and require that all Councilmembers other than Mayor be elected from one of the six districts, the boundaries to be determined by the City Clerk by July 1, 2002.</i></p>	8,423	16,589
<p><b>Measure M:</b></p> <p><i>Proposal to fluoridate Modesto's drinking water and raise water rates up to 2% to support operation and maintenance costs of fluoridation.</i></p>	10,450	16,001
<p><b>Measure N:</b></p> <p><i>Proposal extending sewer service to Roselle/Claribel comprehensive Planning District in the Modesto Urban Area General Plan, provided the area is first annexed to the City.</i></p>	13,767	11,389
<p><b>Measure O:</b></p> <p><i>Proposal extending sewer service to Southwest Modesto to Infill Area, the unincorporated area generally located South of California Ave, West of Martin Luther King Drive, North of Briggs Ave, and East of Marshal Ave, and the Westside Infill Area, the unincorporated area generally located North of the proposed State Route 132 Right-of-Way, West of State Route 99, North of Laurel Ave, and East of Emerald Ave.</i></p>	13,572	11,311

**Measures N & O.** More than a majority of all the votes cast at the election for *Measures N & O* were in favor of said proposed Measures, and said Measures did carry and were approved and were ratified by a majority of the qualified voters voting on said *Measures*.

**Measures K, L & M.** Less than a majority of all of the votes cast at the election for *Measures K, L & M* were in favor of said proposed Measures, and said Measures did not carry, were not approved, and were not ratified by a majority of the qualified voters voting on said *Measures*.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20<sup>th</sup> of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
Jean Zahr, City Clerk

(Seal)  
APPROVED AS TO FORM:  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CERTIFICATE OF CANVASS  
AND  
STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION  
November 6, 2001

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 20, 2001, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on November 6, 2001, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
<b>Chair 2, Modesto City Council</b>		
Armour Smith	9,364	37.3%
Janice Keating	7,472	29.7%
Dave Lopez	4,483	17.8%
Dale "Gene" Williams	2,281	9.0%
Miguel B Donoso	1,476	5.8%
<b>Chair 4, Modesto City Council</b>		
William E. O'Bryant	5,455	22.4%
Dan Hopkins	5,408	22.2%
Rob Ellett	5,023	20.6%
Bob Shook	3,168	13.0%
Jeremiah Williams	1,802	7.4%
Keith Silva	1,310	5.3%
Michael J. Gonzales	1,251	5.1%
Marcus A Nugent	659	2.7%
George B. Sharp	255	1.0%
<b>Chair 5, Modesto City Council</b>		
Kenni Friedman	12,134	48.7%
Denny Jackman	5,787	23.2%
John B Williams	3,860	15.5%
Leonard M. Surratt	3,098	12.4%
<b>Measure K</b>		
Term Limits/March Election Date		
	10,595	YES 41.4%
	14,938	NO 58.5%
<b>Measure L</b>		
District Elections/March Election Date		
	8,423	YES 33.6%
	16,589	NO 66.3%

**Measure M**

Fluoridation of Modesto City Drinking Water

10,450	YES	39.5%
16,001	NO	60.4%

**Measure N**

Sewer Service Extension to Roselle/Clarabel Comprehensive Planning District

13,767	YES	54.7%
11,389	NO	45.2%

**Measure O**

Sewer Service Extension to Southwest and Westside Infill Areas

13,572	YES	54.5%
11,311	NO	45.4%

**Member, Modesto Board of Education**

Ricardo Cordova	18,115	18.6%
Kate Nyegaard	16,683	17.1%
Cindy Marks	14,976	15.3%
Nancy C. Cline	14,896	15.3%
Robert Serpa	14,233	14.6%
Linda Walden	13,352	13.7%
Fred Eichel	5,048	5.1%

**VOTER TURNOUT:**

	<b>TOTAL REGISTERED VOTERS</b>	<b>TOTAL TURNOUT</b>	<b>TURNOUT PERCENTAGE</b>
City of Modesto Council Seats & Measures K, L, M, N, & O	90,095	27,209	30.2%
Modesto High School District	114,634	32,036	27.9%

JEAN ZAHR  
City Clerk/Auditor  
City of Modesto

November 20, 2001

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-592**

**A RESOLUTION TO SUPPLEMENT MILITARY PAY AND CONTINUE  
HEALTH INSURANCE FOR UP TO 12 MONTHS FOR EMPLOYEES CALLED  
TO ACTIVE DUTY FOR NATIONAL DEFENSE.**

WHEREAS, in the wake of the September 11<sup>th</sup> terrorist attack on America, President Bush has alerted citizens that we will be involved in a protracted mobilization against terrorism, and

WHEREAS, as a result of this action, one City employee has already been called into active duty, and

WHEREAS, the City has identified 10 regular City employees who are reservists and who could be called into active duty, and

WHEREAS, On October 2, 2001, Mark Frink requested the Council, on behalf of the Modesto Police Officers' Association, to provide additional salary and health benefits to activated employees, and

WHEREAS, On October 2, 2001, the City Council adopted Resolution 2001-505 affirming its intent to continue City salary payments and health benefits for up to 12 months to reservists called into active duty, and

WHEREAS, the Human Services Committee met on November 5, 2001, and recommended support for extending pay and benefits for reservists called into active military duty,

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City will pay the difference between an employee's base City salary and the employee's military pay including all military allowances and/or premiums (if the base City salary exceeds the military pay).

BE IT FURTHER RESOLVED, that the City will pay the same contribution towards an employee's health, dental and vision premiums for an employee called into active duty that it was paying at the time the employee was called up, excluding in-lieu deferred compensation payments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-593**

**A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL FOR  
THE PROJECT TITLED "INSTALLATION OF CLOSED CIRCUIT  
TELEVISION CAMERAS"**

WHEREAS, the bids received for the Installation of Closed Circuit Television Cameras were opened at 11:00 a.m. on October 16, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$1,144,240, received from Collins Electrical, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$1,144,240, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-594**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO  
RECOGNIZE ADDITIONAL REVENUE FROM THE CITY OF CERES AND A  
BUDGET ADJUSTMENT TO INCREASE THE ANTICIPATED  
CONSTRUCTION EXPENSE**

WHEREAS, on November 20, 2001, the City Council awarded a \$1,144,240.00 contract to Collins Electrical for the Installation of Closed Circuit Television Cameras, and

WHEREAS, the low bid is over the project construction expense, and

WHEREAS, the City Of Ceres has agreed to increase their participation by \$110,000 equal to the increase in the project costs for construction within the City of Ceres, and

WHEREAS, additional City CFF funds of \$105,840 are available from account number 1410-160-M194, New Traffic Signals (CFF).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current Capital Improvement budget for "Installation of Closed Circuit Television Cameras" project as follows:

- Accept additional funding of \$110,00 from the City of Ceres
- Inter-project fund transfer of \$105,840 from CFF "New Traffic Signals" project to the "Installation of Closed Circuit Television Cameras" project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-595**

**A RESOLUTION ACCEPTING THE BID OF GOLDEN STATE UTILITY  
COMPANY FOR THE PROJECT TITLED "EXPAND ATMS NORTHEAST"**

WHEREAS, the bids received for the Expand ATMS Northeast were opened at 11:00 a.m. on October 2, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$438,428 received from Golden State Utility Company, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$438,428, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr  
JEAN ZAHR City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-596**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO  
RECOGNIZE ADDITIONAL REVENUE FROM THE 01/02 CONGESTION  
MANAGEMENT AND AIR QUALITY GRANT FUNDS AND A BUDGET  
ADJUSTMENT TO INCREASE THE ANTICIPATED CONSTRUCTION  
EXPENSE**

WHEREAS, on November 20, 2001, the City Council awarded a \$438,428 contract to Golden State Utility Company for the Expand ATMS Northeast, and

WHEREAS, the low bid is over the project construction expense, and

WHEREAS, construction funds from "Roundabout – Sutter and Paradise" project of \$158,746 are available, and

WHEREAS, additional Congestion Management and Air Quality fund of \$27,818 are available from the 01/02 grant process, and

WHEREAS, additional City CFF funds of \$94,864 are available from account number 1410-160-M194, New Traffic Signals (CFF).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current Capital Improvement budget for "Expand ATMS Northeast" project as follows:

- Inter-project fund transfer of \$158,746 from "Roundabout – Paradise and Sutter" to "Expand ATMS Northeast."
- Accept additional funding of \$27,818 from Congestion Management and Air Quality
- Inter-project fund transfer of \$94,864 from CFF "New Traffic Signals" project to the "Expand ATMS Northeast" project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20<sup>th</sup> day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

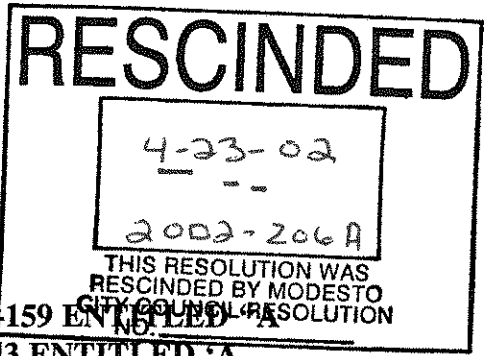
ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-597**

**A RESOLUTION AMENDING RESOLUTION NO. 2001-159 ENTITLED "A RESOLUTION AMENDING RESOLUTION NO. 2001-143 ENTITLED "A RESOLUTION RESTATING RATES AT THE MUNICIPAL NINE-HOLE GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, ESTABLISHING NEW RATES AT THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, AMENDING CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE, AND THE CREEKSIDE MUNICIPAL GOLF COURSE, AND RESCINDING RESOLUTION NO. 2000-188."**

WHEREAS, on April 3, 2001, the City Council adopted Resolution No. 2001-159, and  
WHEREAS, Resolution No. 2001-159 is hereby amended solely with respect to Exhibit  
"A" so that 1) at Dryden Park Municipal Golf Course and Creekside Municipal Golf Course  
the Every Day annual passes shall not apply to tee times before 1:00 p.m. on Saturdays,  
Sundays, and Holidays during Daylight Savings Time and 12:00 Noon during Standard Time,  
and 2) at Municipal Nine-Hole Golf Course the Every Day annual passes shall not apply to tee  
times before 10:00 a.m. year-round on Saturdays, Sundays and Holidays, and

WHEREAS, Resolution No. 2001-159 is reaffirmed in every other respect and repeated  
in its entirety herein for the sake of administrative convenience, and

WHEREAS, the Human Services Committee met on November 5, 2001, and  
recommended that the valid weekend and holiday times for the Every Day Annual Pass holders  
be amended, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and  
Neighborhoods Department dated November 6, 2001, City staff recommended the changes as  
recommended by the Human Services Committee, and

WHEREAS, at the Council meeting held on November 20, 2001, the City Council  
considered this matter, and

WHEREAS, the Council of the City of Modesto finds that the portion of Exhibit "A" relating to Every Day Annual Passes for golfers at the Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course needs to be revised,

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

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of \$2.25 per round shall continue to be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) Valu- Play Cards. Golfers can purchase a weekday 6, 8 or 10 Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) Family Tee Program. To promote family play, golfers may play from established "family tees" to be set no more than 175 yards from the greens at Municipal nine-Hole Golf Courses. Rates for play are \$5.00 weekdays and \$6.00 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) Play one round, get the second round free. This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

**SECTION 3. COMPLIMENTARY TICKETS.** Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Recreation and Neighborhoods Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit "C" attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. OFFICIALLY RECOGNIZED AFFILIATED GOLF CLUBS. Golf Clubs officially recognized under the terms of this resolution are: Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after November 22, 2001.

SECTION 10. REPEALS. Resolution No. 2001-159 is hereby amended effective November 22, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO GOLF COURSES  
GREEN FEE SCHEDULE  
EFFECTIVE NOVEMBER 22, 2001

DRYDEN PARK MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 12.50
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 10.50
Weekdays, 18-holes	\$ 17.00
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 14.00
Weekdays, 18-holes (juniors, after noon)	\$ 9.50
Weekdays Mid-day, 18-holes	\$ 13.00
Weekdays Super-Twilight, 18-holes	\$ 7.00
Weekdays afternoon League Play	\$ 12.00
Weekends/Holidays, 9-holes	\$ 14.50
Weekends/Holidays, 18-holes	\$ 23.00
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 12.50
Weekends/Holidays Mid-day, 18-holes	\$ 16.00
Weekends/Holidays Super-Twilight, 18-holes	\$ 10.00
6-play Valu-Play booklet	\$ 84.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 72.00
8-play Valu-Play booklet	\$112.00
8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 96.00
10-play Valu-Play booklet	\$140.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$120.00

CREEKSIDE MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 14.00
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 11.50
Weekdays, 18-holes	\$ 19.00
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 15.50
Weekdays, 18-holes (juniors, after noon)	\$ 10.50
Weekdays Mid-day, 18-holes	\$ 14.00
Weekdays Super-Twilight, 18-holes	\$ 8.00
Weekdays afternoon League Play	\$ 13.00
Weekends/Holidays, 9-holes	\$ 16.50
Weekends/Holidays, 18-holes	\$ 26.00
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 14.50
Weekends/Holidays Mid-day, 18-holes	\$ 18.00
Weekends/Holidays Super-Twilight, 18-holes	\$ 12.00
6-play Valu-Play booklet	\$ 84.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 72.00
8-play Valu-Play booklet	\$112.00
8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 96.00
10-play Valu-Play booklet	\$140.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$120.00

MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

Weekdays, 9-holes	\$ 10.00
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 8.00
Weekdays, 9-holes (juniors, after noon)	\$ 5.50
Weekdays Mid-day, 9-holes	\$ 8.00
Weekdays Super-Twilight, 9-holes	\$ 6.00
Weekdays afternoon League Play	\$ 7.00
Weekends/Holidays, 9-holes	\$ 12.00
Weekends/Holidays, 9-holes (juniors, after noon)	\$ 6.50
Weekends/Holidays Mid-day, 9-holes	\$ 9.00
Weekends/Holidays Super-Twilight, 9-holes	\$ 7.00
6-play Valu-Play booklet	\$ 42.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 36.00
8-play Valu-Play booklet	\$ 56.00
8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 48.00
10-play Valu-Play booklet	\$ 70.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$ 60.00
Weekdays, 9-holes, Family Tees	\$5.00
Weekends, 9-holes, Family Tees	\$6.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE  
AND CREEKSIDE MUNICIPAL GOLF COURSE

Annual Club Membership, Initial Membership	\$150.00
*Annual Club Membership, Every Day	\$800.00
*Annual Club Membership, Every Day, Jr./Sr.	\$700.00
*Annual Club Membership, Every Day, Family	\$1,200.00
*Annual Club Membership, Every Day, Family, Jr./Sr.	\$1,050.00
Annual Club Membership, Week Day	\$650.00
Annual Club Membership, Week Day, Jr./Sr.	\$550.00
Annual Club Membership, Week Day, Family	\$975.00
Annual Club Membership, Week Day, Family, Jr./Sr.	\$825.00

\*At Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 1:00 p.m. during Daylight Savings Time and 12:00 Noon during Standard Time on Saturdays, Sundays, and Holidays. At Municipal Nine-Hole Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 10:00 a.m. year-round on Saturdays, Sundays, and Holidays.

**TOURNAMENT FEE SCHEDULE AND POLICY  
EFFECTIVE MARCH 15, 2001**

	FEE PER PLAYER		
	<u>Regular Tee Time Style</u>	<u>Full Shotgun Tee Time Style</u>	<u>Modified Shotgun Tee Time Style</u>
<u>CREEKSIDE</u>			
Weekday	\$28.00	\$49.00	\$49.00
Weekends	\$35.00	\$57.00	\$57.00
<u>DRYDEN</u>			
Weekday	\$26.00	\$47.00	\$47.00
Weekends	\$32.00	\$54.00	\$54.00
<u>MUNI</u>			
Weekday	\$18.00	\$31.00	N/A
Weekend	\$22.00	\$35.00	N/A

In addition, a non-refundable deposit of \$50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees (\$18.00 weekdays/\$25.00 weekends at Creekside, \$16.00 weekdays/\$22.00 weekends at Dryden and \$10.00 weekdays/\$12.00 weekends at Muni); and Pro Shop merchandise credit (\$5.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni); and golf course restaurant credit (\$5.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees (\$22.00 weekdays/\$30.00 weekends at Creekside, \$20.00 weekdays/\$27.00 weekends at Dryden and \$12.00 weekdays/\$14.00 weekends at Muni); cart rental (\$13.00 at Creekside/Dryden and \$11.00 at Muni); and Pro Shop merchandise credit (\$7.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni); and golf course restaurant credit (\$7.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees (\$22.00 weekdays/\$30.00 weekends); cart rental (\$13.00 at Creekside, \$19.00 weekdays/\$26.00 weekends at Dryden); and Pro Shop merchandise credit (\$7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

PLAY DAY POLICY  
FOR PLAY AT THE CITY'S  
MUNICIPAL GOLF COURSES  
BY NON-AFFILIATED GROUPS

The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;
2. They commit to use the City's golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);
3. They have a minimum of twenty-four (24) players;
4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);
5. Their events do not promote a formal competition or championship; and
6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-598**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "COLDWELL  
AVENUE AND NINTH STREET IMPROVEMENTS" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Coldwell Avenue and 9<sup>th</sup> Street Improvements, has been completed by George Reed, Inc., in accordance with the contract agreement dated April 3, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Coldwell Avenue and 9<sup>th</sup> Street Improvements project be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$645,607.99 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-599**

**A RESOLUTION APPROVING AGREEMENTS FOR THE REIMBURSEMENT  
FOR THE DEDICATION OF THIRTY FEET OF RIGHT-OF-WAY FOR THE  
PELANDALE AVENUE EXPRESSWAY AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE THE AGREEMENTS**

WHEREAS, on October 21, 1997, Council adopted Resolution No. 97-591 approving the Pelandale-Snyder Financing Strategy and Facilities Master Plan, and

WHEREAS, the Pelandale-Snyder Financing Strategy and Facilities Master Plan included provisions for reimbursement to the original dedicating property owners for thirty feet of the right-of-way dedicated for the Pelandale Avenue Expressway and ten feet of the Prescott Road right-of-way, and

WHEREAS, there are a total of 14 parcels and 11 property owners involved in the reimbursement, and

WHEREAS, the original dedicating property owners received the same form of the agreement modified to reflect the owner's amount of right-of-way dedication that is eligible for reimbursement and the amount of said reimbursement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreements between the City of Modesto and the original dedicating property owners of the Pelandale Avenue Expressway and Prescott Road right-of-way or their successors are hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute the agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20<sup>th</sup> day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-600**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET TO  
FUND REIMBURSEMENT OF RIGHT-OF-WAY COSTS FOR THE  
PELANDALE EXPRESSWAY AND PRESCOTT ROAD IN THE PELANDALE-  
SNYDER SPECIFIC PLAN AREA**

WHEREAS, on October 21, 1997, Council adopted Resolution No. 97-591 approving the Pelandale-Snyder Financing Strategy and Facilities Master Plan, and

WHEREAS, the Pelandale-Snyder Financing Strategy and Facilities Master Plan included provisions for reimbursement to the original dedicating property owners for thirty feet of the right-of-way dedicated for the Pelandale Avenue Expressway and ten feet of the Prescott Road right-of-way, and

WHEREAS, on November 20, 2001, Council adopted Resolution No. 2001-599 approving reimbursement agreements with the original dedicating property owners and authorizing the City Manager to execute the agreements, and

WHEREAS, the estimated cost of the reimbursements through the end of the current fiscal year is \$450,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a new Capital Improvement account titled "Pelandale-Snyder Right-of-Way Reimbursement" be created and \$450,000.00 be appropriated to that account, funds coming from the Capital Facility Fees-Streets undesignated fund balance for the purpose of reimbursing dedicating property owners for a portion of the right-of-way dedicated in accordance with the Pelandale-Snyder Financing Strategy and Facilities Master Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-601**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A  
LEASE WITH LALOMA PROPERTIES FOR RENTAL OF THE PROPERTY  
LOCATED AT 1550-A YOSEMITE BOULEVARD, MODESTO, CALIFORNIA,  
FOR THE POLICE DEPARTMENT SOUTHEAST AREA COMMAND OFFICE.**

WHEREAS, in 1996 the City of Modesto leased property at 1550-A Yosemite Boulevard for a Police Department Area Command office, and

WHEREAS, the lease is set to expire on November 30, 2001, and

WHEREAS, the owner is now offering a second five-year lease for the property at the fair market value of \$977.94 monthly, with the additional costs of \$530 annual property taxes and \$780 annual common area maintenance costs, and

WHEREAS, the property has worked well as an office for City operations and is now a part of this community, and

WHEREAS, the rent is fair and the cost of relocating would be approximately \$10,000, and

WHEREAS, execution of this lease enhances the City of Modesto's Strategic Plan Action to improve upon Area Command Offices/Community Center relationships, and

WHEREAS, the Public Safety Committee unanimously recommended execution of this lease to the full City Council at its meeting of August 2, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute a lease with LaLoma Properties, a Joint Venture, for the rental of the property located at 1550-A Yosemite Boulevard, Modesto, California for the Police Department Southeast Area Command Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20<sup>th</sup> day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-602**

**A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO  
SOLICIT REQUEST FOR BIDS FOR TWELVE (12) MODEL 170E  
CONTROLLER ASSEMBLIES WITH 332 CABINET**

WHEREAS, the Engineering and Transportation Department has requested the purchase of twelve (12) Model 170E Controller Assemblies with 332 Cabinet, and

WHEREAS, the Engineering and Transportation Department is responsible for maintaining and installing new traffic signal equipment at Standiford/Shawnee and for traffic signal modifications at K-Street and 9th, and

WHEREAS, by soliciting competitive bids for twelve (12) Model 170E Controller Assemblies with 332 Cabinet, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for Twelve (12) Model 170E Controller Assemblies with 332 Cabinet to be opened in the office of the City Clerk, 1010 10<sup>TH</sup> Street, in the City of Modesto, on December 18, 2001 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20<sup>th</sup> day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-603**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MODESTO APPROVING APPLICATION TO THE STANISLAUS  
COUNTY COMMUNITY DEVELOPMENT “BANK” FOR FUNDING  
FOR THE KANSAS AVENUE BUSINESS PARK PROJECT – CONCEPT  
MASTER PLANNING**

WHEREAS, on February 13, 2001, the Stanislaus County Board of Supervisors approved the formation of an Economic Development “Bank” and agreed to make an annual contribution of \$1.5 million to the “Bank” for a period of five years; and

WHEREAS, the Workforce Investment Board (WIB) will serve as the Board of Directors for the “Bank”. The City Manager from each City and the County Chief Executive Officer will serve as an Advisory Committee and make funding recommendations to the Workforce Investment Board; and

WHEREAS, the Stanislaus County Board of Supervisors approved the formation of the “Bank” for the purpose of providing resources for economic development projects throughout the County; and

WHEREAS, it is the Board’s intent that the funds be used by the nine cities and communities to leverage State, Federal and private dollars to finance infrastructure that makes possible greater opportunities for job retention and creation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby support by resolution the submission of an Application to the Stanislaus County Community Development “Bank” for Funding for the Kansas Avenue Business Park Project – Concept Master Planning.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Modesto hereby;

1. Approves the filing of an Application to the Stanislaus County Community Development “Bank” for funding for the Kansas Avenue Business Park Project for Concept Master Planning.

2. Certifies that the City of Modesto will have sufficient funds to operate and maintain the project; and
3. Certifies that the City of Modesto has reviewed, understands, and agrees to the "Bank" Structure, Guiding Principles, the Application Form, Funding Criteria, and Process.
4. Appoints the City Manager as the agent to conduct all negotiations, and execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the Kansas Avenue Business Park Concept Master Plan in the event that funding is received from the Stanislaus County Community Development "Bank".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 20<sup>th</sup> day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
 NOES: Councilmembers: Mayor Sabatino  
 ABSENT: Councilmembers: None

ATTEST Jean Zahr  
 Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
 Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-604**

**A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST  
FOR QUALIFICATIONS AND REQUEST FOR PROPOSALS FOR A  
FEASIBILITY STUDY OF A REGIONAL WATER RECLAMATION FACILITY.**

WHEREAS, the City of Modesto has submitted a Plan of Study and an application for a State Water Resources Control Board (SWRCB) planning grant for a regional water reclamation facility feasibility study, and

WHEREAS, the facilities planning grant will reimburse the City for up to 50% of the total feasibility study costs, not to exceed \$75,000, and

WHEREAS, the SWRCB has approved the City of Modesto's Plan of Study, and will submit the City's grant application for Board approval in January,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to proceed with a Request for Qualifications and a Request for Proposals for a Regional Water Reclamation Facility Feasibility Study, following SWRCB grant approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of November 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-605**

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE OPERATING  
BUDGET OF \$150,000, WHICH WILL BE USED FOR A WATER RECYCLING  
FACILITIES FEASIBILITY STUDY**

WHEREAS, the Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act (AB 1584) which was approved by voters as Proposition 13, contains a bond law that includes loans and grants for the design of water recycling projects, and

WHEREAS, the City of Modesto's Utility Services and Franchise Committee has directed City Staff to proceed with the application of a planning grant, and

WHEREAS, the State Water Resources Control Board (SWRCB) placed the City of Modesto's Northern San Joaquin Valley Water Reclamation project as a Category 2 (Early Planning Phases) Project on the Water Recycling Construction Program Priority List, which allowed the City of Modesto to apply for a planning grant of up to 50% of the planning study costs, not to exceed \$75,000 and submit a detailed Plan of Study for grant approval, and

WHEREAS, the State Water Resources Control Board has approved the City of Modesto's Plan of Study and will place the City's grant application on the State Board's Agenda Item list for approval, and

WHEREAS, the City will need to show its financial commitment to the feasibility study by budgeting for the \$150,000 study costs, as required by State Water Resources Control Board's approval of the City of Modesto's grant application, and

WHEREAS, upon approval of the grant application, the City will receive revenue of 50% of the study costs, up to \$75,000, through the grant reimbursement,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an appropriation of \$150,000.00 from the Sewer Reserve fund - Account Number 6210-800-8000-8003, to the Regional Water Reclamation Facility Feasibility Study fund - Account Number 6210-440-5207, to fully fund the feasibility study.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of November 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

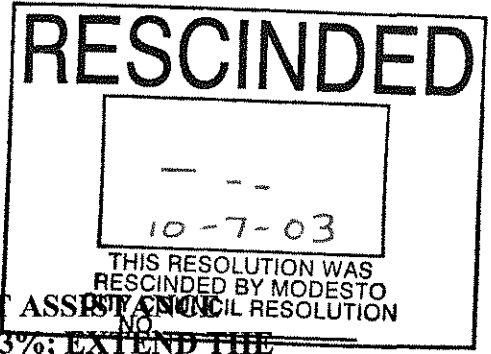
ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-606**

**A RESOLUTION AMENDING THE DOWN PAYMENT ASSISTANCE PROGRAM TO: LOWER THE INTEREST RATE TO 3%; EXTEND THE AMORTIZATION PERIOD TO 30 YEARS; INCLUDE REVIEW AND APPROVAL BY THE HOUSING REHABILITATION LOAN COMMITTEE; INCLUDE SITE VISITS, TESTING AND CONTAINMENT OR ABATEMENT OF LEAD-BASED PAINT; ADDRESS ILLEGAL CONVERSION AND HEALTH AND SAFETY HAZARDS PRIOR TO CLOSING; AND, ISSUE REQUESTS-FOR-PROPOSALS FOR HOME-BUYING CLASSES**

WHEREAS, in 1994, the City began to administer a down payment assistance program (DPAP) to help low and moderate income households purchase a new home in Modesto, and

WHEREAS, this program is amended from time to time to address the needs of low and moderate income home buyers and to reflect the current housing trends in Modesto, and

WHEREAS, the City Council, at its August 14, 2001 meeting, requested that the Housing and Rehabilitation Loan Committee review and consider additional amendments to lower the interest rate from 5% to 3% and to increase the amortization period from 25 years to 30 years, and

WHEREAS, staff is recommending process changes to include requiring that loan applications be reviewed and approved by the Housing Rehabilitation Loan Committee, incorporating references to the new lead based paint compliance requirements, incorporating regulations pertaining to homes that are deemed substandard or that involved illegal construction, and revising the home-buying classes through issuance of a Request for Proposals, and

WHEREAS, the Housing Rehabilitation Loan Committee met on October 26, 2001, and supported the recommendations of the City Council and staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Down Payment Assistance Program to include lowering the interest rate from 5% to 3%, increasing the amortization period from 25 years to 30 years, requiring that loan applications be reviewed and approved by the Housing Rehabilitation Loan Committee, incorporating references to the new lead based paint compliance requirements,

incorporating regulations pertaining to homes that are deemed substandard or that involved illegal construction, and revising the home-buying classes through issuance of a Request for Proposals.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-607**

**A RESOLUTION REIMBURSING \$9,170 IN CAPITAL FACILITIES FEES TO  
RUSHMORE FINANCIAL, INC.**

WHEREAS, by Council Resolution No. 2001-376, the City Council at its July 17, 2001, meeting approved a request from Stanislaus County Affordable Housing Corporation (STANCO) for the deferral of the City's Capital Facilities Fees (CFF) for five properties located outside of Modesto City limits, but within the City's Sphere of Influence, and

WHEREAS, Dave Meling, Executive Director of STANCO paid \$9,170 in CFF for the five subject properties (1701 Kenneth Street, 1705 Kenneth Street, 1732 Carpenter Road, 615 Lassen Avenue, and 1201 Lassen Avenue) from his other business, Rushmore Financial Inc., and

WHEREAS, Mr. Meling is now requesting reimbursement, as the deferred CFF will be assumed by the eventual homebuyers and will be secured by proper agreements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes reimbursing \$9,170 in capital facilities fees to Rushmore Financial, Inc. for five properties located at 1701 Kenneth Street, 1705 Kenneth Street, 1732 Carpenter Road, 615 Lassen Avenue, and 1201 Lassen Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: Jean Fahr  
JEAN FAHR, City Clerk

APPROVED AS TO FORM  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**RESCINDED**

Feb 06 2007

THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION  
NO. 2007-086

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-608**

**A RESOLUTION UPDATING MUNICIPAL OFF-STREET PARKING FACILITIES, PROVIDING FOR CONTROL THEREOF, INCREASING PARKING RATES, AND RESCINDING RESOLUTION NO. 2000-473.**

WHEREAS, Section 3-2.1601 of the Modesto Municipal Code provides that the City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council, and

WHEREAS, Section 3-2.1602 of the Modesto Municipal Code provides that the hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, and

WHEREAS, Section 3-2.1603 of the Modesto Municipal Code provides that the rates for use of off-street parking facilities shall be established from time to time by resolution of the Council, and

WHEREAS, the City Council's Transportation Policy Committee reviewed and approved the recommended parking rate increases at their meeting of October 18, 2001, and

WHEREAS, by an agenda report to the City Council from the Operations & Maintenance Department dated October 25, 2001, City staff recommended a rate increase for off-street parking facilities, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on November 27, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> 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 parking rate increase,

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

**SECTION 1. GARAGE PARKING FACILITIES.**

- (a) The following municipal off-street parking facilities are hereby established:
- (1) Eleventh Street Garage (Lot 28) west side of 11<sup>th</sup> Street between I and J Streets;
  - (2) Ninth Street Garage (Lot 43) west side of 9<sup>th</sup> Street between K and L Streets;
  - (3) Tenth Street Garage (Lot 44) west side of 11<sup>th</sup> Street between J and K Streets.
- (b) Vehicular parking on said parking facilities shall be controlled and regulated by parking attendants as follows:
- (1) From 8:00 a.m. to 6:00 p.m., Monday through Friday.
- (c) The rate of One and no/100ths dollar (\$1.00) per hour or fraction thereof, unless validated in accordance with the provisions of Section 3-2.1604 of the Modesto Municipal Code is hereby established for said garage parking facilities. The price for validation stamps to be used with the validation system on said garage parking facilities, as provided by Section 3-2.1604 of the Modesto Municipal Code, shall be \$105.00 for a book of one hundred (100) stamps.
- (d) The Operations & Maintenance Director may designate spaces in said garage parking facilities for the free parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.
- (e) Monthly parking passes may be authorized by the Operations & Maintenance Director on said garage parking facilities when it does not encroach on the needs of commercial parking and/or other parking agreements. The monthly charges for such passes shall be Forty and no/100ths dollars (\$40.00) for the three parking garages (Lots 28, 43, and 44).
- (f) Additional hours of operation, including weekends, may be authorized by the Operations & Maintenance Director as appropriate to meet parking

needs, comply with existing agreements, or allow for collection of fees for special events.

SECTION 2. SURFACE PARKING LOTS.

- (a) The municipal off-street parking facilities specified on "Exhibit A" attached hereto are hereby established as surface parking lots. Parking time limits, rates of fees for both ticketed and metered lots, and monthly fees for parking passes and reserved parking for said surface parking lots shall be as shown on "Exhibit A". Said "Exhibit A" is hereby incorporated by reference and made a part of this resolution.
- (b) Monthly parking passes may be authorized by the Operations & Maintenance Director on any surface parking lot when it does not encroach on the needs of commercial parking. The monthly charges for such passes shall be ~~Twenty-Forty~~ and no/100ths dollars (\$~~20~~40.00).
- (c) Monthly reserved parking passes may be authorized by the Operations & Maintenance Director on specified lots. The monthly charges for such passes shall be Forty and no/100ths dollars (\$40.00) per space per month.

SECTION 3. FREE PARKING LOTS.

(a) The following municipal off-street parking facilities shall be free parking lots:

- (1) Lot 13, north side of H Street between 15<sup>th</sup> and 16<sup>th</sup> Streets (Modesto Stanislaus Library);
- (2) Lot 15, east side of 11<sup>th</sup> Street between F and G Streets (north of Fire Station #1);
- (3) Lot 16, east side of 11<sup>th</sup> Street between F and G Streets (south of Fire Station #1).

SECTION 4. DISABLED PERSONS. Notwithstanding any other provision of this resolution, disabled persons, as defined in Section 22511.5 of the California Vehicle Code, displaying a distinguishing license plate or distinguishing placard issued pursuant

to Section 22511.5 of the California Vehicle Code may park free in any of the municipal off-street parking facilities specified in this resolution, except in reserved parking spaces.

SECTION 5. JURY PARKING. Persons ordered to appear for jury duty may park exclusively in the following municipal off-street parking facility in compliance with the fees and regulations specified in this resolution:

- (1) Lot 10, exclusive all day, east side of 8<sup>th</sup> Street between I and K Streets

SECTION 6. City staff is directed to conduct a review of the rates in this resolution in two years.

SECTION 7: EFFECTIVE DATE. The effective date of this resolution shall be January 1, 2002.

SECTION 8. RESCIND. Resolution No. 2000-473 adopted September 12, 2000, is rescinded effective at midnight on December 31, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of November, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
 NOES: Councilmembers: Mayor Sabatino  
 ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

## Off-Street Parking Facilities

Lot #	Location	Lot Owner	Time Limits	Hours of Operation (Mon-Fri)	Hourly/Daily Fee (or fraction thereof)	Fee for Monthly Pass	Fee for Monthly Reserved Pass	Other Comments
2	9th between I and J	City of Modesto	3 hrs.	9:00 - 4:30 p.m.	\$0.05/12 minutes	n/a	\$40	9 spaces available for reserved parking
3	12th and I (S.E.)	City of Modesto	No Limit	9:00 - 6:00 p.m.	\$0.25/hour	n/a	n/a	
10	8th and K	City of Modesto	No Limit	9:00 - 6:00 p.m.	Free	n/a	n/a	Jury Duty Parking exclusive
11	10th and H (S.W.)	City of Modesto	5 hrs.	9:00 - 6:00 p.m.	\$0.25/hour	n/a	\$40	
13	15th between H and I	City of Modesto	2 hrs.	8:00 -5:00 p.m.	Free	n/a	n/a	Time limit applicable only where posted
15/16	11th next to Fire Station #1	City of Modesto	No Limit	9:00 - 6:00 p.m.	Free	n/a	n/a	
20/23	10th between G and H	City of Modesto	No Limit	9:00 - 4:30 p.m.	\$1.25/day	\$20	n/a	
25	9th and I (S.E.)	City of Modesto	No Limit	9:00 - 6:00 p.m.	\$0.25/hour/meter or \$1.25/day/ticket	\$20	n/a	
28	11th Street Garage	City of Modesto	No Limit	8:00 - 6:00 p.m.	\$1.00/hour	\$40	n/a	Reflects proposed rate increase
41	I between 9th and 10th	Cleve Stockton	No Limit	9:00 - 6:00 p.m.	n/a	n/a	\$40	
42	Centre Plaza Surface Lot	RDA	No Limit	9:00 - 6:00 p.m.	\$3.00/day	n/a	n/a	
43	9th Street Garage	RDA	No Limit	8:00 - 6:00 p.m.	\$1.00/hour	\$40	n/a	Reflects proposed rate increase
44	10th Street Place Garage	RDA	No Limit	8:00 - 6:00 p.m.	\$1.00/hour	\$40	n/a	Reflects proposed rate increase

**RESCINDED**

JUN 11 2002

THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION  
NO. 2002-384

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-609**

**A RESOLUTION AMENDING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, TO ESTABLISH RENTAL CHARGES FOR T-HANGAR K AND CHARGES ASSOCIATED WITH T-HANGARS A – D FOR NEW ELECTRICAL SERVICE PROVIDED BY THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 2001-472.**

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, the City will soon be completing the construction of a new aircraft hangar and adding electrical service for hangars that do not have service, and

WHEREAS, rents and fees must be established for facilities and services before they can be used, and

WHEREAS, the airport fund is an enterprise fund, and the City requires the airport to be self-supportive, and

WHEREAS, existing tenants in T-Hangars A – D will be given a choice of whether they want electricity and will pay an additional charge for the new electrical service, and

WHEREAS, new tenants accepting a hangar in T-Hangars A – D after the electrical service becomes available will rent the unit with the electrical service included, and

WHEREAS, the Airport Advisory Committee recommended the adoption of the new rent rates and fees at its meeting on September 19, 2001, and

WHEREAS, the Transportation Policy Committee considered the adoption of the new rentals charges for T-Hangar K and for associated charges for T-Hangars A – D for new electrical service provided by the City of Modesto at its October 10, 2001 meeting, and unanimously supported the establishment of the rents and fees, and

WHEREAS, a duly noticed public hearing was held by the Council on November 27, 2001, at 5:15 p.m. in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, to consider establishing rental charges for T-Hangar K and charges associated with T-Hangar A – D for new electrical service, provided by the City of Modesto,

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

SECTION 1. HANGARS. Rental charges for the monthly rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

T-Hangars	Without Electricity	With Electricity
Hangar A	* \$107.00 per unit	\$132.00 per unit
End Units	* \$124.00 per unit	\$149.00 per unit
Hangar B	* \$130.00 per unit	\$155.00 per unit
End Units	* \$160.00 per unit	\$185.00 per unit
Hangar C	* \$137.00 per unit	\$162.00 per unit
End Units	* \$165.00 per unit	\$190.00 per unit
Hangar D	* \$122.00 per unit	\$147.00 per unit
End Units	* \$145.00 per unit	\$170.00 per unit
Hangar E		\$179.00 per unit
End Units		\$209.00 per unit
Hangar F		\$179.00 per unit
End Units		\$209.00 per unit
Hangar G		\$179.00 per unit
Hangar H		\$179.00 per unit
Hangar I		\$349.00 per unit
Hangar J		\$179.00 per unit
Hangar K – Large Unit		\$300.00 (1 unit)
Standard Units		\$200.00 per unit
Storage Room		\$70.00 (1 room)
Portable Land Rent	\$53.00 per unit	

\* Rental charge “without electricity” applies only to existing tenants without electrical service at the time of adoption of this resolution. Following the adoption of this resolution, all new tenants shall be subject to the “with electricity” rental charge, which includes electrical service.

A five percent (5%) discount will be made in any of the above rental charges when a year’s lease is entered into and the year’s rental charges are paid in advance.

(b) Storage Hangars:

Hangar No. 1	....	\$1,341.00 – Sheriff Aero Squadron lease rate (is discounted to \$888.00 per month)
Hangar No. 2	....	\$1,091.00 per month
Hangar No. 3	....	\$575.00 per month
Hangar No. 4	....	\$978.00 per month
Hangar No. 5	....	\$974.00 per month
Hangar No. 6	....	\$570.00 per month

SECTION 2. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) Tail-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) \$32.00 per month
- (b) Taxi-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) \$53.00 per month
- (c) Taxi-in Tie-Down – Permanent, large multi-engine (over 12,500 lbs.) \$.038 per square foot per month
- (d) Taxi-in Tie-Down – Transient, helicopter/single-engine aircraft \$6.00 per day
- (e) Taxi-in Tie-Down – Transient, twin-engine aircraft (under 12,500 lbs.) \$8.00 per day
- (f) Taxi-In Tie-Down – Transient, twin-engine aircraft (over 12,000 lbs.) \$12.00 per day

(g) Jets – \$12.00 per day

A five-percent (5%) discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year’s lease is entered into and the year’s rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (under 12,500 lbs.) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. ULTRALIGHT VEHICLE ACCESS FEE. An operator of an ultralight vehicle based at Modesto City-County Airport will pay to the City of Modesto an annual fee for the loss of fuel sales and personal property taxes not collected on ultralights that are collected on aircraft and helicopters. The fee is hereby established as follows:

Ultralight Vehicle .... \$100.00 per year

SECTION 4. OFFICE SPACE. The monthly charge for office spaces at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

- (a) Old Administration Building ..... \$.71 per square foot
- (b) Office Building No. 1 ..... \$.71 per square foot
- (c) Office Building No. 2 ..... \$.71 per square foot
- (d) Hangar Office Space ..... \$.326 per square foot

SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

- (a) Ticket counter ..... \$.067 per square foot
- (b) Other areas ..... \$.067 per square foot

SECTION 6. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single, multi-engine aircraft and helicopters - \$10.00 per landing
- (b) All large single and multi-engine aircraft – \$.66 per 1,000 pounds of gross weight, but not less than \$10.00 per landing
- (c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 7. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

- (a) Enplane passenger by airline \$3.00 per ticket passengers.

SECTION 8. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<u>Display Size</u>	<u>Display Only</u>	<u>Display &amp; Telephone</u>
7.5” x 9.5”	\$30.00	\$50.00
7.5” x 21”	\$35.00	\$55.00
19” x 21”	\$40.00	\$60.00

SECTION 9. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

- (a) Incoming Service ..... \$.50 per page
- (b) Outgoing Service ..... Area code 209 - \$1.00 per page  
Other area codes - \$2.00 first page  
\$1.50 - all other pages

SECTION 10. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 11. FUEL FLOWAGE FEES. A fuel flowage fee of six cents (\$.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths (\$200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 13. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto the greater of ten percent (10%) of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and callboard phone service.

Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 14. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths (\$25.00) Dollars per month, payable in advance.

SECTION 15. PENALTIES. A five percent (5%) penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 16. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 2001, the rents, fees and charges set forth in Sections 1, 2, and 3 of this resolution may be adjusted within six (6) months or on the first day of January ("the Adjustment Date"), as follows:

The base for computing the adjustment is the National Consumer Price Index for the West Urban (all urban consumers), published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). The Index published most immediately preceding the Adjustment Date in question ("Adjustment Index") is to be used in determining the amount of the adjustment. If the Adjustment Index has increased over the Beginning Index, the rents, fees and charges set forth in this resolution shall be set by multiplying the rents, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index.

In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges nor shall any increase in a year be greater than five (5%) percent. If the indexes change so that the base year differs from that in effect on July 1, 2001, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with

which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 17. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation upon its adoption.

SECTION 18. RESCIND. Resolution No. 2001-472 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>TH</sup> of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-610**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(549). (STANISLAUS COUNTY AFFORDABLE  
HOUSING CORPORATION)**

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Stanislaus County Affordable Housing Corporation on August 1, 2001, to reclassify from Planned Development Zone, P-D(510), to Planned Development Zone, P-D(549), to allow an 18-unit affordable housing apartment complex, property located on the west side of Carver Road north of Montclair Drive at 3333 Carver Road, described as follows:

P-D(510 to P-D(549)

All that portion of Lot 1, KNAPP TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 16, 1904, in Volume 2 of Maps, page 2, described as follows:

Beginning at a point in the east line of said Lot 1, said point being on the center line of Carver Road and bears south 0 degrees 41 minutes east 593.8 feet from the northeast corner of said Lot 1; running thence north 89 degrees 17 minutes west 250 feet; thence south 0 degrees 41 minutes East 200 feet; thence south 89 degrees 17 minutes east 250 feet on the east line of said Lot 1; thence north 0 degrees 41 minutes west along said east line 200 feet to the point of beginning.

WHEREAS, after a public hearing held on October 15, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-61, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed planned development zone, by reason of its site design and conditions of approval is compatible with existing and potential surrounding development.
2. The requested planned development zone for a multi-family development and uses as permitted in the R-2, Medium Density Residential, Zone is within an area designated by the General Plan for (R) Residential Uses.

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 27, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Stanislaus County Affordable Housing Corporation for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-61 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3238-C.S. on the 27th day of November, reclassifying the above-described property from Planned Development Zone, P-D(510), to Planned Development Zone, P-D(549).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(549), is hereby approved subject to the following conditions:

1. All development shall conform to the plans entitled: "Carver Road Apartments" as amended in red and stamped approved by the City Council on November 27, 2001.
2. Fences or walls shall be constructed prior to occupancy and shall be as follows: minimum six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers. Fences shall be at least as tall as existing fences on adjacent properties.

Notwithstanding the first sentence of this condition, the fence on the west side of the project property that is adjacent to the parking lot shall be an 8 foot high masonry wall. In addition, the parking lot lighting shall be shaded so that it is directed away from any adjacent residences.

3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Screen landscaping shall be installed along the north and west property line(s). Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
9. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department Director. Enclosures shall be constructed of building materials consistent with those used in major buildings as approved by the Community Development Department Director.
10. All buildings shall include an automatic fire sprinkler system as required by the Fire Department.
11. All signs shall comply with the sign requirements of the R-2 Zone.
12. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

13. Prior to issuance of a building permit, the developer shall enter into an agreement with the City of Modesto pursuant to construction and maintenance of certain dwelling units for low-income households and/or very-low-income households and other incentives as required by Chapter 3 of Title X of the Modesto Municipal Code.
14. Prior to issuance of a Certificate of Occupancy, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.
15. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Community Development Department.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(549):

The entire construction program be accomplished in one phase, construction to begin on or before November 27, 2003, and completion to be not later than November 27, 2004.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(549), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

By: [Signature]  
Community Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-610A**

**A 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 (SCH NO. 92052017): AMENDING SECTION 7-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(510) TO PLANNED DEVELOPMENT ZONE, P-D(549), PROPERTY LOCATED ON THE WEST SIDE OF CARVER ROAD NORTH OF MONTCLAIR DRIVE AT 3333 CARVER ROAD (STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION)**

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Stanislaus County Affordable Housing Corporation has proposed an amendment to Section 7-3-9 of the Zoning-Map to rezone from Planned Development Zone,

P-D(510), to Planned Development Zone, P-D(549), property located on the west side of Carver Road north of Montclair Drive at 3333 Carver Road, in the City of Modesto (“the project”), and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City’s Community Development Department by Environmental Assessment Initial Study EA/CDD 2001-65 reviewed the proposed amendment to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

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 rezoning to Planned Development Zone, P-D(549), 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. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment which were not identified in the Master EIR, and no new or additional mitigation measures would be required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.
6. The initial study, Environmental Assessment No. EA/CDD 2001-65, provides the substantial evidence to support the above findings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 27th day of November, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EA/CDD NO. 2001-65**  
**INITIAL STUDY**  
**EXHIBIT "A"**

*File*

City of Modesto  
Initial Study

**Rezone from P-D(510) to P-D**

**EA/CDD 2001-65**  
September 21, 2001

**I. PURPOSE**

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

**II. PROJECT DESCRIPTION**

- A. Project title:  
Public Hearing - Application of Stanco (Stanislaus County Affordable Housing) to rezone from P-D(510) to a new P-D to allow an 18-unit multi-family affordable housing apartment complex, property located on the west side of Carver Road north of its intersection with Montclair Drive at 3333 Carver Road.
- B. Lead agency name and address:  
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:  
Brad Wall  
City of Modesto Community Development Department  
1010 10<sup>th</sup> Street, Suite 3100  
Modesto, CA 95353  
(209) 577-5282
- D. Project Location:  
west side of (3333) Carver Road north of its intersection with Montclair Drive
- E. Project Sponsor:  
Stanco - Stanislaus County Affordable Housing
- F. General Plan Designation:  
Residential (R)
- G. Current Zoning:  
Planned Development (510)

H. Description of Proposed Project:

This is an application to rezone an approximate one-acre parcel from P-D(510) to a new P-D, to allow an 18-unit affordable housing apartment complex located on the west side of Carver Road north of Montclair Drive at 3333 Carver Road. The applicant's site plan calls for two two-story buildings, one containing ten units and the other with eight, on the south portion of the site and off-street parking and a common recreation area on the northern portion.

The development proposed by the applicant will require a minimum of 36 parking spaces; the site plan shows 39 parking spaces. Access to this multi-family project will be from a driveway to Carver Road. The plan also indicates that ten feet of right-of-way will be dedicated for future improvement along the frontage of the property.

I. Surrounding land uses:

Commercial areas exist to the north of the subject property, and residential properties surround the remainder of the site.

J. Other public agencies whose approval is required:

None

**III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

**A. Traffic and Circulation**

The proposed multi-family housing complex will contribute to increased traffic in the neighborhood. However, the proposed development is consistent with the Traffic and Circulation needs section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid.

**B. Degradation of Air Quality**

This proposed planned development zone and resulting multi-family housing complex is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

**C. Generation of Noise**

The proposed planned development zone and resulting multi-family housing development is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this residential use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

- D. Loss of Productive Agricultural Land**  
The proposed planned development zone and resulting multi-family housing development is located on property noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. Also, the requested planned development zone and resulting apartment complex is subject to conditions of approval. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.
- E. Increased Demand for Water Supplies**  
The proposed planned development zone and resulting multi-family housing development will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.
- D. Increased Demand for Sanitary Sewer Services**  
The proposed planned development zone and resulting multi-family housing development will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.
- G. Loss of Sensitive Wildlife and Plant Habitat**  
The proposed planned development zone and resulting multi-family housing development is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are therefore still valid.
- H. Disturbance of Archaeological and Historic Sites**  
The proposed planned development zone and resulting multi-family housing development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are therefore still valid.
- I. Drainage, Flooding and Water Quality**  
The proposed planned development zone and resulting multi-family housing development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are therefore still valid.
- J. Increased Demand for Storm Drainage**  
The proposed planned development zone and resulting multi-family housing development is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide for adequate storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff

within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are therefore still valid.

**K. Increased Demand for Parks and Open Space**

The proposed planned development zone and resulting multi-family housing development will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

**L. Increased Demand for Schools**

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

**M. Increased Demand for Police Services**

The proposed planned development zone and resulting multi-family housing development will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

**N. Increased Demand for Fire Services**

The proposed planned development zone and resulting multi-family housing development will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 6 is located approximately one mile away. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.

**O. Generation of Solid Waste**

The proposed planned development zone and resulting multi-family housing development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

**P. Generation of Hazardous Materials**

The proposed planned development zone and resulting multi-family housing development will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are therefore still valid.

**Q. Landslides and Seismic Activity**

The proposed planned development zone and resulting multi-family housing development will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions,

Impacts Analysis and Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are therefore still valid.

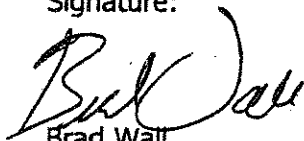
**R. Energy**

The proposed planned development zone and resulting multi-family housing development will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

**IV. CONCLUSIONS / DETERMINATIONS OF FINDINGS**

- A. The proposed planned development zone for a multi-family housing development is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.
- B. No additional significant environmental effects will occur as a result of the proposed planned development zone that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed planned development zone that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to this planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.
- E. This Initial Study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Brad Wall,  
Associate Planner

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-611**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(550). (PACIFIC REGIONAL NEUROSURGERY MEDICAL ASSOCIATES)**

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Pacific Regional Neurosurgery Medical Associates on July 30, 2001, to reclassify from a portion of Planned Development Zone, P-D(416), to Planned Development Zone, P-D(550) to allow a 15,000 square foot medical office building, property located at the northwest corner of West Orangeburg Avenue and Martin Avenue, described as follows:

Portion of P-D(416) to P-D

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Northwest Quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

All of Lot A as shown on that certain map filed for record on February 17, 1988 of ORANGEVIEW MANOR in Book 32 of Maps, Page 67; and all of Parcel 4 on that certain Parcel Map filed for record on June 30, 1987, in Book 39 of Parcel Maps, Page 67;

Also including all of Teresa Street and all of Martin Avenue and the northerly half of West Orangeburg Avenue, all being immediately adjacent to the above-described property.

WHEREAS, after a public hearing held on October 15, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-63, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The property is located on a minor arterial street, and is located in close proximity to other office and commercial uses on Orangeburg Avenue.
2. Office uses are compatible with the surrounding land uses in the area, and the recommended conditions of approval should help ensure compatibility with the adjacent residential areas.

3. The proposed rezoning is consistent with the Modesto Urban Area General Plan, because the General Plan designates this site Mixed Use, which permits offices.

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 27, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Pacific Regional Neurosurgery Medical Associates for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-63 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3239-C.S. on the 27th day of November, reclassifying the above-described property from a portion of Planned Development Zone, P-D(416), to Planned Development Zone, P-D(550).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(550), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Proposed Medical Office Building, Corner W. Orangeburg Ave. & Martin Ave." as amended in red, stamped approved by the City Council on November 27, 2001.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. All landscaping shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

5. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
6. Existing underground and overhead electric facilities within the project shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director. Appropriate easements for electric facilities shall be dedicated as necessary.
7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
8. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department Director. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department Director.
9. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.
10. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
11. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, shall be dedicated along all street frontages as required by the Engineering and Transportation Director.
12. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.
13. Prior to the issuance of a building permit, the developer shall submit a plan to provide on-site treatment of storm water, as approved by the Operations and Maintenance Director. Storm drain improvements shall be constructed in accordance with the approved plans.

14. All signs shall comply with the sign requirements of the P-O Zone.
15. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(550):

The entire construction program be accomplished in one phase, construction to begin on or before November 27, 2003, and completion to be not later than November 27, 2004.'

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(550), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

By: [Signature]  
Community Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-611A**

**A 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 (SCH NO. 92052017): AMENDING SECTION 19-3-9 OF THE ZONING MAP TO REZONE FROM A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(416), TO PLANNED DEVELOPMENT ZONE, P-D(550), PROPERTY LOCATED AT THE NORTHWEST CORNER OF WEST ORANGEBURG AVENUE AND MARTIN AVENUE. (PACIFIC REGIONAL NEUROSURGERY MEDICAL ASSOCIATES)**

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Pacific Regional Neurosurgery Medical Associates has proposed an amendment to section 19-3-9 of the Zoning Map to rezone property from a portion of Planned Development Zone, P-D(416), to Planned Development Zone, P-D(550), property located at the northwest corner of West Orangeburg Avenue and Martin Avenue, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. EA/CDD 2001-66 reviewed the proposed amendment to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

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 rezoning to Planned Development Zone, P-D(550), 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. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community 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 27th day of November, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith  
Mayor Sabatino

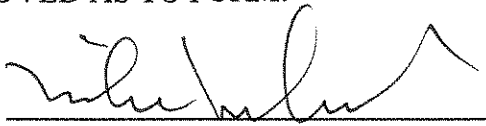
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

EA/CDD 2001-66

Initial Study

EXHIBIT A

City of Modesto  
Initial Study

**Rezone P-D(416) to P-D  
Pacific Regional Neurosurgery Medical Associates**

**EA/CDD 2001-66**

September 24, 2001

**I. PURPOSE**

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

**II. PROJECT DESCRIPTION**

- A. Project title:  
Rezone P-D(416) to P-D, Pacific Regional Neurosurgery Medical Associates
- B. Lead agency name and address:  
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:  
Steve Mitchell, Community Development Department, (209) 577-5287
- A. Project Location:  
The northwest corner of West Orangeburg Avenue and Martin Avenue.
- E. Project Sponsor:  
Pacific Regional Neurosurgery Medical Assoc., 1524 McHenry Av., Ste. 340, Modesto, CA 95350
- F. General Plan Designation:  
Mixed Use (MU)
- G. Current Zoning:  
Planned Development Zone, P-D(416)
- H. Description of Proposed Project:  
This is an application to rezone a 1.35-acre parcel from P-D(416) to a new Planned Development Zone to allow a 15,000-square-foot, single-story medical office building.

I. Surrounding land uses:

The project is bounded to the north by an existing elementary school, to the east by existing single-family homes, to the south by offices and to the west by vacant land zoned to allow commercial development.

J. Other public agencies whose approval is required:

None

**III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

**A. Traffic and Circulation**

The proposed office building is consistent with the Mixed Use General Plan Land Use Designation for this site. Further, the current zoning (which the Master EIR analyzed) allowed a motel, which generates more traffic than medical offices. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

**B. Degradation of Air Quality**

The air quality impacts for this project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this rezoning will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

**C. Generation of Noise**

The proposed office use will not generate significant noise impacts for the adjacent neighborhood, as offices are a low-intensity use with limited hours of operation. The MEIR assumed that this site would develop with non-residential uses, and analyzed the noise impacts of non-residential uses at this site. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

**D. Loss of Productive Agricultural Land**

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

**E. Increased Demand for Water Supplies**

The proposed office will not generate increased demand for water supplies, in that offices are a relatively low user of water, and the necessary water supply infrastructure already exists. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are therefore still valid.

**F. Increased Demand for Sanitary Sewer Services**

The proposed office will not generate increased demand for sanitary sewer services, in that offices are a relatively low user of sewer services, and the necessary infrastructure already exists. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

**H. Disturbance of Archaeological and Historic Sites**

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

**I. Drainage, Flooding and Water Quality**

The proposed project will conform to the City's standards for drainage, flood control and water quality, including providing on-site treatment of storm water in accordance with current NPDES standards. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

**J. Increased Demand for Storm Drainage**

The proposed project will be required to provide for on-site treatment of storm drainage in accordance with City standards, decreasing the impact to the City's storm-water drainage system. The mitigation measures contained in the Master EIR will not reduce

the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

**K. Increased Demand for Parks and Open Space**

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are still valid.

**L. Increased Demand for Schools**

This project, being non-residential, would not generate any additional demand for schools. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

**M. Increased Demand for Police Services**

The proposed project should not generate any additional demand for police services over that assumed in the MEIR, since the project is consistent in land use and intensity with the General Plan. In addition, the Modesto Police Department has not indicated any problems with the proposed rezoning. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are still valid.

**N. Increased Demand for Fire Services**

The proposed project should not generate any additional demand for fire services over that assumed in the MEIR, since the project is consistent in land use and intensity with the General Plan. The project will be required to meet all relevant fire codes. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are still valid.

**O. Generation of Solid Waste**

Because the project is consistent with the General Plan in land use and intensity, the proposed office will not result in any increase in the generation of solid waste over what was analyzed in the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are still valid.

**P. Generation of Hazardous Materials**

Because the project is consistent with the General Plan in land use and intensity, the

proposed office will not result in any increase in the generation of hazardous waste over what was analyzed in the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are still valid.

**Q. Landslides and Seismic Activity**

Because the project is consistent with the General Plan in land use and intensity, the proposed office will not result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

**R. Energy**

Because the project is consistent with the General Plan in land use and intensity, the proposed office will not result any increase in the need for energy over what was analyzed in the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are still valid.

**IV. CONCLUSIONS/ DETERMINATIONS OF FINDINGS**

- A. The proposed project is within the scope of the General Plan Master EIR (SCH No. 92052017).
- B. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.
- D. There are not specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Steve Mitchell,  
Principal Planner

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-612**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
AUTHORIZING THE CITY MANAGER TO SOLICIT FORMAL REQUEST  
FOR PROPOSALS (RFP) FOR MODESTO DOWNTOWN VISIONING AND  
9<sup>TH</sup>/10<sup>TH</sup> STREET RENOVATION PROJECT- CONCEPT MASTER PLANNING**

WHEREAS, as a continuation of the overall downtown renovation, Council has directed staff to embark on an visioning project for the restoration of the downtown core with a focus on the complete renovation of Ninth Street and a portion of Tenth Street, which are major transportation corridors through the center of downtown, and

WHEREAS, in conjunction with the 9<sup>th</sup>/10<sup>th</sup> Street renovation, Council is also developing a larger vision for the downtown core, both east and west of State Route 99, and

WHEREAS, this renovation will address many issues, including transportation, utilities, non-vehicular uses, urban forestry, architectural design, the integration of water features and public art and many other elements of a first-class streetscape, and

WHEREAS, a Concept Master Plan will be produced that will identify all of the elements of this Downtown Vision with a special focus on the Ninth/Tenth Street Renovation and said Project will require a consultant team with the ability to deliver a wide range of service, and

WHEREAS, the City Council's Committee on Economic Development and Intergovernmental Relations received a staff report on November 8, 2001 outlining said RFP process and recommended the approval of the RFP process to the Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby authorize the distribution of a formal Request for Proposal for the purpose of producing a Concept Master Plan for the "MODESTO DOWNTOWN VISIONING AND 9<sup>TH</sup>/10<sup>TH</sup> STREET RENOVATION PROJECT", that Councilmember Frohman is appointed to the selection committee and, further, staff is directed to look for alternate methods of financing this project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Modesto hereby authorizes its City Manager to execute all documents and agreements including, but not limited to applications and payment requests which may be necessary for the completion of said Request for Proposal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 27<sup>th</sup> day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST Jean Zahr  
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001- 613**

**A RESOLUTION APPROVING AN AMENDMENT TO CITYGATE ASSOCIATES CONTRACT TO PROVIDE CONSULTING SERVICES FOR THE IMPLEMENTATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT PERFORMANCE REVIEW AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT.**

WHEREAS, Citygate Associates entered into a contract with the City to provide a Performance Review for the Community Development Department; and

WHEREAS, the City Council has approved said Performance Review, and

WHEREAS, City desires additional consulting services from Citygate Associates as City enters into the implementation phase of the Performance Review.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Citygate Associates Contract, in the amount of \$10,000, to provide consulting services for the implementation of the Community Development Department Performance Review.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of December, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:   
JEAN ZAHR City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-614**

**A RESOLUTION ACCEPTING THE PROJECT TITLED "HILLSIDE DRIVE  
DEMOLITION PROJECT" AS COMPLETE**

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Hillside Drive Demolition Project, has been completed by SOILS ENTERPRISES, INC., in accordance with the contract agreement dated December 12, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Hillside Drive Demolition Project be accepted from said contractor, SOIL ENTERPRISES, INC.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$106,270.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of December, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 – 615**

**A RESOLUTION APPROVING AN AGREEMENT WITH SHUTT MOEN ASSOCIATES IN THE AMOUNT OF \$49,500 TO EVALUATE THE PAVEMENT OF MODESTO CITY-COUNTY AIRPORT'S RUNWAY 10L/28R AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

WHEREAS, Modesto City-County Airport's Runway 10L/28R pavement is showing signs that it may be wearing out sooner than anticipated by the City or the Federal Aviation Administration (FAA), and

WHEREAS, an FAA airport engineer has inspected the runway surface and has recommended that the City complete a pavement evaluation, and

WHEREAS, the Director of Engineering and Transportation concurs with the FAA recommendation, and

WHEREAS, the firm of Shutt Moen Associates is capable of evaluating the pavement's condition, providing a recommendation for reconstruction of the runway, and preparing a project estimate, and

WHEREAS, City staff has negotiated a professional service fee with Shutt Moen Associates, and the fee is considered reasonable and acceptable,

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 Shutt Moen Associates in the amount of \$49,500, a copy of which is on file in the City Clerk's Office.

BE IT FURTHER RESOLVED that the City Manager or authorized 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 4<sup>th</sup> of December, 2001 by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-616**

**A RESOLUTION APPROVING AN AIRPORT PROJECT ENTITLED  
“RUNWAY 10L/28R RECONSTRUCTION,” AN UNFUNDED PROJECT,  
FOR AN ESTIMATED COST OF \$2.5 MILLION DOLLARS.**

WHEREAS, Modesto City-County Airport’s Runway 10L/28R pavement is showing signs that it may be wearing out sooner than anticipated by the City or the Federal Aviation Administration (FAA), and

WHEREAS, the City anticipates completing a runway pavement evaluation as recommended by the FAA, and

WHEREAS, the Council was requested to approve an agreement with Shutt Moen Associates to complete the pavement evaluation, to provide the City with a recommendation on the runway reconstruction, and to prepare a cost estimate for the project, and

WHEREAS, the runway surface was not discovered until after the airport’s capital improvement budget was submitted, so there is no approved airport capital improvement budget for the runway construction, and

WHEREAS, airport needs a project budget to complete the runway reconstruction, including the pavement evaluation recommended by the FAA, and

WHEREAS, the City will be submitting a revised Airport Capital Improvement Plan requesting the FAA to accelerate funds for the runway construction, and authorize the appropriation in the City’s FY 2002 grant, and

WHEREAS, it is anticipated that the City’s local match funds to reconstruct RW10L/28R will be generated through a new Passenger Facility Charge program, and

WHEREAS, at its November 21, 2001 meeting, the Airport Advisory Committee supported staff’s recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an airport capital improvement project entitled “Runway 10L/28R Reconstruction” for the reconstruction of runway 10L/28R with a budget of \$2.5 million dollars.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> of December, 2001 by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-617**

**A RESOLUTION AMENDING THE FY 2001/2002 BUDGET TO  
APPROPRIATE \$49,500 FROM THE AIRPORT FUND RESERVES TO  
THE AIRPORT'S CAPITAL IMPROVEMENT PROJECT PROGRAM IN  
ORDER TO COMPLETE AN EVALUATION OF AIRPORT RUNWAY  
10L/28R'S PAVEMENT.**

WHEREAS, Modesto City-County Airport's Runway 10L/28R pavement is showing signs that it may be wearing out sooner than anticipated by the City or the Federal Aviation Administration (FAA), and

WHEREAS, the FAA has recommended that the City have a pavement evaluation completed by a professional engineering firm, and

WHEREAS, the Director of Engineering and Transportation concurs with the FAA recommendation, and

WHEREAS, City staff has negotiated a professional service contract with Shutt Moen Associates in the amount of \$49,500 to perform the pavement evaluation, and the Council is being asked to approve the contract and determines it to be reasonable and acceptable, and

WHEREAS, there are no funds budgeted in the airport's FY 2002 capital improvement program budget for the evaluation of the pavement on RW10L/28R, and

WHEREAS, the airport fund has a reserve that is available to use for contingencies such as retaining a consultant engineer to evaluate the runway pavement condition, and

WHEREAS, the City is expecting to submit an Airport Improvement Program application, and an application for a new Passenger Facility Charge program to fund reconstruction of the runway, including the recommended pavement evaluation, and some of these funds are expected to repay the airport fund reserves advanced for the pavement evaluation,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an appropriation transfer of \$49,500 from the airport fund reserves (6310-440) to the airport's capital improvement program (6320-440) project titled "RW10L/28R Reconstruction."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> of December, 2001 by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-618**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND HEALTH NET AND AUTHORIZING THE RISK MANAGER  
TO EXECUTE THE NECESSARY AGREEMENTS**

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage, and

WHEREAS, the Employee Benefits Committee (EBC) has reviewed and evaluated coverage for Fiscal Year 2002, and

WHEREAS, National Health Plans has announced that it is closing operations, and

WHEREAS, the City's broker marketed the employee benefit program to a variety of potential vendors, and competitive bids were received from Blue Cross and Health Net, and

WHEREAS, the EBC voted to replace National Health Plans with Health Net based on their competitive proposal, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves execution of agreements with Health Net, as recommended by the Employee Benefits Committee.

BE IT FURTHER RESOLVED that the Risk Manager is authorized to serve as the coordinator for the various plans with authority to execute all necessary agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of December, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-619**

**A RESOLUTION APPROVING SENDING TWO YOUTH ADVISORY BOARD MEMBERS AND ONE ADULT CHAPERONE TO THE "NEW PARTNERS FOR SMART GROWTH" CONFERENCE IN SAN DIEGO, CALIFORNIA ON JANUARY 24-26, 2002 AND AUTHORIZING THE USE OF FUNDS FROM THE YOUTH MASTER PLAN BUDGET TO COVER THE COST.**

WHEREAS, staff recently received information about a "New Partners for Smart Growth" conference in San Diego, California on January 24-26, 2002, and

WHEREAS, by an agenda report dated November 27, 2001 from the Parks, Recreation and Neighborhoods Director, staff recommended to the Council sending two student members of the Youth Advisory Board and one adult chaperone to the conference, and authorizing the use of funds from the Youth Master Plan budget to cover the cost, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported the recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the use of funds from the Youth Master Plan budget to cover the cost of sending two members of the Youth Advisory Board and one adult chaperone to the "New Partners for Smart Growth" conference in San Diego, California on January 24-26, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of December, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

Attest: Jean Zahr  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-620**

**A RESOLUTION IN SUPPORT OF STATE SENATE BILL 106, ALLOWING  
FOR THE EXTENSION OF THE ABANDONED VEHICLE ABATEMENT  
PROGRAM**

WHEREAS, in 1990, the California State Legislature enacted legislation allowing for the creation of county-based vehicle service authorities, and

WHEREAS, in 1991 the Stanislaus Abandoned Vehicle Service Authority (AVASA) was formed and a one dollar annual vehicle registration fee was imposed on vehicles registered to an owner with an address in the county, and

WHEREAS, vehicle registration fees are collected by the Department of Motor Vehicles and allocated to StanCOG, acting as the AVASA, by the State Controller, and

WHEREAS, fees are then allocated to the nine cities in Stanislaus County based on 50 percent abated vehicle share, 45 percent on population share and five percent for each jurisdiction, and

WHEREAS, the City of Modesto has received \$604,503 from July 1996 through June 2001 which has allowed for the abatement of 6,654 vehicles, and

WHEREAS, this revenue covers the costs of implementing the City of Modesto's Abandoned Vehicle Abatement Program - salary and benefits of one Community Service Officer, part-time clerical assistance of a Police Assistant, supervision time of a Police Sergeant and office operating costs, and

WHEREAS, the monies assist the City in removing blight in our neighborhoods, and

WHEREAS, the current Abandoned Vehicle Abatement Program will expire in April 2002, and

WHEREAS, Senate Bill 106 allows the program to be extended for ten years, with a two-thirds vote of the County and a majority of the cities comprising a majority of the population of the incorporated areas, and

WHEREAS, adoption of this resolution is the first step towards the extension of this important program, and

WHEREAS, the Abandoned Vehicle Abatement program has contributed substantially to the City of Modesto's quality of life by removing thousands of junked or abandoned vehicles in the City boundaries, and

WHEREAS, it is desirable to the City of Modesto to have the program continue, and,

WHEREAS, at its meeting of November 1, 2001, the Public Safety Committee unanimously recommended support of Senate Bill 106 in the form of a City Council resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the extension of the Abandoned Vehicle Abatement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of December, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-621**

**A RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION IN THE AMOUNT OF \$73,080 TO ACQUIRE AND REHABILITATE A SINGLE FAMILY DWELLING AT 512 VINE STREET IN MODESTO, CALIFORNIA AND AUTHORIZING THE CITY MANAGER TO SIGN THE LOAN AGREEMENT AND RELATED DOCUMENTS.**

WHEREAS, the City Council at its July 24, 2001, meeting approved Resolution No. 2001-395 allocating fiscal year 2000-2001 HOME funds for Affordable Housing Projects and authorizing the City Manager to execute related documents, and

WHEREAS, the above-referenced allocation included \$73,080 to Stanislaus County Affordable Housing Corporation (STANCO) to acquire and rehabilitate a single family dwelling at 512 Vine Street, and

WHEREAS, on May 11, 2001, the Citizens Housing and Community Development Committee was presented with the proposed affordable housing projects, and

WHEREAS on June 22, 2001, the Citizens Housing and Community Development Committee recommended affordable housing projects to submit to the City Council for approval, which included a \$73,080 allocation to STANCO for acquisition and rehabilitation of a single family dwelling at 512 Vine Street,

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 Stanislaus County Affordable Housing Corporation in the amount of \$73,080 to acquire and rehabilitate the single family dwelling at 512 Vine Street.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of December, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher & Friedman

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-622**

**A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND  
NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM  
VARNI BROS. LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, ET  
AL, AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS  
NEW BUS MAINTENANCE FACILITY**

**APN 101-02-15 (portion) and APN 101-02-16 (Varni Bros. LLC, a California  
Limited Liability Company, et. al.)**

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibit "A" attached hereto and made a part hereof by reference, in order to implement the New Bus Maintenance Facility (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 33391 of the Health and Safety Code of the State of California, and Section 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, and 1240.410 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property sought to be acquired is necessary for the Project; and
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;
2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;
3. The taking of the fee simple title in and to the real property more particularly described in said Exhibit "A" is necessary for the Project;
4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.
5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and
6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of December, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr  
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-623**

**A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND  
NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM  
VARNI BROS. LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, ET AL  
AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS.  
(KANSAS-NEEDHAM OVERCROSSING) APN 101-02-15 (Varni Bros. LLC)**

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to implement the Kansas-Needham Overcrossing ("the Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 33391 of the Health and Safety Code of the State of California, and Section 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, and 1240.410 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property sought to be acquired is necessary for the Project;  
and
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;
2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;
3. The taking of the fee simple title in and to the real property more particularly described in said Exhibit "A" is necessary for the Project;
4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.
5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and
6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-624**

**A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD ON MARCH 5, 2002, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO CONSOLIDATE THE SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE FOR THE PURPOSE OF HOLDING A RUNOFF ELECTION THAT WAS PREVIOUSLY SCHEDULED FOR DECEMBER 11, 2001.**

WHEREAS, Stanislaus County officials informed the City of Modesto at a Council meeting held on December 4, 2001, that the December 11, 2001 City Council runoff election was flawed due to computer software and printer hardware failures, which caused the County Elections staff to be unable to mail ballots to more than 6,800 voters, and

WHEREAS, the City Council instructed the City Attorney to take appropriate legal action to nullify said flawed runoff election previously scheduled for December 11, 2001; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows, provided the City Attorney is able to obtain a court order allowing said actions:

SECTION 1. That the City Council orders the City Clerk to submit the runoff election previously scheduled for December 11, 2001 to the voters on March 5, 2002.

SECTION 2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of Stanislaus County is hereby requested to consent and agree to the consolidation of the special municipal election with the statewide primary election on Tuesday, March 5, 2002 for the purpose of holding a runoff election that was previously scheduled for December 11, 2001 to elect a member of Council for Chairs 2, 4, and 5.

SECTION 3. That the County Election Department is authorized to canvass the returns of the special runoff election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. That the Board of Supervisors is

requested to issue instructions to the County Election Department to take any and all such steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Modesto recognizes that a cost will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs.

SECTION 5. That the City of Modesto does hereby require the County Elections office to request and secure State oversight of the election process.

SECTION 6. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Stanislaus.

SECTION 7. That 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 special meeting of the City of Modesto held on the 5<sup>th</sup> day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Serpa, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: Friedman, Smith

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-625**

**A RESOLUTION ACCEPTING THE BID OF BOLLO CONSTRUCTION  
INCORPORATED FOR THE PROJECT TITLED "RENOVATION OF  
EXISTING POLICE HEADQUARTERS BUILDING--BID PACKAGE NO.  
3"**

WHEREAS, the bids received for "RENOVATION OF EXISTING POLICE HEADQUARTERS BUILDING --BID PACKAGE NO. 3" were opened at 11:00 a.m. on November 27, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$2,279,820.00 received from Bollo Construction, Incorporated be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$2,279,820.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-626**

**A RESOLUTION ACCEPTING THE BID OF DIEDE CONSTRUCTION,  
INC. FOR THE PROJECT TITLED "WASTEWATER COLLECTION  
MAINTENANCE BUILDING"**

WHEREAS, the bids received for "WASTEWATER COLLECTION MAINTENANCE BUILDING" were opened at 11:00 a.m. on November 27, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of \$1,147,000 received from Diede Construction, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$1,147,000.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-627**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS  
BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM THE  
FEDERAL EMERGENCY MANAGEMENT AGENCY FOR  
CONSTRUCTION OF THE WASTEWATER COLLECTION  
MAINTENANCE BUILDING AND INCREASE THE ANTICIPATED  
CONSTRUCTION EXPENSE.**

WHEREAS, the Flood of 1997 damaged portions of the Primary Facility of the Wastewater Treatment Plant, and

WHEREAS, the Federal Emergency Management Agency (FEMA) agreed to fund the repair of the Binax Gas Scrubber, and

WHEREAS, the Binax Gas Scrubber was deemed unrepairable, and

WHEREAS, the FEMA transferred funds to construct the Wastewater Collection Maintenance Building as an Improved Project, and

WHEREAS, the City received approval of \$778,300 in additional funding from FEMA to fully fund the Wastewater Collection Maintenance Building and the construction administration costs,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the Wastewater Collection Maintenance Building project to increase the amount of revenue recognized by \$778,300 and to increase the budgeted amount for construction by \$778,300.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-628**

**A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE FINAL MASTER ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO WASTEWATER MASTER PLAN [(SCH NO. 96042009)]: APPROVING CONSTRUCTION OF THE WASTEWATER COLLECTION MAINTENANCE BUILDING.**

WHEREAS, on May 27, 1997, by Resolution No. 97-291, the City Council of the City of Modesto certified the Modesto Wastewater Final Master Environmental Impact Report ("Final Master EIR") (SCH No. 96042009) for the Wastewater Master Plan, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze 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 project, and

WHEREAS, the Engineering and Transportation Department, by Initial Study EA/ET 2001-34, reviewed the proposed construction of the Wastewater Collection Maintenance Building project, and made the determination that the proposed project is within the scope of the project covered by the Wastewater Master Plan and Final Master EIR, that the proposed project will have no additional significant effects on the environment that was not identified in the Final Master EIR, and that no new or additional mitigation measures or alternatives will be required.

WHEREAS, on December 11, 2001, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the proposal for construction of the Wastewater Collection Maintenance Building, together with the Initial Study EA/ET 2001-34, 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 proposed Wastewater Collection Maintenance Building is within the scope of the Wastewater Master EIR (SCH No. 96042009).
2. The proposed Wastewater Collection Maintenance Building will have no new or additional significant effects on the environment that was not identified in the Final Master EIR and no new or additional mitigation measures or alternatives that were not previously considered in the Master EIR are required.
3. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).
4. There are no specific features unique to this Wastewater Collection Maintenance Building that require project specific mitigation measures. All certified mitigation measures identified in the Wastewater Master EIR will apply, including this project as appropriate.
5. This Initial Study Environmental Assessment EA/ET 2001-34 provides substantial evidence to support findings 1, 2, 3, and 4 above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a Notice of Determination pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-629**

**A RESOLUTION APPROVING THE FINAL MAP OF JAYHAWK ESTATES  
SUBDIVISION OF THE CITY OF MODESTO**

WHEREAS, IOAN MURESAN and IOAN PASCAN, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 1.05 acres, known as JAYHAWK ESTATES ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 3rd day of April, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said JAYHAWK ESTATES SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green  
ALISON A. BARRATT-GREEN  
Senior Deputy City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-630**

**A RESOLUTION FOR PARTIAL ACCEPTANCE OF IMPROVEMENTS IN  
ATHERTON PLACE SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN  
AREA, AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, John T. Verner and Kathleen M. Verner, and Edward A. Machado, subdividers of Atherton Place subdivision, have filed subdivision bonds to secure faithful performance and payment for labor and materials in the amount of \$2,115,000 and \$1,057,500, respectively, and,

WHEREAS, John T. Verner and Kathleen M. Verner, and Edward A. Machado, has filed a warranty bond in the amount of \$211,500 to guarantee improvements in Atherton Place subdivision; and,

WHEREAS, John T. Verner and Kathleen M. Verner, and Edward A. Machado, has filed an assignment of a Certificate of Deposit, to secure faithful performance and payment for labor and materials associated with landscape improvements in the amount of \$261,095; and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement, except for landscaping, has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as partially complete, and authorize the City Clerk to file notice of partial completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements, except for landscaping, in Atherton Place Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bonds for faithful performance in the amount of \$2,115,000 upon recordation of the notice of partial completion.

3. The City Clerk is hereby authorized to release the subdivision bonds for labor and materials in the amount of \$1,057,500 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$211,500 one year and one day following 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 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-631**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN SUTTER RIDGE  
SUBDIVISION, AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, ANDERSON HOMES, a California Corporation, subdividers of Sutter Ridge subdivision, have filed subdivision bonds to secure faithful performance and payment for labor and materials in the amount of \$797,780.00 and \$398,890.00, respectively, and

WHEREAS, ANDERSON HOMES, a California Corporation, has filed a warranty bond in the amount of \$79,778.00 to guarantee improvements in SUTTER RIDGE subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

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

1. The improvements in Sutter Ridge Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$797,780.00 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$398,890.00 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$79,778.00 one year and one day following 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 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-632**

**A RESOLUTION ACCEPTING IMPROVEMENTS IN LEGENDS VILLAGE  
UNIT NO.4 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA,  
AND AUTHORIZING RELEASE OF BONDS**

WHEREAS, JKB Homes, Corp., a California Corporation, subdividers of Legends Village Unit No. 4 subdivision, have filed subdivision bonds to secure faithful performance and payment for labor and materials in the amount of \$711,400 and \$355,700, respectively, and,

WHEREAS, JKB Homes, Inc., has filed a warranty bond in the amount of \$71,140 to guarantee improvements in Legends Village Unit No. 4 subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Legends Village Unit No. 4 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of \$711,400 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of \$355,700 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of \$71,140 one year and one day following 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 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
\_\_\_\_\_  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 -633**

**A RESOLUTION APPROVING THE SUBMITTAL OF THE MODESTO CITY-COUNTY AIRPORT'S REVISED AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP) TO THE FEDERAL AVIATION ADMINISTRATION (FAA).**

WHEREAS, Modesto City-County Airport is a commercial service airport and it is eligible for federal Airport Improvement Program entitlement and discretionary funds, and

WHEREAS, the United States Congress is expected to allocate for this fiscal year \$3.3 billion dollars to airports for their airport improvements, and

WHEREAS, the FAA prioritizes airport funding needs through the Airport Capital Improvement Plans submitted by the nation's airports, and

WHEREAS, the FAA has notified the City of Modesto that they are requesting the Modesto City-County Airport's revised ACIP be submitted to the FAA by December 10, 2001, and

WHEREAS, the Airport Advisory Committee reviewed the revised ACIP at their November 21, 2001 meeting and supported recommending that the City Council approve the revised ACIP to the FAA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting a revised ACIP listing of recommended projects with their estimated cost to the FAA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 – 634**

**A RESOLUTION APPROVING THE SUBMITTAL OF A FEDERAL APPLICATION IN THE AMOUNT OF \$270,000 FOR THE UPDATE OF THE MODESTO CITY-COUNTY AIRPORT'S FAR PART 150 – AIRPORT NOISE COMPATIBILITY PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE FUNDING APPLICATION ON BEHALF OF THE CITY OF MODESTO.**

WHEREAS, the City has an approved FAR Part 150 – Airport Noise Compatibility Program, and

WHEREAS, the FAR Part 150 program was completed in 1993, and the program information is considered out of date because of changes in aircraft noise laws, and different aircraft now in use at the Modesto City-County Airport, and

WHEREAS, the Federal Aviation Administration (FAA) recently notified airports that federal funds are available to update an existing FAR Part 150 program, and WHEREAS, the City will soon be updating the Airport Master Plan for Modesto City-County Airport, and that plan has an element requiring updated noise contours, and a projection of noise impacts in the future, and

WHEREAS, Coffman Associates, Inc. have been selected to complete the City's Airport Master Plan update, and the firm is qualified to also complete an update to the City's FAR Part 150 program, and

WHEREAS, the Council has been requested to approve a contract with Coffman Associates, Inc. to update the Airport Master Plan, and if federal funds become available, to update the City's FAR Part 150 program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting an application to the FAA in the amount of \$270,000 to update the City's FAR Part 150 – Airport Noise Compatibility Program.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the federal grant application 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 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-635**

**A RESOLUTION APPROVING AN AGREEMENT WITH COFFMAN ASSOCIATES, INC. IN THE AMOUNT OF \$596,000, WHICH INCLUDES THE SUM OF \$296,000 TO COMPLETE AN AIRPORT MASTER PLAN FOR MODESTO CITY-COUNTY AIRPORT, UPDATE THE AIRPORT LAYOUT PLAN AND COMPLETE AN ENVIRONMENTAL REVIEW, AND AN ADDITIONAL \$300,000 FOR AN UPDATE TO THE AIRPORT NOISE COMPATIBILITY PROGRAM ONCE THE CITY HAS RECEIVED FEDERAL FUNDING FOR THE NOISE PROGRAM UPDATE. AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH COFFMAN ASSOCIATES, INC. ON BEHALF OF THE CITY.**

WHEREAS, the City of Modesto has received a federal Airport Improvement Program (AIP) grant to complete the Modesto City-County Airport's Airport Master Plan, update the Airport Layout Plan (ALP), and the City expects to receive additional AIP funds in order to update the airport noise compatibility program, and

WHEREAS, Coffman Associates, Inc. of Kansas City, Missouri with a branch office in Phoenix, Arizona has selected to update the Modesto City-County Airport Master Plan, its ALP, the airport's FAR Part 150 – Airport Noise Compatibility Program, and

WHEREAS, the Transportation Policy Committee at its July, 2001 meeting approved the selection of Coffman Associates, Inc. and authorized staff to negotiate a contract with the consultant, and

WHEREAS, City staff has negotiated an agreement for professional services that has been determined reasonable, and

WHEREAS, Coffman Associates, Inc. will proceed with the first phases of the Airport Master Plan as soon as the City gives the consultant notice to proceed,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby approves the contract between the City of Modesto and Coffman Associates, Inc. for the consultant to complete an update to Modesto City-County Airport's Airport Master Plan and its ALP, and to prepare an update to the FAR Part 150 – Airport Noise Compatibility Report once a federal grant has been received from the FAA.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is authorized to execute the contract between the City of Modesto and Coffman Associates, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-636**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND MODESTO IRRIGATION DISTRICT FOR A COST SHARING  
AGREEMENT REGARDING PLANNING AND PRE-DESIGN RELATED  
ACTIVITIES FOR THE PROPOSED PHASE 2 EXPANSION OF THE  
MODESTO REGIONAL WATER TREATMENT PLANT.**

WHEREAS, in the early 1990s the City of Modesto, Modesto Irrigation District (MID), and the former Del Este Water Company formed a partnership to utilize MID's surface water rights for municipal uses, and

WHEREAS, the Modesto Domestic Water Partnership was the result of this partnership, and

WHEREAS, on April 21, 1992, the City of Modesto, Modesto Irrigation District, and Del Este Water Company entered into a Treatment and Delivery Agreement for the design, financing, construction and operation of a surface water treatment plant, transmission pipelines, and reservoirs, and

WHEREAS, in July 1995, the City of Modesto acquired the Del Este Water Company, and

WHEREAS, the City and MID desire to enter into an agreement to share costs with respect to the planning and pre-design related activities for the proposed Phase 2 expansion of the Modesto Regional Water Treatment Plant, and

WHEREAS, City staff and MID staff presented the Cost Sharing Agreement to the Utility Services and Franchise Committee on September 26, 2001, and the Modesto Regional Water Treatment Plant Policy Committee on November 14, 2001, and both recommended support for the Cost Sharing Agreement,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Cost Sharing Agreement with respect to the planning and pre-design related activities for the proposed Phase 2 expansion of the Modesto Regional Water Treatment Plant between the City of Modesto and the Modesto Irrigation District.

BE IT FURTHER RESOLVED that execution of said agreement by the designated City officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-637**

**A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF  
\$35,000.00 TO FULLY FUND THE PELANDALE/MCHENRY  
INTERSECTION IMPROVEMENTS PROJECT**

WHEREAS, on February 13, 2001, the City Council awarded a \$451,604.00 contract to Fagundes & Son, Inc. to install a traffic signal and widen Pelandale and Claratina Avenues at McHenry Avenue, and

WHEREAS, the contractor was asked to purchase materials originally to be supplied by the City, and

WHEREAS, unforeseen work was required at the Pelandale/McHenry intersection to comply with State Department of Transportation requirements, and

WHEREAS, additional City staff time was required due to the extra work and other unforeseen complications including the utility relocations, and

WHEREAS, these all resulted in additional funds being required to fully fund the project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an appropriation transfer of \$35,000.00 from Account Number 141-430-K122, Pelandale Expressway: Phase 1A, to Account Number 141-430-M189, Pelandale/McHenry Intersection Improvements, to fully fund the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-638**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND  
SUBMIT AN APPLICATION FOR \$183,210 IN GRANT FUNDS FROM THE  
CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR  
PREPARATION OF A SPECIFIC PLAN FOR A 4.2 MILE LINEAR  
PARK/CLASS I BIKEWAY IN THE VIRGINIA AVENUE CORRIDOR**

WHEREAS, the Legislature and the Governor of the State of California have approved a grant for the Virginia Avenue Corridor Specific Plan, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant project, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Grantee to certify by resolution the approval of application before submission of said application to the State, and

WHEREAS, the City of Modesto will enter into a contract with the State of California for subject project, and

WHEREAS, the Human Services Committee met on November 26, 2001 and supported submission of said grant, and

WHEREAS the Council considered this matter at its meeting held on December 11, 2001,

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

1. Approves the filing of an application for local assistance for the Virginia Avenue Corridor Specific Plan; and
2. Certifies that the City of Modesto understands the assurances and certification in the application form; and
3. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the project; and

4. Appoints the City Manager or his designee as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-639**

**A RESOLUTION ACCEPTING A \$30,500 OFFER FROM NICHOLAS LEMMO AS PAYMENT ON A COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN TO CRETESEAL CONTRACT SERVICES, INC., AND RELEASING MR. LEMMO FROM ANY FURTHER RESPONSIBILITY ON DEFAULTED LOAN, PROVIDING FUNDS ARE RECEIVED IN FULL WITHIN SIXTY DAYS FOLLOWING APPROVAL OF THE CITY COUNCIL.**

WHEREAS, on October 4, 1994, the City Council approved a Community Development Block Grant Small Business loan in the amount of \$35,000 to Creteseal Contract Services, Inc. to move their manufacturing facilities into a suitable warehouse within the City limits of Modesto and

WHEREAS, the loan to Creteseal was a four year loan at 8 ¼%, and the monthly payments were \$858.57, with a 10% late charge on any payments if not paid by the tenth day of the month. The loan was secured by Deeds of Trust on the personal residences of Patrick Murray and Nicholas Lemmo, as well as inventory and accounts receivable, and the loan documents indicate that the loan was an obligation of Mr. Murray and Mr. Lemmo, both jointly and separately, and

WHEREAS, after making several payments, payments were discontinued, and

WHEREAS, the estimated balance on the loan is \$50,975.24, and

WHEREAS, Mr. Lemmo has, by letter, offered to pay \$30,500 toward the loan, and

WHEREAS, the Economic Development Loan Committee met on November 19, 2001, and recommended acceptance of Mr. Lemmo's offer to pay \$30,500, provided the amount is received by the City within sixty days following approval by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts a \$30,500 offer from Nicholas Lemmo as payment on a Community Development Block Grant Small Business loan to Creteseal Contract Services, Inc., and releases Mr. Lemmo from any further responsibility on the defaulted loan, provided the City receives payment in full within sixty days following Council approval

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-640**

**A RESOLUTION AUTHORIZING THE PARKS, RECREATION AND  
NEIGHBORHOODS DEPARTMENT TO APPLY FOR GRANT FUNDS FOR  
THE PER CAPITA GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD  
PARKS, CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND  
ACT OF 2000, IN ORDER TO ENCUMBER \$2,256,262 IN AFOREMENTIONED  
FUNDING**

WHEREAS, the people of the State of California have enacted the Per Capita Grant Program which provides funds to meet the urgent need for safe, open and accessible local park and recreation facilities for increased recreational opportunities that provide positive alternatives to social problems, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant program, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the City of Modesto's City Council to certify by resolution the approval of the City of Modesto to apply for the Per Capita Allocation, and

WHEREAS, the City of Modesto will enter into a contract with the State of California, and

WHEREAS, the City of Modesto's share of the Per Capita funds is \$2,256,262, which the City now desires to encumber, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported staff's recommendation to request by resolution that the City's Per Capita allocation be encumbered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the Parks, Recreation and Neighborhoods Department to apply for grant funds for the Per Capita Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, in order to encumber said \$2,256,262 in Per Capita Funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-641**

**A RESOLUTION APPROVING AN AMENDMENT TO CONSULTANT AGREEMENT WITH THE BEALS GROUP, INC. TO PROVIDE ADDITIONAL SERVICES RELATED TO THE PREPARATION OF THE REGIONAL SPORTS FACILITY EVALUATION ACTION PLAN AT A COST NOT TO EXCEED \$24,455 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT**

WHEREAS, on December 7, 1999, the City Council authorized staff to enter into an agreement with the Beals Group, Inc. to conduct a process of evaluation of the need for a shared network of sports facilities, and

WHEREAS, at the April 4, 2001 Human Services Committee meeting, the Committee recommended that staff develop a plan to ensure that the greatest part of the community is involved in the process, and

WHEREAS, the additional public outreach resulted in the need for services from the Beals Group that was beyond the original scope of work contained in the agreement, and

WHEREAS, the Beals Group has agreed to provide the additional services as contained in Exhibit "A" at a cost not to exceed \$24,455, and

WHEREAS, funding is available in Capital Improvement Plan project 1350-310-M177, Sports Complex, and

WHEREAS, the Human Services Committee met on November 26, 2001 and supported staff's recommendation to amend the agreement with the Beals Group to provide additional services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the amendment to consultant agreement with the Beals Group, Inc. to provide additional services related to the preparation of the Regional Sports facility Evaluation Action Plan at a cost not to exceed \$24,455.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its

adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-642**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL  
IMPROVEMENT PLAN TO INCLUDE REPLACEMENT OF THE PICNIC  
STRUCTURE AT BEYER PARK IN PROJECT 1400-310-M185,  
INFRASTRUCTURE PRESERVATION**

WHEREAS, the picnic structure at Beyer Park is showing signs of decay and is in need of replacement, and

WHEREAS, funds have been identified for the replacement from project 1400-310-M185 and through grant funding, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported amending the Capital Improvement Program to add replacement of the picnic structure at Beyer Park to project 1400-310-M185,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal Year 2001-02 Capital Improvement Plan to include replacement of the picnic structure at Beyer Park in project 1400-310-M185, Infrastructure Preservation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-643**

**A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT PLAN BUDGET, REALLOCATING \$20,000 IN PROJECT 1400-310-M185, AND ESTIMATING AND ALLOCATING GRANT REVENUE OF \$197,000 FOR PICNIC STRUCTURE REPLACEMENT AT BEYER AND GRACEADA PARKS.**

WHEREAS, the picnic structures at Beyer and Graceada Parks are showing signs of decay and are in need of replacement (the Project), and

WHEREAS, a total of \$364,000 is needed to fund the Project, and

WHEREAS, the Fiscal Year Capital Improvement Plan identifies \$147,000 allocated in Project 1400-310-M185, Infrastructure Preservation, specifically for the Graceada Picnic Structure replacement, and

WHEREAS, staff desires to include the replacement of the picnic structure at Beyer Park in the Project, and

WHEREAS, an additional \$20,000 is available from Capital Improvement Project 1400-310-M185, Infrastructure Preservation, that was previously identified for other projects, and

WHEREAS, staff intends to allocate grant revenue in the amount of \$197,000 from the City's share of the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12), Per Capita allocation to this project, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported expansion of the picnic structure replacement project to include Beyer Park, to increase project costs and to allocate funds from the City's share of Proposition 12 Per Capita Funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 Capital Improvement Plan budget to include replacement of the picnic structure at Beyer Park, to reallocate \$20,000 in Project 1400-310-M185, and to estimate and allocate grant revenue of \$197,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-644**

**A RESOLUTION AUTHORIZING DIRECT CITY ASSISTANCE FOR THE  
JUNE 15, 2002 NORTH MODESTO KIWANIS CLASSIC CAR PARADE**

WHEREAS, the North Modesto Kiwanis Club sponsors a Classic Car show during the June week-end of high school graduation, and

WHEREAS, on June 15, 2002, the North Modesto Kiwanis Club desires a pre-car show Classic Car Parade, and

WHEREAS, the parade will take place in downtown Modesto from 9:00 a.m. to 11:00 a.m. and terminate at Modesto Junior College, East Campus for the Classic Car Show, and

WHEREAS, the Modesto Police Department has been requested and can provide traffic control of the parade, and

WHEREAS, this proposed classic car parade should not lead to a spontaneous cruise which have been discouraged by the Modesto Police Department, and

WHEREAS, the Classic Car Parade will be tightly controlled, with registered classic cars only, and

WHEREAS, the parade and Classic Car show will allow the Modesto community the opportunity to experience the positive traditions of Modesto's cruising heritage, and

WHEREAS, direct City assistance will be Police Department personnel provided for traffic control for the parade, and

WHEREAS, the Public Safety Committee unanimously recommended this direct City assistance at its November 1, 2001 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve direct City assistance for the North Modesto Kiwanis Classic Car Parade to be held June 15, 2002, for traffic control.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-645**

**A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5)  
AFFIRMATIVE VOTES AND AUTHORIZING THE PURCHASE OF A  
BACKHOE FROM NORTRAX WEST FOR A TOTAL COST OF \$75,403.02**

WHEREAS, the John Deere model 410 crane purchased in 1998 was stolen the weekend of June 2, 2001, and

WHEREAS, a replacement backhoe has been rented at an average rate of \$2,500 per month while waiting for the insurance settlement, and

WHEREAS, the Water Division is using the backhoe on a daily basis for construction related to failed water mains inherited when the Del Este water system was purchased, and

WHEREAS, the insurer has provided an initial insurance assessment of \$47,000.00 less the \$5,000.00 deductible, providing a minimum reimbursement of \$42,000.00, and

WHEREAS, the City has obtained pricing from the Northern California John Deere Dealer, Nortrax West, which is based upon State of California Department of General Services Multiple Award Scheduled (CMAS) pricing, and

WHEREAS, the total cost of the John Deere model 410 backhoe is \$75,403.02.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of the John Deere model 410 backhoe are hereby waived.

BE IT FURTHER RESOLVED that the purchase of the John Deere model 410 backhoe from Nortrax West in an amount not to exceed \$75,403.02 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
Michael D. Milich, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 - 646**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS B. CONWAY, ET AL, IN THE AMOUNT OF \$375,000 FOR THE ACQUISITION OF PROPERTY LOCATED AT 911 "G" STREET, MODESTO, FOR THE FLEET SHOP RELOCATION PROJECT.**

WHEREAS, the Council of the City of Modesto has approved a project to relocate the Fleet Shop from its present location to 911 "G" Street, for the purchase price of \$375,000, and

WHEREAS, the property's proximity to the Police Department makes it an ideal location for this service and will provide Fleet Services with twice their current capacity, and

WHEREAS, an agreement is needed for the acquisition of property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and Thomas B. Conway, et al, in the amount of \$375,000 for the acquisition of property located at 911 "G" Street, Modesto, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreement by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

ATTEST:

By:   
JEAN FAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 - 647**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN  
ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION  
OF PROPERTY OWNED BY THOMAS B. CONWAY, ET AL, AT 911 "G"  
STREET MODESTO, FOR THE FLEET SHOP RELOCATION  
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, City desires to acquire real property from Thomas B. Conway, et al, located at 911 "G" Street, Modesto, for the Fleet Shop Relocation Project,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to sign an acceptance form for a Grant Deed for the acquisition of property owned by Thomas B. Conway, et al, located at 911 "G" Street, Modesto, for the Fleet Shop Relocation Project.

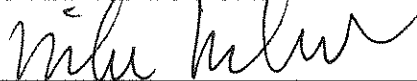
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

APPROVED AS TO FORM:

By:   
MICHAEL D. MILICH, City Attorney

ATTEST:

By:   
JUAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001 - 648**

**A RESOLUTION AMENDING THE BUDGET TO APPROPRIATE  
\$371,163 FROM THE FLEET SERVICES FUND RESERVE TO THE  
FLEET FUND CAPITAL IMPROVEMENT PROGRAM FOR THE FLEET  
SHOP RELOCATION PROJECT.**

WHEREAS, the Council of the City of Modesto has approved a project to relocate the Fleet Shop from its present location, and

WHEREAS, the City has agreed to purchase said property at 911 "G" Street, Modesto, from Thomas B. Conway, et al, for the purpose of relocating the Fleet Shop, and

WHEREAS, the City and property owner have agreed to a purchase price of \$375,000 which will be offset by \$3,837 from the property owner for environmental investigation at the site,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amendment to the budget and appropriation from the Fleet Services Fund reserve in the amount of \$371,163, to the Fleet Services Fleet Shop Relocation capital improvement project (7200-480-J879) is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:            Councilmembers:    Fisher, Friedman, Frohman, Serpa, Smith,  
   Mayor Sabatino

NOES:            Councilmembers:    None

ABSENT:        Councilmembers:    Conrad

APPROVED AS TO FORM:  
By   
MICHAEL D. MILICH, City Attorney

ATTEST:  
By   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-649**

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
SUSAN BANTON FROM THE BOARD OF ZONING ADJUSTMENT,  
EFFECTIVE DECEMBER 11, 2001**

WHEREAS, SUSAN BANTON was appointed a member of the Board of Zoning Adjustment on December 15, 1998 ; and

WHEREAS, SUSAN BANTON has tendered her resignation from the Board of Zoning Adjustment effective ?, 2000; and

WHEREAS, SUSAN BANTON has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of SUSAN BANTON from the Board of Zoning Adjustment 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 this City, hereby expresses its sincere appreciation to SUSAN BANTON for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-650**

**A RESOLUTION CONCURRING WITH THE UTILITY SERVICES AND  
FRANCHISES COMMITTEE RECOMMENDATION REGARDING WASTE-  
TO-ENERGY FACILITY TIP FEE SAVINGS, AND AUTHORIZING THE CITY  
MANAGER TO NEGOTIATE AND EXECUTE LETTER AGREEMENTS WITH  
THE CITY'S REFUSE COLLECTION COMPANIES FOR ADDITIONAL SOLID  
WASTE SERVICES**

WHEREAS, the City of Modesto and the County of Stanislaus ("Contracting Communities") are joint partners in the Waste-to-Energy Facility, which is operated by Covanta Stanislaus, and

WHEREAS, tipping fees are established to pay debt service, operation and maintenance costs and pass through costs, such as insurance, property taxes, and various permits and fees that are incurred by Covanta Stanislaus, as provided for in a Service Agreement, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the Contracting Communities, which are the City of Modesto and Stanislaus County, and

WHEREAS, the Contracting Communities approved a reduction in the tipping fees at the facility, from \$34.00 per ton to \$30.00 per ton effective January 1, 2002, and

WHEREAS, said reduction in tipping fees will result in a savings of \$0.60 per month on residential rates, and \$1.00 per cubic yard on commercial rates, and

WHEREAS, Modesto currently has rates for solid waste services that are among the lowest in the region for the extensive range of services provided, and staff has recommended that savings from reduced tipping fees would be most effectively used to provide further enhancements to these services, and

WHEREAS, the Utility Services and Franchises Committee has discussed alternatives for reallocation of tipping fee savings, and has recommended the following use of the savings: (1) that the City's licensed haulers assume responsibility for removal of illegally dumped items from the right of way; (2) that the licensed haulers implement an interim program for the collection and recycling of cathode ray tubes at their transfer stations pending the implementation of a State grant program for such collection and recycling; (3) that the licensed haulers expand the residential food waste program and make kitchen top food collection containers available to residents on request; (4) that the impact fees for Waste Management/Modesto Disposal and Gilton Solid Waste be increased to 9.9% plus the 0.2% mil tax, and the impact fees for Bertolotti Disposal be increased to 10.3% plus the 0.2% mil tax, effective January 1, 2002, as authorized by City Council Resolution No. 2001-35 and

WHEREAS, the Council of the City of Modesto must concur with any proposed reallocation of savings resulting from the reduction in the tipping fees, and

WHEREAS, the 11<sup>th</sup> day of December, 2001, at 5:15 p.m. in the Tenth Street Place Chambers, located at 1010 10<sup>th</sup> Street, Modesto, California, was set as the time and place for consideration of reallocation of savings resulting from the decrease in tipping fees at the Waste-to-Energy Facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Utility Services and Franchises Committee's recommendations regarding the reallocation of tipping fee savings to the programs outlined in the staff report on this item, effective January 1, 2002.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to negotiate and execute letter agreements with the City's refuse collection companies to provide the additional services described in the staff report attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM: ,

By Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-652**

**A 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 (SCH NO. 92052017): AMENDING SECTION 27-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(551), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE WEST OF BRIGHTON AVENUE (JEFF AND CHRISTI CARVER)**

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Jeff and Christi Carver have proposed that the zoning designation for the property located on the north side of Scenic Drive west of Brighton Avenue, be amended to rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(551), in the City of Modesto (“the project”), to allow for a three-unit multi-family housing development, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City’s Community Development Department by Environmental Assessment Initial Study EA/CDD 2001-70 reviewed the proposed amendment to the Zoning Map and rezone to P-D(551) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

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 amendment to the Zoning Map and rezone to P-D(551) 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. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

2. That the project will have no new additional significant effects on the environment which were not identified in the Master EIR, and no new or additional mitigation measures would be required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

6. The initial study, Environmental Assessment No. EA/CDD 2001-70, provides the substantial evidence to support the above findings.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**EXHIBIT "A"**  
**INITIAL STUDY**  
**EA/CDD NO. 2001-70**

File

City of Modesto  
Initial Study

**Rezone from R-1 to P-D**

**EA/CDD 2001-70**  
October 15, 2001

**I. PURPOSE**

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

**II. PROJECT DESCRIPTION**

- A. Project title:  
Public Hearing - Application of Jeff and Christi Carver to rezone from R-1 to P-D to allow a three-unit multi-family housing development, property located on the north side of Scenic Drive west of Brighton Avenue.
- B. Lead agency name and address:  
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:  
Brad Wall  
City of Modesto Community Development Department  
1010 10<sup>th</sup> Street, Suite 3100  
Modesto, CA 95353  
(209) 577-5282
- D. Project Location:  
north side of Scenic Drive west of Brighton Avenue.
- E. Project Sponsor:  
Jeff and Christi Carver
- F. General Plan Designation:  
Mixed Use (MU)
- G. Current Zoning:  
Low-Density Residential (R-1)

H. Description of Proposed Project:

This is an application to rezone an approximate quarter-acre parcel from Low-Density Residential (R-1) to Planned Development (P-D), to allow a three-unit multi-family housing development located on the north side of Scenic Drive west of Brighton Avenue. The applicant's site plan calls for three attached two-story residential units with a shared driveway / parking area adjacent to Scenic Drive.

I. Surrounding land uses:

Low-Density Residential zoning exists on the east, west, and north sides of the subject property, with Scenic Drive frontage to the south.

J. Other public agencies whose approval is required:

None

**III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

**A. Traffic and Circulation**

The proposed planned development zone and resulting multi-family housing development will contribute to increased traffic in the neighborhood. However, the proposed development is consistent with the Traffic and Circulation needs section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid.

**B. Degradation of Air Quality**

The proposed planned development zone and resulting multi-family housing development is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

**C. Generation of Noise**

The proposed planned development zone and resulting multi-family housing development is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this residential use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

**D. Loss of Productive Agricultural Land**

The proposed planned development zone and resulting multi-family housing development is located on property noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. Also, the requested planned development zone and resulting apartment complex is subject to conditions of approval. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the

MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

**E. Increased Demand for Water Supplies**

The proposed planned development zone and resulting multi-family housing development will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

**D. Increased Demand for Sanitary Sewer Services**

The proposed planned development zone and resulting multi-family housing development will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The proposed planned development zone and resulting multi-family housing development is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are therefore still valid.

**H. Disturbance of Archaeological and Historic Sites**

Figure 8-1 of the MEIR indicates that the proposed project is within the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. However, because the proposed project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

**I. Drainage, Flooding and Water Quality**

The proposed planned development zone and resulting multi-family housing development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are therefore still valid.

**J. Increased Demand for Storm Drainage**

The proposed planned development zone and resulting multi-family housing development is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide for adequate storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are therefore still valid.

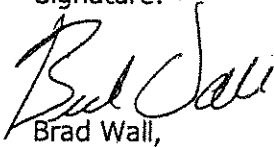
- K. Increased Demand for Parks and Open Space**  
The proposed planned development zone and resulting multi-family housing development will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.
- L. Increased Demand for Schools**  
The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.
- M. Increased Demand for Police Services**  
The proposed planned development zone and resulting multi-family housing development will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.
- N. Increased Demand for Fire Services**  
The proposed planned development zone and resulting multi-family housing development will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 3 is located approximately one mile away. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.
- O. Generation of Solid Waste**  
The proposed planned development zone and resulting multi-family housing development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.
- P. Generation of Hazardous Materials**  
The proposed planned development zone and resulting multi-family housing development will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are therefore still valid.
- Q. Landslides and Seismic Activity**  
The proposed planned development zone and resulting multi-family housing development will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are therefore still valid.
- R. Energy**  
The proposed planned development zone and resulting multi-family housing development will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for

Energy (pages IV-18-1 through IV-18-6) are therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

**IV. CONCLUSIONS / DETERMINATIONS OF FINDINGS**

- A. The proposed planned development zone for a multi-family housing development is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.
- B. No additional significant environmental effects will occur as a result of the proposed planned development zone that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed planned development zone that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to this planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.
- E. This Initial Study provides substantial evidence to support findings A, B, C, and D above.

Signature:



Brad Wall,  
Associate Planner

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-651**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(551). (JEFF AND CHRISTI CARVER)**

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Jeff and Christi Carver on August 31, 2001, to reclassify from Low Density Residential, R-1, to Planned Development Zone, P-D(551) to allow a three-unit multi-family housing project, property located on the north side of Scenic Drive west of Brighton Avenue, described as follows:

R-1 to P-D(551)

All that certain real property situate in a portion of the northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northeast corner of Lot 34 of Sunnyside Acres, according to the official map thereof, filed May 24, 1911 in Volume 5 of Maps, at page 46, Stanislaus County Records; thence along the northerly line of said Lot 34, South 74°33'09" West 108.88 feet to the northerly extension of the easterly line of Lot 9 in Block 1061 of Scenic Estates No. 2, as shown on the map filed May 19, 1990, in Volume 35 of Maps, at page 2, Stanislaus County Records; thence along said northerly extension and said easterly line of Lot 9, South 0°14'33" East 71.97 feet to the southeast corner of said Lot 9 and the true POINT OF BEGINNING of this description; thence continuing South 0°14'33" East, along the easterly lines of Lot 2 and Lot 1 of Scenic Estates, as shown on the map filed March 19, 1990, in Volume 34 of Maps, at page 94, Stanislaus County Records, a distance of 119.00 feet to the southeast corner of said Lot 1; thence parallel with and 45.00 feet northwesterly from the centerline of Scenic Drive as shown on said map of Scenic Estates, North 69°13'57" East 112.19 feet to the easterly line of said Lot 34 of Sunnyside Acres; thence along said easterly line of Lot 34, North 0°14'33" West 79.66 feet to the easterly extension of the southerly line of said Lot 9 of Scenic Estates No. 2; thence along said easterly extension South 89°45'27" West 105.07 feet to the point of beginning.

Containing 10,436 square feet, more or less

and

WHEREAS, after a public hearing held on November 5, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-65, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed planned development zone, by reason of its site design and conditions of approval is compatible with existing and potential surrounding development.
2. The requested planned development zone for a multi-family development is within an area designated by the General Plan for (MU) Mixed Use.

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 11, 2001, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Jeff and Christi Carver for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-65 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3240-C.S. on the 11th day of December, 2001, reclassifying the above-described property from Low Density Residential, R-1, to Planned Development Zone, P-D(551).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(551), is hereby approved subject to the following conditions:

1. All development shall conform to the plans entitled: "Scenic River Townhouses" as amended in red and stamped approved by the City Council on December 11, 2001.
2. Full and unobstructed access must be established and maintained around the entire perimeter of the building(s), by establishment of a "no build area," to the satisfaction of the Fire Chief.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows: six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers.
4. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. Existing overhead and underground electric facilities shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director.
7. Ten-foot public utility easements and four-foot planting easements located within the ten-foot public utility easements shall be dedicated along all street frontages as required by the Engineering and Transportation Director.
8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
9. All signs shall comply with the sign requirements of the R-1 Zone.
10. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.
11. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Community Development Department.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(551):

The entire construction program be accomplished in one phase, construction to begin on or before December 11, 2003, and completion to be not later than December 11, 2004.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(551), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]  
MICHAEL D. MILICH, City Attorney

By: [Signature]  
Community Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-653**

**A RESOLUTION APPOINTING RICH ROSA TO THE AIRPORT ADVISORY  
COMMITTEE**

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

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

SECTION 1. RICH ROSA is hereby appointed to the Airport Advisory Committee with term expirations of January 1, 2003.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-654**

**A RESOLUTION APPOINTING CHELLA GONSALVES AND BARBARA  
PADMOS TO THE CULTURE COMMISSION**

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

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

SECTION 1. CHELLA GONSALVES and BARBARA PADMOS are hereby appointed to the Culture Commission with term expirations of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-655**

**A RESOLUTION APPOINTING DR. VANEE VAN VLECK AND CLIFF  
DEBAUGH TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING**

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

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

SECTION 1. DR. VANEE VAN VLECK and CLIF DEBAUGH are hereby appointed to the Citizens Advisory Committee on Recycling with term expirations of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-656**

**A RESOLUTION APPOINTING STEVEN HORN TO THE DISABLED ACCESS  
APPEALS BOARD**

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

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

SECTION 1. STEVEN HORN is hereby appointed to the Disabled Access Appeals Board with term expiration of January 1, 2006.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-657**

**A RESOLUTION RE-APPOINTING STEPHEN KELLOGG 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;

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

SECTION 1. STEPHEN KELLOGG is hereby re-appointed to the Board of Building Appeals with a term expiration of January 1, 2006.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:   
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-658**

**A RESOLUTION RE-APPOINTING JOE GARDELLA 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;

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

SECTION 1. JOE GARDELLA is hereby re-appointed to the Board of Zoning Adjustment with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the re-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 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-659**

**A RESOLUTION RE-APPOINTING JACK JACQUES TO THE CITIZENS  
ADVISORY COMMITTEE ON RECYCLING**

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

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

SECTION 1. JACK JACQUES is hereby appointed to the Citizens Advisory Committee on Recycling with term expirations of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the re-appointed member of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-660**

**A RESOLUTION RE-APPOINTING LINDA LEWIS AND JUDITH KENYON TO  
THE COMMUNITY QUALITIES FORUM**

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

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

SECTION 1. LINDA LEWIS and JUDITH KENYON are hereby re-appointed to the Community Qualities Forum with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the re-appointed members of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-661**

**A RESOLUTION RE-APPOINTING ADRIAN MENDOZA TO THE CULTURE  
COMMISSION**

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

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

SECTION 1. ADRIAN MENDOZA is hereby re-appointed to the Culture Commission with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the re-appointed member of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-662**

**A RESOLUTION RE-APPOINTING MEMBERS TO THE DOWNTOWN  
IMPROVEMENT DISTRICT**

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

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

SECTION 1. BART BARRINGER, FRANK C. BOOTS, DAVID BORING, TOM SLATER and ROMY ANGLE are hereby re-appointed to the Downtown Improvement District with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Downtown Improvement District, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,  
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

  
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-663**

**A RESOLUTION CERTIFYING THE FINAL MASTER ENVIRONMENTAL  
IMPACT REPORT FOR THE TUOLUMNE RIVER REGIONAL PARK  
MASTER PLAN, ADOPTING A STATEMENT OF FINDINGS OF FACT AND  
OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION  
MONITORING PROGRAM.**

WHEREAS, on February 22, 1972, the City of Modesto entered into an agreement with the City of Ceres and the County of Stanislaus relating to the acquisition, development and operation of the Tuolumne River Regional Park, and

WHEREAS, said agreement formed the Tuolumne River Regional Park Joint Powers Authority, and

WHEREAS, the Tuolumne River Regional Park Joint Powers Authority has prepared a Tuolumne River Regional Park Master Plan ("the Project") to guide the restoration and development of the Tuolumne River Regional Park, and

WHEREAS, the Project is a long range-plan that will chart the future course of park development along the Tuolumne River beginning at Mitchell Road and ending west of Carpenter Road, and

WHEREAS, prior to adopting the Project, the California Environmental Quality Act (CEQA) requires that, as lead agency of the Tuolumne River Regional Park Joint Powers Authority, the City of Modesto must certify that a final environmental impact report was prepared in compliance with CEQA and State CEQA Guidelines, and

WHEREAS, prior to adopting the Project, each of the agencies of the Tuolumne River Regional Park Joint Powers Authority must make CEQA findings and adopt a Statement of Findings of Fact and Overriding Consideration and a Mitigation Monitoring Program, and

WHEREAS, the preparation of the Master Environmental Impact Report (MEIR) is to provide decision-makers and the public with information concerning the individual and cumulative environmental effects of the project, to indicate possible ways to mitigate, reduce or avoid the environmental impacts, and to identify alternatives to the project, and

WHEREAS, a Notice of Preparation for the TRRP Master Plan Environmental Impact Report was circulated from August 10, 2000 September 17, 2000, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.), the Tuolumne River Regional Park Joint Powers Authority prepared a document entitled “Draft Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan“ (DMEIR) (SCH No. 2000022028), and

WHEREAS, the DMEIR, attached hereto as a portion of Exhibit “A” and incorporated herein by this reference, was released for public review and comment for the required 45-day period beginning on June 14, 2001, and

WHEREAS, a Final MEIR (FMEIR), attached hereto as Exhibit “A” and incorporated herein by this reference, in the form of Response to Comments incorporating all the comments received during the circulation, was released for the required ten day period on October 29, 2001, and

WHEREAS, the information contained in the FMEIR was reviewed and considered by the Planning Commission of the City of Modesto prior to taking action on the Project, and

WHEREAS, in accordance with Section 15025 (c) of the CEQA Guidelines, the Planning Commission of the City of Modesto certified that it has reviewed and considered the FMEIR for the Project, and

WHEREAS, in accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, the Planning Commission recommended that the City Council adopt the Statement of Findings of Fact and Overriding Considerations, attached hereto as Exhibit “B” and incorporated herein by this reference, which makes findings for each potentially significant adverse impact, including those that have been identified as unavoidable in the FMEIR, and

WHEREAS, the City of Modesto City Council held a public hearing on December 12, 2001, and considered the adequacy of the FMEIR, the Statement of Findings of Facts and Overriding Considerations and the Mitigation Monitoring Program contained therein, and

WHEREAS, the information contained in the FMEIR, evidence, testimony and staff reports for the Project, including information submitted throughout the process recited above, was reviewed and considered by the Modesto City Council prior to taking action on the Project,

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

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Compliance with CEQA. The Final Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan, attached hereto as Exhibit "A" and incorporated herein by this reference, was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).

3. FMEIR Reviewed and Considered. The Modesto City Council (City Council) certified that the FMEIR has been completed in compliance with CEQA; that it has been presented to the City Council and that the City Council has reviewed and considered the information contained in the FMEIR, and all of the information contained therein has substantially influenced all aspects of the decision by the City Council. The FMEIR is a material part of this resolution.

4. Finding Regarding Significant But Mitigable Effects. Section 21081(a) of the Public Resources Code requires the City Council to make certain findings regarding the significant effects of the Project. As reported in the FMEIR, the City Council hereby finds that with regard to the following effects, "changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment" (Section 21081 (a)(1)). The City Council, exercising its own independent judgment, determines that such Findings are supported by substantial evidence in the record. Those effects addressed by this finding are:

<u>Effect</u>	<u>Page in FMEIR</u>
Loss of Sensitive Plant and Wildlife Habitat	II-10
Disturbance of Archaeological or Historical Sites	II-14
Flooding and Water Quality	II-15
Exposure to Hazardous Materials	II-18
Increased Demand for Fire Services	II-19

5. Findings of Fact/Statement of Overriding Considerations.

a. The FMEIR identified the following impacts as significant and unavoidable:

Effect	Page in FMEIR
Traffic and Circulation Needs	II-3
Degradation of Air Quality	II-6
Generation of Noise	II-7

b. In accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, in order to approve the Project, the City Council must make a statement, supported by findings, as to the specific unavoidable environmental impacts. The City Council has balanced the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

c. The City Council adopts the CEQA Findings of Facts and Statement of Overriding Considerations, attached hereto as Exhibit "B" and incorporated herein by reference, which makes findings (Section VII.) for each significant adverse, and unavoidable impact identified in the FMEIR, and by finding that specific economic, social or other considerations (Section X.) make infeasible certain mitigation measures and project alternatives identified in the FMEIR. The City Council exercising their own independent judgment, determines that such Findings of Fact are supported by substantial evidence in the record.

d. In accordance with CEQA and the State CEQA Guidelines, the FMEIR examined a range of reasonable alternatives to the Project which could feasibly attain the basic objectives of the Project and evaluated the comparative merits of the alternatives as listed in Exhibit "B" (Section IX.).

8. Mitigation Monitoring. Pursuant to Section 21081.6 of the Public Resources Code, the mitigation monitoring program set forth in Exhibit "C", is hereby adopted and incorporated herein by this reference.

9. Location and Custodian of Documents. The record of project approval shall be kept in the Office of the City Clerk, City of Modesto, Tenth Street Place, 1010 Tenth Street, Modesto, CA 95354.

10. Certification. Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan as accurate and adequate. The City Council further certifies that the FMEIR was completed in compliance with CEQA and the State CEQA Guidelines. The Parks, Recreation and Neighborhoods Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of December, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Frohman, Serpa

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney

**FINAL MASTER ENVIRONMENTAL IMPACT REPORT**

for the

**TUOLUMNE RIVER REGIONAL PARK  
MASTER PLAN**

---

**T R R P J o i n t P o w e r s A u t h o r i t y**

**SCH# 2000022028**

September 2001

**FINAL MASTER ENVIRONMENTAL IMPACT REPORT**

for the

**TUOLUMNE RIVER REGIONAL PARK  
MASTER PLAN**

**T R R P J o i n t P o w e r s A u t h o r i t y**

SCH# 2000022028

**LEAD AGENCY:**

City of Modesto  
1010 Tenth Street, Suite 4400  
P.O. Box 642  
Modesto, CA 95353

Contact: Patrick Kelly, Principal Planner

**PREPARED BY:**

EDAW, Inc.  
753 Davis Street  
San Francisco, CA 94111

September 2001

**Tuolumne River Regional Park (TRRP) Master Plan  
Final Master Environmental Impact Report (MEIR)**

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**III. COMMENTS AND RESPONSES..... III-1**





## **CHAPTER I. INTRODUCTION**

In June 2001, the City of Modesto distributed to public agencies and the general public the Draft Master Environmental Impact Report (MEIR) for the Tuolumne River Regional Park (TRRP) Master Plan. The TRRP Master Plan is a long-range plan for a proposed riverfront park south of downtown Modesto, California. The TRRP would be funded through a Joint Power Agency (JPA) including the City of Modesto, City of Ceres, and County of Stanislaus. The project site is over 500 acres along a seven-mile stretch of the Tuolumne River, generally bounded by Mitchell Road to the east and Carpenter Road to the west. The Master Plan provides a long-range vision for the park to guide projects that are intended to enhance the natural environment and create recreational and educational opportunities at the park.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, a 45-day public review period for the Draft EIR has been completed, ending August 1, 2001. All comments on the Draft EIR and responses thereto, are presented in this document. Chapter II includes corrections to the Draft EIR and Chapter III includes all the comments on the Draft EIR, including responses to significant environmental issues raised in the comments, as required in the State CEQA Guidelines Section 15132. All comment letters are labeled alphabetically to correspond with an index table (Table III-1) in Chapter III. Each comment is assigned a letter and number (e.g., "A-1") that corresponds to the response following the comment.

In accordance with State CEQA Guidelines Section 15132(d), the City has responded to environmental issues raised during the Draft MEIR review and comment period. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by the State CEQA Guidelines Section 15088(b). Accordingly, detailed responses to comments are provided on environmental issues only, and not on comments that may have been raised on the merits of the proposed Master Plan. Comments on the plan's merits are noted for the JPA's consideration when it reviews the proposed Master Plan for approval.

The entire MEIR consists of two volumes: The Draft Master Environmental Impact Report and this document. Together, these two volumes constitute the Final MEIR. >



**CHAPTER II. REVISIONS TO THE DRAFT MEIR**

This chapter presents specific changes to the Draft MEIR that are being made in response to comments from the public and/or reviewing agencies. In each case, the revised page and location on the page is set forth, followed by the revision. Text in *bold italics* represents language that has been added to the MEIR’s text. Words with ~~strikeout~~ indicates text has been deleted from the MEIR.

**Page I-2, 3<sup>rd</sup> paragraph (list of subsequent projects) is revised as follows:**

These projects are as follows:

- Landfill closure plan and subsequent development over the landfill
- Regional sports complex
- Special events, including those at the amphimeadow
- Treatment plant redesign or relocation<sup>1</sup>
- Removal of Dennett Dam
- River overlook, fishing piers, *and pedestrian bridges* (not specifically located)
- Development and grading of children’s playgrounds and projects in the former ranch complex in the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G).
- Development and grading for projects in all areas of the TRRP except the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G)<sup>2</sup>.

**Page I-7, Section D. Areas of Controversy/Issues to be Resolved is revised as follows:**

D. AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

The TRRP Master Plan was prepared through an interactive process that involved the public as well as representatives of local, regional, State, and federal agencies, including monthly interaction with the TRRP Citizen’s Advisory Committee (CAC), which was appointed by the TRRP Commission. These outreach efforts, and the comments gathered through the NOP process, revealed the following issues:

- Several commentors on the NOP were concerned about the size of the proposed amphimeadow. In addition, a few commentors stated that the TRRP should not include this use.

## II. Revisions to the Draft MEIR

- Concern was expressed about the potential for the proposed project to negatively affect fish and wildlife resources.
- Traffic and parking impacts during special events were identified as potential issues.
- Several commentors noted that vegetation removal and ground disturbing activities could result in erosion impacts, which in-turn could be harmful to fish and spawning habitat.
- The potential for negative impacts on cultural resources was identified.
- Security issues were identified for current and future park users.
- Several commentors were concerned about the effect of the park on homeless people.
- Issues related to flood control, including possible inundation of the amphimeadow, were raised.
- ***Some commentors stated that the TRRP should not include the Loop Road in the Gateway Parcel.***

Pages II-5 through II-19, Table II-2 is revised as follows:

**Table II-2  
Summary of Significant Impacts and Mitigation Measures**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Traffic and Circulation Needs</b>			
<p><b>Impact Traffic-1:</b> The increase in traffic associated with special events at the amphimeadow would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphimeadow visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Traffic-1:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan should identify the following:</p> <ul style="list-style-type: none"> <li>• Routes that will be used to access the park by visitors, emergency vehicles and by staff;</li> <li>• Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event;</li> <li>• Methods and duration of protection for pedestrian crossings; and</li> <li>• Location and responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted.</li> </ul> <p>Implementation of this mitigation measure would reduce traffic impacts associated with the amphimeadow, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.</p>	<b>SU</b>
<p><b>Impact Traffic-2:</b> The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Traffic-2:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1.</p>	<b>SU</b>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		Implementation of this mitigation measure would reduce traffic impacts associated with large special events, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.	
<p><b>Impact Traffic-3:</b> Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. This is a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Traffic-3:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for the Regional Sports Complex, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The following measures may be included in the parking management plan:</p> <ul style="list-style-type: none"> <li>a) Park managers could schedule events in a manner that minimizes concurrent parking demand.</li> <li>b) If required, identify overflow parking lots and appropriate signage directing visitors to designated lots. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible.</li> <li>c) If necessary, additional parking may be required at the Sports Complex, or the number of fields may need to be reduced to effectively balance parking demand.</li> </ul> <p>No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<b>LTS</b>
<p><b>Impact Traffic-4:</b> An event attracting 3,000 persons to the amphimeadow would exceed the parking capacity in the Gateway Parcel. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is considered a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Traffic-4:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created.</p>	<b>LTS</b>

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a "real time" basis. Signs noting "lots full" and directing motorists to ancillary parking areas would be needed.</p> <p>No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	
<p><b>Impact Traffic-5:</b> Implementation of the TRRP Master Plan could result in significant off site parking impacts when large special events are held. Events associated with Cinco De Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is a significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Traffic-5:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events.</p> <p>Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4.</p> <p>However, even with implementation of the event parking management plans there will likely be significant traffic impacts in the immediate vicinity of TRRP when large special events are staged. With event attendance reaching 15,000, there would not be a feasible measure available to ensure that employees and patrons of the surrounding neighborhoods would not be displaced. For this reason, this is a significant and unavoidable impact.</p>	<p><b>SU</b></p>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Degradation of Air Quality</b>			
<p><b>Impact Air-1:</b> The Master Plan does not specify feasible SJVAPCD construction control mitigation measures as part of the projects' construction activities. Because construction significance is determined by means of whether SJVAPCD construction mitigation measures are implemented, construction emissions would be considered a short-term significant air quality impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Air-1:</b> The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:</p> <ul style="list-style-type: none"> <li>a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, <del>chemical stabilizer/suppressant</del>, or vegetative ground cover.</li> <li>b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water or <del>chemical stabilizer/suppressant</del>.</li> <li>c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</li> <li>d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.</li> <li>e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.)</li> <li>f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or <del>chemical stabilizer/suppressant</del>.</li> <li>g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent.</li> <li>i) Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.</li> </ul>	<p><b>LTS</b></p>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>j) Excavation and grading activities shall be suspended when winds exceed 20 mph.</p> <p>k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible.</p> <p>l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.</p> <p>m) When not in use, on-site equipment shall not be left idling.</p> <p>The SJVAPCD has determined that implementation of the above mitigation measures would reduce short-term construction-generated emissions to less-than-significant levels.</p>	
<p><b>Impact Air-2:</b> Events occurring at the Gateway Parcel, such as special events and concerts, could result in potential increases in carbon monoxide concentrations, or "hot spots," in excess of State or federal air quality standards. These carbon monoxide concentrations could negatively impact sensitive receptors, which may be located in the project vicinity or walking to and from the special events. This impact is potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Air-2:</b> When special events, including concerts, occur at the Gateway Parcel, the City of Modesto shall implement a traffic and parking management control plan, as recommended in mitigation measures contained in Chapter IV-A of this MEIR. The smooth flow of traffic would decrease the potential for carbon monoxide "hot spots," which could occur if vehicles are idling for long periods of time in high concentrations. However, it is unlikely that traffic congestion would be decreased enough to reduce the potential for high carbon monoxide concentrations when people are gathering or leaving large special events. For this reason, this is considered a significant and unavoidable impact for special events and concerts at the Gateway Parcel.</p>	<p><b>SU</b></p>
<p><b>Generation of Noise</b></p>			
<p><b>Impact Noise-1:</b> Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Noise-1:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project:</p> <p>a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends.  <i><b>The sports complex could stay open until 10:00 p.m. However, sporting events shall be scheduled to end at 9:00 p.m.</b></i></p>	<p><b>LTS</b></p>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.</p> <p>c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA.</p> <p>Implementation of the above measures would ensure that a noticeable increase in noise would not occur at nearby sensitive land uses, and would reduce this potential impact to a less-than-significant level.</p>	
<p><b>Impact Noise-2:</b> Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater). <b><i>The increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.</i></b></p>	<p><b>S</b></p>	<p><b>Mitigation Measure Noise-2: <i>To minimize the impacts of noise associated with events at the amphimeadow, the following measures shall be implemented:</i></b></p> <p>a) An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphimeadow to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby <b><i>residences and other</i></b> noise-sensitive receptors <b><i>and riparian areas</i></b>. Measures may include, but are not limited to, construction of <b><i>temporary</i></b> noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity.</p> <p>b) <b><i>Prior to the design and construction of the proposed amphimeadow, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be</i></b></p>	<p><b>SU</b></p>

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p><i>developed during the consultation, including locational considerations for the amphimeadow, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation.</i></p> <p><i>The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphimeadow.</i> Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphimeadow. <i>These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level.</i> However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby <i>residences and other</i> noise-sensitive receptors would <i>could</i> still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable.</p>	
<p><b>Impact Noise-3:</b> The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. <i>In addition, a substantial increase in noise levels from amplified sound could potentially affect wildlife species, including State and federally-protected species.</i> This is a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Noise-3: To minimize the impacts of noise associated with large special events, the following measures shall be implemented:</b></p> <ul style="list-style-type: none"> <li>a) Special events <i>The use of amplified sound systems</i> shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. <i>Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.</i></li> <li>b) <i>Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent</i></li> </ul>	<p><b>SU</b></p>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p><i>events. If the sound requirements for a subsequent event should differ significantly from the event used to identify the mitigation measures, consultation with an acoustical engineer and appropriate resource agencies shall occur.</i></p> <p>Implementation of this mitigation measure would reduce noise impacts associated with large special events. <b><i>These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level.</i></b> However, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable.</p>	
<b>Loss of Sensitive Plant and Wildlife Habitat</b>			
<p><b>Impact Bio-1:</b> The negative impacts to riparian habitats would be temporary during construction activities and implementation of the TRRP Master Plan would result in a net increase in riparian habitat overtime, once riparian vegetation in replanted areas have been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat has been identified as a sensitive natural plant community by federal, State, and local agencies.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Bio-1:</b> To minimize disturbance to riparian habitat outside of the proposed area of disturbance, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented.</li> <li>b) Prior to project implementation, a Section 404 permit shall be obtained from USACE and a Section 1600 Streambed Alteration Agreement shall be obtained from CDFG. Additional mitigation for impacts to riparian areas will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually by a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG.</li> </ul> <p>Implementation of the above mitigation measures in consultation with USACE and CDFG would ensure that impacts to riparian habitat are less-than-significant.</p>	<p><b>LTS</b></p>

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact Bio-2:</b> The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Bio-2:</b> The following mitigation measures shall be implemented to ensure impacts to Waters of the U.S. are less-than-significant.</p> <ul style="list-style-type: none"> <li>a) For any TRRP Master project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential jurisdictional Waters of the U.S., including wetlands are present in the project area.</li> <li>b) If potential jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate.</li> <li>c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S., will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.</li> <li>d) For all projects with the potential to effect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages. <b>All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.</b></li> </ul>	<p><b>LTS</b></p>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact Bio-3:</b> Potential impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because these species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Bio-3:</b> The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat.</p> <ul style="list-style-type: none"> <li>a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. <b>All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.</b></li> <li>b) River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate <b>to</b> avoid impacts during fish migrations and sensitive life stages. <b>Construction shall not occur near the river from September through December, as this is the period when most ESA species would be in the river in appreciable numbers.</b></li> <li>c) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.</li> </ul> <p>Implementation of the above mitigation measures in consultation with NMFS and USFWS would ensure that impacts to sensitive fish species are less-than-significant.</p>	<p><b>LTS</b></p>

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact Bio-4:</b> Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Bio-4:</b> The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:</p> <ul style="list-style-type: none"> <li>a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.</li> <li>b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.</li> </ul> <p>If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented.</p>	<p><b>LTS</b></p>
<p><b>Impact Bio-5:</b> Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Bio-5:</b> Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:</p> <ul style="list-style-type: none"> <li>a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.</li> <li>b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable.</li> </ul>	<p><b>LTS</b></p>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Disturbance of Archaeological or Historical Sites</b>			
<p><b>Impact CR-1:</b> Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure CR-1:</b> Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant.</p> <ul style="list-style-type: none"> <li>a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.</li> <li>b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.</li> <li>c) If the discovery is historic, archival research may be necessary by a qualified historian.</li> </ul> <p>If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards.</p>	<b>LTS</b>
<p><b>Impact CR-2:</b> Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure CR-2:</b> Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.</p>	<b>LTS</b>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant.</p> <p>Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	
<b>Flooding and Water Quality</b>			
<p><b>Impact Hydro-1:</b> Construction of the Regional Sports Complex and Nature Interpretive Center in the 100-year floodplain could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Hydro-1:</b> The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<b>LTS</b>
<p><b>Impact Hydro-2:</b> The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Hydro-2:</b> Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood water surface elevations. The grading design shall not significantly increase river flow velocities. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<b>LTS</b>
<p><b>Impact Hydro-3:</b> Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Hydro-3:</b> The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway:</p> <ul style="list-style-type: none"> <li>a) Once detailed plans have been developed for the proposed structures, hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations.</li> </ul>	<b>LTS</b>

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		<p>b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. <b><i>The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).</i></b></p> <p>c) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream.</p> <p>d) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events.</p> <p>Implementation of these mitigation measures would reduce this impact to a less-than-significant level.</p>	
<p><b>Impact Hydro-4:</b> The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead to increases in the water surface elevations. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-4:</b> Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Impact Hydro-5:</b> The proposed the amphimeadow is likely to suffer frequent flooding inundation. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-5:</b> The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall be also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion.</p>	<p><b>LTS</b></p>

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p><i>The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).</i> Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	
<p><b>Impact Hydro-6:</b> Construction of the Pedestrian Bridge Over Dry Creek. Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-6:</b> The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge:</p> <ul style="list-style-type: none"> <li>a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base flood water surface elevations during the base flood.</li> <li>b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris.</li> <li>c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events.</li> <li>d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design. <i>The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).</i></li> </ul> <p>Implementation of these mitigation measures would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact Hydro-7:</b> Changes in channel and overbank configuration may cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-7:</b> Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, armoring and erosion control measures shall be installed at existing bridge locations. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Exposure to Hazardous Materials</b></p>			
<p><b>Impact HazMat-1:</b> Development or grading of areas within the Gateway Parcel could expose construction workers and/or the public to hazardous materials from potential soil and groundwater contamination from past spills or releases at the Breshears facility during and/or following redevelopment. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure HazMat-1:</b> Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel. Implementation of this measure would ensure that potential impacts related to existing soil and groundwater contamination in the Gateway Parcel adjacent to the Breshears facility are reduced to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Impact HazMat-2:</b> Development or grading of areas within the former ranch complex area of the Gateway Parcel could expose construction workers and/or the public to hazardous materials during and/or following redevelopment. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure HazMat-2:</b> A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Implementation of this measure would ensure that potential impacts related to existing soil contamination in the former ranch complex area are reduced to a less-than-significant level.</p>	<p><b>LTS</b></p>

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact HazMat-3:</b> Potential health risks could result from placement of sensitive land uses, such as children’s playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure HazMat-3:</b> A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children’s playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for the intended land use, remediation requirements in accordance with State and federal regulations would be required. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Impact HazMat 4:</b> Development or redevelopment of properties within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure HazMat-4:</b> A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Increased Demand for Fire Services</b></p>			
<p><b>Impact Fire-1:</b> Inadequate emergency access to TRRP is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Fire-1:</b> The MFD and SCFPD shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCFPD shall be accommodated.</p>	<p><b>LTS</b></p>
<p><b>Impact Fire-2:</b> The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Fire-2:</b> The Modesto Parks and Recreation Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall:</p> <ul style="list-style-type: none"> <li>• Characterize existing and proposed vegetation fuels,</li> <li>• Identify potential ignition sources and locations,</li> <li>• Identify assets at risk in case of a fire,</li> <li>• Identify specific maintenance measures to reduce fuel loads,</li> </ul>	<p><b>LTS</b></p>

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		<ul style="list-style-type: none"> <li>• Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and</li> <li>• Make recommendations for fire resistant plantings.</li> </ul> <p>Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	

Page IV-A-14, Table A-7 is revised as follows:

**Table A-7  
Existing Plus Traffic Volumes on Roadways  
(in Weekday Average Daily Volume)**

Street	Location	Class	Lanes	LOS D Threshold	Existing		Plus Project		
					Vol	LOS	TRRP	Ex+Proj Vol	LOS
Carpenter Rd	Paradise Rd to Hatch Rd	Expressway	4	33,750	<del>19,320</del> <b>19,300</b>	A	210	<del>19,530</del> <b>19,510</b>	A
Robertson Rd	Carpenter Rd to Sutter Ave	Collector	2	11,250	5,700	A	<del>270</del> 330	<del>5,970</del> <b>6,030</b>	A
Hancock St	John St to Robertson Rd	Local	2	11,250	<400	A	300	700	A
Sutter Ave	Robertson Rd to Paradise Ave	Collector	2	11,250	6,880	A	300	7,180	A
Roselawn Ave	Colorado Ave to Tuolumne Blvd	Collector	2	11,250	unavailable		40	unavailable	
Tuolumne Blvd	Paradise Rd to SB Hwy 99 ramps	Arterial	4	33,750	<del>9,756</del> <b>9,800</b>	A	265	<del>10,021</del> <b>10,065</b>	A
	NB Hwy 99 ramps to Seventh St	Arterial	4	33,750	<del>15,454</del> <b>15,000</b>	A	475	<del>15,929</del> <b>15,475</b>	A
Hatch Road	Carpenter Rd to Crows Landing Rd	Expressway	4	33,750	unavailable		90	unavailable	
Crater Ave	Aztecs Road to Dallas Street	Local	2	11,250	<400	A	10	410	A
Seventh St	B Street to Crows Landing Rd	Arterial	4	33,750	<del>16,555</del> <b>16,600</b>	A	10	<del>16,565</del> <b>16,610</b>	A
Ninth St	B Street to River Road	Arterial	4	33,750	<del>20,623</del> <b>20,600</b>	A	110	<del>20,733</del> <b>20,710</b>	A
B Street	Seventh St to Ninth St	Arterial	4	33,750	<del>15,079</del> <b>15,000</b>	A	475	<del>15,554</del> <b>15,475</b>	A
	Ninth St to Eleventh St	Collector	2	11,250	<del>10,885</del> <b>10,900</b>	D	150	<del>11,035</del> <b>11,050</b>	D
Tenth St	South of B Street	Local	2	11,250	<400	A	0	<400	A

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Eleventh St	D Street to B St	Collector	2	11,250	<del>4,131</del> <b>4,100</b>	A	540	<del>4,671</del> <b>4,640</b>	A
Morton Ave	B Street to Yosemite Blvd.	Collector	2	11,250	7,200	A	325	7,525	A
Yosemite Blvd.	D Street to Mitchell Rd	Arterial	4	33,750	29,000	D	685	29,685	D
Santa Cruz Ave	Yosemite Blvd. to Oregon St	Collector	2	11,250	6,600	A	300	6,900	A
Tioga Ave	Yosemite Blvd. to Monterey St	Collector	2	11,250	unavailable		210	unavailable	
River Road	Seventh St to Herndon St	Collector	2	11,250	5,300	A	10	5,300	A
	Herndon Ave to Mitchell Rd	Collector	2	11,250	3,100	A	10	3,110	A

Page IV-A-22, Table A-9 is revised as follows:

**Table A-9  
Year 2025 Plus TRRP Traffic Volumes on Roadways  
(in Average Weekday Daily Volume)**

Street	Location	Class	Lanes	LOS D Threshold	Year 2025 Without TRRP Master Plan		Year 2025 With TRRP Master Plan		LOS
					Vol	LOS	Volume		
							TRRP	2025 w/ project	
Carpenter Rd	Paradise Rd to Hatch Rd	Expressway	6	67,500	52,408 <b>50,989</b>	D	210	52,618 <b>51,199</b>	D
Robertson Rd	Carpenter Rd to Sutter Ave	Collector	2	11,250	7,055	A	270	7,325	A
Hancock St	John St to Robertson Rd	Local	2	11,250	<400	A	300	700	A
Sutter Ave	Robertson Rd to Paradise Ave	Collector	2	11,250	2,986	A	300	3,286	A
Roselawn Ave	Colorado Ave to Tuolumne Blvd	Collector	2	11,250	<del>7,709</del> <b>3,426</b>	A	40	<del>7,749</del> <b>3,466</b>	A
Tuolumne Blvd	Paradise Rd to SB Hwy 99 ramps	Arterial	4	33,750	26,553	C	265	26,818	C
	NB Hwy 99 ramps to Ninth St	Arterial	4	33,750	17,192	A	475	17,667	A
	Ninth Street to Yosemite Blvd	Collector	2-4	11,250 33,750	9,832	C A	685	10,517	D A
Hatch Road	Carpenter Rd to Crows Landing Rd	Expressway	4	46,750	28,599	A	90	28,689	A
Crater Ave	Aztecs Road to Dallas Street	Local	2	11,250	<400	A	10	410	A
Seventh St	B Street to Crows Landing Rd	Arterial	4	33,750	12,760	A	10	12,770	A
Ninth St	D Street to Tuolumne Blvd	Arterial	4	33,750	43,335	F	540	43,875	F
	Tuolumne Blvd to River Road	Arterial	4	33,750	43,992	F	110	43,932	F
Eleventh St	D Street to B St	Collector	2	11,250	2,423	A	10	2,433	A
Yosemite Blvd.	D Street to Mitchell Rd	Arterial	6	50,000	41,799	C	685	42,484	C
Santa Cruz Ave	Yosemite Blvd. to Oregon St	Collector	2	11,250	7,585	A	300	7,885	A
Tioga Ave	Yosemite Blvd. to Monterey St	Collector	2	11,250	<del>3,441</del> <b>3,481</b>	A	210	<del>3,651</del> <b>3,691</b>	A
River Road	Seventh St to Herndon St	Collector	2	11,250	<del>4,102</del> <b>4,112</b>	A	10	<del>4,112</del> <b>4,122</b>	A
	Herndon Ave to Mitchell Rd	Collector	2	11,250	3,929	A	10	3,939	A
SR 99	Tuolumne Blvd to Crows Landing Rd	Arterial Freeway	8	180,000	169,910	D	90	170,000	D

**Page IV-B-13, Mitigation Measure Air-1 a), b), and f) are revised as follows:**

Mitigation Measure Air-1: The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:

- a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, ~~chemical stabilizer/suppressant,~~ or vegetative ground cover.
- b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water ~~or chemical stabilizer/suppressant.~~
- f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water ~~or chemical stabilizer/suppressant.~~

**Page IV-C-12, 5th paragraph and Page IV-C-13 are revised as follows:**

The amphimeadow would be constructed at the eastern end of the Gateway Parcel. The proposed amphimeadow stage **performance area** would face westward so that amplified sound would be directed away from **the Dry Creek riparian area**, existing land uses and nearby noise-sensitive receptors. ~~Seating~~ **Natural contour seating for the audience** would be located within the meadow area west of the stage **performance area** and would accommodate up to 3,000 people. The proposed use of the amphimeadow has not yet been specified, although it would likely be used for regional and community events, such as plays, recitals, community celebrations, and concerts. The Master Plan does not prohibit amplified musical events, such as concerts.

Noise levels generated by amphitheaters are primarily a function of the type of performance ~~to be held~~ **provided**. Noise levels can vary substantially depending on the use. For instance, sound levels associated with symphony orchestra typically average approximately 90 dBA; whereas, sound levels from a rock concert with an amplified speaker system can reach levels of approximately 120 dBA at 6 feet (Cunniff 1977; Lipscomb and Taylor 1978). Assuming a normal rate of six decibels per doubling of distance from the source and a maximum of 120 dBA at 6 feet, predicted maximum noise levels at 100 feet from the front of the stage would be approximately 96 dBA. Because noise associated with such events are typically directional, noise levels at equivalent distances to the rear and sides of the amphimeadow stage would likely be considerably less than sound levels at areas located directly in front of the stage.

The nearest noise-sensitive receptors are residential dwellings located approximately 1,000 feet south of the project site, across the Tuolumne River. Based on the monitoring conducted for this analysis, the average daytime noise level in the vicinity of these nearby residences is approximately 54 dBA Leq. Assuming a maximum noise

generation potential of 120 dBA at 6 feet, predicted “worst-case” noise levels at the property line of the nearest residence would be approximately 74 dBA, which would result in a substantial increase in ambient noise levels, particularly during the quieter late evening and nighttime hours. In addition, the resultant increase in ambient noise levels at these nearby residences would exceed the City’s “normally acceptable” noise standard of 60 dBA CNEL. As a result, noise generated by the proposed amphimeadow uses would be considered to have a significant impact to nearby noise-sensitive land uses.

***The amphimeadow is located near the Dry Creek riparian corridor, which provides valuable habitat for wildlife. Research of noise-related effects to various terrestrial species is somewhat limited and responses to various noise levels can vary greatly by species. However, although research is limited, it is generally recognized that at low to moderate ambient noise levels (i.e., 60 dBA, or less) wildlife most frequently change their behaviors when there are reoccurring abrupt and substantial increases in the ambient noise levels, such as shotgun blasts or sonic booms. The use of amplification at the amphimeadow would not likely include such abrupt noises. However, although speakers would be pointed away from Dry Creek, the amplified sound could result in substantial increases in ambient noise levels in the Dry Creek riparian area. The increase in noise levels could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.***

**Impact Noise-2: Noise Associated with the Amphimeadow.** Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City’s “normally acceptable” threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater). ***In addition, the increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.***

**Page IV-C-17, Mitigation Measure Noise-1(a) is revised as follows:**

- a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. ***The sports complex could stay open until 10:00 p.m. However, sporting events shall be scheduled to end at 9:00 p.m.***

**Page IV-C-18, 3<sup>rd</sup> and 4<sup>th</sup> paragraphs are revised as follows:**

**Impact Noise-2: Noise Associated with the Amphimeadow.** Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City’s “normally acceptable” threshold of 60 dBA CNEL. This noise level would be a

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noticeable increase (i.e., 3 dBA, or greater). ***The increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.***

***Mitigation Measure Noise-2: To minimize the impacts of noise associated with events at the amphimeadow, the following measures shall be implemented:***

- a) An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphimeadow to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby ***residences and other*** noise-sensitive receptors ***and riparian areas***. Measures may include, but are not limited to, construction of ***temporary*** noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity.
- b) ***Prior to the design and construction of the proposed amphimeadow, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation, including locational considerations for the amphimeadow, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation.***

***The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphimeadow.*** Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphimeadow. ***These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level.*** However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby ***residences and other*** noise-sensitive receptors would ***could*** still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable.

**Pages IV-C-14 and IV-C-15 are revised as follows:**

However, if the use of amplified sound systems are allowed at such seasonal events, noticeable increases in daytime noise levels at nearby residences would likely occur. In addition, events occurring during the quieter evening and nighttime hours (with or without the allowed use of amplified sound systems) would also be anticipated to result

in noticeable increases in ambient noise levels at these residences and, as such, would be anticipated to result in increased levels of annoyance to occupants of these residences. ***In addition, as discussed previously, a substantial increase in noise levels from amplified sound during large special events held in the TRRP could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.***

**Impact Noise-3: Noise Associated with Special Events.** The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. ***In addition, a substantial increase in noise levels from amplified sound could potentially affect wildlife species, including State and federally-protected species.*** This is a potentially significant impact.

**Page IV-C-18, the last paragraph, and Page IV-C-19 are revised as follows:**

**Impact Noise-3: Noise Associated with Special Events.** The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. ***In addition, a substantial increase in noise levels from amplified sound could potentially affect wildlife species, including State and federally-protected species.*** This is a potentially significant impact.

**Mitigation Measure Noise-3: *To minimize the impacts of noise associated with large special events, the following measures shall be implemented:***

- a) Special events ***The use of amplified sound systems*** shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. ***Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.***
- b) ***Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to***

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***ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent events. If the sound requirements for a subsequent event should differ significantly from the event used to identify the mitigation measures, consultation with an acoustical engineer and appropriate resource agencies shall occur.***

Implementation of this mitigation measure would reduce noise impacts associated with large special events. ***These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level.*** However, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable.

### **Page IV-D-25, 3<sup>rd</sup> paragraph is revised as follows:**

In order to maintain public safety, areas such as parking lots, access roads, the amphimeadow, the regional sports complex, and limited pathways may be illuminated at night. Lighting may diminish the quality of habitat for wildlife and limit use of the riparian corridor by nocturnal species. However, lighting is proposed only for the access areas and not the more natural areas of the TRRP. ***Portable lighting may be provided for some large special events and events held at the amphimeadow. All lights would be groundward-focused and positioned to avoid glare and light spillage into riparian areas. Only enough lighting necessary for safety purposes would be used in the TRRP.*** Because riparian vegetation would be enhanced throughout the park to form a continuous corridor and river access points would be limited, potential impacts from trail use, nighttime lighting, and other human activity would be less-than-significant.

### **Page IV-D-27, the fourth paragraph is revised as follows:**

***Overhead cover resulting from overhanging vegetation and leaf fall provides nutrients for micro-and macro invertebrates and aquatic organisms.*** Short-term reductions in overhead cover due to the removal of riparian vegetation could result in temporary adverse impacts to species relying on this habitat feature within the TRRP project area. However, because ample overhead cover would be available to these species in adjacent areas where riparian vegetation remained undisturbed, adverse impacts would be expected to be minimal.

**Page IV-D-30, Mitigation Measure Bio-2 (d) is revised as follows:**

- d) For all projects with the potential to effect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages. ***All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.***

**Page IV-D-31, Mitigation Measure Bio-3 is revised as follows:**

Mitigation Measure Bio-3: The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat.

- a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. ***All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.***
- b) River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate ~~would~~ ***to*** avoid impacts during fish migrations and sensitive life stages. ***Construction shall not occur near the river from September through December, as this is the period when most ESA species would be in the river in appreciable numbers.***
- c) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the

II. Revisions to the Draft MEIR

federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.

Implementation of the above mitigation measures in consultation with NMFS and USFWS would ensure that impacts to sensitive fish species are less-than-significant.

**Page IV-F-4, the second sentence in the third paragraph is revised as follows:**

The maximum flow recorded for Dry Creek (~~December 22, 1996~~ **December 23, 1955**) was approximately 5,000 cfs (unregulated) (USACE 1998) **7710 cfs**.

**Page IV-F-12, the last sentence of the first paragraph is revised as follows:**

The proposed design of the Gateway Parcel includes cutting back the right bank and developing a rolling hill landscape. The proposed design would increase flow conveyance through the reach without increasing the elevation of the existing right overbank area. Increasing conveyance lowers velocities throughout the Gateway Parcel reach. Water surface elevations, through the majority of the reach, would be reduced due to the proposed changes. At the Ninth Street Bridge (RM 16.25) however, the water surface would be raised slightly (approximately 0.15 feet) under the proposed **conceptual** grading plan. This increase in water surface elevation would attenuate out by location RM 21 (approximately 1,200 feet downstream of Codoni). The slight increase in water surface elevation in the Tuolumne River (**an increase of less than 0.1 foot**) would ~~have no effect on~~ **not have a significant effect on the water surface elevation of** Dry Creek at its confluence (RM 16.44).

**Page IV-F-15, Mitigation Measure Hydro-3 (b) is revised as follows:**

- b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. ***The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).***

**Page IV-F-16, Mitigation Measure Hydro-5 is revised as follows:**

Mitigation Measure Hydro-5: The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the

amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall be also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. ***The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).*** Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

**Page IV-F-16, Mitigation Measure Hydro-6 (d) is revised as follows:**

- c) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design. ***The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).***



**CHAPTER III. COMMENTS AND RESPONSES**

All comments on the Draft MEIR are listed in Table III-1. Each letter and comment has a letter/number designation assigned for cross-referencing purposes. This list represents all written comments received during the comment period. The verbatim comment letters, and responses to environmental comments raised in those letters are presented.

**Table III-1  
Comments Received on the Draft MEIR**

<b>Letter</b>	<b>Commentor and Agency or Organization</b>	<b>Date</b>
<b>A</b>	California Department of Toxic Substances Control	June 27, 2001
<b>B</b>	California Department of Water Resources	June 27, 2001
<b>C</b>	The Tuolumne River Preservation Trust	July 24, 2001
<b>D</b>	Jeanne Hammond	July 27, 2001
<b>E</b>	California State Lands Commission	July 30, 2001
<b>F</b>	Stanislaus Council of Government (StanCog)	August 1, 2001
<b>G</b>	Federal Emergency Management Agency (FEMA)	August 2, 2001
<b>H</b>	State of California Governor's Office of Planning and Research, State Clearinghouse	August 2, 2001
<b>I</b>	Jeffrey S. Stuart	August 2, 2001
<b>J</b>	California Department of Transportation (Caltrans)	August 6, 2001
<b>K</b>	Modesto Irrigation District	August 7, 2001
<b>L</b>	City of Modesto	August 8, 2001
<b>M</b>	Friends of the Tuolumne, Inc.	August 8, 2001
<b>N</b>	Sierra Club, Yokuts Group, Mother Lode Chapter	August 8, 2001
<b>O</b>	Stanislaus County Environmental Review Committee	August 8, 2001
<b>P</b>	United States Department of the Interior, Fish and Wildlife Service	August 8, 2001

LETTER  
A



Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

Department of Toxic Substances Control

Edwin F. Lowry, Director  
1001 "I" Street, 25<sup>th</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806



Gray Davis  
Governor



June 27, 2001

Fred Allen  
City of Modesto  
1010 Tenth Street, Suite 4400  
Modesto, California 95354

Re: Tuolumne River Regional Park Master Plan

The Department of Toxic Substances Control (DTSC) is in receipt of the environmental document identified above. Based on a preliminary review of this document, we have determined that additional review by our regional office will be required to fully assess any potential hazardous waste related impacts from the proposed project. The regional office and contact person listed below will be responsible for the review of this document in DTSC's role as a Responsible Agency under the California Environmental Quality Act (CEQA) and for providing any necessary comments to your office:

James Tjosvold  
Site Mitigation  
8800 Cal Center Drive  
Sacramento, California 95826-3200

If you have any questions concerning DTSC's involvement in the review of this environmental document, please contact the regional office contact person identified above.

Sincerely,

Guenther W. Moskat, Chief  
Planning and Environmental Analysis Section



A-1

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*

**Letter A      California Department of Toxic Substances Control (DTSC)  
June 27, 2001**

- A-1      The commentor states that DTSC has received the TRRP Master Plan MEIR and identifies the regional office and contact person responsible for the review of the MEIR. This comment is noted. No other letters were received from DTSC concerning the MEIR.

LETTER  
B

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



JUN 27 2001



Mr. Fred Allen  
Parks Planning and Development Manager  
City of Modesto  
1010 Tenth Street, Suite 4400  
Modesto, California 95354

Dear Mr. Allen:

Staff for the Department of Water Resources has reviewed the Draft Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan and has the following comments:

The project as proposed is within the Tuolumne River Designated Floodway and is within the jurisdiction and under the authority of The Reclamation Board. The California Code of Regulations, Title 23, Waters, Article 3, require that a Board permit be obtained before the start of any work including excavation and construction activities on or adjacent to any floodway within the jurisdiction of the Board. Recognizing the scope of your proposed project, the timely filing of an application is strongly recommended to minimize any delays due to the application review and permitting process.



B-1

If you have any questions, please call me at (916) 653-9900, or Sterling Sorenson of my staff, at (916) 653-0402.

Sincerely,

Nader Noori, Chief  
Floodway Protection Section  
Division of Flood Management



**Letter B      California Department of Water Resources  
June 27, 2001**

- B-1      The commentor states that the project is within the Tuolumne River Designated Floodway and is within the jurisdiction and under the authority of the Reclamation Board. The commentor also states that a Board permit is required before the start of any work, including excavation and construction activities on or adjacent to any floodway within the jurisdiction of the Board. Project proponents will file applications for all required permits when detailed grading and construction plans have been developed.

LETTER  
C



July 24, 2001

ABS 7 2001

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Kevin Shelby  
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Eve Sork  
Patricia Sullivan  
Amanda Weaver

SUPPORTING ORGANIZATIONS

Arroyo Abasco  
California Trout, Inc.  
Camp Tanager  
Clarey River  
Preservation Council  
Federation of Fly Fishers  
Friends of Berkeley Camp  
Friends of the Earth  
Friends of the River  
National Audubon Society  
Natural Resources  
Defense Council  
Planning and Conservation  
League  
San Jose Family Circle  
Serra Club  
Trent Watershed  
Tuolumne River Gardens  
Association  
The Wilderness Society

Mr. Patrick Kelly  
Principle Planner  
City of Modesto  
P.O. Box 642  
Modesto, CA 95353

SUBJECT: TUOLUMNE RIVER REGIONAL PARK DRAFT MASTER ENVIRONMENTAL IMPACT REPORT

Dear Mr. Kelly

The Tuolumne River Preservation Trust has reviewed the Draft Master Environmental Impact Report for the Tuolumne River Regional Park (TRRP). We would like to commend your efforts to incorporate features of the Habitat Restoration Plan for the Lower Tuolumne River Corridor and your consideration of flood conveyance. Specific elements that we feel are very beneficial and an improvement to the riparian ecosystem include the riparian trees and vegetation planned to line the river, the 100 acres of riparian forest and wetlands planned for the Carpenter Road parcels, the 185-foot wide riparian restoration corridor in the Gateway parcel, and the outdoor education emphasis of the Legion Park area.

We offer the following comments on other elements of the plan:

**IMPACTS OF NOISE ON WILDLIFE:** The production of noise, both in relation to the amphimeadow and the large special events, is likely to be significant. Many species of wildlife use or potentially use the area for nesting, migrating, and foraging habitat. The Draft MEIR lists 16 threatened, endangered, and special status bird species, 5 mammalian species, and 4 reptilian species that occur or whose habitat occurs in the project area. The effects of noise on these species will extend beyond the immediate area in which the event is being held. These events will occur in 5 - 6 months of the year, making it likely that one or more of the species will be affected in some detrimental way by noise. These impacts need to be evaluated in the Master EIR.

**IMPACTS OF LIGHTING ON WILDLIFE:** The planned lighting for the park, especially that associated with the amphimeadow and special events is a similar concern to noise production. Many birds, mammals, and reptiles are nocturnal and therefore require darkness for foraging, hunting, and nesting. Please describe the potentially significant effects of lighting on birds and wildlife within and outside the project area. Mitigation should include measures to reduce the harmful effects of lighting on wildlife, including groundward-focused fixtures to reduce overall light pollution.

C-1

C-2

C-3

**OTHER BIOLOGICAL CONSIDERATIONS:** Significant Impact Bio-3 describes potentially significant impacts to fish and fish habitat, specifically mentioning steelhead, fall-run chinook salmon, and Sacramento splittail, while omitting other threatened, endangered, and special status fish species, including Kern Brook lamprey, river lamprey, and Pacific lamprey. Please include evaluations of the impacts the overall project and its components on all of these species.

C-4

**TRAFFIC:** Mitigation Measure Traffic-3 states that "additional parking may be required at the Sports Complex" but it does not indicate where that additional parking may be located. Would this take the form of parking garages, more parking lots at the expense of wetland or other habitat, or some other solution? The measure also states "no overflow parking into the adjacent neighborhoods shall be allowed." How will this be accomplished? Will street parking require a permit, which can be obtained only by local residents, or is there some other plan in place to mitigate this potential impact? We feel that increased parking at the expense of habitat and open space is unacceptable and other solutions should be sought.

C-5

C-6

**HYDROLOGIC IMPACTS OF EVENTS:** The hydrologic impacts of events at the amphimeadow, large-special events, and the sports complex needs to be carefully considered in the EIR. Figure F-2 clearly shows that nearly the entire Gateway Parcel lies within the 100-yr floodplain. The proposed amphimeadow, lying at a lower elevation adjacent to Dry Creek, probably is subject to flooding at a much higher frequency than the rest of the Gateway Parcel. Please provide a more detailed flood-frequency analysis of events that would inundate the amphimeadow. We believe that large events that are scheduled for the Gateway Parcel and the amphimeadow, especially those scheduled in the spring and early summer, could have an impact on dam operations upstream. It is conceivable that political pressure to move forward with a scheduled special event or sporting event could result in lower releases from Don Pedro causing problems later in maintaining low flows. We feel that large events of any type should not impact flood control releases from Don Pedro dam.

C-7

C-8

**HYDROLOGIC IMPACTS OF STRUCTURES:** It is stated in the EIR that the TRRP integrates restoration strategies for the sand-bedded zone outlined in the Restoration Plan for the Lower Tuolumne River Corridor (Restoration Plan). A specific objective of the Restoration Plan is to remove rip-rap and berms to allow channel migration within the floodway. Mitigation Measures Hydro-3 and -6 prescribes "erosion control measures" to protect overlook structures, fishing piers, boat docks, and the Pedestrian Bridge over Dry Creek. This is in direct conflict with the Restoration Plan. Please give a more complete evaluation of the potential need for rip-rap and other types of bank stabilization in the EIR. If necessary, amend the EIR so that it no longer includes this as a potential mitigation measure to maintain consistency with the Restoration Plan.

C-9

**HYDROLOGIC IMPACTS OF INCREASED SURFACE RUNOFF:** Contribution of increased surface runoff is not considered in the EIR, in terms of impacts to water surface elevations. There are many planned impermeable surfaces within the TRRP, including the Regional Sports Complex, the Nature Interpretive Center, the Loop Road, and trails. All of these will contribute to increased runoff directly to the Tuolumne River, and therefore increased surface elevations. Please include an analysis of this impact in the EIR. A potential mitigative alternative is to include soft-surfaces for roads and trails, such as cinder, which will allow groundwater infiltration instead of surface runoff. This will also help reduce impacts to surface water quality.

C-10

**HYDROLOGIC IMPACTS OF THE GATEWAY PARCEL:** The Draft EIR states that the proposed design of the Gateway Parcel would raise water surface elevations at the Ninth Street Bridge (River Mile 16.25), which would attenuate out by location to River Mile 21. It also states that this increase in water surface elevation would have no effect on Dry Creek at its confluence. However, the EIR does not provide a description of the analysis that resulted in this finding. We find it untenable that an increase in water surface elevation on the Tuolumne would have no effect on the water surface elevation of Dry Creek given the fact that it would increase out to RM 31 on the Tuolumne.

C-11

**HYDROLOGIC IMPACT OF PEDESTRIAN BRIDGE:** Mitigation Measure Hydro-6 states that the pedestrian bridge shall have adequate clearance above the base floodwater surface elevation, but it does not describe what this floodwater surface elevation is, or the recurrence interval of the flood associated with it. Please include this in the description.

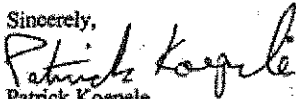
C-12

**ALTERNATIVES:** We feel that in consideration of fish and wildlife that depend on the river and surrounding ecosystem, the alternative of no large special events and no amplified music and noise in the amphimeadow are much preferable to alternatives that include these features. Please consider closely the impacts to fish and wildlife and how to best accommodate environmental needs.

C-13

• Thank you for your consideration of our comments.

Sincerely,



Patrick Koepele  
Central Valley Program Director

**Letter C      The Tuolumne River Preservation Trust  
July 24, 2001**

- C-1      This comment is an introduction to the comment letter. The commentor identifies elements of the plan that they find beneficial to the riparian ecosystem. No specific comments are made on the Draft MEIR. No response is needed.
- C-2      The commentor states that the production of noise, both in relation to the amphimeadow and large special events, is likely to have a significant effect on wildlife and should be evaluated in the MEIR. Special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels at the Dry Creek riparian area from amplification of events held at the amphimeadow and large special events could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed. When detailed plans for the amphimeadow are developed, a more detailed analysis of the potential noise levels at the nearest riparian habitat will be conducted.
- C-3      The commentor states that the lighting for the park, especially that associated with the amphimeadow and special events, could have potentially significant effects on birds and wildlife within and outside the project area. The commentor states that mitigation measures to reduce the harmful effects of lighting on wildlife, should include groundward-focused fixtures to reduce overall light pollution. Page IV-D-25 has been revised in Chapter II of this Final MEIR to respond to this comment. Further clarification has been provided to note that if portable lighting is provided in the amphimeadow or for large special events, it would be groundward-focused to avoid light spillage into riparian habitat.
- C-4      The commentor notes that that Impact Bio-3 describes potentially significant impacts to fish and fish habitat, but does not specifically evaluate potential impacts to Kern Brook lamprey, river lamprey, and Pacific lamprey. The potential adverse impacts to Kern Brook lamprey, river lamprey, and Pacific lamprey would be the same as impacts to the federally-listed fish identified in Impact Bio-3. Mitigation Measure Bio-3 provides for the protection of these species by restricting operation of heavy equipment in the active river channel; use of temporary control measures to prevent sediment-laden runoff from entering the river channel; and restricting construction operations to the summer.
- C-5      The commentor is concerned that Mitigation Measure Traffic-3 states that "additional parking may be required at the Sports Complex" but does not indicate where the additional parking may be located. Implementation of the Regional Sports Complex has been identified in the MEIR as a "subsequent project". When detailed implementation plans are developed, additional environmental

### III. Comments and Responses

review will be required. As described on page I-3 of the Draft MEIR, if the JPA determines, based on an Initial Study, that a proposed subsequent project will have no additional significant effects on the environment that was not identified in the Master EIR, then the JPA shall make a written finding based on the Initial Study that the subsequent project is within the scope of the project covered by the Master EIR. No new environmental documentation or findings shall be required in this case. Conversely, if a finding is made that the proposal may cause a significant environmental effect not studied in the Master EIR, subsequent focused environmental documentation will be prepared.

Mitigation Measure Traffic-3 states that during focused environmental review, the overall parking requirements of the facilities shall be determined and at that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The proposed parking plan, and any proposed parking facilities, would be evaluated further when detailed plans for the Regional Sports Complex are developed.

- C-6 The commentor notes that that Mitigation Measure Traffic-3 states "no overflow parking into the adjacent neighborhoods shall be allowed", and requests information on how this would be accomplished. As noted in response to comment C-5, when detailed plans for the Regional Sports Complex are developed, a parking management plan shall be created which matches the use of the site to the available parking supply. Mitigation Measure Traffic-3 identifies several measures that may be included in the parking management plan to ensure that no parking overflow would occur in the adjacent neighborhoods. The detailed design of the sports complex and proposed parking facilities would be balanced to address expected parking demand. The parking management plan may outline temporary controls, such as temporary parking permits, that may be implemented in case an unusually large event is expected, to ensure overflow from the event would not occur in the adjacent neighborhoods.
- C-7 The commentor states that the Gateway Parcel is located in the 100-year floodplain and the amphimeadow is subject to a higher frequency of flooding than the rest of the Gateway Parcel. The commentor requests a detailed flood-frequency analysis of events that would inundate the amphimeadow. The Master Plan is a conceptual document. The exact location of the amphimeadow has not been determined. Detailed flood-frequency analysis will be conducted during development of grading plans and detailed design for the amphimeadow. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review, including additional hydraulic analysis, will be conducted when detailed plans are developed.
- C-8 The commentor questions whether political pressure to hold special events at the TRRP would result in lower releases from Don Pedro dam, potentially causing problems in maintaining low flows in the Tuolumne River. New Don Pedro dam regulates flows in the stretch of the Tuolumne River by the TRRP. The dam is subject to Federal Energy Regulatory Commission (FERC) relicensing and operation conditions, including minimum streamflow requirements. It is unlikely

that activities in the TRRP would overcome the established FERC streamflow requirements. Some scheduled flow releases could cause flooding conditions at the TRRP. The frequency and duration of typical flow releases from New Don Pedro would be considered when detailed plans for the amphimeadow are developed. Events at the amphimeadow would not be scheduled to conflict with scheduled flow releases from Don Pedro Dam.

C-9 The commentor questions whether the erosion control measures prescribed in Mitigation Measures Hydro-3 and Hydro-6 are in conflict with the Lower Tuolumne River Corridor Restoration Plan, and requests that the MEIR be amended so that it no longer includes the use of rip-rap and other types of bank stabilization. Erosion control measures taken to protect piers and boat launches would not significantly affect the natural river channel migration. Mitigation Measures Hydro-3, Hydro-5, and Hydro-6 have been revised in Chapter II of this Final MEIR to clarify that the most natural bank stabilization approach shall be used for erosion control.

C-10 The commentor requests analysis of the increased surface runoff into the Tuolumne River and subsequent increase in surface elevations from planned impermeable surfaces within the TRRP, including the Regional Sports Complex, the Nature Interpretive Center, the Loop Road, and trails. The commentor recommends ways to allow groundwater infiltration instead of surface runoff. As noted on page IV-F-11 of the Draft MEIR, development on the TRRP site would increase the amount of impervious surfaces, which may generate a small increase in runoff. The increase in runoff is not anticipated to substantially alter the drainage pattern of the site or area. Much of the runoff would be distributed to the "stormwater wetlands" and vegetated swales within the park in order to filter the water before it reaches the river. The detention of stormwater in the constructed wetlands would allow groundwater infiltration. The small increase in runoff from the park is not anticipated to substantially increase surface water elevations during large storm events.

In addition, as noted on page 15 of the Master Plan, the park design presents an opportunity to partially treat the stormwater runoff from adjacent urban and agricultural areas before it enters the river. Because numerous storm drains throughout the area currently empty near the Tuolumne River, this is would improve the current situation.

C-11 The commentor questions the MEIR finding that an increase in water surface elevation on the Tuolumne River due to the proposed design of the Gateway Parcel would have no effect on the water surface elevation of Dry Creek. As noted on page IV-F-12 of the Draft MEIR, the conceptual design and grading plan for the Gateway Parcel would create riparian terraces, changing the configuration of the river bank and resulting in reduced water surface elevations through the majority of the reach. However at the Ninth Street Bridge (RM 16.25), water surface would be raised slightly as water backs up from the bridge piers. This increase in water surface elevation would attenuate out by RM 21 as the river reaches equilibrium and pre-project flow conditions. Using conceptual

### III. Comments and Responses

grading plans, the slight increase in water surface elevation in the Tuolumne River would result in an increase of less than 0.1 foot on the water surface elevation of Dry Creek at its confluence. This would not be a significant effect. Page IV-F-12 has been revised in Chapter II of this Final MEIR to reflect this clarification.

- C-12 The commentor notes that Mitigation Measure Hydro-6 states that the pedestrian bridge shall have adequate clearance above the base floodwater surface elevation. The commentor requests that the MEIR identify what the floodwater surface elevation is in the area proposed for the pedestrian bridge and the recurrence interval of the flood associated with it. The Master Plan is a conceptual plan. The exact location of the pedestrian bridge across Dry Creek has not yet been determined. However, for purposes of the Master Plan, the bridge has been shown to be located approximately 200 feet from the confluence of Dry Creek and the Tuolumne River. According to U.S. Army Corps of Engineers data, the water surface elevation during the 100-year flow at this location is approximately 75 feet National Geodetic Vertical Datum (NGVD)<sup>1</sup>. It should also be clarified that bridge features that accommodate high flows and avoid debris build-up will be considered during detailed design. Examples of such bridge features include break-away anchor bolts, seasonal height adjustments, removable railings, and bridges that can be temporarily removed. Pedestrian bridges are considered a subsequent project and will undergo additional environmental review when detailed plans are available. Pedestrian bridges were inadvertently left out of the list of subsequent projects on Page I-2 of the Draft MEIR. Page I-2 has been revised in this Final MEIR to correct this omission.
- C-13 The commentor states their opinion that the alternative of no large special events and no amplified music and noise in the amphimeadow is preferable when considering fish and wildlife. This comment is noted for the record.

---

<sup>1</sup> NGVD is approximately equivalent to Mean Sea Level.

LETTER  
D

REGISTRY

AUG 8 2001

27 July 2001  
Mr. Patrick Kelly  
Principal Planner  
City of Modesto  
P.O. Box 642  
Modesto, CA 95353

Dear Mr. Patrick Kelly,

I am writing to comment on the Tuolumne River Regional Park Master Plan EIR. The comments I have are in regard to the Biological Resources section, specifically on the potential for noise impacts resulting from ongoing noise disturbances associated with the proposed amphimeadow. The EIR should address any potential for noise impacts related to wildlife resulting from the amphimeadow used for periodic events (cited as approximately 10 per year per Jim Niskanen). The EIR states that there is potential nesting habitat for raptors on site, including Swainson's Hawk, a state-listed threatened species. Short-term construction-related impacts to nesting raptors have been addressed in the EIR. The potential for long-term periodic noise impacts resulting from scheduled amplified events at the amphimeadow could affect nesting raptors (during the breeding season). Siting for the amphimeadow and choice of a 250-person (no amplification) versus 3,000-person (amplification) venue should take into consideration proximity to wildlife habitat.



D-1

D-2

Thank you for your time and consideration,

Jeanne Hammond  
PRBO Biologist  
4990 Shoreline Highway  
Stinson Beach, CA 94970  
510.849.3405

### III. Comments and Responses

**Letter D      Jeanne Hammond  
                         July 27, 2001**

- D-1    The commentor requests that the potential for noise impacts to wildlife resulting from the use of the amphimeadow, and specifically, the long-term periodic noise impacts to nesting raptors (during the breeding season) resulting from scheduled amplified events, should be addressed in the MEIR. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review, including analysis of the potential effects on nesting raptors, will be conducted when detailed plans are available. The increase in noise levels at the Dry Creek riparian area from amplification of events held at the amphimeadow and large special events could potentially affect wildlife species, including nesting raptors. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed.
- D-2    The commentor states that siting and design of the amphimeadow, including the choice between a 250-person (no amplification) versus 3,000-person (amplification) venue, should take into consideration proximity to wildlife habitat. This comment is noted for the record.

STATE OF CALIFORNIA

GRAY DAVIS, Governor

CALIFORNIA STATE LANDS COMMISSION  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
California Relay Service From TDD Phone 1-800-735-2922  
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1868  
Contact FAX: (916) 574-1885

July 30, 2001

File Ref: SD 2000-08-17.1

Mr. Fred Allen  
Parks Planning and  
Development Manager  
City of Modesto  
1010 Tenth Street  
Suite 4400  
Modesto, CA 95353



Dear Mr. Allen:

Staff of the California State Lands Commission (CSLC or Commission) has reviewed the proposed Tuolumne River Regional Park (TRRP) Master Plan, SCH#2000022028. The CSLC is a responsible agency under the California Environmental Quality Act. Based on this review, we offer the following comments.

Jurisdiction

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests in areas that are subject to tidal action are generally based upon the ordinary high water marks of these waterways as they last naturally existed. In non-tidal navigable waterways, the State holds a fee ownership in the bed of the waterway between the two ordinary low water marks as they last naturally existed. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the Public Trust. The State's sovereign interests are under the jurisdiction of the State Lands Commission.

It appears that the proposed project involves the Tuolumne River which is State sovereign land under the jurisdiction of the State Lands Commission. Any activities involving the Tuolumne in this location are subject to the Commission's leasing jurisdiction. Please contact Diane Jones, Public Land Management Specialist, at 916-574-1843.

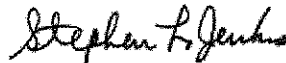


Mr. Fred Allen  
July 30, 2001  
Page 2

Commission staff are pleased that the City is interested in restoring a continuous, native riparian corridor along the length of the Tuolumne River and we look forward to working with the City on various components of this Master Plan.

We appreciate the opportunity to comment on the proposed Master Plan.

Sincerely,



Stephen L. Jenkins, Assistant Chief  
Division of Environmental  
Planning and Management

cc: Diane Jones



E-2

**Letter E      California State Lands Commission  
July 30, 2001**

- E-1    The commentor states that the proposed project involves the Tuolumne River which is State sovereign land under the jurisdiction of the State Lands Commission and that any activities involving the Tuolumne in this location are subject to the Commission's leasing jurisdiction. The California State Lands Commission will be contacted prior to implementation of activities along the Tuolumne River.
  
- E-2    The commentor states that the State Lands Commission is pleased that the TRRP Master Plan includes restoring a continuous, native riparian corridor along the Tuolumne River. This comment is noted.

LETTER  
F



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 • County of Stanislaus

August 1, 2001

Mr. Fred Allen  
Parks, Planning and Development Manager  
City of Modesto  
Recreation and Neighborhoods Department  
1010 10th Street, Suite 4400  
Modesto, CA 95353



Re: Tuolumne River Regional Park (TRRF)

Dear Mr. Allen:

Thank you for providing StanCOG the opportunity to comment on the aforementioned project. StanCOG believes this project may have an adverse impact on the environment and requests that a Transportation Management Plan be developed to address the following comments.

F-1

**Regional Plans** The effect on regional plans must be addressed as noted in the CEQA Guidelines, Sections 15063(d)(5) and 15125(d).

2001 StanCOG Bicycle Action Plan: Bicycles are an important asset to the circulation within Stanislaus County and the City of Modesto. Currently, bicycles are not included in the Transportation and Circulation element as a mode of transportation within the Draft Master Environmental Impact Report. Bicycles offer a clean alternative to automobiles by aiding the overall air quality of the region.

F-2

If the project is not consistent with adopted regional plans, StanCOG would consider this to be a significant impact, requiring mitigation. Requiring modifications in the project that would cause the project to be consistent with adopted regional plans would eliminate any potential impact.

Although there is no statutory requirement to consider regional plans that are currently under way, the City may wish to do so. These plans include:

- Central Stanislaus Freight Study: StanCOG is currently in the process of developing recommendations for improved access and mobility throughout the County. This study includes a project which could significantly alter the Tuolumne Boulevard Interchange either through modifications to the

F-3

interchange. Additionally, Caltrans District 10 should be contacted with regards to congestion on the State Highway System during large special events and shows at the Amphimeadow. The Study is scheduled to be adopted in July 2001 and incorporated into the 2001 Regional Transportation Plan and EIR by December 2001.



F-4

Please call StanCOG at (209) 558-7830 if you should have any questions.

Regards,

A handwritten signature in black ink, appearing to read 'Debra A. Whitmore', written over a horizontal line.

Debra A. Whitmore  
Senior Planner

cc: Helen Wang, City of Modesto  
Carlos Yamzon, Caltrans District 10

dlron  
v:\data\lfrant\referrals

**Letter F Stanislaus Council of Government (StanCOG)  
August 1, 2001**

- F-1 The commentor states that the project may have an adverse impact on the environment and requests that a Transportation Management Plan be developed to address the following comments (F-2, F-3, F-4). No response is needed for this introductory paragraph. Specific comments are addressed for comments F-2, F-3, F-4.
- F-2 The commentor notes that the Transportation and Circulation element within the Draft MEIR does not include bicycles as a mode of transportation, and the effect on regional plans, including the 2001 StanCOG Bicycle Action Plan should be considered in the MEIR. The 2001 StanCOG Bicycle Action Plan and the TRRP Master Plan share common goals of encouraging the use of bicycles as a mode of transportation. Bicycles offer a clean alternative to automobiles by aiding the overall air quality of the region. The TRRP Master Plan supports the extension of regional bikeways. The Master Plan would create a network of Class I (off-street) bicycle and pedestrian paths that would be an alternative means of transportation. As noted on page 9 of the Master Plan, The TRRP would include a paved pedestrian and bicycle path, linking the Dry Creek parkway, the Hetch Hetchy right-of-way, and other greenways in the area, existing and planned. Circulation patterns on the Gateway Parcel would be predominately oriented towards pedestrian and bicycle travel.
- F-3 The commentor notes that the Central Stanislaus Freight Study includes a project that could significantly alter the Tuolumne Boulevard Interchange. The Central Stanislaus Freight Study identifies various alternatives to improve the movement of freight through Central Stanislaus County. The Study was adopted July 2001 and the alternatives identified in the Study will be incorporated into the regional transportation plan, which is expected to be adopted December 2001. It has been noted in the Study that some of the alternatives under consideration could affect the Tuolumne Boulevard Extension and thus may hinder access to the Gateway Parcel. It is not known at this time when an alternative would be selected for implementation. The status of the Central Stanislaus Freight Study alternative selection will be considered when detailed designs are developed for the Gateway Parcel. If the Tuolumne Boulevard Extension project changes in response to the Central Stanislaus Freight Study, then the access plans to the Gateway Parcel would be altered as necessary.
- F-4 The commentor states that Caltrans District 10 should be contacted with regards to congestion on the State Highway System during large special events and shows at the amphimeadow. As noted in Mitigation Measure Traffic-1 and Traffic-2, on pages IV-A-23 and 24 of the Draft MEIR, a traffic management plan shall be created which identifies ways to reduce congestion during special events and the amphimeadow and from large special events. Caltrans District 10 will be contacted during the development of the traffic management plans to identify measures to reduce potential congestion on the State Highway system during these events.

LETTER  
G



# Federal Emergency Management Agency

Washington, D.C. 20472

AUG 02 2001



Mr. Fred Allen  
Parks Planning and Development Manager  
Recreation and Neighborhoods Department  
City of Modesto  
1010 Tenth Street, Suite 4400  
P.O. Box 642  
Modesto, CA 95353

Dear Mr. Allen:

With a letter dated June 14, 2001, you submitted to the Federal Emergency Management Agency (FEMA) a copy of the report entitled *Draft Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan*, prepared by EDAW, Inc., dated May 2001. You asked FEMA to review the information and submit comments on the proposed construction projects for the Cities of Modesto and Ceres and Stanislaus County, California, that are outlined in the draft Master Environmental Impact Report (MEIR). The draft MEIR describes new construction, grading, and stream habitat restoration associated with creation of the Tuolumne River Regional Park. The improvements are intended to enhance the natural environment and provide new educational and recreational opportunities along the Tuolumne River.

G-1

According to the draft MEIR, the proposed project will be constructed entirely within the effective Special Flood Hazard Area (SFHA), the area subject to inundation by the base (1-percent-annual-chance) flood, and within portions of the effective regulatory floodway along the Tuolumne River. The project area is shown on Panels 060387 0015 D and 0020 D of the effective Flood Insurance Rate Map (FIRM) for the City of Modesto, California, dated May 7, 2001, and on Panels 060384 0290 B, 0485 B, 0505 B, and 0510 B of the effective FIRM for the unincorporated areas of Stanislaus County, California, also dated May 7, 2001. According to the draft MEIR, the City of Ceres will also be affected by the proposed project. Although the City of Ceres participates in the National Flood Insurance Program (NFIP), the community has not been mapped.

According to the draft MEIR, the proposed alternative projects presented in the MEIR will have a negligible impact on flood hazards along the Tuolumne River. However, the information submitted to FEMA was not sufficient to confirm this statement. Although all the proposed project alternatives would involve construction and grading activities within the SFHA, the draft MEIR includes proposed plans to mitigate any increases in Base Flood Elevations (BFEs) that would result from the project. Development may take place within the SFHA provided that it is in compliance with local floodplain ordinances, which must meet the minimum NFIP requirements as specified in Section 60.3 of the NFIP regulations. Development within the regulatory floodway must conform to NFIP regulations that prohibit any encroachment that would increase BFEs within the community by more than 0.0 foot.

G-2

If officials of the City of Modesto or Stanislaus County determine that the BFEs or SFHA or floodway boundary delineations will be affected as a result of the proposed project, they must submit the appropriate scientific or technical data in accordance with the requirements of Part 65 of the NFIP regulations and request revision(s) to the affected flood maps. Section 65.3 of the NFIP regulations requires that a community submit the data as soon as practicable, but no later than 6 months after the data becomes available to the community.

This letter constitutes FEMA's comments on the proposed project described in the draft MEIR. Thank you for the opportunity to review this proposed project. If you have any questions regarding this matter, please contact me, either by telephone at (202) 646-3843 or by facsimile at (202) 646-4596.



G-3

Sincerely,

A handwritten signature in black ink, appearing to read "Max H. Yuan".

Max H. Yuan, P.E., Project Engineer  
Hazards Study Branch  
Hazard Mapping Division

For: Matthew B. Miller, P.E., Chief  
Hazards Study Branch  
Hazard Mapping Division

**Letter G      Federal Emergency Management Agency (FEMA)  
August 2, 1001**

- G-1    The commentor provides a brief description of the Master Plan and identifies the location of the project site on applicable Flood Insurance Rate Maps (FIRM) for the City of Modesto and Stanislaus County. This is an introduction to the comment letter, no response is needed.
  
- G-2    The commentor notes that development in the 100-year floodplain must comply with National Flood Insurance Program (NFIP) requirements and local floodplain ordinances. The commentor states that if the base flood elevations floodway boundary delineations would be affected as a result of the proposed project, then the appropriate scientific or technical data and flood map revision(s) must be submitted to FEMA. When detailed grading and construction plans are developed, the JPA would submit the required data and flood map revision requests to FEMA, if necessary, prior to project construction.
  
- G-3    The commentor concludes the comment letter. No response is required.

LETTER  
H



Gray Davis  
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



Steve Niswani  
DIRECTOR

August 2, 2001

Fred Allen  
City of Modesto  
1010 Tenth Street, Suite 4400  
Modesto, CA 95354



Subject: Tuolumne River Regional Park Master Plan  
SCH#: 2000022028

Dear Fred Allen:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 1, 2001, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 443-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 TENTH STREET, P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
916-443-0611 FAX 916-323-5018 WWW.OPR.CA.GOV/CLEARINGHOUSE.HTML

H-1

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2000022028  
**Project Title** Tuolumne River Regional Park Master Plan  
**Lead Agency** Modesto, City of

**Type** EIR Draft EIR  
**Description** The Tuolumne River Regional Park Master Plan is a land use vision and framework for improvements that will create a regional river-front Park approximately 500 acres in size along the Tuolumne River and south of downtown Modesto.

**Lead Agency Contact**

**Name** Fred Allen  
**Agency** City of Modesto  
**Phone** 209 577-5353  
**email**  
**Address** 1010 Tenth Street, Suite 4400  
**City** Modesto **State** CA **Zip** 95354

**Project Location**

**County** Stanislaus  
**City** Modesto  
**Region**  
**Cross Streets** Carpenter and Mitchell Roads  
**Parcel No.** various  
**Township** 4S **Range** 9E **Section** 2, 7 **Base**

**Proximity to:**

**Highways** 99, 108 and 132  
**Airports** Modesto City/County  
**Railways** UP, Modesto & Empire Traction Co  
**Waterways** Tuolumne River  
**Schools**  
**Land Use** Open Space/Low Density Residential.

**Project Issues** Air Quality; Archaeologic-Historic; Flood Plain/Flooding; Drainage/Absorption; Noise; Schools/Universities; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 10; Department of Housing and Community Development; Department of Health Services; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Integrated Waste Management Board

**Date Received** 06/18/2001 **Start of Review** 08/18/2001 **End of Review** 08/01/2001

Note: Blanks in data fields result from insufficient information provided by lead agency.

III. Comments and Responses

**Letter H      State of California Governor's Office of Planning and Research,  
State Clearinghouse  
August 2, 2001**

- H-1      This letter acknowledges that the TRRP Master Plan MEIR was submitted to the State Clearinghouse and the document has been distributed to the listed agencies and departments. This letter is noted, no response is needed.

Mr. Patrick Kelly  
Principal Planner  
City of Modesto  
P.O. Box 642  
Modesto, CA 95353

AUG 7 2001

August 2, 2001

Dear Mr. Kelly:

I have reviewed both the Master Plan for the TRRP and the Draft Master Environmental Impact Report for the TRRP. There are a few topics that I have identified as having potential problems. I will address these problems and provide my suggestion for their solutions.

In the proposed configuration for the Gateway Parcel, the planned pathways will bisect the meadow in numerous locations, which will in effect cut up the continuity of the meadow and lessen it's potential for bird and wildlife habitat. Intrusion by park visitors walking through the meadow during spring nesting periods will potentially disturb any ground nesting or low shrub nesting bird species near these pathways. Likewise, the continuity of small mammal traveling corridors between bedding and foraging sites will be disrupted by the pathways and human contact.

I suggest that the pathways be situated to maximize long corridors of meadow grasses and shrubs which are not transected by the pathways. This would benefit the habitat while also allowing visitors to view the wildlife, albeit from a further distance than currently proposed.

Secondly, the proposal to have large events in the Gateway parcel (~10,000 - 15,000 people) will likely have detrimental effects on the quality of the habitat for birds and other wildlife. Further degradation of the habitat is also likely from the amount of post event refuse left behind by the crowds.

I recommend that strict controls be implemented to minimize the crowds from entering into sensitive meadow and riparian sections. This would minimize trampling of vegetation and associated wildlife habitat which would otherwise be damaged with uncontrolled access.

A viable alternative to the creation of large parking lots at the Gateway parcel and sports complex would be to utilize satellite parking and establish a shuttle bus service. This would minimize traffic congestion at the park, improve air quality, and retain the aesthetic appeal of the park.

I propose that if event shuttle buses (utilizing current City buses) are used to ferry event goers from parking structures downtown or from nearby vacant lots used for temporary parking, local congestion around the TRRP would be minimized and better crowd control could be enforced. Such procedures have been used effectively in beach communities for years. Furthermore, if bicycle paths were to be extended not only along the river as planned, but also into the surrounding communities and further east along Dry Creek and into it's neighborhoods, vehicular traffic might be reduced by making bicycling into the park a more attractive and viable alternative. Such bicycle paths have been used in communities like Davis and Stanford, CA to decrease vehicular traffic within the community during special events like football games and concerts.

Finally, in the Master EIR, section IV D (e), comments are made regarding impacts of the floodplain recontouring. The suggestion that the long term benefits of the project outweigh the possible (and most likely probable) negative short term impacts begs the question of the real and detrimental effects that will happen in the short term. Increased solar irradiation on the water surface from the removal of shade providing riparian trees will increase water temperatures in sensitive shallow



I-1

I-2

I-3

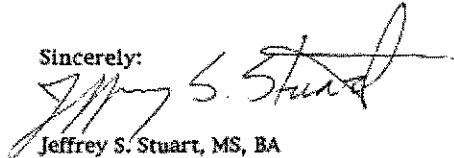
I-4

water habitats on the north bank of the Tuolumne River. This will potentially make the near shore habitat unusable for emigrating fry and smolts due to increased water temperatures and lack of overhead coverage from predators. Influx of nutrients from overhanging vegetation and leaf fall will be eliminated until the "new" riparian corridor has become established. This reduction in allochthonous inputs will decrease productivity of micro- and macroinvertebrates in this reach dependent on this nutrient source for growth. Furthermore, following recontouring, the banks will be essentially denuded of vegetation and will become a source of silt during runoff events even with protective barriers in place. Additional erosion of the river banks will probably occur due to the loss of stabilizing root systems from riparian vegetation.

To mitigate these negative impacts, I suggest that the recontouring be done in stages along the TRRP reach and that any large woody debris be placed along the banks of the Tuolumne River in bundles or mats. With proper placement, the mats and bundles will provide much needed protective habitat and velocity refuges for juvenile salmon during their outward migration. Additionally, the brush piles will also serve as excellent habitat for aquatic invertebrates which will then be available to the salmon juveniles and smolts to feed on. Furthermore, with appropriate placement, the mats and bundles can be used to direct the river flow into a more natural channel, thus providing a deeper main channel with bend pools for adult salmon to hold in during their spawning run upstream. Currently, the Tuolumne River in the sand bed reach is a relatively broad and shallow river. The river channel could be recontoured using the woody debris from the riparian/ floodplain grading to make a more "fish friendly" low water channel with a more complex and diverse habitat. With proper attention to the river's hydraulics, the "waste" from the floodplain recontouring could be used to enhance the instream aquatic habitat and provide an environmentally beneficial alternative to the current plans.

I believe that my recommendations deserve consideration during the review and comment period. The suggestions I have offered will hopefully be used to enhance the plans for the TRRP and maximize the potential for this project. If implemented in a thoughtful and responsible manner, the Tuolumne River Regional Park can live up to it's goals and enhance the lives of the people and wildlife that come into contact with it.

Sincerely:



Jeffrey S. Stuart, MS, BA  
Aquatic Biologist  
1108 Wickford Circle  
Modesto, CA 95355

I-4  
I-5  
I-6  
I-7

**Letter I      Jeffrey S. Stuart**  
**August 2, 2001**

- I-1      The commentor is concerned that the planned pathways in the Gateway Parcel would bisect the meadow in numerous locations, which will lessen it's potential for bird and wildlife habitat. The majority of the Gateway Parcel site currently consists of disked open land, providing little valuable habitat for wildlife. Implementation of the TRRP Master Plan would improve the habitat value for wildlife throughout the park, including the Gateway Parcel. The planned riparian restoration work and increased vegetation on the site would greatly enhance existing aquatic and terrestrial habitat, attracting more wildlife to the park. Specifically the planting of wildflower meadows, new groves of native trees, and restoration of the native riparian corridor in the Gateway Parcel would result in an improvement in habitat value for wildlife. A thin strip of riparian vegetation and stand of valley oaks that currently exists along the Tuolumne River and Dry Creek would be protected and enhanced. Although the proposed location of trails through the meadow in the Gateway may result in some disturbance to wildlife, the TRRP Master Plan would result in a net increase in habitat value.
- I-2      The commentor is concerned that large special events in the Gateway parcel and the amount of post-event refuse left behind by the crowds would have detrimental effects on the quality of the habitat for birds and other wildlife. The commentor recommends strict controls be implemented to minimize the crowds from entering into sensitive meadow and riparian sections. As noted in response to comment I-1, implementation of the TRRP Master Plan would result in better quality habitat for wildlife. During special events, people would generally be confined to areas designated for recreational use. While some people may stray in sensitive habitat areas, it would not have a significant effect on wildlife species or habitats. Event organizers would be responsible to event maintenance and required to clean-up any refuse left by people attending the event.
- I-3      The commentor recommends the use of satellite parking and shuttle bus service to events held in the TRRP and the extension of bicycle paths into the surrounding communities to reduce traffic. The TRRP Master Plan supports the use of alternative means of transportation to access the park. As noted in Mitigation Measure Traffic-4 and Mitigation Measure Traffic-5 on page IV-A-25 of the Draft MEIR, an event parking management plan shall be created prior to events held at the amphimeadow and large special events in the Gateway Parcel. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. The Master Plan also encourages the use of bicycles as a mode of transportation. A network of Class I (off-street) bicycle and pedestrian paths would be constructed in the TRRP. The Master Plan supports the extension of regional bikeways in the surrounding communities. However, extension of bikeways outside of the TRRP site is outside the scope of the Master Plan, and thus is not studied further in the MEIR.

### III. Comments and Responses

- I-4 The commentor is concerned about the short-term detrimental effects of the removal of shade, and subsequent increase in water temperatures, from floodplain recontouring on emigrating fry and smolts. As noted on page IV-D-27, although reduced stream shading has the potential to result in increased water temperatures, this is considered unlikely in the TRRP area because removal of riparian vegetation as a result of project construction and bank restoration would be confined to a few specific locations on the north bank of the Tuolumne River and the west bank of Dry Creek. The north bank of the Tuolumne River, because of the angle to the sun (due to latitude) and the east-west orientation of the Tuolumne River, generally does not provide as much shade to the channel as vegetation on the south bank. Therefore, no significant adverse water temperature impacts are expected.
- I-5 The commentor is concerned that the influx of nutrients from overhanging vegetation and leaf fall would be eliminated during floodplain contouring, thereby reducing the productivity of micro-and macro-invertebrates in this reach of the river. As noted on page IV-D-27, because ample overhead cover, and the nutrients provided by it to aquatic organisms, would be available to these species in adjacent areas where riparian vegetation remained undisturbed, impacts would not be considered significant. No mature oaks will be removed during implementation of the TRRP Master Plan.
- I-6 The commentor is concerned that that during bank recontouring, the banks would be denuded of vegetation and would become a source of silt during runoff events even with protective barriers in place. The commentor recommends several measures to reduce these negative impacts. Mitigation Measures Hydro-3, Hydro-5, and Hydro-6 have been revised in Chapter II of this Final MEIR to clarify that where feasible, the most natural bank stabilization approach shall be used for erosion control. Mitigation Measure Bio-3 on page IV-D-31 of the MEIR, includes measures to prevent sediment-laden runoff from entering the river channel and requires that the project proponents consult with NMFS and USFWS under Section 7 of ESA to ensure impacts to sensitive fish species are less-than-significant.
- I-7 The commentor requests that the recommendations provided in the comment letter be considered to enhance the plans for the TRRP. The measures recommended by the commentor are noted for the record and have been incorporated where appropriate.

LETTER  
J

August 6, 2001

**STA-99-PM-R14.927  
Notice of Completion  
Draft Environmental Impact Report  
Tuolumne River Regional Park  
Master Plan  
SCH # 200022028**

Fred Allen  
City of Modesto  
Recreation and Neighborhoods  
Parks Planning Division  
1010 10<sup>th</sup> St., Suite 4400  
Modesto, CA 95354

Dear Mr. Allen

Thank you for the opportunity to review the above-referenced document, notice of completion of a draft environmental impact report for the Tuolumne River Regional Park Master Plan which is located between Mitchell and Carpenter Roads in the Modesto Urban Area.

Transportation Planning has circulated these documents through our normal interdepartmental review process and we have the following comment on this project.

The Environmental Branch has the following comments:

- It has come to our attention that if the Master Plan is concluded as is, Section 4f issues within the Department of Transportation Act may arise. State Route 999 passes over the proposed park and bike path. There is no provision, at this time, which addresses the necessity for bridge construction work and temporary construction access. The City of Modesto, Stanislaus County, and the City of Ceres will also have to consider these restrictions if FHWA funding is used to construct their bridges.
- A possible solution would be to identify the bridge rights-of-way for transportation. This would document the joint planned use of the land by the County and Cities as well as the park.

The Traffic Operations/Safety Branch has the following comments:

- Caltrans requests the proponent provide a traffic study for this project. Additional comments will be made by Caltrans to determine any mitigation for impacts created by the proposed development.

If you have any questions or concerns regarding this project, please contact John E. Williamson of my staff at (209) 948-7936 or email john\_e\_williamson@dot.ca.gov.

J-1  
J-2

### III. Comments and Responses

**Letter J California Department of Transportation (Caltrans)  
August 6, 2001**

- J-1 The commentor is concerned that there is no provision, at this time, that addresses the necessity for bridge construction work and temporary construction access by Caltrans. The commentor recommends that the bridge rights-of-way for transportation be identified. The Master Plan does not preclude Caltrans' access for bridge construction work. Although bridge rights-of-way have not been identified, the JPA acknowledges that Caltrans may need access to the bridge for construction and maintenance activities. Caltrans will be consulted when detailed construction plans are developed to ensure adequate access is provided for bridge maintenance.
- J-2 The commentor requests the proponent provide a traffic study for this project. A traffic analysis was conducted to assess the potential impacts to traffic and circulation that would result from implementation of the Master Plan. Potential impacts and mitigation measures are identified on pages IV-A-15 through IV-A-26 of the MEIR.

LETTER  
K



1231 Eleventh St.  
P.O. Box 4060  
Modesto, CA 95352  
(209) 528-7373

August 07, 2001

City of Modesto  
Recreation and Neighborhoods  
Department  
P. O. Box 642  
Modesto, CA 95353



Regarding: Tuolumne River Regional Park Master Plan

Thank you for giving the District the opportunity to comment

**ELECTRICAL:**

No apparent impacts for the Electrical Division

**IRRIGATION:**

MID Water Division's primary concern with the Tuolumne River Region Park is the Proposed construction of facilities within the 100-year floodplain. Two of the major facilities within this area included the Amphimeadow and the Sports Complex. The draft MEIR devotes a great deal of time and effort in discussing the facility impacts and the City's plan to mitigate these impacts. MID has reviewed the City's EIR comments and feels the construction issues are adequately covered. However, two items should be noted as the City moves to finalize their EIR. First is the minimum flow of Dry Creek noted in the third paragraph on Page IV-F-4. Our records for this DWR gage show the maximum flow record to be 7710 cfs and occurring December 23, 1955. The second item pertains to the maximum operating flows in the Tuolumne River at Modesto. Historically the maximum flow measured at the Ninth Street Bridge under normal conditions is 9000 cfs. Currently the Army Corps of Engineers and Department of Water Resources are conducting the Sacramento-San Joaquin River Basins Comprehensive Study. As part of this study, modifications to reservoir operations are being considered. This re-operation could result in the doubling of the allowable flood releases from Don Pedro during flood operations. A maximum release of 15,000 to 18,000 cfs is possible and should be used as a guide in the placement of any permanent facilities and equipment.

K-1  
K-2  
K-3

**DOMESTIC WATER:**

No comments at this time.



K-4

8-7-01  
Date

*Beverly Hatcher*  
Beverly Hatcher  
Risk and Property Analyst

**Letter K Modesto Irrigation District  
August 7, 2001**

- K-1 The commentor states that the TRRP Master Plan proposes construction of facilities within the 100-year floodplain and notes that the construction issues are adequately covered. This comment is noted.
- K-2 The commentor states that the maximum flow recorded for Dry Creek was 7710 cfs, occurring December 23, 1955. The MEIR has been revised in Chapter II of this Final MEIR to reflect this comment.
- K-3 The commentor provides information about modifications to the reservoir operations currently being considered in the Sacramento-San Joaquin River Basins Comprehensive Study. The commentor notes the potential change in the maximum allowable flood releases from Don Pedro dam during flood operations and recommends it be used as a guide in the placement of any permanent facilities and equipment. Any future facility siting under the Master Plan will use the best available information on current and planned operations of Don Pedro dam. Facility siting would take into consideration changes in dam operations that could change the areas designated in the 100-year floodplain or floodway.
- K-4 The commentor notes that they have no comments on the issue of domestic water at this time. No response is needed.

LETTER  
L

CITY OF MODESTO  
MEMORANDUM

Date: August 8, 2001

To: Fred Allen, Parks Planning and Development manager  
From: Helen Wang, Transportation Planner *HW*  
Subject: Draft Master EIR for the Tuolumne River Regional Park Master Plan

Thank you for the opportunity to review the above-mentioned Draft MEIR dated May 2001. My comments are as follows:

1. Some numbers in Figure A-2 and Table A-7 Existing Plus Tuolumne River Regional Park Traffic Volumes do not match. Figure A-3 and Table A-9 also need to be matched.
2. Table A-5. Regional Sports Complex Trip Generation. This table only assumes weeknight practices. Weekday practices and weekday games with spectators should be included. City Stockton has a regional four-diamonds softball field. It has three games a day on each of the four fields, on all five weekdays. They also have many weekend games. A similar frequency usage should be assumed for the Regional Sports Complex in Modesto in the future Focused EIR.
3. Table A-5. Trip generation assumed for "Saturday Soccer Games on one field (30 players)" seems too low. The traffic impact study assumes that a soccer game would generate 23 in-trip and 9 out-trips before the game and assumes the same numbers of trips after the game. It sees as if no spectators are assumed for the game. Since one field will be a tournament level play field with bleachers, a large number of spectators could be expected. The future focused EIR traffic impact study should analyze games with spectators.
4. With the TRRP development, what is its impact on SR-99/Tuolumne Blvd. ramp intersection. What kinds of traffic control are needed there? The MEIR traffic impact study needs to address the issue.

L-1  
L-2  
L-3  
L-4

cc: Firoz Vohra, Traffic Engineer



3 of 3

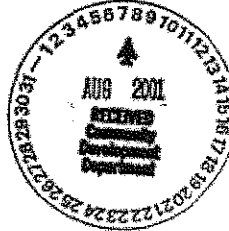
**Letter L**      **City of Modesto**  
**August 8, 2001**

- L-1      The commentor notes that some numbers in Figure A-2 and Table A-7 and Figure A-3 and Table A-9 do not match. The traffic volumes forecasts presented in these tables and figures in the Draft MEIR were inconsistent. Values in the figures were rounded off and values in the tables were not. During the traffic analysis, traffic volumes were generated for each segment of a roadway. For simplification purposes, the figures and tables present one value for the entire roadway rather than present values for each segment of the roadway. In some cases, the values presented in the tables and figures were taken from different segments of the roadway. The analysis for the traffic and circulation chapter were based on the volumes generated for each segment, and not on the simplified figures presented in the tables and figures. The values presented in the two tables have been changed in Chapter II of this Final MEIR to correspond to those in the figures. These changes do not affect the analysis conclusions, impacts or mitigation measures.
- L-2      The commentor states that Table A-5 does not assume weekday games and practices at the Regional Sports Complex. The commentor recommends that the frequency of usage assumed for the Regional Sports Complex should be three games a day on five week days in the future Focused EIR. As described on page IV-A-10 of the Draft MEIR, the extent of organized activities at the Sports Complex has not yet been determined. The Sports Complex has been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are developed for the Regional Sports Complex.
- L-3      The commentor states that they believe the trip generation assumed for "Saturday Soccer Games on one Field" (30 players) seems too low and recommends the future focused EIR traffic impact study should assume more spectators attending the games. Please see response to comment L-2. Additional environmental review will be conducted when detailed plans for the Sports Complex are developed, and specifically, when the number and types of fields are determined.
- L-4      The commentor requests that the MEIR traffic impact study address the potential impact on SR-99/Tuolumne Blvd. ramp intersections with implementation of the TRRP Master Plan. Implementation of the proposed Master Plan could potentially impact the SR-99/Tuolumne Boulevard ramp intersection during large special events. As noted in Mitigation Measure Traffic-1 and Traffic-2, on pages IV-A-23 and 24 of the Draft MEIR, a traffic management plan shall be created which identifies ways to reduce congestion during special events at the amphimeadow and from large special events. Caltrans District 10 will be contacted during the development of the traffic management plans to identify measures to reduce potential congestion on the State Highway system and ramp intersections during these events.

**FRIENDS OF THE TUOLUMNE, INC.**

2412 Hilo Lane  
Ceres, CA 95307  
(209) 537-5628

Working for the Benefit of the River  
[dboucher@netfeed.com](mailto:dboucher@netfeed.com)



August 8, 2001

Mr. Patrick Kelly  
Principal Planner  
City of Modesto  
P.O. Box 642  
Modesto, CA 95353

Dear Mr. Kelly:

Based on our review of the Draft Master Environmental Impact Report for the Tuolumne River Regional Park, we have these comments:

Although the noise from the proposed amplified sound is studied for its impact on people, no report was made on its impact on resident and feeding wildlife. Per Jim Niskanen, 10 or more events each year are expected. Therefore, although the impact may be short-term for each event, the cumulative impact must be analyzed. When the numerous events are scheduled during the nesting, chick-raising, and feeding seasons, the cumulative impacts must be considered.

Because the use is expected to be frequent, the study must also include the impact from night lights on the nesting and chick-raising birds, and nocturnal animals.

What consideration was given to reducing these impacts by curtailing amplified sound and night lights so that by dusk the park becomes more compatible with wildlife needs? By encouraging wildlife, the natural aspect of the park will be protected for users seeking an opportunity to enjoy the wildlife. A discussion of the impacts reducing the enjoyment for passive users (walkers, picnickers, and bicyclers) needs to be included.

Pollution from the amphimeadow was not discussed. Fertilizer and pesticides used to maintain the amphimeadow (so that sitting will be pleasurable) must be studied. The amphimeadow is so close to Dry Creek that the designed riparian buffer will not be adequate to filter out pollution and prevent its contamination of Dry Creek and, therefore, the Tuolumne River. Also, has any necessary

- M-1
- M-2
- M-3
- M-4
- M-5

mosquito abatement been studied as to its effect on birds and mammals that feed on mosquitos? Will irrigation water kill the resident oak trees that are targeted for retention?

M-5  
M-6

The loop road was treated as a "given." However, the plan is incomplete unless a "none" or reduced alternative is given for the loop road. Other configurations, or no loop road are alternatives that were frequently requested at the public workshops. The EIR should respect the public concern and address the alternatives. Chapter "I.D. Areas of Controversy" should include the loop road, based on both public comments at the workshops and written comments received by the City of Modesto Recreation and Neighborhoods Department during the outreach process.

M-7

One of the questions that needs to be studied is the impact of traffic if the parking is reduced at Gateway. Would reduced parking opportunities encourage more people to use the alternative parking sites and, therefore, reduce the negative impacts of increased traffic on the Ninth Street Bridge. Also, Table II-5 states that the impact would be "short-term." However, the cumulative impact of having regularly scheduled negative impact events should be fully analyzed. Short-term is not the only criteria that should be used—frequency of impact is an important element.

M-8  
M-9

Page II-17 Mitigation Measure Hydro-5 states that the proposed amphimeadow may require surface protection for the banks and surrounding area to prevent scour and erosion. These mitigation measures may cause detrimental impacts on the riparian corridor habitat. This needs to be more fully explained.

M-10

Page II-17 Mitigation Measure Hydro-6 states that the proposed pedestrian bridge may require erosion control. These erosion controls may cause negative impacts on the adjacent riparian corridor and need to be fully explained.

How far up Dry Creek will the pedestrian bridge be built? What impact will the location have on birds and mammals using the Tuolumne River riparian corridor? What impact will the location have on foot traffic down to the river? What impact will the location have on animals using Dry Creek riparian corridor—birds and mammals?

M-11

The Gateway plan included areas for boat launch. The potential results of having boat launches close to the launch in Legion Park need to be fully explored. What type of activity will close launches encourage? Is the Park equipped to have a launch in Gateway with adequate restroom facilities immediately near the launch? What will be the results if no restroom facilities are immediately nearby?

M-12

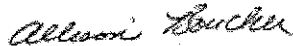
Page IV-D-18 states that the Cooper's hawk is known to occur in the project vicinity. Since the Cooper's hawk is a California Species of Special Concern, what measures will be taken to reduce the impact on its foraging during the

M-13

The Stanislaus County General Plan (1994) emphasizes the conservation and management of natural resources and the preservation of open space lands within the county. There are a number of goals and policies within this element of the general plan which relate directly to the TRRP. Goal 1 of the general plan encourages the protection and preservation of natural and scenic areas throughout the County. Goal 3 reads: Areas of sensitive wildlife habitat and plant life (e.g. vernal pools, riparian habitat, flyways and other waterfowl habitats, etc.) including those habitats and plant species listed in the General Plan Support Document or by state or federal agencies shall be protected from development. This indicates that an amphimeadow developed within 50 feet of Dry Creek will violate the Stanislaus County General Plan as well as the Modesto Urban Area General Plan.

M-18

Sincerely,



Allison Boucher  
Treasurer

### III. Comments and Responses

**Letter M      Friends of the Tuolumne, Inc.**  
**August 8, 2001**

- M-1    The commentor requests that the MEIR evaluate cumulative impacts on resident and feeding wildlife from amplified sound when numerous events are scheduled during the nesting, chick-raising, and feeding seasons. Special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels in nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed.
- M-2    The commentor requests that the MEIR study the potential impact from night lights on the nesting and chick-raising birds, and nocturnal animals. Page IV-D-25 has been revised in Chapter II of this Final MEIR to address this comment. Further clarification has been provided to note that if lighting is provided in the amphimeadow or for large special events, it would be groundward-focused and not spill into riparian habitat.
- M-3    The commentor requests that the MEIR include a discussion of the potential reduction of the enjoyment for passive users (walkers, picnickers, and bicyclers) that may occur due to impacts on wildlife from amplified sound and lighting. The Master Plan creates active and passive areas within the park. The more active, people-intensive activities would be focused on the Gateway Parcel. The implementation of Mitigation Measures Noise-2 and Noise-3 (as revised in Chapter II of this Final MEIR) and use of groundward-focused lighting that would avoid glare and light spillage into riparian areas would ensure potential impacts to wildlife from noise and lighting at the amphimeadow would be less-than-significant. In addition, as noted in the response to comment I-1, implementation of the TRRP Master Plan would result in a net increase in habitat and net benefit for wildlife. Thus, implementation of the Master Plan would not reduce the opportunity for passive users to enjoy wildlife.
- M-4    The commentor requests that fertilizer and pesticides used to maintain the amphimeadow should be studied in the MEIR. The commentor is concerned that the designed riparian buffer between Dry Creek and the amphimeadow would not be adequate to filter out pollution and prevent contamination from Dry Creek and the Tuolumne River. A goal of the Master Plan is to minimize or eliminate the use of pesticides and fertilizers that may run off into the river. Page 26 of the Master Plan states, "In general, the TRRP landscape should be maintained without the use of chemical pesticides or herbicides in order to prevent water pollution and harm to wildlife and visitors. In rare circumstances, it may be necessary to use spot applications of these chemicals. This practice should be

kept to a minimum, excluded from the riparian zone near the water's edge, accomplished with products that biodegrade quickly, and done with respect to the needs of nesting wildlife. Since the majority of the plants are native to the area, and are adapted to the local soil types, use of any type of fertilizer or soil amendment is not recommended, except perhaps in irrigated turf zones (applied only as needed)." In addition, stormwater runoff would also be treated onsite using constructed wetlands and vegetated swales where possible. Runoff from the amphimeadow would be channeled through vegetated swales with plants such as tules, sedges, and cattails, to purify runoff and reducing the amount of non-point source pollution that enters Dry Creek and the Tuolumne River.

- M-5 The commentor asks if mosquito abatement has been studied as to its effect on birds and mammals that feed on mosquitos. Mosquito abatement practices would not change with implementation of the Master Plan.
  
- M-6 The commentor asks if irrigation water would kill the resident oak trees that are targeted for retention. As noted on page IV-D-24 of the Draft MEIR, areas that require summer irrigation, such as lawn, would not be planted in the vicinity of oaks to protect them from fungus infection. An objective of the Master Plan is to protect and enhance sensitive habitats and natural areas including wetlands and riparian corridors, and specifically to preserve and enhance stands of exiting mature trees. The Master Plan has been amended to clarify that irrigation will not be used in close proximity to resident oak trees. If irrigation is necessary adjacent to resident oaks, an arborist would be consulted to ensure that impacts to the existing oaks would not occur.
  
- M-7 The commentor stated that a "no Loop Road" alternative was requested at the public workshops and requests that Chapter I.D. Areas of Controversy include the Loop Road. Revisions have been made in Chapter II of this Final MEIR to reflect this comment. A "no Loop Road" alternative was not examined in the MEIR because it would not reduce any of the potentially significant impacts identified through the environmental review. As described on page 42 of the Master Plan, the Loop Road would facilitate access for the handicapped and those who cannot comfortably walk across the park's entire width. The road would also provide access for maintenance and operation vehicles into the park. The Loop Road would be 20 feet wide, including one slow moving 12-foot travel lane, and one 8-foot parallel parking lane. The road would be designed with raised textured crosswalks to slow traffic and provide pedestrians a safe crossing. Conceptual drawings show the southern edge of the Loop Road located approximately 500 feet from the Tuolumne River.
  
- M-8 The commentor requests that a traffic analysis be conducted to determine if traffic impacts on the Ninth Street Bridge would be reduced if fewer parking spaces are provided in the Gateway Parcel than is proposed in the Master Plan. The amount of parking provided by the Master Plan was determined considering typical parking demand for a regional park. A total of 925 new spaces are planned throughout the TRRP to accommodate the anticipated increase in park visitation. A reduction in parking supply is not part of the proposed project. As

### III. Comments and Responses

noted in Mitigation Measure Traffic-4 and Traffic-5 on page IV-A-25 of the Draft MEIR, an event parking management plan shall be created prior to events held at the amphimeadow and large special events in the Gateway Parcel. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel to reduce potential traffic impacts. The Master Plan also encourages the use of bicycles as a mode of transportation.

- M-9 The commentor requests that the cumulative impact of having regularly scheduled special events with significant short-term traffic impacts be analyzed. The Draft MEIR identified potentially significant short-term increases in traffic when large special events are held in the TRRP. However, the congestion from a large special event held one day would not cumulatively contribute to the congestion caused by a special event held on another day. It is noted that the short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create annoyance by area residents or commuters. Mitigation Measures Traffic-1 and Traffic-2 would reduce traffic impacts associated with special events, however, for a short time immediately before and after an event, congestion would still occur. It is anticipated that large special events could occur up to 10 times per year. Special events in the amphimeadow would likely occur more frequently.
- M-10 The commentor is concerned that bank protection to prevent scour and erosion identified in Mitigation Measure Hydro-5 and Hydro-6 may cause detrimental impacts on the riparian corridor habitat. Mitigation Measures Hydro-3, Hydro-5, and Hydro-6 have been revised in Chapter II of this Final MEIR to clarify that where feasible, the most natural bank stabilization approach shall be used for erosion control.
- M-11 The commentor requests information about the location of the pedestrian bridge on Dry Creek and potential impacts of the location of the bridge on birds and mammals using the Tuolumne River and Dry Creek riparian corridors. The Master Plan is a conceptual plan. The exact location of the pedestrian bridge has not yet been determined. However, for purposes of the Master Plan, the bridge has been shown to be located approximately 200 feet from the confluence of Dry Creek and the Tuolumne River. The pedestrian bridge would not pose a barrier to the movement of wildlife in the riparian corridors. Although human use of the pedestrian bridge could cause some disturbance to wildlife in the riparian corridor, implementation of the Master Plan would result in a net increase in habitat for wildlife.
- M-12 The commentor requests more information about the potential results of having a boat launch in the Gateway Parcel close to the boat launch in Legion Park. The Master Plan proposes boat piers or launches in Legion Park, the Golf Course Area, and the Carpenter Road Area. No boat launches are proposed for the Gateway Parcel. It is assumed that the commentor is referring to the level of use of the boat launches and implying that there would be unwanted activities at the boat launches. These are social considerations and are not considered

environmental impacts. This comment is noted for the record. The JPA will take it under advisement when considering the project.

- M-13 The commentor requests information about how special events would affect the foraging of Cooper's hawk. Cooper's hawk forages during the day. As noted in Response to comment I-1, the Gateway Parcel site currently consists primarily of disked open land which provides minimal habitat value. Implementation of the Master Plan would result in a net increase in wildlife habitat. The use of the Gateway Parcel for special events would not substantially diminish the foraging habitat and food for Cooper's hawk or other birds.
- M-14 The commentor requests the MEIR evaluate the negative impacts of amplified sound and night lights from the amphimeadow. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels at the nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed. Page IV-D-25 of the Draft MEIR has been revised in Chapter II of this Final MEIR to clarify that if lighting is provided in the amphimeadow or for large special events, it would be groundward-focused and not spill into riparian habitat.
- M-15 The commentor requests the MEIR evaluate the impediment to animal movement and activity caused by the location of the amphimeadow close to Dry Creek. The commentor states that a riparian vegetative corridor needs more width to offset the effects of large, noisy, and nighttime activities. The Master Plan is a conceptual plan. The exact location of the amphimeadow has not yet been determined. As noted previously, an objective of the Master Plan is to protect and enhance sensitive vegetative and wildlife habitats and natural areas, including maintaining and enhancing wildlife corridors. Implementation of the Master Plan would increase the wildlife habitat value throughout the park and would create a continuous riparian corridor. Although some projects, like the amphimeadow, could potentially present small barriers to wildlife movement, it would not significantly restrict the movement of wildlife. Further, the amphimeadow is identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. At that time, this issue would be examined again.
- M-16 The commentor states that not all the negative impacts of the amphimeadow have been identified and that the MEIR should discuss the negative impacts on wildlife and the ability of the public to enjoy the river's atmosphere. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. It is assumed the commentor is referring to the potential impacts of

### III. Comments and Responses

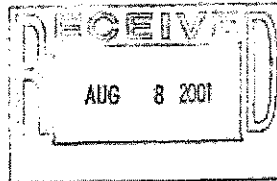
noise and lighting associated with events held at the amphimeadow. Impacts Noise-2 and Noise-3 and page IV-D-25 of the Draft MEIR have been revised in Chapter II of this Final MEIR to address these concerns. The commentor questions why an urban location is a necessary criteria for the TRRP. As noted on page III-9 of the MEIR, one of the objectives of the project is to include both active and passive recreation opportunities. For this reason, a location in the urbanized area of the community is most appropriate.

- M-17 The commentor requests that an analysis should be completed that addresses the conflict between passive uses such as picnicking, bicycling, bird-watching, fishing, and walking and the proposed special events 10 weekends each season. The commentor notes that conflicts can be eliminated by moving activities that do not relate to the river away from the river. An objective of the Master Plan is to protect and enhance sensitive wildlife habitats and natural areas including wetlands and riparian corridors. Another objective of the Master Plan is to create active and passive areas within the park. Specifically, a goal of the plan is to focus the passive activities on the linear and more natural portions of the park, east and west of the Gateway Parcel. The more active, people-intensive activities would be focused on the Gateway Parcel, where vehicular access is good and the noise and intensity of these uses will not be disruptive to the passive areas of the park.
- M-18 The commentor states that they do not agree with a statement in the Draft MEIR that the TRRP Master Plan is consistent with the Modesto Urban Area General Plan or the Stanislaus County General Plan. The commentor specifically states that because the amphimeadow is designed to be only 50 feet from Dry Creek, it would violate the intent of the General Plan of enhancing the riparian area in a natural manner, stating that concerts are not dependent on such resources. The Master Plan is a conceptual plan and the exact location of the amphimeadow has not yet been determined. An increased set-back is worthy of study when detailed design and grading plans are developed. An objective of the Master Plan is to protect and enhance sensitive wildlife habitats and natural areas including wetlands and riparian corridors. Implementation of the Master Plan would result in a net increase in wildlife habitat, and both active and passive recreation opportunities. The amphimeadow would be located outside of the Dry Creek riparian corridor. Enhancement of the riparian vegetation in Dry Creek would occur under the Master Plan. Potential impacts from events held at the amphimeadow on wildlife in the Dry Creek riparian corridor would be reduced to a less-than-significant level with implementation of Mitigation Measures Noise-2 and Noise-3, as revised in Chapter II of this Final MEIR.

LETTER  
N



**YOKUTS GROUP**  
MOTHER LODE CHAPTER -- SIERRA CLUB  
P. O. BOX 855  
MODESTO, CALIFORNIA 95353



Mr. Patrick Kelly, Principal Planner  
City of Modesto  
P.O. Box 642  
Modesto, CA 95353

re: Draft MEIR Tuolumne River Regional Park

Dear Mr. Kelly,

I have several minor questions and then a comment about this document.

The several discussions on traffic to and from the various planned activities and facilities speak only to the parking problems. What about the annoyance, and possible danger, to the neighbors from the increased traffic on their streets?



N-1

On page IV-B-13, Mitigation Measure 1 speaks of using a chemical stabilizer. Is it hazardous to wildlife long- or short-term? How long will it take to break down? How long to migrate to the river?



N-2

On pages IV-C-2 --15, the description of the noise degradation does not include the effects on the resident wildlife. Since one of the goals of this plan is supposedly to encourage wildlife to come to the area, their likely reaction to the noise degradation we will be inflicting on them should be discussed.



N-3

Page IV-D-24 mentions boat launching piers. How many?

Page IV-D-25 talks about overlooks and access piers. Are these in addition to



N-4



INVOLVING SIERRA CLUB MEMBERS IN STANISLAUS COUNTY, CALIFORNIA

the boat piers? How many are planned?

N-4

I would also question the completeness of the draft MEIR. On page VII-E it is stated that the sole justification for choosing the absolute worst of the four possible plans is that there is no alternative convenient site for the ten-plus festivals planned for the Gateway Parcel. Since there ARE convenient alternative sites, I believe that the MEIR must examine each one and explain why it is not acceptable.

The most obvious example of an alternative venue is Thurman Field -- quite near by -- easy to get to -- has seating for 4,000 and ample parking. The concession facilities are also in place. We just spent a good deal of money to make this a very nice facility. Why can it not be used for the festivals?

Gracuada Park is also nearby, convenient and is used for festivals. Why is it not acceptable for these ten-plus?

N-5

Other gatherings have been held successfully in roped-off streets downtown. Again, convenient with plenty of parking. Why is that not an acceptable alternative?

I'm sure there are more sites than these that could be used if one wanted to look for them. To ruin what could be a perfectly lovely spot with a plan that has so many "unavoidable" negative consequences on the flimsy -- and incorrect -- excuse that "there are no alternative sites" is just not acceptable.

Sincerely,

*Caroline Mitton*

Caroline Mitton,  
Conservation Co-chair

**Letter N Sierra Club, Yokuts Group, Mother Lode Chapter  
August 8, 2001**

- N-1 The commentor requests the MEIR evaluate the annoyance and possible danger to the neighbors from increased traffic on their streets from TRRP activities and facilities. As noted on page IV-A-15, the short-term increase in traffic from events at the Gateway Parcel would create a noticeable increase in traffic congestion above typical patterns, which could create annoyance by area residents or commuters. As required by Mitigation Measures Traffic-1 and Traffic-2 on page IV-A-23 of the Draft MEIR, traffic management plans shall be created which identifies ways to reduce congestion during special events.
  
- N-2 The commentor notes that Mitigation Measure Air-1 on page IV-B-13 of the Draft MEIR describes the use of a chemical stabilizer (to reduce dust emissions from construction activities). The commentor requests information about the potential impacts of the chemical stabilizer on wildlife and how long it will take to breakdown and migrate to the river. Mitigation Measure Air-1 has been revised in Chapter II of this Final MEIR to address this comment.
  
- N-3 The commentor notes that the discussion of noise degradation on page IV-C-2 and IV-C-15 does not include the effects on the resident wildlife. Special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels at the nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed.
  
- N-4 The commentor asks how many boat launches, overlooks, and access piers are proposed in the Master Plan. The Master Plan designates river access points to focus human activity along the riverfront in specific areas in order to limit human disturbance in the riparian corridor. Table III-2 identifies the type of proposed river access points and where they would be located in the TRRP.

**Table III-2  
TRRP River Access Points**

<b>Area of TRRP</b>	<b>River Overlook</b>	<b>Fishing Pier</b>	<b>Canoe and Kayak Launch</b>
Airport Area	1		
Legion Park	1		1
Gallo/Mancini Area	2		
Gateway Parcel	1	2	
Golf Course Area	1		1
Carpenter Road Area	1		1
<b>Total</b>	<b>7</b>	<b>2</b>	<b>3</b>

### III. Comments and Responses

- N-5 The commentor requests that the MEIR evaluate alternative sites for large special events and explain why they are or are not acceptable alternatives to holding the events in the Gateway Parcel. The commentor recommends Thurman Field, Graceada Park, and roped-off streets downtown as alternative sites for special events.

As noted on page VII-8 of the Draft MEIR, "one of the main objectives of the Master Plan is to 'provide a variety of recreational experiences, including opportunities for both active and passive activities.' The opportunities provided by the Tuolumne River for joint restoration and recreation are not afforded by other locations within the region." An advantage of the Gateway Parcel is that it could be designed to accommodate regional community events and provide an opportunity for people to enjoy the natural environment and learn about the natural riparian processes of the region. Also noted on page VII-8, holding special events would result in significant short-term traffic, parking, and air quality impacts in any conceivable location within an urban area.

Thurman Field is a Class A minor league baseball field that seats approximately 4,000 people. The field's parking lot accommodates approximately 2,500 vehicles. Thurman Field is owned by the City of Modesto and is not under the control of the JPA. Scheduling conflicts could occur during the baseball season. Although Thurman Field could possibly be used for concerts in the future, the field is not suitable for the type of daytime regional community events envisioned to be held in the Gateway Parcel of the TRRP. Although regional events could be accommodated on the baseball field, it does not have a natural setting. Thus, this location would not provide the opportunity for people throughout the region to enjoy and learn about the Tuolumne River and its natural processes before or after the scheduled special event. Although Thurman Field's parking lot would accommodate more visitors than the parking proposed in the Gateway Parcel, parking demand would exceed supply during large special events. Holding large special events at Thurman Field would not avoid the identified parking traffic, and air quality impacts of the Master Plan.

Graceada Park is a 12-acre park located to the north of Downtown Modesto. The park also includes and a 2,500-person amphitheater and play equipment. Seasonally, "concerts in the park" are held in the park's amphitheater. No parking is provided within the park so during these events, parking spills into the surrounding residential neighborhood. The park is owned by the City of Modesto and is not under the control of the JPA. There is no direct access from the regional highways so park visitors would have to drive through the City of Modesto to reach the park for regional events, resulting in increased traffic impacts. The park is not designed to accommodate large regional community events and would not avoid the identified parking, traffic, and air quality impacts of the Master Plan.

Streets in downtown Modesto have been roped off for large events such as the X-Fest in the past. For these types of events, it is convenient to have easy access to restaurants and bars in downtown Modesto. Although large regional special events could be accommodated by roping off the streets of downtown Modesto, the downtown location would not provide the natural opportunities afforded by a location adjacent to the Tuolumne River. Although the parking supply in downtown would most likely be able to meet the demands of event visitors on weekends, this alternative would not avoid the identified traffic and air quality impacts of the TRRP Master Plan. In addition, to increase the number of annual events in the downtown where vehicle access would be limited may not be desirable for local merchants.

LETTER  
O



**CHIEF EXECUTIVE OFFICE**

*Reagan M. Wilson  
Chief Executive Officer*

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Phone: 209.525.8331 Fax: 209.544.6225

August 8, 2001

Fred Allen  
Manager  
Parks Planning and Development  
1010 10<sup>th</sup> Street, Suite 4400  
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRALS- TUOLUMNE RIVER REGIONAL  
PARK (TRRP) MASTER PLAN- CITY OF MODESTO**

Mr. Allen:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

W. Richard Jantz, Deputy Executive Officer  
Keith D. Boggs, Senior Management Consultant  
Environmental Review Committee

KDB:lbh

cc: ERC Members

]

O-1

**Letter O Stanislaus County Environmental Review Committee  
August 8, 2001**

O-1 The commentor states that they have reviewed the TRRP Master Plan MEIR and have no comments at this time. This comment is noted, no response is needed.



United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
Stockton Fish and Wildlife Office  
4001 North Wilson Way, Stockton, CA 95205-2486  
209-946-6400 FAX: 209-946-6355



August 8, 2001

Mr. Fred Allen  
Parks Planning and Development Manager  
City of Modesto  
1010 Tenth Street, Suite 4400  
P.O. Box 642  
Modesto, CA 95353  
(209)577-5344  
(209)579-5077

Dear Mr. Allen:

I have read the Draft Master Environmental Impact Report for the Tuolumne River Regional Park and have the following comments:

The EIR must fully evaluate construction and post-construction impacts when proposing permanent public access facilities within the Tuolumne River and Dry Creek floodplains. In addition, the EIR must also consider both the duration and frequency of potential impacts.

Mitigation Measures Bio-2 and 3 make mention of implementing sediment runoff controls, however language regarding the maintenance of these controls, silt fences in particular, needs to be included for these devices to be effective. Storm events (i.e. rain, wind), and vandalism diminishes the effectiveness of these controls; hence, appropriate measures need to be in place to properly maintain these sediment control devices.

Be advised that under the Endangered Species Act, harassment is the equivalent of a "take", therefore construction activities near the river channel, either on Dry Creek or the Tuolumne River, should coincide with periods when ESA recognized species are not likely to be in the river in appreciable numbers. In addition, post-project noise and activities from the proposed special events included in the Master Plan has the potential to impact or harass ESA species. These potential impacts to ESA species must be considered and addressed.

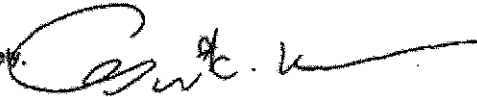
] P-1  
] P-2  
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] P-4

In general, activities that do not relate to the river, such as special events, should not be conducted near the river; hence, the location of the amphimeadow should be reconsidered to eliminate conflicts with recreational activities related to the river. If this alternative is not feasible at this stage, then pollution sources originating from the amphimeadow needs to be discussed. Of particular concern would be solid waste (food and beverage containers, cigarette butts, etc.) and surface runoff entering Dry Creek. The amphimeadow, as designed, is very close to Dry Creek such that the riparian buffer may not be adequate to filter out surface runoff pollution and prevent its contamination of Dry Creek and the Tuolumne River. In addition, the amphimeadow's proximity to Dry Creek would likely encourage foot traffic down to the river and increase the probability of solid waste inputs to Dry Creek. Obviously, the Master Plan has the greatest potential for producing these impacts.

The impacts of fertilizer and pesticide use in public areas of the TRRP to riparian and aquatic habitat must be evaluated.

Please consider these comments in your final TRRP plan.

Sincerely,



Cesar Cadana Blanco, Ph.D.  
Fishery Biologist  
U.S. Fish and Wildlife Service  
Stockton Fish and Wildlife Office  
4001 North Wilson Way  
Stockton, CA 95205  
(209)946-6400 ext.305

P-5  
P-6  
P-7

### III. Comments and Responses

**Letter P      United States Department of the Interior Fish and Wildlife  
Service  
August 8, 2001**

- P-1      The commentor states that the MEIR must fully evaluate construction and post-construction impacts when proposing permanent public access facilities within the Tuolumne River and Dry Creek floodplains, and the duration and frequency of potential impacts. The MEIR has identified construction and post-construction environmental effects that could result with implementation of the TRRP Master Plan. Because the TRRP Master Plan is a long-range plan, additional design work would be completed prior to the implementation of individual park improvement projects. The MEIR identifies subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in this MEIR. When detailed implementation plans are developed for these Master Plan projects, additional environmental review would be required.
- P-2      The commentor requests that language in Mitigation Measures Bio-2 and Bio-3 regarding the maintenance of sediment runoff controls, and silt fences in particular, be included in the MEIR. Mitigation Measures Bio-2 and Bio-3 have been revised in Chapter II of this Final MEIR to address this comment.
- P-3      The commentor states that construction activities near the river channel, either on Dry Creek or the Tuolumne River should coincide with periods when ESA recognized species are not likely to be in the river in appreciable numbers. Mitigation Measure Bio-3 has been revised in Chapter II of this Final MEIR to address this comment.
- P-4      The commentor states that post-project noise and activities from the proposed special events included in the Master Plan has the potential to impact or harass ESA species, and must be addressed in the MEIR. The increase in noise levels at nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed. In addition, special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available.
- P-5      The commentor recommends that the location of the amphimeadow should be reconsidered to eliminate conflicts with recreational activities related to the river. This comment is on the Master Plan and not the MEIR. This comment is noted for the record, no response is needed.

- P-6 The commentor requests the MEIR discuss pollution sources originating from the amphimeadow, particularly solid waste (food and beverage containers, cigarette butts, etc.) and surface runoff entering Dry Creek. The commentor is concerned that the riparian buffer between the amphimeadow and Dry Creek would not be adequate to filter out surface runoff pollution and prevent its contamination of Dry Creek and the Tuolumne River. Event organizers would be responsible for event maintenance and would be required to clean-up any refuse left by people attending the event. See response to comment M-4 for a discussion of the creation of stormwater wetlands and vegetative swales to purify runoff and reduce the amount of non-point source pollution that enters Dry Creek and the Tuolumne River.
- P-7 The commentor requests the MEIR evaluate the impacts of fertilizer and pesticide use in public areas of the TRRP to riparian and aquatic habitat. A goal of the Master Plan is to minimize or eliminate the use of pesticides and fertilizers that may run off into the river. See response to comment M-4 for a discussion of the use of pesticides and fertilizers in the TRRP and the creation of stormwater wetlands and vegetative swales to purify runoff and reduce the amount of non-point source pollution that enters Dry Creek and the Tuolumne River.

1

**DRAFT MASTER ENVIRONMENTAL IMPACT REPORT**

for the

**TUOLUMNE RIVER REGIONAL PARK  
MASTER PLAN**

**T R R P J o i n t P o w e r s A u t h o r i t y**

**SCH# 2000022028**

**LEAD AGENCY:**

City of Modesto  
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Modesto, CA 95353

Contact: Patrick Kelly, Principal Planner

**PREPARED BY:**

EDAW, Inc.  
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San Francisco, CA 94111

May 2001



**Tuolumne River Regional Park (TRRP) Master Plan  
Draft Master Environmental Impact Report (MEIR)**

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## **CHAPTER I. IMPLEMENTATION AND USE OF THIS MEIR**

This Draft Master Environmental Impact Report (MEIR) has been prepared to provide an environmental assessment of the proposed Tuolumne River Regional Park (TRRP) Master Plan. The TRRP Master Plan is a long-range plan for a proposed riverfront park south of Downtown Modesto, California. Most of the land is along the northern bank of the river; however, there are some parcels of parkland along the south bank as well. The project site is over 500 acres and is along a seven-mile stretch of the Tuolumne River, generally bounded by Mitchell Road to the east and Carpenter Road to the west. The Master Plan provides a long-range vision for the park to guide projects that are intended to enhance the natural environment as well as recreational and educational opportunities at the park.

This Draft MEIR has been prepared to inform the City of Modesto, the City of Ceres, County of Stanislaus, responsible and trustee agencies, and the public of the environmental consequences of implementation of the TRRP Master Plan. The TRRP would be funded through a Joint Power Agency (JPA) including the City of Modesto, City of Ceres, and County of Stanislaus. The City of Modesto is the Lead Agency for CEQA Review; the City of Ceres and the County of Stanislaus are Responsible Agencies. This Draft MEIR has been prepared in accordance with and in fulfillment of the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000-21177) and the State CEQA Guidelines (California Code of Regulations Title 14, Chapter 3, Sections 15000-15387).

### **A. PURPOSE OF THIS MEIR**

This EIR has been prepared as a Master EIR, which may be prepared for a general plan, element, general plan amendment, specific plan, or a project that consists of smaller individual projects which will be carried out in phases (Public Resources Code, Section 21157 (a)). The City of Modesto has prepared this Draft MEIR to assess the impacts of implementation of the TRRP Master Plan and identify appropriate mitigation measures for potentially significant environmental impacts.

Section 21157(b) of the Public Resources Code describes the minimum required contents of a MEIR. Consistent with Public Resources Code Section 21156, it is the intent of this MEIR to "evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects to the greatest extent feasible." The MEIR may also identify subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the MEIR.

The purpose of this MEIR is to identify environmental effects that could result with implementation of the TRRP Master Plan. This MEIR is an informational document that is to be used in the planning and decision-making process. It is not the purpose of an MEIR to recommend approval or denial of a project. CEQA requires decision-makers to balance the benefits of a proposed project against its environmental consequences. If environmental impacts are identified as significant and unavoidable, the City of Modesto,

## I. Implementation and Use of This MEIR

City of Ceres, and County of Stanislaus may still approve the project if they find that social, economic, or other benefits outweigh the unavoidable impacts. The City of Modesto, City of Ceres, and County of Stanislaus would then be required to state in writing the specific reasons for approving the project based on information contained in the MEIR and other information in the record. This reasoning is called a "Statement of Overriding Considerations" (CEQA Guidelines, Section 15093).

Because the TRRP Master Plan is a long-range plan, additional design work would be completed prior to the implementation of individual park improvement projects. As allowed by the Public Resources Code, Section 21157(b)(3), this MEIR identifies subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in this MEIR.

These projects are as follows:

- Landfill closure plan and subsequent development over the landfill
- Regional sports complex
- Special events, including those at the amphimeadow
- Treatment plant redesign or relocation<sup>1</sup>
- Removal of Dennett Dam
- River overlook and fishing piers (not specifically located)
- Development and grading of children's playgrounds and projects in the former ranch complex in the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G).
- Development and grading for projects in all areas of the TRRP except the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G)<sup>2</sup>.

These subsequent projects have been reviewed in some topical sections where meaningful analysis was possible. Thus, some impacts and mitigation measures included in this MEIR address these subsequent projects. However, these analyses

---

<sup>1</sup> The Master Plan states that in the future it may be possible to expand the Carpenter Road Area of the TRRP by upgrading the treatment plant and consolidating the treatment ponds. However, future redesign of the water treatment plant is not considered part of the Master Plan.

<sup>2</sup> Because detailed engineering design plans are not available, some site-specific hazardous materials investigations have not yet been conducted. Site investigations (as specified in chapter IV-G) are required prior to development or grading of areas within the former ranch complex area (identified in Figure G-1) and development of children's playgrounds in the Gateway Parcel. A Phase I site assessment is required prior to development or grading for projects in all areas of the TRRP, exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis.

should not be construed as a full environmental assessment for these project components.

When detailed implementation plans are developed for these Master Plan projects, additional environmental review would be required pursuant to Public Resources Code Section 21157.1. If the City of Modesto determines, based on an Initial Study, that a proposed subsequent project will have no additional significant effect on the environment that was not identified in the Master EIR, then the City of Modesto shall make a written finding based on the Initial Study that the subsequent project is within the scope of the project covered by the Master EIR (Public Resources Code 21157.1). No new environmental documentation or findings shall be required in this case. Conversely, if a finding is made that the proposal may cause a significant environmental effect not studied in the Master EIR, subsequent focused environmental documentation will be prepared.

#### B. FOCUS OF THIS MEIR

The focus of this Draft MEIR was established after considering comments from public agencies and the community regarding the proposed project. An Initial Study and Notice of Preparation (NOP) was prepared in July 2000. From the responses to the NOP, the City of Modesto made a determination of which probable environmental effects need to be studied further in this MEIR and which environmental effects require no further analysis. The NOP and Initial Study are provided as Appendix A of this report.

Issues that are addressed in this MEIR include the following:

- A. Traffic and Circulation Needs
- B. Degradation of Air Quality
- C. Generation of Noise
- D. Loss of Sensitive Wildlife and Plant Habitat
- E. Disturbance of Archaeological or Historical Sites
- F. Flooding and Water Quality
- G. Exposure to Hazardous Materials
- H. Increased Demand for Fire Services

#### C. ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

As allowed by Section 15063 of the CEQA Guidelines, several issues were identified as "not significant" or "less-than-significant" in the Initial Study (Appendix A), and are not addressed in this MEIR. These resource topics are as follows:

## I. Implementation and Use of This MEIR

### 1. Increased Demand for Long-Term Water Supplies

The proposed project would have no significant effect on demand for long-term water supplies. The TRRP would only require minor extensions of water-related utilities, such as water pipelines for a limited number of restrooms and drinking fountains, primarily at the Gateway Parcel. The majority of the vegetation proposed for park is composed of native plants which will only require irrigation during a short period of initial establishment. The park will also require minor extensions of permanent water lines for use in the irrigation of a turf grass zone in the Gateway Parcel and for play fields in the Carpenter Road Area.

### 2. Loss of Productive Agricultural Land

The Gateway Parcel is designated Prime Farmland by the California Department of Conservation on the 1990 Stanislaus County Important Farmlands Map.<sup>3</sup> Loss of agricultural land within the designated urban area boundary of Modesto was analyzed in the Master EIR for the Urban Area General Plan, 1995. Through this process, the City of Modesto acknowledged and made findings that if development was within the Baseline Developed Area as identified on the General Plan Growth Strategy Diagram, the project shall be considered to have a minimal effect on the conversion of agricultural lands, and no mitigation would be required (Modesto, 1995). Those areas on the north side of the Tuolumne River are within this boundary, including the Gateway Parcel. Further, the Mancini area (which is on the south side of the river) is not designated as Prime Farmland. No farmland would be converted outside the City of Modesto. For these reasons, the TRRP Master Plan is not anticipated to result in loss of productive agricultural land.

### 3. Landslides and Seismic Activity

There are no known active faults in the project area that would expose people or structures to potential, substantial adverse effects. The current Uniform Building Code indicates that Modesto is in the lower risk zone (Zone 3) for seismic activity. As no inhabitable structures would be constructed as part of the proposed project, there would be no impact related to seismic hazards, and issues associated with expansive soils are not considered significant. Because the general land slopes along the river banks are relatively slight, the potential for slope failures due to seismic activity is not significant.

### 4. Increased Demand for Sanitary Sewer Facilities

The increased demand for sanitary sewer facilities for the TRRP would be not be significant. New sanitary sewer facilities would be limited to a small number of restrooms, which would be constructed in the Carpenter Road area and on the Gateway Parcel. These facilities would comply with the wastewater treatment requirements of the Regional Water Quality Control Board. They would not result in the construction of new water or wastewater treatment facilities, the expansion of existing facilities, or cause significant environmental effects.

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<sup>3</sup> City of Modesto, Final Master EIR of the Urban Area General Plan, 1995. Figure 4-1.

5. Increased Demand for Water Distribution Facilities

The proposed project would have no significant effect on demand for water distribution facilities. The TRRP would only require minor extensions of water-related utilities, such as water and wastewater pipelines for a limited number of restrooms and drinking fountains, primarily in the Gateway Parcel. The majority of the vegetation proposed for park is composed of native plants which would only require irrigation during a short period of initial establishment. The park would also require minor extensions of permanent water lines for use in the irrigation of a turf grass zone in the Gateway Parcel and for sports fields in the Carpenter Road Area.

6. Increased Demand for Storm Drainage Facilities

Development on the TRRP site, including roadways, parking areas, and multi-use trails would increase the amount of impervious surfaces, which may generate a small increase in runoff. This small increase in runoff would not require the construction of new storm drainage facilities or the expansion of existing facilities. Runoff would be distributed to the "stormwater wetlands" and vegetated swales within the park in order to filter the water before it reaches the river.

7. Increased Demand for Solid Waste Facilities

The project would involve activities that would generate small amounts of solid waste requiring collection, transportation, and disposal. In accordance with State-mandated recycling requirements, some solid waste reduction would be achieved through source reduction and recycling. Solid waste would be collected on site using trashcans spaced through out the park. Standard transportation and disposal methods would be followed. Solid waste generated by park visitors is not expected to substantially affect local landfill capacity or solid waste disposal services.

8. Increased Demand for Energy

Construction and operation of the project would require minimal use of electricity for night lighting along selected portions of the main trail, the amphimeadow, and the sports complex. California is experiencing a shortfall in electrical generation capacity. The State is pursuing comprehensive solutions to the current crisis. While any new development would increase electrical demand, the project's electrical demand is small enough to be served by the existing generation and transmission system. The project would not require additional facilities or substantial additional generation. Some gasoline would be consumed by construction and maintenance vehicles. The TRRP trail network would provide a convenient and important non-motorized transportation option for local residents, potentially reducing their overall use of gasoline for local transportation.

9. Increased Demand for Police Services

The Modesto Police Department maintains a service ratio of 1.65 police officers per 1,000 citizens, and can answer most emergency calls within 3-5 minutes (City of

## I. Implementation and Use of This MEIR

Modesto, 1995). The Police Department operates out of two main facilities; 601 11<sup>th</sup> Street and 12<sup>th</sup> and F Streets. The proposed project would likely require additional police patrols daily for enhanced security due to the increased number of park users. Special events would require additional police presence for the duration of the event. These additional patrols would not substantially affect service ratios, response times, or other performance. No new police facilities would be needed as a result of the project (Joe Aja, Modesto Police Department, Personal Communication, November 21, 2000).

### 10. Increased Demand for Park Facilities and Open Spaces

Implementation of the proposed project would greatly increase the amount of parkland available and accessible to the public, thereby taking pressure off of other recreational facilities in the area. The proposed project would not increase the use of other neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of those facilities would occur.

The proposed project may also require additional parks personnel to maintain and administer the additional facilities and activities envisioned for the TRRP. The TRRP would be funded independently through the JPA, which includes the City of Modesto, City of Ceres, and County of Stanislaus. The number of additional parks personnel needed would not substantially reduce the Cities' and County's ability to provide such services elsewhere.

### 11. Increased Demand for School Facilities

The proposed project would not require additional school facilities as no students are anticipated as a result of project development.

### 12. Visual Resources

The TRRP Master Plan is located adjacent to the Tuolumne River, a significant natural landscape feature. The visual experience of the river corridor includes areas that are of high visual quality, and other areas where the visual environment has been degraded by urban development. Along the river corridor, the area with the highest existing visual quality is the eastern-most portion of the park, which supports a majestic, mature oak woodland on the north bank. The project would not damage existing scenic resources, including but not limited to significant or unique trees, rock outcroppings, or significant historic resources. The mature oak woodland would be preserved.

The natural environment in other reaches of the park has been degraded, resulting in an overall lower visual quality. These more degraded portions of the park are highly visible (i.e., the Gateway Parcel, Carpenter Road) from the Seventh Street, Ninth Street and Highway 99 bridges. Extensive planting of the project area would improve its appearance.

### 13. Mineral Resources

The project site is not known to contain any mineral resources that are important to the region or the State. The project site is not known to contain locally important mineral resources and none of these resources are delineated on a local plan, specific plan or other land use plan.

#### D. AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

The TRRP Master Plan was prepared through an interactive process that involved the public as well as representatives of local, regional, State, and federal agencies, including monthly interaction with the TRRP Citizen's Advisory Committee (CAC), which was appointed by the TRRP Commission. These outreach efforts, and the comments gathered through the NOP process, revealed the following issues:

- Several commentors on the NOP were concerned about the size of the proposed amphimeadow. In addition, a few commentors stated that the TRRP should not include this use.
- Concern was expressed about the potential for the proposed project to negatively affect fish and wildlife resources.
- Traffic and parking impacts during special events were identified as potential issues.
- Several commentors noted that vegetation removal and ground disturbing activities could result in erosion impacts, which in-turn could be harmful to fish and spawning habitat.
- The potential for negative impacts on cultural resources was identified.
- Security issues were identified for current and future park users.
- Several commentors were concerned about the effect of the park on homeless people.
- Issues related to flood control, including possible inundation of the amphimeadow, were raised.

This list reflects issues that appear to be of most concern to the community. All of the comments gathered during the NOP scoping process were considered in the development of this MEIR. In particular, issues that raise significant environmental impact concerns are addressed. However, several issues are related to the merits of the project and the discretionary approval process. In addition, social and economic issues are not the subject of this environmental analysis (pursuant to Section 15131 of the CEQA Guidelines). Ultimately, the City of Modesto, City of Ceres, and County of Stanislaus must determine whether the proposed project is appropriate from a social standpoint through the discretionary approval process.

## I. Implementation and Use of This MEIR

### E. REPORT ORGANIZATION

This Draft MEIR is organized into the following chapters:

#### **I. Implementation and Use of the MEIR.**

**II. Summary.** Provides an introduction and overview describing the focus of this MEIR and the environmental review process. This chapter summarizes environmental consequences that would result from development of the proposed TRRP Master Plan, provides a summary table that denotes anticipated significant environmental impacts, describes recommended mitigation measures, and indicates the level of significance of impacts before and after mitigation.

**III. Project Description.** Describes the existing environmental setting of the project site and components of the proposed TRRP Master Plan. For more detail regarding the Master Plan, please refer to the TRRP Draft Master Plan (EDAW 2000), which is available from the City of Modesto.

**IV. Environmental Analysis.** Provides an analysis of the potential environmental impacts of the proposed Master Plan, and presents recommended mitigation measures to reduce their significance.

**V. Cumulative Impacts.** Provides a summary of the proposed TRRP Master Plan's incremental effect when added to other, closely related past, present or reasonably foreseeable, probable future projects. This information is also presented in each of the topical sections in Chapter IV.

**VI. Growth Inducing Impacts.** Provides an analysis of how the proposed TRRP Master Plan, if implemented, could induce economic or population growth.

**VII. Alternatives to the Project.** Considers a range of reasonable alternatives to the project that could reduce one or more of the significant environmental impacts identified in Chapter IV, while still meeting the objectives of the project. (The project objectives are presented in Chapter III). This chapter also includes an analysis of the No Project Alternative, as required by CEQA.

**VIII. References Cited.** Identifies the organizations and persons consulted, and references of this Draft MEIR.

**IX. Preparers of this Report.** Identifies the preparers of this report.

### F. ENVIRONMENTAL REVIEW PROCESS

Consistent with the requirements of CEQA, an Initial Study was prepared in July 2000 to determine whether implementation of the TRRP Master Plan, without mitigation, may have a significant environmental effect and if an MEIR should be prepared (CEQA Guidelines Section 15063). The City of Modesto determined that a MEIR should be prepared for the TRRP Master Plan. A good faith effort has been made during the

## I. Implementation and Use of This MEIR

preparation of this MEIR to contact and consult with affected agencies, organizations, and persons who may have an interest in this project.

The City of Modesto has filed a Notice of Completion (NOC) with the Governor's Office of Planning and Research, State Clearinghouse indicating that this Draft MEIR has been completed and is available for review and comment by the public. A Notice of Availability of the Draft MEIR has been published in the Modesto Bee concurrently with distribution of this document. A 45-day review period (from the date from the Notice of Availability) will be provided for the Draft MEIR. During this time, public agencies and the general public may review the document and submit comments on the adequacy of the Draft MEIR. A public hearing will be held during the 45-day period to receive comments on the Draft MEIR. A notice including the date, time, and location for the public hearing will be published in the Modesto Bee when the details have been finalized.

Reviewers of this Draft MEIR should focus on the sufficiency of the document in identification and analysis of the possible impacts of the project on the environment, and the ways in which the significant effects of the project might be avoided or mitigated.

Comments may be made on the Draft MEIR either in writing, before the end of the comment period, or orally during the public hearing. Following the close of the public comment period, responses to significant environmental points raised in comments on the Draft MEIR will be prepared and published as a separate document. The Draft MEIR text and technical appendices, together with the responses to the comments document, will constitute the Final MEIR.

Written comments on the Draft MEIR should be delivered to:

Mr. Patrick Kelly  
Principal Planner  
City of Modesto  
P.O. Box 642  
Modesto, CA 95353

The City of Modesto will review the Final MEIR for adequacy and consider it for certification pursuant to the requirements of Section 15090 of the State CEQA Guidelines. If the City of Modesto certifies the Final MEIR and the City of Modesto, City of Ceres, and County of Stanislaus decide to approve the TRRP Master Plan, findings on the feasibility of reducing or avoiding significant environmental effects will be made and, if necessary, a Statement of Overriding Considerations will be prepared. If the Cities and the County approve the Master Plan following completion of these tasks, a Notice of Determination will be prepared and filed with the State Clearinghouse and Stanislaus County Clerk. The Notice of Determination will include a description of the project, the date of approval, an indication of whether findings and a Statement of Overriding Considerations were prepared, and the address where the Final MEIR and record of project approval are available for review.

## I. Implementation and Use of This MEIR

If the TRRP Master Plan MEIR is certified and the project is approved, subsequent environmental review of projects determined to be within the scope of the MEIR would be limited to the requirements described in the adopted mitigation measures for the project. City of Modesto review of subsequent projects, as outlined in the MEIR, would occur as detailed designs of the project are developed. At that time, if the City finds, pursuant to Section 15177 of the CEQA Guidelines, that no new effects could occur or no new mitigation measures would be required resulting from development of the subsequent project, the City can approve the activity as being within the scope of the project covered by this MEIR, and no new environmental documentation would be required. However, if a subsequent project would have significant environmental effects that were not examined in this MEIR, additional environmental review would be required (CEQA Guidelines Section 15178(c)(1)).

In the event that National Environmental Policy Act (NEPA) review is required, the existing setting section of this MEIR will serve as the "affected environment" for the NEPA analysis. If NEPA analysis is required to implement any action addressed by the TRRP Master Plan, this MEIR should be reviewed by the federal lead agency and used to the extent feasible for the NEPA documentation.

## CHAPTER II. SUMMARY

This summary presents an overview of the environmental review and analysis of the proposed Tuolumne River Regional Park (TRRP) Master Plan, as contained in Chapter IV of this Draft MEIR. A summary of the environmental impacts and mitigation measures identified in the body of this report is found at the end of this section. The significance of each impact after mitigation is noted as follows: (S) significant adverse impact, (LTS) less-than-significant adverse impact, and (SU) significant and unmitigable impact. The summary is organized by the topical sections of this report. Detailed discussions are found within each of the applicable sections contained in Chapter IV.

### A. PROJECT UNDER REVIEW

The TRRP Master Plan describes the joint plans by the City of Modesto as Lead Agency, the City of Ceres, and the County of Stanislaus to create a riverfront park along a seven-mile stretch of the Tuolumne River. The project area lies along the north bank of the river between Carpenter Road to Mitchell Road. The project area consists of City of Modesto property as well as unincorporated County property. In addition, non-contiguous portions of the south bank are included within the project. The Master Plan provides a long-range vision for the park including overall guidance for the conservation and improvement of the park. The Master Plan focuses on ecological restoration, enhancement of recreational amenities, and flood protection. Proposed improvements include a children's play area, outdoor amphimeadow, fishing piers, pedestrian and bicycle bridges, a regional sports complex, and parking lots. Other improvements include riparian restoration, creation of stormwater wetlands, and a pedestrian and bicycle trail system. A more detailed description of the project is provided in Chapter III.

### B. MITIGATION MEASURES

This Draft MEIR recommends specific mitigation measures that would reduce the impacts identified in Chapter IV to less-than-significant levels to the extent feasible, as summarized in Table II-2 at the end of this chapter. As defined by the CEQA Guidelines (Section 15370), mitigation measures either avoid the identified impact; minimize the impacts by limiting the degree or magnitude of the action and its implementation; rectify the impact by repairing, rehabilitating, or restoring the affected environment; reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action; or compensate for the impact by replacing or providing substitute resources or environments.

The mitigation measures in this Draft MEIR would form the basis of a Mitigation Monitoring Program to be implemented in accordance with Section 21081.6(b) of the State Public Resources Code, if the project is approved.

For subsequent projects within the TRRP Master Plan area, the projects will be required to incorporate all applicable mitigation measures from this MEIR prior to approval. Additional environmental review for subsequent projects may identify additional

## II. Summary

mitigation measures; monitoring for the additional mitigation measures would be developed as part of that environmental review.

### C. SUMMARY OF UNAVOIDABLE SIGNIFICANT IMPACTS

Chapter IV of this MEIR provides a description of the potential environmental impacts of the proposed project and recommends various mitigation measures to reduce impacts to the extent feasible. Several impacts have been identified where no feasible mitigation measures are available. The impacts involve the following resource areas:

- Traffic and Circulation
- Air Quality
- Noise

These impacts are summarized in the table at the end of this chapter. Unavoidable adverse impacts would require a Statement of Overriding Considerations if the project were to be approved by the City of Modesto, City of Ceres, and County of Stanislaus.

### D. SUMMARY OF ALTERNATIVES TO THE PROJECT

CEQA requires the Lead Agency to consider alternatives to the proposed project that meet the project's basic objectives, while avoiding or reducing significant impacts (CEQA Guidelines Section 15126.6). Alternatives to the project are considered in the environmental analysis for each topic area if the recommended mitigation measures would not reduce impacts to a less-than-significant level. The following alternatives are examined in this Draft MEIR:

**No Project Alternative.** As required by the CEQA Guidelines (Section 15126.6(e)), the No Project Alternative is to be analyzed in an EIR to allow decision-makers to compare the impacts of approving the proposed project with the impact of not approving the proposed project. If the proposed Master Plan were not approved, the land use designation of the property would continue to be Open Space, as specified by the Modesto General Plan. Because a Master Plan would not guide the development of the regional park, it is assumed that the park would continue as it is today - that is, providing limited passive recreation opportunities. Special events would continue to occur to the east of Legion Park, but would not be expanded to the Gateway Parcel. It is also assumed that the amphimeadow and the regional sports complex would not be developed.

**Table II-1  
Summary of Effects of Project Alternatives**

<b>Project Alternatives</b>	<b>No Project Alternative</b>	<b>250-person Amphimeadow Alternative</b>	<b>Passive Recreation/ Sports Complex Alternative</b>
Traffic and Circulation Needs	++	+	++
Degradation of Air Quality	++	=	++
Generation of Noise	++	++	++
Loss of Sensitive Wildlife and Plant Habitat	-	=	=
Disturbance of Archaeological or Historical Sites	=	=	=
Flooding and Water Quality	=	=	=
Exposure to Hazardous Materials	=	=	=
Increased Demand for Fire Services	=	=	=

++ Substantial improvement when compared to the proposed Master Plan

+ Improvement when compared to the proposed Master Plan

= Same as proposed Master Plan

- More adverse effect when compared to the proposed Master Plan

**250-person Amphimeadow Alternative.** This alternative would be identical to the proposed Master Plan with one exception: the proposed amphimeadow would only accommodate only 250 people, rather than the 3,000 proposed by the Master Plan. This reduction in size would make it feasible to have presentations at the amphimeadow without the use of amplification. This alternative would avoid this significant and unavoidable noise impact identified for the proposed Master Plan in Chapter IV of this MEIR (Impact Noise-2).

**Passive Recreation/Sports Complex Alternative.** In this alternative, no special events would occur at the Gateway Parcel and the amphimeadow would not be developed. Special events would continue to occur to the east of Legion Park, similar to existing conditions. Because the Regional Sports Complex is not expected to result in any significant and unavoidable impacts, this alternative continues to integrate this use. However, implementation of the mitigation measures associated with the regional sports complex, as recommended in this MEIR, would continue to be required to reduce potential impacts associated with this use to a less-than-significant level.

Table II-1 provides a summary of the alternatives analysis that is contained in Chapter VII. The Passive Recreation/Sports Complex Alternative would avoid all of the significant

## II. Summary

and unavoidable impacts identified in this MEIR for the TRRP Master Plan. For this reason, this alternative is considered the environmentally superior alternative.

### E. SUMMARY OF PROJECT IMPACTS AND MITIGATION

According to the CEQA Guidelines, a "significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15382).

Implementation of the TRRP Master Plan has the potential to generate environmental impacts, as summarized in Table II-2. This table lists the environmental impacts of the proposed project, the level of significance before mitigation, recommended mitigation measures, and notes the level of impact significance after implementation of the mitigation measures. Impacts are numbered in accordance with the environmental topic to which they pertain and in the order in which they appear within each MEIR section. Please see Chapter IV of this MEIR for more information on the potentially significant impacts of the proposed project.

**Table II-2  
Summary of Significant Impacts and Mitigation Measures**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Traffic and Circulation Needs</b>			
<p><b>Impact Traffic-1:</b> The increase in traffic associated with special events at the amphimeadow would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphimeadow visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Traffic-1:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan should identify the following:</p> <ul style="list-style-type: none"> <li>• Routes that will be used to access the park by visitors, emergency vehicles and by staff;</li> <li>• Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event;</li> <li>• Methods and duration of protection for pedestrian crossings; and</li> <li>• Location and responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted.</li> </ul> <p>Implementation of this mitigation measure would reduce traffic impacts associated with the amphimeadow, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.</p>	<b>SU</b>
<p><b>Impact Traffic-2:</b> The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Traffic-2:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1.</p>	<b>SU</b>

**S = Significant; LTS = Less than Significant; SU = Significant and Unavoidable**

II. Summary

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		Implementation of this mitigation measure would reduce traffic impacts associated with large special events, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.	
<p><b>Impact Traffic-3:</b> Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. This is a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Traffic-3:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for the Regional Sports Complex, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The following measures may be included in the parking management plan:</p> <ul style="list-style-type: none"> <li>(a) Park managers could schedule events in a manner that minimizes concurrent parking demand.</li> <li>(b) If required, identify overflow parking lots and appropriate signage directing visitors to designated lots. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible.</li> <li>(c) If necessary, additional parking may be required at the Sports Complex, or the number of fields may need to be reduced to effectively balance parking demand.</li> </ul> <p>No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<b>LTS</b>
<p><b>Impact Traffic-4:</b> An event attracting 3,000 persons to the amphimeadow would exceed the parking capacity in the Gateway Parcel. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is considered a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure Traffic-4:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created.</p>	<b>LTS</b>

**S = Significant; LTS = Less than Significant; SU = Significant and Unavoidable**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a "real time" basis. Signs noting "lots full" and directing motorists to ancillary parking areas would be needed.</p> <p>No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	
<p><b>Impact Traffic-5:</b> Implementation of the TRRP Master Plan could result in significant off site parking impacts when large special events are held. Events associated with Cinco De Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is a significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Traffic-5:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events.</p> <p>Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4.</p> <p>However, even with implementation of the event parking management plans there will likely be significant traffic impacts in the immediate vicinity of TRRP when large special events are staged. With event attendance reaching 15,000, there would not be a feasible measure available to ensure that employees and patrons of the surrounding neighborhoods would not be displaced. For this reason, this is a significant and unavoidable impact.</p>	<p><b>SU</b></p>

**S = Significant; LTS = Less than Significant; SU = Significant and Unavoidable**

II. Summary

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Degradation of Air Quality</b>			
<p><b>Impact Air-1:</b> The Master Plan does not specify feasible SJVAPCD construction control mitigation measures as part of the projects' construction activities. Because construction significance is determined by means of whether SJVAPCD construction mitigation measures are implemented, construction emissions would be considered a short-term significant air quality impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Air-1:</b> The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:</p> <ul style="list-style-type: none"> <li>(a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.</li> <li>(b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</li> <li>(c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</li> <li>(d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.</li> <li>(e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.)</li> <li>(f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</li> <li>(g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>(h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent.</li> <li>(i) Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.</li> </ul>	<p><b>LTS</b></p>

**S = Significant; LTS = Less than Significant; SU = Significant and Unavoidable**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		(j) Excavation and grading activities shall be suspended when winds exceed 20 mph. (k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible. (l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. (m) When not in use, on-site equipment shall not be left idling. The SJVAPCD has determined that implementation of the above mitigation measures would reduce short-term construction-generated emissions to less-than-significant levels.	
<b>Impact Air-2:</b> Events occurring at the Gateway Parcel, such as special events and concerts, could result in potential increases in carbon monoxide concentrations, or "hot spots," in excess of State or federal air quality standards. These carbon monoxide concentrations could negatively impact sensitive receptors, which may be located in the project vicinity or walking to and from the special events. This impact is potentially significant impact.	<b>S</b>	<b>Mitigation Measure Air-2:</b> When special events, including concerts, occur at the Gateway Parcel, the City of Modesto shall implement a traffic and parking management control plan, as recommended in mitigation measures contained in Chapter IV-A of this MEIR. The smooth flow of traffic would decrease the potential for carbon monoxide "hot spots," which could occur if vehicles are idling for long periods of time in high concentrations. However, it is unlikely that traffic congestion would be decreased enough to reduce the potential for high carbon monoxide concentrations when people are gathering or leaving large special events. For this reason, this is considered a significant and unavoidable impact for special events and concerts at the Gateway Parcel.	<b>SU</b>
<b>Generation of Noise</b>			
<b>Impact Noise-1:</b> Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant.	<b>S</b>	<b>Mitigation Measure Noise-1:</b> Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project: (a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends.	<b>LTS</b>

**S = Significant; LTS = Less than Significant; SU = Significant and Unavoidable**

II. Summary

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>(b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.</p> <p>(c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA.</p> <p>Implementation of the above measures would ensure that a noticeable increase in noise would not occur at nearby sensitive land uses, and would reduce this potential impact to a less-than-significant level.</p>	
<p><b>Impact Noise-2:</b> Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater), and would be considered a significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Noise-2:</b> An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphimeadow to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby noise-sensitive receptors. Measures may include, but are not limited to, construction of noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity. Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphimeadow. However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby noise-sensitive receptors would still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable.</p>	<p><b>SU</b></p>

**S = Significant; LTS = Less than Significant; SU = Significant and Unavoidable**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact Noise-3:</b> The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potential result in a significant increase in the ambient noise levels at nearby residences. This is a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Noise-3:</b> Special events shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime.</p> <p>Implementation of this mitigation measure would reduce noise impacts associated with large special events, however, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable.</p>	<p><b>SU</b></p>
<p><b>Loss of Sensitive Plant and Wildlife Habitat</b></p>			
<p><b>Impact Bio-1:</b> The negative impacts to riparian habitats would be temporary during construction activities and implementation of the TRRP Master Plan would result in a net increase in riparian habitat overtime, once riparian vegetation in replanted areas have been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat has been identified as a sensitive natural plant community by federal, State, and local agencies.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Bio-1:</b> To minimize disturbance to riparian habitat outside of the proposed area of disturbance, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>(a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented.</li> <li>(b) Prior to project implementation, a Section 404 permit shall be obtained from USACE and a Section 1600 Streambed Alteration Agreement shall be obtained from CDFG. Additional mitigation for impacts to riparian areas will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually by a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG.</li> </ul> <p>Implementation of the above mitigation measures in consultation with USACE and CDFG would ensure that impacts to riparian habitat are less-than-significant.</p>	<p><b>LTS</b></p>

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## II. Summary

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact Bio-2:</b> The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Bio-2:</b> The following mitigation measures shall be implemented to ensure impacts to Waters of the U.S. are less-than-significant.</p> <ul style="list-style-type: none"> <li>(a) For any TRRP Master project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential jurisdictional Waters of the U.S., including wetlands are present in the project area.</li> <li>(b) If potential jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate.</li> <li>(c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S., will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.</li> <li>(d) For all projects with the potential to effect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages.</li> </ul>	<p><b>LTS</b></p>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact Bio-3:</b> Potential impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because these species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Bio-3:</b> The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat.</p> <ul style="list-style-type: none"> <li>(a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate would avoid impacts during fish migrations and sensitive life stages.</li> <li>(b) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.</li> </ul> <p>Implementation of the above mitigation measures in consultation with NMFS and USFWS would ensure that impacts to sensitive fish species are less-than-significant.</p>	<p><b>LTS</b></p>
<p><b>Impact Bio-4:</b> Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Bio-4:</b> The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:</p> <ul style="list-style-type: none"> <li>(a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.</li> <li>(b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.</li> <li>(c) If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented.</li> </ul>	<p><b>LTS</b></p>

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II. Summary

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact Bio-5:</b> Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Bio-5:</b> Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:</p> <ul style="list-style-type: none"> <li>(a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.</li> <li>(b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable.</li> </ul>	<p><b>LTS</b></p>
<p><b>Disturbance of Archaeological or Historical Sites</b></p>			
<p><b>Impact CR-1:</b> Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure CR-1:</b> Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant.</p> <ul style="list-style-type: none"> <li>(a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.</li> <li>(b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.</li> <li>(c) If the discovery is historic, archival research may be necessary by a qualified historian.</li> </ul>	<p><b>LTS</b></p>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		(d) If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards.	
<p><b>Impact CR-2:</b> Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure CR-2:</b> Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.</p> <p>The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant.</p> <p>Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Flooding and Water Quality</b></p>			
<p><b>Impact Hydro-1:</b> Construction of the Regional Sports Complex and Nature Interpretive Center in the 100-year floodplain could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-1:</b> The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>

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II. Summary

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact Hydro-2:</b> The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-2:</b> Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood water surface elevations. The grading design shall not significantly increase river flow velocities. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Impact Hydro-3:</b> Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-3:</b> The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway:</p> <ul style="list-style-type: none"> <li>(a) Once detailed plans have been developed for the proposed structures, hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations.</li> <li>(b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design.</li> <li>(c) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream.</li> <li>(d) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events.</li> </ul> <p>Implementation of these mitigation measures would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Impact Hydro-4:</b> The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead to increases in the water surface elevations. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-4:</b> Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact Hydro-5:</b> The proposed amphimeadow is likely to suffer frequent flooding inundation. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-5:</b> The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall be also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Impact Hydro-6:</b> Construction of the Pedestrian Bridge Over Dry Creek. Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-6:</b> The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge:</p> <ul style="list-style-type: none"> <li>(a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base flood water surface elevations during the base flood.</li> <li>(b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris.</li> <li>(c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events.</li> <li>(d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design.</li> </ul> <p>Implementation of these mitigation measures would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Impact Hydro-7:</b> Changes in channel and overbank configuration may cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Hydro-7:</b> Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, armoring and erosion control measures shall be installed at existing bridge locations. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>

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## II. Summary

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>Exposure to Hazardous Materials</b>			
<p><b>Impact HazMat-1:</b> Development or grading of areas within the Gateway Parcel could expose construction workers and/or the public to hazardous materials from potential soil and groundwater contamination from past spills or releases at the Breshears facility during and/or following redevelopment. This is considered a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure HazMat-1:</b> Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears Investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel. Implementation of this measure would ensure that potential impacts related to existing soil and groundwater contamination in the Gateway Parcel adjacent to the Breshears facility are reduced to a less-than-significant level.</p>	<b>LTS</b>
<p><b>Impact HazMat-2:</b> Development or grading of areas within the former ranch complex area of the Gateway Parcel could expose construction workers and/or the public to hazardous materials during and/or following redevelopment. This is considered a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure HazMat-2:</b> A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Implementation of this measure would ensure that potential impacts related to existing soil contamination in the former ranch complex area are reduced to a less-than-significant level.</p>	<b>LTS</b>
<p><b>Impact HazMat-3:</b> Potential health risks could result from placement of sensitive land uses, such as children's playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact.</p>	<b>S</b>	<p><b>Mitigation Measure HazMat-3:</b> A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children's playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for the intended land use, remediation requirements in accordance with State and federal regulations would be required. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.</p>	<b>LTS</b>

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p><b>Impact HazMat 4:</b> Development or redevelopment of properties within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure HazMat-4:</b> A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.</p>	<p><b>LTS</b></p>
<p><b>Increased Demand for Fire Services</b></p>			
<p><b>Impact Fire-1:</b> Inadequate emergency access to TRRP is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Fire-1:</b> The MFD and SCFPD shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCFPD shall be accommodated.</p>	<p><b>LTS</b></p>
<p><b>Impact Fire-2:</b> The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact.</p>	<p><b>S</b></p>	<p><b>Mitigation Measure Fire-2:</b> The Modesto Parks and Recreation Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall:</p> <ul style="list-style-type: none"> <li>• Characterize existing and proposed vegetation fuels,</li> <li>• Identify potential ignition sources and locations,</li> <li>• Identify assets at risk in case of a fire,</li> <li>• Identify specific maintenance measures to reduce fuel loads,</li> <li>• Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and</li> <li>• Make recommendations for fire resistant plantings.</li> </ul> <p>Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</p>	<p><b>LTS</b></p>

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## II. Summary

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## **CHAPTER III. PROJECT DESCRIPTION**

This chapter provides a description of the proposed Tuolumne River Regional Park (TRRP) Master Plan and the components of the project that are analyzed in this MEIR.

### A. ENVIRONMENTAL SETTING

#### 1. Regional

The TRRP project area is located along the lower portion of the Tuolumne River near the cities of Modesto and Ceres in western Stanislaus County, as shown in Figure III-1. Stanislaus County is located in California's Central Valley, southeast of the San Francisco Bay area.

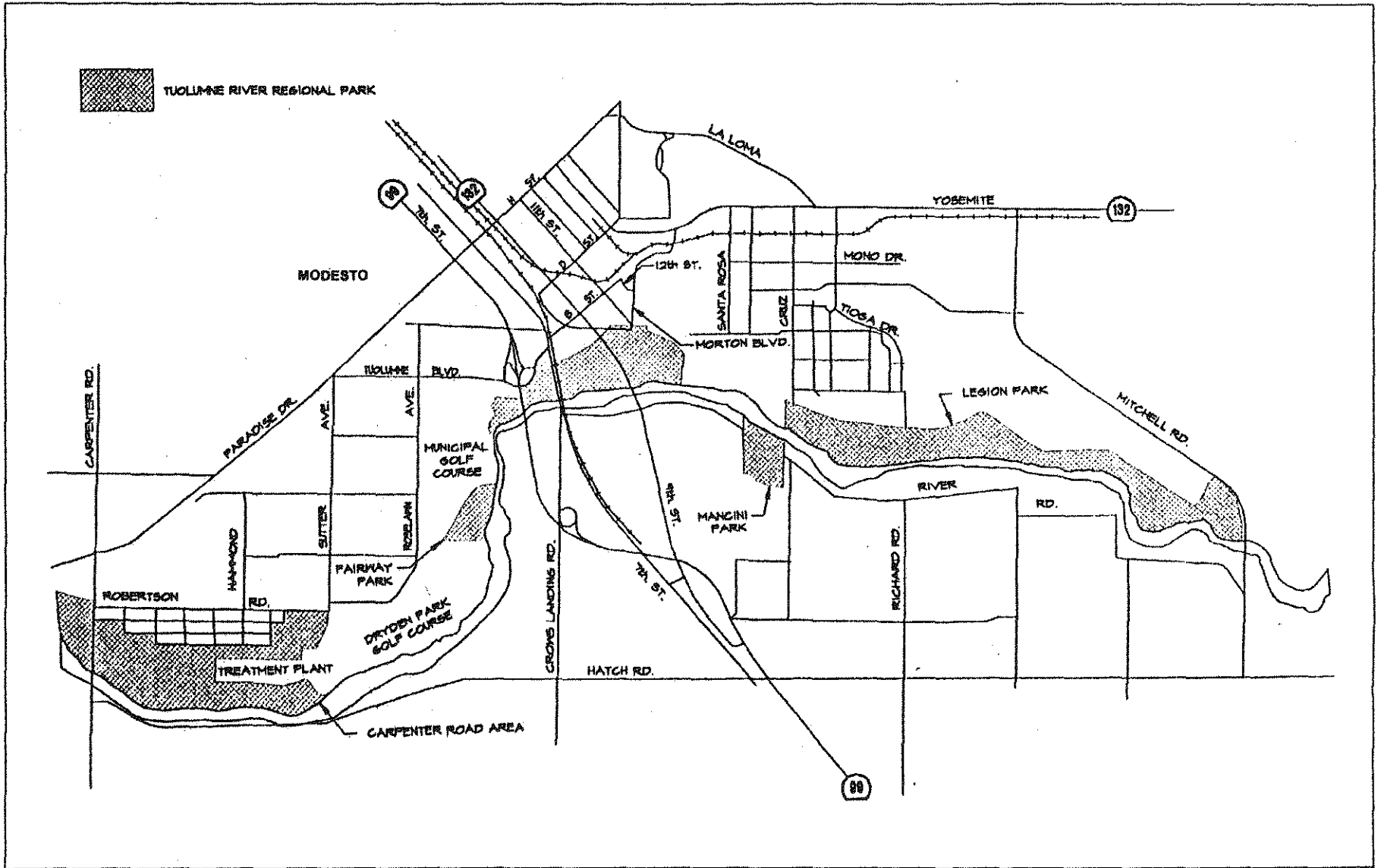
The Tuolumne River is the largest tributary of the San Joaquin River, draining a 1,960 square-mile watershed that includes the northern half of Yosemite National Park. The Tuolumne River watershed is located between the Stanislaus River Basin to the north and the Merced River Basin to the south. The river supports a diverse biological community, including resident and migratory birds and wildlife as well as the largest naturally reproducing population of fall run Chinook salmon remaining in the San Joaquin Valley. In 1997, heavy rains and snowmelt caused catastrophic flooding of the Lower Tuolumne in the vicinity of Modesto. The 1997 flood has initiated multi-year studies, by the U.S. Army Corps of Engineers (ACOE) and others that address the flood conditions on the Tuolumne and the larger San Joaquin River system.

#### 2. Local

##### a. TRRP Project Site Location and Characteristics

Most of the TRRP project site is located within the boundaries of the City of Modesto, however trail access and restoration of the riparian corridor is proposed on unincorporated lands south of the river and along the river's edge on the Gallo Property. Municipal jurisdictions are shown in Figure III-2. The TRRP consists of over 500 acres of land along a seven-mile stretch of the Tuolumne River bounded by Mitchell Road to the east and extending across Carpenter Road to the west. Highway 99 crosses the TRRP near the center of the park. The majority of the TRRP is located on the north side of the river, with the exception of Mancini Park and a string of small, narrow, riverfront parcels near the western end of the park. Dry Creek, a tributary of the Tuolumne River, joins the Tuolumne near the park's central Gateway Parcel.

The project site is generally composed of relatively flat, riverfront land within the Tuolumne River's 100-year floodplain. In most places on the project site, a narrow row of riparian trees exists along the riverbank. Approximately 180 acres of TRRP land have already been developed for recreational purposes, and include open lawn areas, mature tree canopies, and park amenities (picnic benches, trails, restrooms, parking areas, etc.).

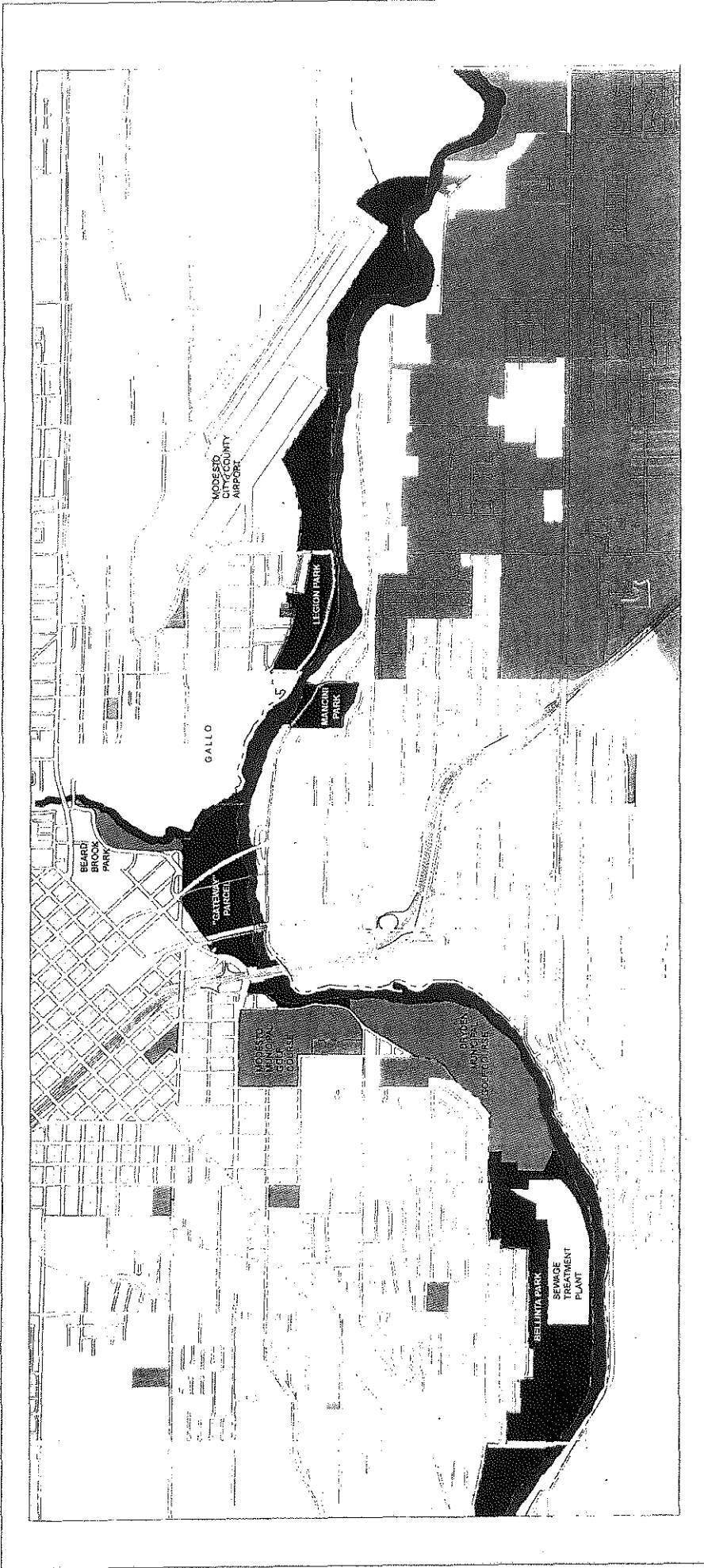


Source: KDAnderson Transportation Engineers (2001)

**Figure III-1 Project Location**  
 Tuolumne River Regional Park  
 Master Plan MEIR



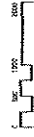
**EDAW**



Source: ED&AW Inc., 2000.

**Planning Jurisdictions**

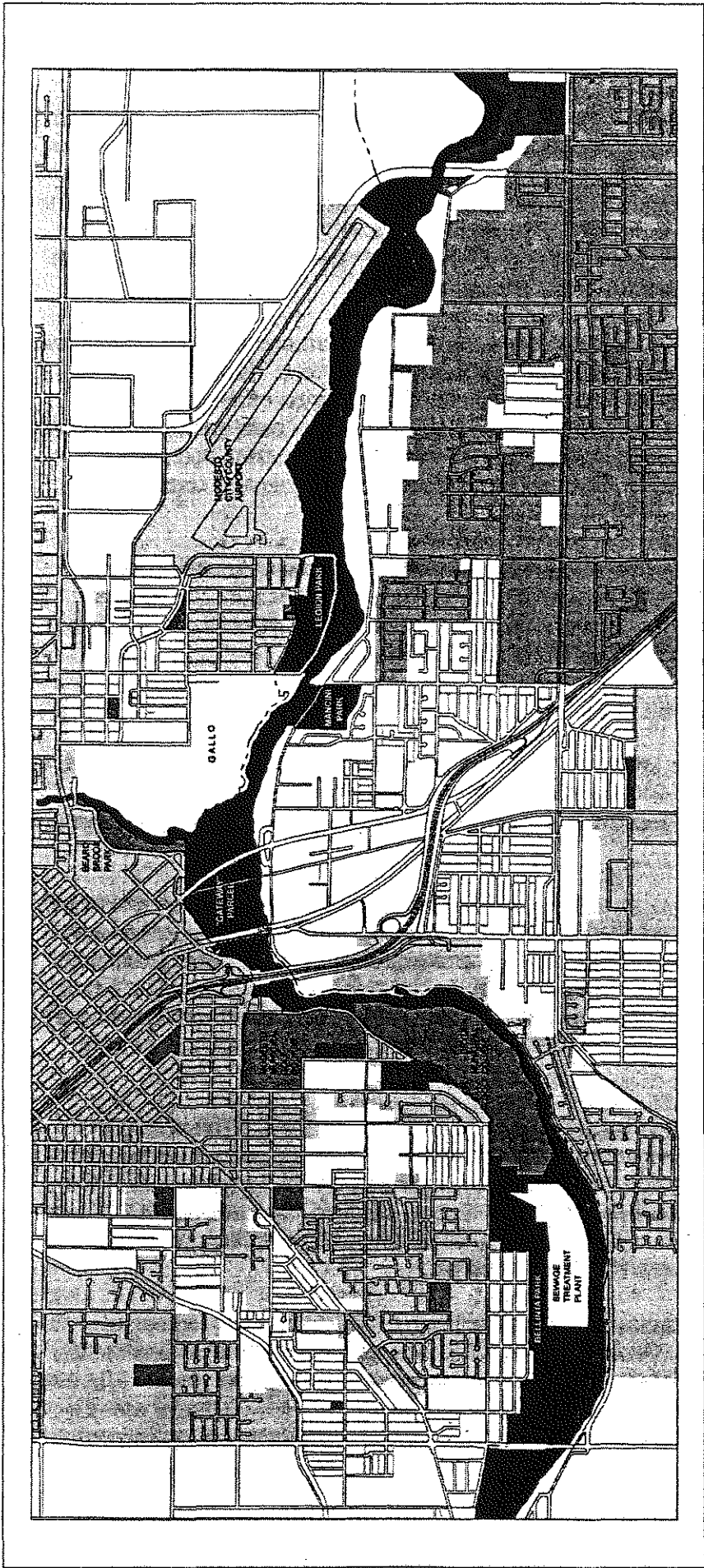
- TUOLUMNE RIVER REGIONAL PARK (TRRP)
- CITY OF MODESTO
- CITY OF CERES
- STANISLAUS COUNTY
- PRIVATE CO. / ACTIVE RECREATION
- CITY OF MODESTO
- GREENWAY



**ED&AW**

**Figure III-2 Planning Jurisdictions**  
 Tuolumne River Regional Park  
 Master Plan MEIR





GENERAL SEAW INC., 2000.

**Planning Jurisdictions**

- TUOLUMNE RIVER
- REGIONAL PARK (MRP)
- CITY PARKS
- PRIVATE GOLF
- ACTIVE RECREATION
- GREENWAY
- CITY OF MODESTO
- CITY OF CERES
- STANISLAUS COUNTY
- CITY OF MERCED



**Figure III-2. Planning Jurisdictions**  
 Tuolumne River Regional Park  
 Master Plan MEIR

The area south of the Modesto City/County Airport is already developed as a park and has existing park-related amenities, such as benches and trails, and mature vegetation. Legion Park, located west of the airport, includes mowed lawns, play areas, picnic and barbecue sites, and restrooms. This 50-acre park is occasionally used for special events such as a Cinco de Mayo celebration, Scottish Games, and an Armenian festival. The 25-acre Mancini Park is located on the south side of the river and contains a children's play area, a ball field, restrooms, and a parking area.

The remaining land in the TRRP has been used for agriculture and other purposes over the years, and now generally exists as unimproved open space. Much of the central Gateway Parcel is disked open land. The site was previously an orchard. Little vegetation exists in this area now, aside from a stand of valley oaks near the confluence of Dry Creek and the Tuolumne River, and a narrow strip of riparian vegetation along both waterways. Land west of the wastewater treatment plant is also consists of denuded open space.

A closed landfill is present within the western portion of the park, on both sides of Carpenter Road. Before this portion of the park is developed for public access and recreational purposes, a closure plan must be prepared in compliance with California State law (Postclosure Land Use, CCR Title 27, Section 21190).

b. Surrounding Land Uses

Lands in the vicinity of the TRRP are located in the City of Modesto, City of Ceres and unincorporated Stanislaus County. A mix of residential, commercial, industrial, open space/parks, public/institutional, and agricultural land uses surround the TRRP (Figure III-3).

The predominant land use adjacent to the TRRP is low density single-family residential. Residential structures adjacent to the park exhibit a wide variety of styles, ages, and conditions, and represent a range of socio-economic levels. Many of these residential uses occur near the western portion of the park, and along river bluffs lining the river's south side, east of the confluence with Dry Creek. Other residential uses on the south side of the river include higher density mobile homes, located primarily in low-lying areas.

Few commercial uses exist in the immediate vicinity of the TRRP. The majority of commercial activity near the park occurs in downtown Modesto, several blocks north of the TRRP. Most commercial retail uses are concentrated on the southern side of the river, across from the Gateway Parcel, along Crow's Landing Road and South 7<sup>th</sup> Street. Restaurants, gas stations, and other small-scale commercial uses also occur along South 9<sup>th</sup> Street, Mitchell Road, and Yosemite Boulevard.

There are a number of industrial uses adjacent to the TRRP, primarily located near the center of Modesto and the Gateway Parcel. The largest industrial use adjacent to the planning area is the Gallo Winery complex to the east of the Gateway Parcel. The Gallo Winery complex is the company's main headquarters as well as the primary operations and production facility. Other industrial uses, such as warehouses, distribution centers,

### III. Project Description

and food processing facilities, occur to the north of the Gateway Parcel on the edges of downtown Modesto.

The primary public land use adjacent to the TRRP is the Modesto City-County Airport. The airport is located north of the river in the eastern portion of the TRRP, along Mitchell Road. Another major public use adjacent to the TRRP is the wastewater treatment plant. The plant is located on the northern bank of the river in the proposed Carpenter Road Area of the TRRP.

#### 3. Relationship to Regional and Local Plans

The first master planning process for the TRRP began in December 1967 with the *Tuolumne River Regional Park Land Use Study for Long Range Development*. Additional plans were prepared in July 1975, May 1976, and April 1979 (Phase I, II, and III, respectively) to provide more detailed designs for smaller portions of the park. In February 1991, an additional plan was prepared for the Gateway Parcel (Phase IV). The Gateway Parcel, a pivotal property at the center of the park, was acquired in 1995 by the TRRP Joint Powers Authority (JPA). Prior to the acquisition, a conceptual plan was developed for study purposes, but never adopted.

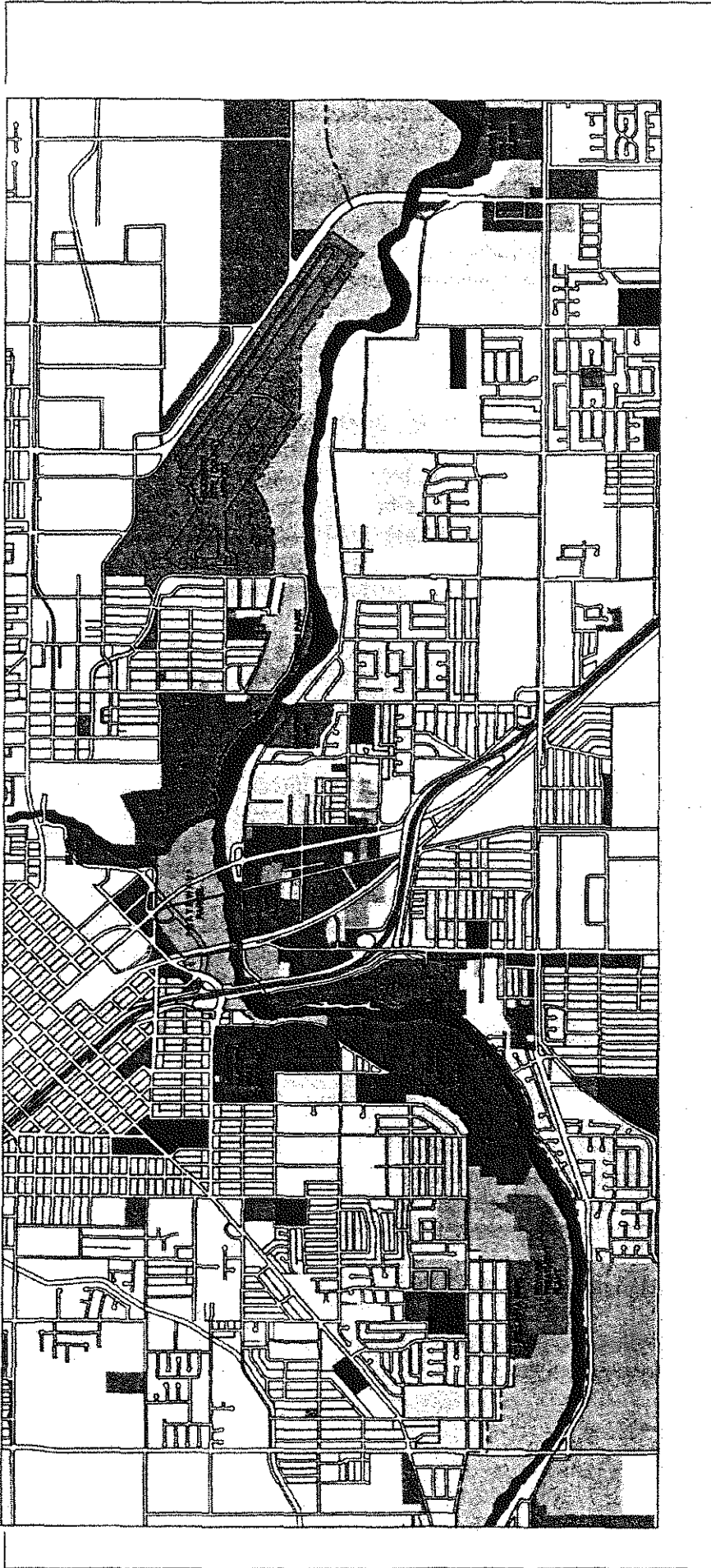
The new TRRP Master Plan represents a comprehensive update to these prior TRRP planning documents. The new TRRP Master Plan provides a long-range vision for the park that is intended to guide future projects in the TRRP.

The TRRP Master Plan was also developed in consideration of the *Habitat Restoration Plan for the Lower Tuolumne River Corridor* (McBain and Trush 1999). The Restoration Plan is a technical resource document intended to aid in identifying areas of potential habitat improvement and provide guidance for restoring or rehabilitating these areas. The TRRP site falls within the "sand-bedded zone" of the Tuolumne River. The TRRP Master Plan integrates restoration strategies for the sand-bedded zone outlined in the Restoration Plan. These strategies include improving water quality through urban runoff management programs (stormwater wetlands) to improve salmon rearing capability; restoring a continuous corridor of native riparian hardwoods; removing exotic plants within the riparian corridor, and protecting remaining mature valley oaks.

#### B. PROJECT OBJECTIVES

Section 15124 of the CEQA Guidelines requires an EIR to include a description of the objectives of the proposed project. These objectives will be used to develop and evaluate a range of alternatives to the proposed project. The following project objectives have been identified for the proposed TRRP Master Plan.

- Restore a continuous riparian corridor along the length of the river.
- Provide a continuous bicycle and pedestrian trail from Carpenter Road to Mitchell Road with connections across the river.



Source: ED&AW, Inc., 2005.

**Surrounding Land Use**

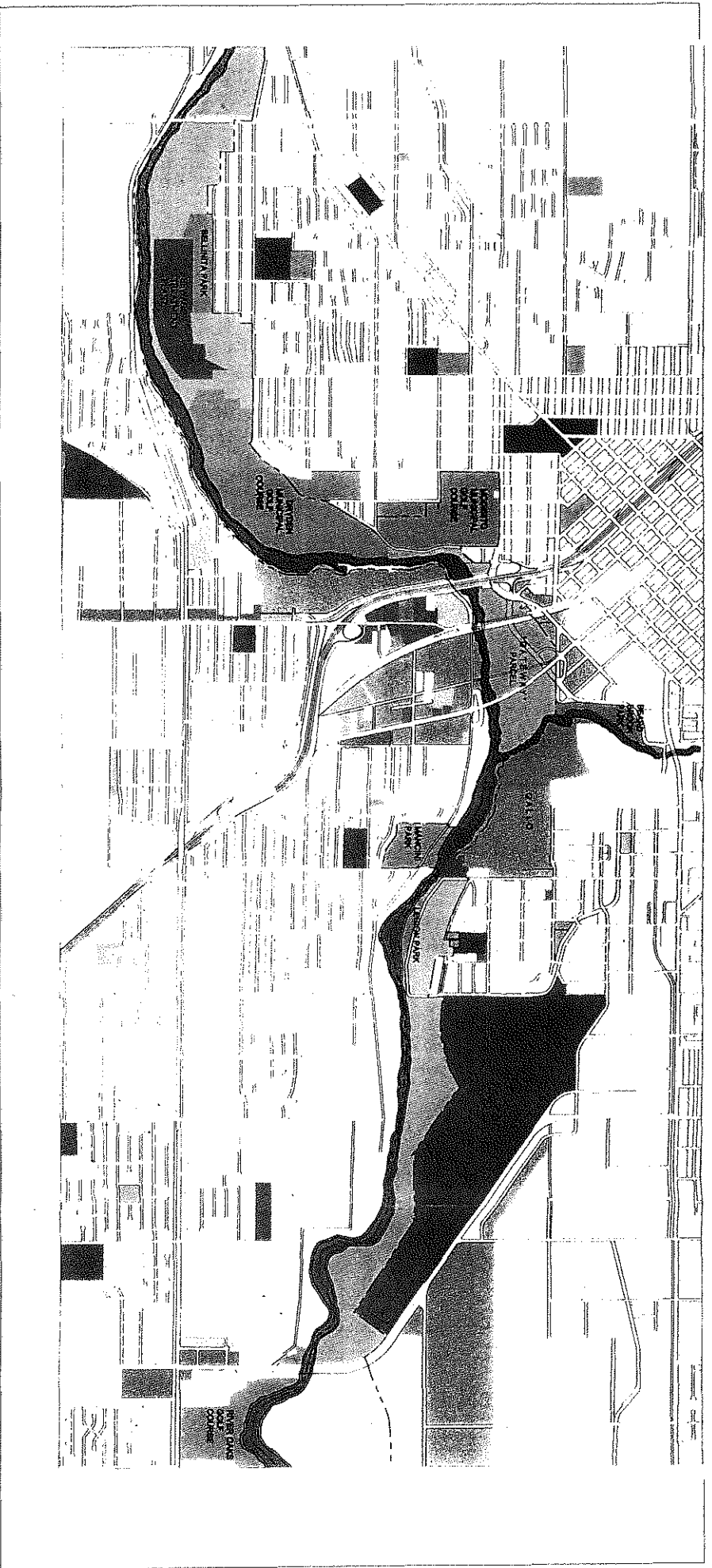
- LOW DENSITY ZONE
- MEDIUM DENSITY ZONE
- RESIDENTIAL ZONE
- LOCAL SCHOOLS
- CITY OF MODOSTO GREENWAY
- INDUSTRIAL ZONE
- OTHER PUBLIC / INSTITUTIONAL USE
- COMMERCIAL / RETAIL
- AGRICULTURAL
- GOLF COURSE / PRIVATE RECREATION
- CITY PARKS
- REGIONAL PARK LAND



ED&AW

**Figure III-3 Surrounding Land Use**  
 Tuolumne River Regional Park  
 Master Plan MEIR

Source: EDAW, Inc., 2000.



**Figure III-3 Surrounding Land Use**  
Tuolumne River Regional Park  
Master Plan MEIR



### B. PROJECT OBJECTIVES (Continued)

- Provide a variety of recreational experiences, including opportunities for both active and passive activities.
- Enhance the environmental values of the park.
- Provide access to the river.
- Integrate educational and interpretive elements into the park design.

### C. PROJECT CHARACTERISTICS

The TRRP Master Plan is a land use vision and framework for improvements that will create a regional riverfront park approximately 500 acres in size. Riparian forests would be enhanced along the entire length of the park, with the exception of the Airport Area, which is already home to a large, mature valley oak forest. Much of the open space within the TRRP would be planted with native wildflower meadow grasses. A continuous paved trail would extend from one end of the TRRP to the other, allowing pedestrians and bicycles to travel through its entire seven-mile length. The Master Plan identifies six distinct areas of the park from west to east. These planning areas are identified in Figure III-4. A description of improvements outlined in the Master Plan for each planning area is provided below. In addition to the major planning zones, the TRRP also includes restoration of riparian vegetation in several riverfront parcels on the south side of the Tuolumne River in the Carpenter Road and Golf Course Areas. In the future, it might be possible to create a riparian trail along the river's south bank using these parcels as the foundation. For more detail on each of the development visions for the planning zones, please refer to the TRRP Draft Master Plan (EDAW 2000).

#### 1. Carpenter Road Area

The Carpenter Road Area is approximately 180 acres in size. The former landfill site located in this area would be reclaimed to allow for park activities. Before this part of the park can be developed, a landfill closure plan must be prepared in order to comply with California State law (Postclosure Land Use, CCR Title 27, Section 21190). Because of the regulatory constraints related to landfill reclamation, development activities for this area has been identified as a subsequent project in this Master EIR.

The Master Plan identifies the development of a river promenade trail, restoration of the riparian corridor, creation of stormwater wetlands, and the development of a regional sports complex in this portion of the park. The stormwater wetlands would be located to the west of the wastewater treatment plant and would help purify some of the stormwater runoff from the adjacent urban areas before entering the Tuolumne River.

Floodplain terraces would be constructed where possible along the riparian corridor in the Carpenter Road Area. These floodplains would provide surfaces that inundate more frequently, restore hydrologic connectivity, and create different hydrologic niches that meet many riparian plant species' initiation and establishment requirements.

### III. Project Description

The sports complex would be located north of the wastewater treatment plant and would include areas for field sports (soccer, football, or baseball). The sports complex has been identified as a subsequent project, to be analyzed in greater detail when more information is available.

#### 2. Golf Course Area

Dryden Municipal Golf Course and portions of Modesto Municipal Golf Course are located along the north bank of the Tuolumne River. Currently, the JPA does not own land in this reach, and thus the Master Plan does not formally include this area. However, the Master Plan advocates a narrow trail and riparian restoration easement along the river's edge adjacent to the golf courses.

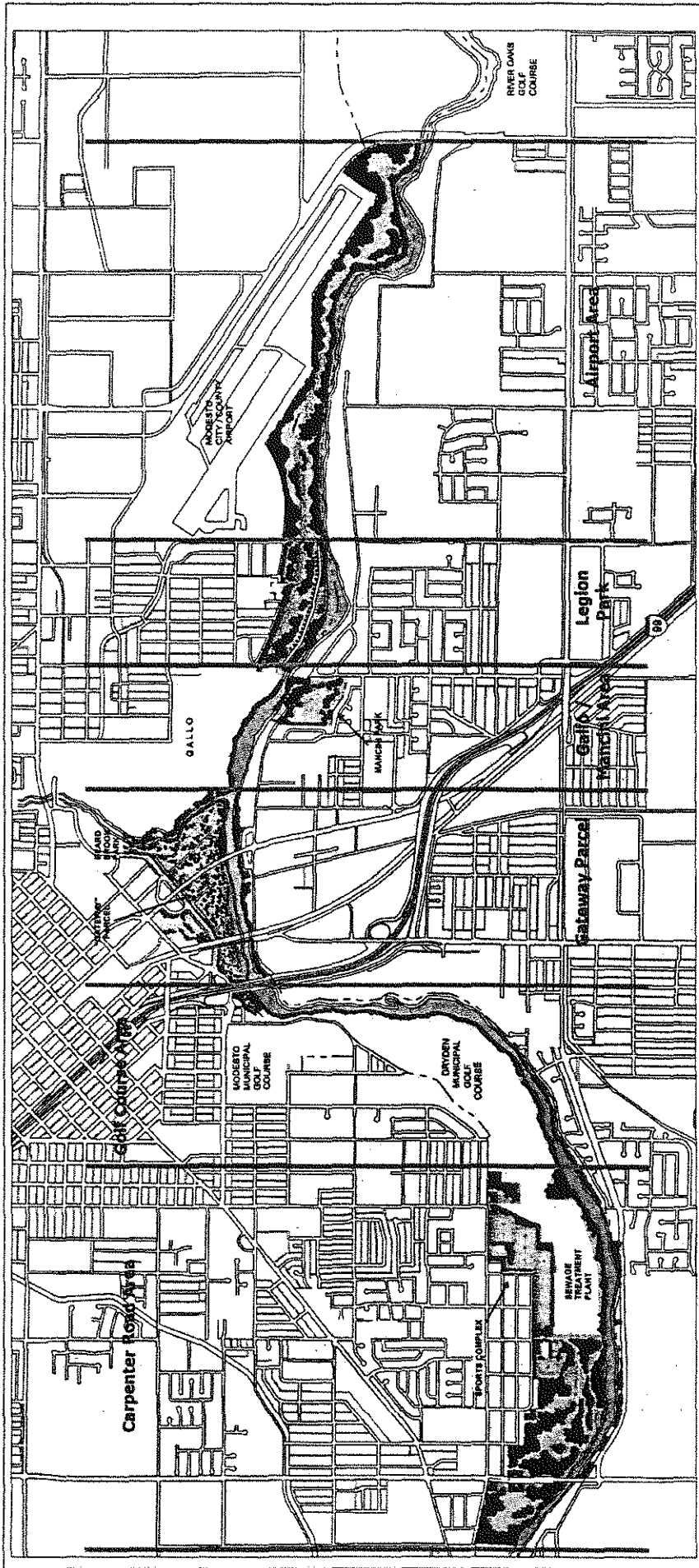
A 20-acre, triangular parcel of land along the southern end of Neece Drive is part of the TRRP. The land is located between the two golf courses. The program for this park includes a loop trail, connections to the river promenade trail, a boat pier and a separate fishing pier and river overlook.

#### 3. Gateway Parcel

The Gateway Parcel would be the focal point of the TRRP and would contain the majority of the active recreational and physical improvements. This area encompasses approximately 90 acres. A plan view of the Master Plan for the Gateway Parcel is provided in Figure III-5. The Master Plan for the Gateway Parcel includes the river promenade trail and an internal trail system, riparian corridor restoration, and multi-use meadows for community events and informal park activities. Special events like those currently held to the east of Legion Park could potentially be held in the open space areas of the Gateway Parcel. The potential for special events to occur in the Gateway Parcel has been identified as a subsequent project, to be analyzed in greater detail when more information is available.

The Gateway Parcel would be the focus of the park's riparian restoration efforts, and would include a riparian restoration zone at least 185 feet wide. Riparian restoration zones within the park have been designed to follow natural plant distribution patterns. Floodplain terraces would be constructed where possible along the riparian corridor in the Gateway Parcel to encourage the natural establishment of riparian vegetation. Stormwater wetlands would also be created to help purify some of the stormwater runoff from the adjacent urban areas before entering the Tuolumne River.

A pedestrian bridge at the east end of the Gateway Parcel would create a link to the portions of the TRRP across Dry Creek. A new Loop Road would be constructed to connect with the Tuolumne Boulevard extension, between 7<sup>th</sup> and 10<sup>th</sup> Streets. The Tuolumne Boulevard extension is a project funded by local, State, and federal funding sources that is expected to be completed by 2004. The TRRP's Loop Road would provide limited vehicular access into the center of the park. New parking areas would provide parking for approximately 530 cars.



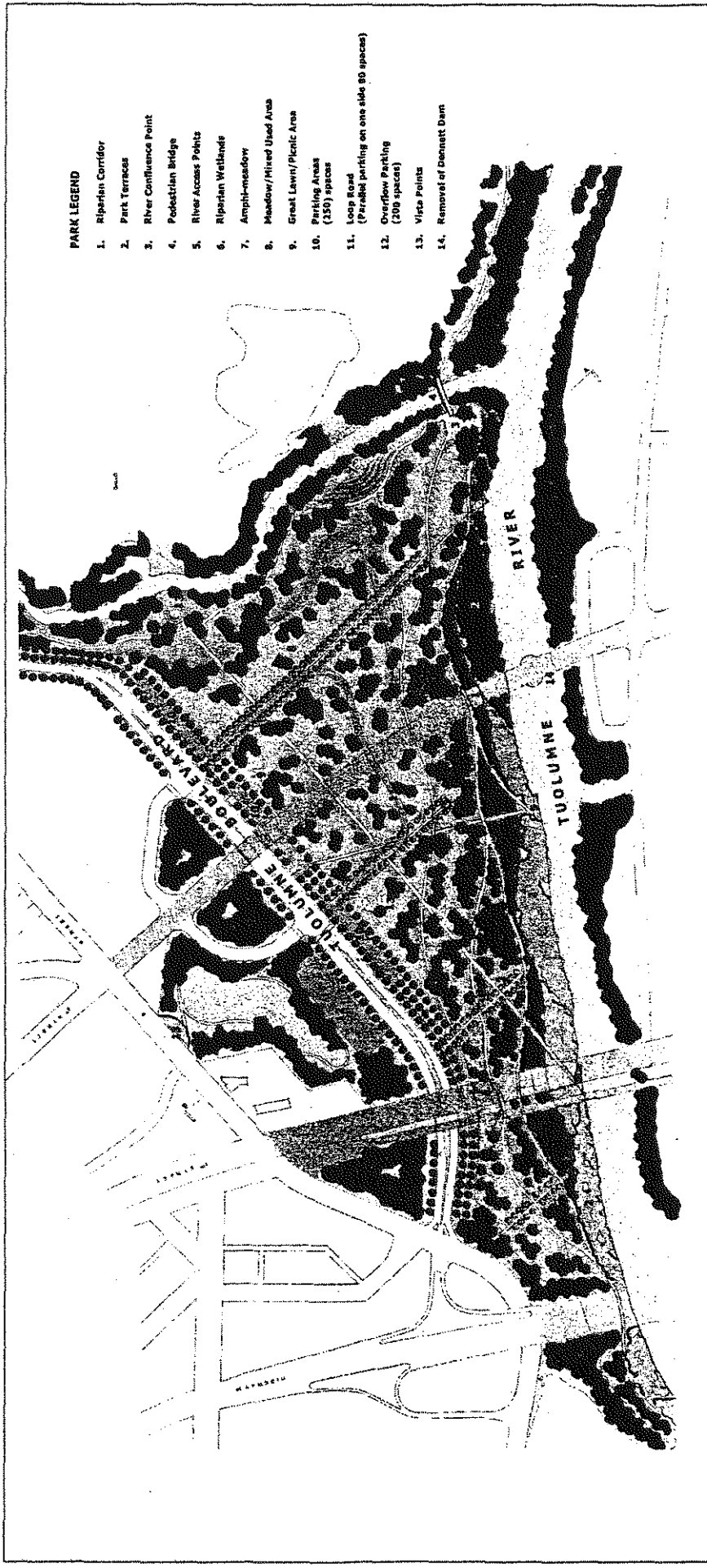
Source: TRRP Joint Powers Authority and ED&A, Inc. in association with McEain & Truth, Stillwater Sciences, and RGR Engineering, Inc.



ED&A



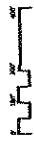
**Figure III-4 TRRP Planning Areas**  
 Tuolumne River Regional Park  
 Master Plan MEIR



Source: ED&W Inc., 2006.



ED&W



**Figure III-5 Gateway Parcel**  
 Tuolumne River Regional Park  
 Master Plan MEIR

The Gateway Parcel would also include areas for active recreation. A children's play area would be constructed near Tuolumne Boulevard and the Loop Road. An "amphimeadow" (a grassy, outdoor amphitheater within a natural "meadow-like" setting) would be located near Dry Creek on the eastern edge of the parcel. The amphimeadow would be able to accommodate up to 3,000 people for regional and community events. The Gateway Parcel would also include special vista points, river overlooks, and river access piers.

Two wooden boat piers along the river would allow park visitors to launch small, non-motorized boats into the river. The Master Plan also calls for the removal of Dennett Dam. The dam currently blocks the migration route for local salmon and other fish, and impedes small boat passage. Special events at the amphimeadow, river outlooks and fishing piers, and the removal of Dennett Dam are identified as subsequent projects in this MEIR.

#### 4. Gallo/Mancini Area

The Gallo/Mancini Area is located to the east of the Gateway Parcel, between the Tuolumne River's confluence with Dry Creek and Herndon Road. This part of the TRRP includes a narrow riparian trail corridor along the north riverbank and the existing 25-acre Mancini Park on the south bank. For this area, the Master Plan includes the continuation of the river promenade trail, restoration of the riparian corridor, and pedestrian and bike crossing across Dry Creek to the Gateway Parcel.

#### 5. Legion Park

Legion Park is located between South Santa Cruz Road and Tioga Drive on the north bank of the Tuolumne River. The 50-acre park has an established trail network, play area, picnic and barbecue sites, and bathrooms. The Master Plan includes the addition of a covered picnic shelter, additional benches, a small public event space, and picnic areas and barbecue grills. The river promenade trail and restoration of the riparian corridor would continue in this area. A boat pier and a canoe and kayak "beach" would be created to launch rafts and other types of small boats into the water nearby. A pedestrian and bicycle bridge would connect Legion Park to Mancini Park on the south bank of the river. A recessed ancient river channel, once used by the Tuolumne River before natural forces changed its course to the present location, is located in the northern portion of Legion Park. Two low wooden bridges would extend the trail network over the ancient channel, providing wheelchair access to the rest of the park.

#### 6. The Airport Area

The Airport Area is approximately 160 acres located south of the Modesto City/County Airport between Tioga Drive and Mitchell Road on the north bank of the Tuolumne River. The area is influenced by the adjacent airport in terms of appropriate uses and activities. The Airport Area is already developed as a park and has existing park-related amenities and mature vegetation. Its trails and vegetation would generally be left as they are now. The Master Plan includes developing the river promenade trail, some restoration of riparian vegetation, and constructing a river overlook and fishing pier in this area.

### III. Project Description

#### D. PROJECT PHASING

The Master Plan is intended to be implemented over a 20-year period, from 2001 to 2021. In general, park improvements would be phased as funding permits. Priority would be placed on the development of the Gateway Parcel, due to its high visibility, central location, and proximity to existing trails and park facilities at Legion Park and the Airport Area. The first project to be implemented under the Master Plan would likely be the trail from Beard Brook Park, along the eastern edge of the Gateway Parcel, continuing east across Dry Creek to the Gallo and Legion Park properties. In addition, it is anticipated that the planned earthwork (floodplain terracing) and riparian restoration at the Gateway Parcel would be implemented in the near-term, as well as the compacted earth pathways envisioned for the Gateway Parcel. Development of the amphimeadow would not occur until the planned Tuolumne Boulevard extension is constructed, which is currently funded and planned for completion by the City of Modesto in 2003-2004.

After development of the improvements at the Gateway Parcel, the next priority would be to integrate the remaining riparian areas into the park system. Due to the additional planning and extraordinary costs associated with the Carpenter Road landfill, it is assumed that improvements in this area would occur over the long-term. A conceptual schedule of park improvement phasing is provided in the Master Plan. However, this phasing schedule could be modified as funding or implementation opportunities arise.

## CHAPTER IV. ENVIRONMENTAL ANALYSIS

### A. TRAFFIC AND CIRCULATION NEEDS

This chapter summarizes the traffic impacts associated with implementing the TRRP Master Plan project in Modesto. The analysis contained in this chapter addresses near-term traffic conditions as well as cumulative conditions occurring in the future with other development in Modesto and continuing regional traffic growth. The analysis contained in this chapter was prepared by kdANDERSON Transportation Engineers.

#### A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

##### 1. Study Area for Direct Impacts

The study area for direct impacts are the major roads and local streets that would provide access to the TRRP. This street system is detailed below.

The TRRP Master Plan area is currently accessed via several local streets that link portions of the park with the regional circulation system. Legion Park is already accessed via connections to South Santa Cruz Avenue and Tioga Drive. The Carpenter Road area of the TRRP would be accessed via connections to Hancock Street and Robertson Road. The Gateway Parcel would be accessed via connections to the planned Tuolumne Boulevard Extension. This route will join Highway 99 at the B Street Interchange with Yosemite Boulevard near Dry Creek. Prior to completion of the Tuolumne Boulevard Extension, "interim" access would be via 11<sup>th</sup> Street and South Morton Boulevard. This traffic analysis focuses on the major roads and local streets that will provide access to the TRRP. The text that follows describes key elements in the area's circulation system from west to east.

Carpenter Road is a north-south expressway that links Highway 99 at the Briggsmore Road interchange. In the study area Carpenter Road is a four lane street with major intersections controlled by traffic signals. Carpenter Road is eventually to be widened to six lanes.

Robertson Road is a collector street that extends easterly from Carpenter Road in the area of the TRRP. This two lane road runs for about a mile to Sutter Avenue.

Various local streets serve the residential area south of Robertson Road (i.e., Robertson Road Tract). John Street, Donald Street and Kenneth Street are residential streets that run parallel to Robertson Road. Vernon Street, Marlow Street, Thomas Street, Hancock Street, Hammond Street and Hays Street are local streets that intersect Robertson Road.

Several arterial and collector streets provide access to the existing recreational uses west of Highway 99 (i.e. the Golf Course Area and Carpenter Road area). Tuolumne Boulevard is an arterial street that extends westerly from the B Street interchange to Paradise Road. This street provides access to Neece Drive, a two lane local street. The area of the golf

IV. Environmental Analysis  
A. Traffic and Circulation Needs

course is also served by Sutter Avenue and Roselawn Avenue, two north-south collector streets which link Robertson Road with Tuolumne Boulevard.

Seventh Street and Ninth Street run parallel to Highway 99 and link downtown Modesto with the unincorporated area of Stanislaus County south of the river. Both are four lane arterial streets with major signalized intersections, as well as southern connections to Highway 99.

D Street (SR 132) is an arterial street that extends easterly from Ninth Street to Yosemite Blvd. This four lane street is part of the State highway system that continues easterly across Modesto as Yosemite Boulevard.

Circulation in the area north of the Gateway Parcel occurs via the southern end of the downtown street grid and via links to the grid. The eastern end of Tuolumne Boulevard links Highway 99 with Seventh Street. Tuolumne Boulevard is a four lane street in this area. B Street links Seventh Street with Ninth Street and continues easterly into the south Modesto Industrial area. B Street is a wide industrial collector street. Tenth Street and Eleventh Street parallel Ninth Street and connect the park area with B Street and D Street.

Currently, access to the park is via South Morton Boulevard. This two lane road runs from a B Street intersection to Ninth Street, then along the northern edge of the park through intersections with Tenth Street, and Eleventh Street along Beard Brook Park to an intersection with Yosemite Blvd.

Access to the eastern portions of the TRRP (i.e., Legion park and the Airport Area) is via collector streets that extend southerly from Yosemite Blvd. Santa Cruz Avenue is a two lane street that extends for about a mile to the west end of Legion Park. Kerr Avenue and Tioga Drive are two lane collector streets that extend from Yosemite Blvd to the east end of Legion Park. Legion Park Drive connects Santa Cruz Avenue and Tioga Drive through the park.

East of Carpenter Road, Hatch Road connects Carpenter Road with Crows Landing Road. Hatch Road is a four lane expressway. Crater Avenue fronts the south side of the Tuolumne River in the area north of Hatch Road, and this two lane local street would be the southern terminus of a planned pedestrian crossing.

Circulation along the south side of the Tuolumne River makes use of Zeff Road and River Road. These two lane streets extend for about four miles from a connection to Crows Landing Road, beneath Seventh Street and Ninth Street to Mancini Park. From Mancini Park, River Road continues along the south side of the river to an intersection with Mitchell Road near the southwest end of the Modesto Airport. Herndon Road intersects River Road near Mancini Park, and this two lane street extends southerly to the area of the Highway 99 / Hatch Road interchange.

## 2. Study Area for Cumulative Impacts

The study area for cumulative impacts is the same as for direct impacts.

### 3. Existing Physical Conditions in the Study Area

#### a. Existing Levels of Service

"Level of Service" (LOS) is a term used to describe the amount of congestion on any portion of the traffic circulation system. LOS is measured in different ways, depending on the facility in question and time period of analysis (i.e., weekday peak hour or average daily traffic (ADT)). One 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" as shown in Table A-1. The minimum acceptable LOS standard established in the Modesto General Plan is LOS "D".

To determine existing traffic volumes and obtain more information about traffic conditions in the study area, daily count records from the City of Modesto, Stanislaus County and Caltrans were reviewed and relevant data was assembled. Figure A-1 presents current daily traffic counts on streets and highways in the vicinity of TRRP. Daily traffic counts are the basis for the LOS summary presented in Table A-2.

### 4. Existing Regulatory Policies Applying to the Study Area

#### a. Federal Regulations

There are no applicable federal regulations regarding traffic and circulation needs.

#### b. State Policies

State Proposition 111 requires each urban county in California to prepare a Congestion Management program (CMP). The Stanislaus Council of Governments (StanCOG) has been designated by the County as its Congestion Management Agency (CMA). The Stanislaus County CMP sets a standard of LOS "D" for urban roadways, except for those segments that already experience conditions worse than LOS "D" (within a city's Sphere of Influence), and at LOS "C" for rural roadways (outside a city's Sphere of Influence). In contrast, the City of Modesto has adopted an LOS "D" standard for all roadways. The designated CMP roadway system includes only the State highways within Stanislaus County.

#### c. Stanislaus County Policies

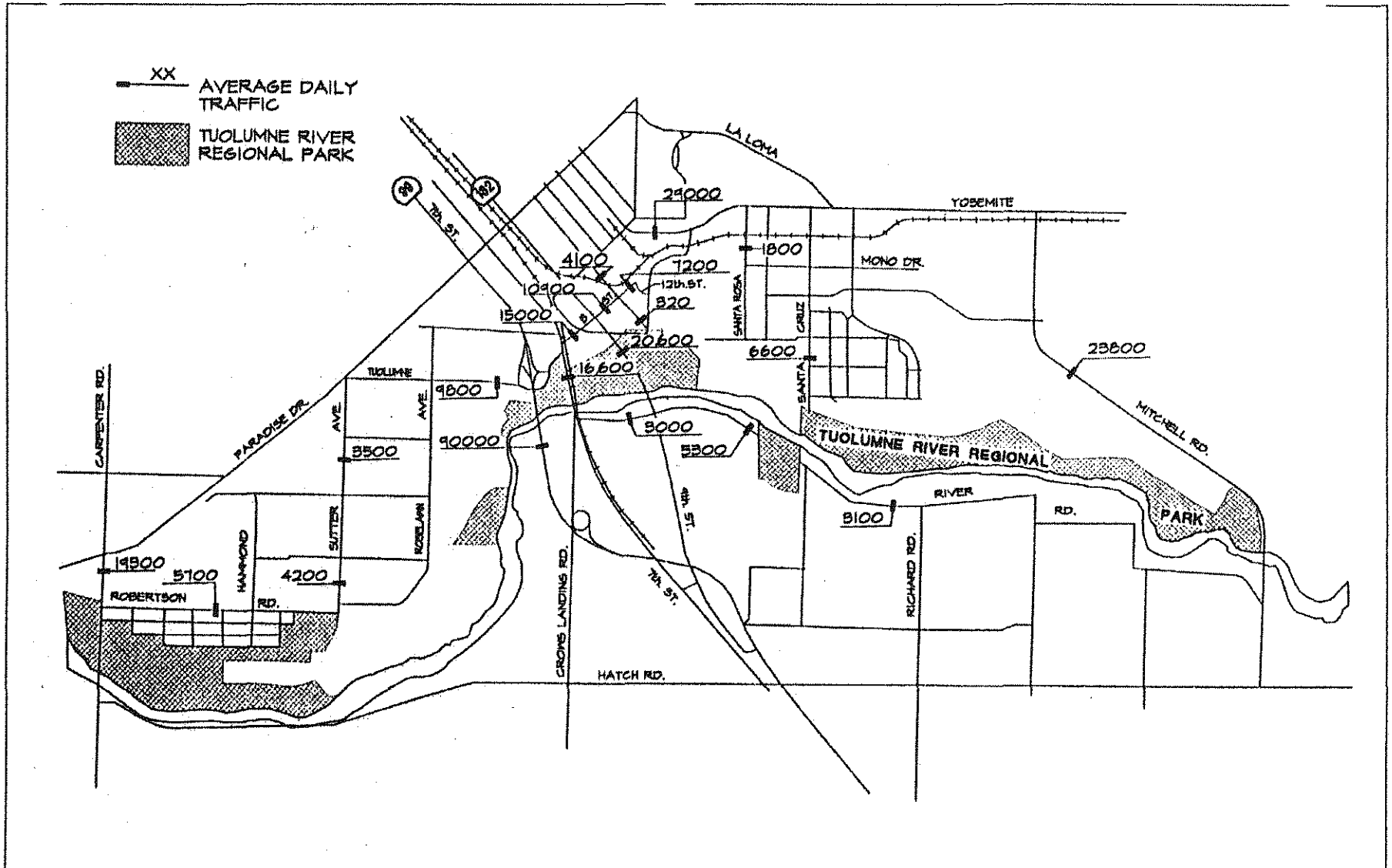
The Stanislaus County General Plan Land Use Element ensures that an effective level of public service is provided in unincorporated areas, and that future growth shall not exceed the capacity of the provider of road systems.

IV. Environmental Analysis  
A. Traffic and Circulation Needs

**Table A-1  
Level of Service Definitions**

Level of Service	Signalized Intersection	Unsignalized Intersection	Roadway (Daily)
A	Uncongested operations, all queues clear in a single-signal cycle. Delay $\leq 10$ sec	Little or no delay. Delay $\leq 10$ sec/veh	Completely free flow.
B	Uncongested operations, all queues clear in a single cycle. Delay $> 10$ sec and $\leq 20$ sec	Short traffic delays. Delay $> 10$ sec/veh and $\leq 15$ sec/veh	Free flow, presence of other vehicles noticeable.
C	Light congestion, occasional backups on critical approaches. Delay $> 20$ sec and $\leq 35$ sec	Average traffic delays. Delay $> 15$ sec/veh and $\leq 25$ sec/veh	Ability to maneuver and select operating speed affected.
D	Significant congestions of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. Delay $> 35$ sec and $\leq 55$ sec	Long traffic delays. Delay $> 25$ sec/veh and $\leq 35$ sec/veh	Unstable flow, speeds and ability to maneuver restricted.
E	Severe congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es). Delay $> 55$ sec and $\leq 80$ sec	Very long traffic delays, failure, extreme congestion. Delay $> 35$ sec/veh and $\leq 50$ sec/veh	At or near capacity, flow quite unstable.
F	Total breakdown, stop-and-go operation. Delay $> 80.0$ sec	Intersection often blocked by external causes. Delay $> 50$ sec/veh	Forced flow, breakdown.

Sources: 1997 Highway Capacity Manual, Transportation Research Board (TRB) Special Report 209.



Source: KDAnderson Transportation Engineers (2001)

**Figure A-1 Current Daily Traffic Volumes**

Tuolumne River Regional Park  
Master Plan MEIR



IV. Environmental Analysis  
A. Traffic and Circulation Needs

**Table A-2**  
**Existing Traffic Volumes on Roadways**  
**(in Weekday Average Daily Volume)**

Street	Location	Roadway Class	Lanes	LOS D Threshold	Daily Volume	Level of Service
Carpenter Road	Paradise Road to Hatch Road	Expressway	4	33,750	19,320	A
Robertson Road	Carpenter Road to Sutter Avenue	Collector	2	11,250	5,700	A
Hancock Street	John Street to Robertson Road	Local	2	11,250	<400	A
Sutter Avenue	Robertson Road to Paradise Avenue	Collector	2	11,250	6,880	A
Roselawn Avenue	Colorado Avenue to Tuolumne Blvd	Collector	2	11,250	unavailable	
Tuolumne Blvd	Paradise Road to SB Hwy 99 ramps	Arterial	4	33,750	9,756	A
	NB Hwy 99 ramps to Seventh St	Arterial	4	33,750	15,454	A
Hatch Road	Carpenter Rd to Crows Landing Rd	Expressway	4	33,750	unavailable	
Crater Avenue	Aztecs Road to Dallas Street	Local	2	11,250	<400	A
Seventh Street	B Street to Crows Landing Road	Arterial	4	33,750	16,555	A
Ninth Street	B Street to River Road	Arterial	4	33,750	20,623	A
B Street	Seventh Street to Ninth Street	Arterial	4	33,750	15,079	A
	Ninth Street to Eleventh Street	Collector	2	11,250	10,885	D
Tenth Street	South of B Street	Local	2	11,250	<400	A
Eleventh Street	D Street to B Street	Collector	2	11,250	4,131	A
Morton Avenue	B Street to Yosemite Boulevard	Collector	2	11,250	7,200	A
Yosemite Boulevard	D Street to Mitchell Road	Arterial	4	33,750	29,000	D
Santa Cruz Ave	Yosemite Boulevard to Oregon Street	Collector	2	11,250	6,600	A
Tioga Avenue	Yosemite Boulevard to Monterey Street	Collector	2	11,250	unavailable	
River Road	Seventh Street to Herndon Street	Collector	2	11,250	5,300	A
	Herndon Avenue to Mitchell Road	Collector	2	11,250	3,100	A

The Circulation Element ensures that a system of streets and roads is developed throughout the County that meets land use needs, while promoting safety and minimizing traffic congestion. Policies support a broad range of transportation modes. For instance, bikeways and pedestrian paths shall be routed to provide reasonable access from residential areas to major bicycle and pedestrian traffic destinations, such as schools, recreation and transportation facilities, centers of employment, and shopping areas (Conservation Element, Goals 6 and 11; Circulation Element, Goals 1 and 2).

d. City of Modesto Policies

The minimum acceptable LOS standard established in the Modesto General Plan is LOS "D". The Modesto General Plan employs daily traffic volumes to suggest current and future Levels of Service on major streets. The capacity and Level of Service thresholds employed are based on calculations using the *Highway Capacity Manual (1997)*.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

There are no Stanislaus County regulatory policies that avoid impacts to traffic and circulation.

b. City of Modesto Policies

There are no City of Modesto regulatory policies that avoid impacts to traffic and circulation.

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect on the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

2. Thresholds of Significance Suggested by Other Analytical Methods

As previously described, the LOS analysis characterizes or rates the operation of roadways and intersections according to the degree of delay or congestion likely to be experienced. Conditions range from LOS "A", the best case condition characterized as free-flowing traffic; to LOS "F" representing the worse case condition, characterized by extensive delay and/or gridlock. These definitions and evaluations are described in Section A-3-a. The Modesto General Plan adopts a minimum acceptable LOS standard of LOS "D". The

IV. Environmental Analysis  
A. Traffic and Circulation Needs

capacity and Level of Service thresholds employed are based on calculations using the *Highway Capacity Manual*.

In addition, most traffic and transportation engineers agree that a significant impact occurs when parking capacity is exceeded, or displacement of parking occurs.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines and commonly accepted traffic engineering practices, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact on traffic if it would:

- Result in the decrease of weekday peak hour conditions on a street segment or at an intersection below the City's minimum acceptable LOS D standard, or worsen conditions on a street segment or at an intersection already at LOS E or F.
- Result in a short-term increase in traffic that would result in LOS E or F on a street segment or at an intersection that would create a substantial increase in traffic congestion above typical patterns.
- Result in inadequate parking capacity.

4. Significant Direct Impacts

a. Trip Generation

The Master Plan describes both passive and active recreational facilities. While various park elements are spread across the corridor, two active recreational areas are a key element of this study: the Regional Sports Complex and the Gateway Parcel. For this reason, trip generation estimates have been identified for typical park activities, Regional Sports Complex activities, special events held at the amphimeadow and larger special events that could occur periodically at the Gateway Parcel. Estimated trip generation for these uses has been determined based on "worst case" assumptions for site operation. Although a quantitative traffic analysis<sup>1</sup> has not been developed for these activities and uses, these trip generation estimates are provided to support a qualitative analysis of short-term traffic impacts that could occur from special events.

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<sup>1</sup> A quantitative analysis of special events is not provided. The volumes and patterns associated with special events would vary from event to event. Short-term events are not conducive to standard traffic analysis procedures. A typical traffic analysis usually considers either average daily volumes, or typical peak-hour volumes. Because special events would only occur several times a year (i.e., likely not more than ten), these short-term volumes are not appropriately considered by an analysis that averages traffic volumes. Thus, special events are considered at a qualitative level, based upon the professional judgement of the traffic engineer preparing this analysis.

**Table A-3  
Trip Generation Rates**

Use	Unit	Automobile Trips Per Unit					
		Weekday		Saturday		Sunday	
		Daily	Peak Hour	Daily	Peak Hour	Daily	Peak Hour
Regional Park	acre	4.57	0.20	5.65	0.34	6.44	0.42
City Park	acre	1.59	not available				
County Park	acre	2.28	0.06	12.14	2.24	4.13	3.60

**Table A-4  
Tuolumne River Regional Park Master Plan Trip Generation Estimates**

Use	Size	Automobile Trips					
		Weekday		Saturday		Sunday	
		Daily	Peak Hour	Daily	Peak Hour	Daily	Peak Hour
Regional Park	500 acre	2,285	100	2,825	170	3,220	210

Typical Park Activities

Trip generation estimates for various land uses have been developed based on national data by the Institute of Transportation Engineers (ITE). This information is presented in the ITE publication *Trip Generation, Sixth Edition*. As shown in Table A-3, trip generation rates have been compiled for regional parks, as well as for facilities that were classified as city and county parks. Review of this data indicated that the range of observed rates was wide and that the size of the TRRP most closely fell within the samples collected for larger regional parks, rather than for smaller city or county parks.

As shown in Table A-4, a 500-acre regional park could be expected to generate about 2,285 daily trips on a weekday, with about 100 trips occurring during the p.m. peak hour (i.e., 4:00 to 6:00 p.m.). These trips would be spread among the various activity centers within the TRRP.

IV. Environmental Analysis  
 A. Traffic and Circulation Needs

**Table A-5  
 Regional Sports Complex Trip Generation**

Event	Daily			Before the Event			After Event		
	In	Out	Total	In	Out	Total	In	Out	Total
Weeknight Practice on one field (15 players)	20	20	40	11	9	20	9	11	20
Weeknight Practice on all 10 fields	200	200	400	110 <sup>a</sup>	90 <sup>a</sup>	200 <sup>a</sup>	90	110	200
Saturday Soccer Game on one field (30 players)	32	32	64	23	6	29	6	23	29
Saturday five games on 10 fields	1,600	1,600	3,200	290	290	540	290	290	540

<sup>a</sup> Traffic occurring during the weekday p.m. peak hour

Regional Sports Complex

The Regional Sports Complex envisions eventual development of multiple sports fields for outdoor recreational uses. The Master Plan suggests that sports fields for soccer, baseball, softball, and/or football could be developed. One field could be illuminated and provide bleacher seating. While the exact nature and operating schedule of the complex is not yet known, based on the size of the area devoted to the complex this preliminary analysis assumes development of up to ten sports fields.

The extent of organized activities at the park has not yet been determined. It is likely that the sports complex could be used by recreational and competitive community leagues in a manner that is consistent with existing activities elsewhere in the region. For this preliminary analysis we have assumed that the sports complex would likely be used during the week for team practice and early evening games, while tournament style play would be likely on weekends. Maximum concurrent use would result from development of ten soccer fields. While no decision has been made as to the actual nature of facilities to be created, the Master Plan suggests that the site is large enough to accommodate this use.

Estimates of the trip generation accompanying sports complex use are presented in Table A-5. As shown, on weeknights the fields could be used by teams for soccer practice. Assuming one team per field, this level of activity could generate about 400 daily trips using normal assumptions for automobile occupancy and drop-off. As the practice schedule is likely to begin before 6:00 p.m., about half of this traffic could occur during the p.m. peak traffic hour.

A greater traffic volume could accompany use of the facilities on weekends. Typical recreational soccer leagues schedule about five matches per field on a Saturday. As shown, this could result in about 3,200 daily trips being generated on a Saturday if all ten fields were used.

#### Amphimeadow

Activities in the Gateway Parcel could include events intended to draw citizens into the downtown area during weekdays and especially on weekends. The Gateway Parcel is to include an "amphimeadow" capable of seating 3,000 persons for regional or community events. It is estimated that a 3,000-person event could generate up to 2,400 daily trips, assuming an average of 2.5 persons per vehicle. Depending on the nature of an event, many of these trips could occur immediately before or after the event.

#### Large Special Events

Other larger special events could occur in the open space areas of the Gateway Parcel. Some of these activities already occur at other locations in Modesto. For example just east of Legion Park, a Cinco De Mayo celebration, Scottish Games and an Armenian Festival attract crowds totaling 10,000 to 15,000 persons. The Master Plan has the capability of attracting crowds of this size to the Gateway Parcel. However, these crowds would not all arrive or depart from the area at the same time, and as a result, the traffic impact would be spread over a broad period. Assuming about 2.5 persons per vehicle, these events probably generate about 8,000 to 12,000 daily trips.

#### b. Trip Distribution

The typical park use trip estimates were then assigned to the local street network based on the general location of planned parking facilities and the locations of residential destinations in the Modesto area. For this analysis it was assumed that all park visitors are residents of the Modesto Metropolitan area, including Modesto, Ceres, and western Stanislaus County, and that the regional distribution of project trips will likely mimic the population distribution within the City.

To quantify the regional distribution, a regional population distribution generated from the City of Modesto travel demand forecasting model was reviewed. In general, the distribution of typical park use trips generated by the TRRP is expected to follow the pattern summarized in Table A-6.

#### c. Existing Plus TRRP Traffic Volumes and Levels of Service

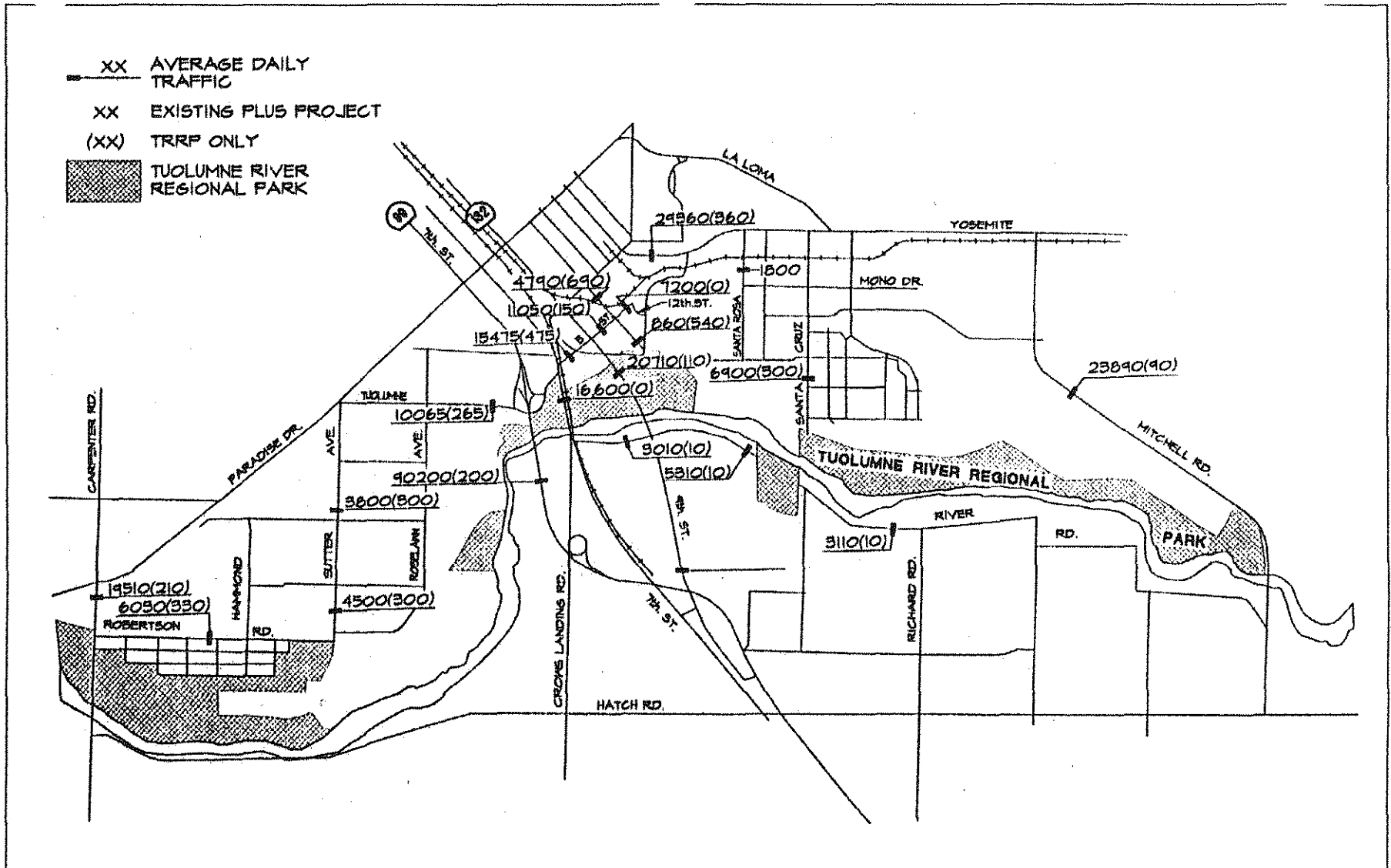
#### Typical Park Activities

The anticipated average weekday traffic projection for typical park use of the TRRP was assigned to the study area circulation system based on the distribution percentages noted in Table A-6. Resulting traffic volumes are presented in Figure A-2 and summarized in Table A-7.

IV. Environmental Analysis  
A. Traffic and Circulation Needs

**Table A-6  
Trip Distribution**

<b>Area</b>	<b>Travel to TRRP</b>	<b>Percentage of Total Trips</b>
Southeast Modesto	West via Yosemite Blvd	30%
Salida, Northwestern Modesto	South via Highway 99	15%
Ceres, southern Stanislaus County	North via Highway 99	15%
West Modesto	East via Tuolumne Blvd and Paradise Avenue	5%
Central Modesto	South via Ninth St to McHenry Ave and Tully Rd	30%
North Ceres	North via Ninth Street	5%



Source: KDAnderson Transportation Engineers (2001)

**Figure A-2 Existing Plus Tuolumne River Regional Park Traffic Volumes**

Tuolumne River Regional Park  
Master Plan MEIR



EDAW

IV. Environmental Analysis  
A. Traffic and Circulation Needs

**Table A-7  
Existing Plus Traffic Volumes on Roadways  
(In Weekday Average Daily Volume)**

Street	Location	Class	Lanes	LOS D Threshold	Existing		Plus Project		
					Vol	LOS	TRRP	Ex+Proj Vol	LOS
Carpenter Rd	Paradise Rd to Hatch Rd	Expressway	4	33,750	19,320	A	210	19,530	A
Robertson Rd	Carpenter Rd to Sutter Ave	Collector	2	11,250	5,700	A	270	5,970	A
Hancock St	John St to Robertson Rd	Local	2	11,250	<400	A	300	700	A
Sutter Ave	Robertson Rd to Paradise Ave	Collector	2	11,250	6,880	A	300	7,180	A
Roselawn Ave	Colorado Ave to Tuolumne Blvd	Collector	2	11,250	unavailable		40	unavailable	
Tuolumne Blvd	Paradise Rd to SB Hwy 99 ramps	Arterial	4	33,750	9,756	A	265	10,021	A
	NB Hwy 99 ramps to Seventh St	Arterial	4	33,750	15,454	A	475	15,929	A
Hatch Road	Carpenter Rd to Crows Landing Rd	Expressway	4	33,750	unavailable		90	unavailable	
Crater Ave	Aztecs Road to Dallas Street	Local	2	11,250	<400	A	10	410	A
Seventh St	B Street to Crows Landing Rd	Arterial	4	33,750	16,555	A	10	16,565	A
Ninth St	B Street to River Road	Arterial	4	33,750	20,623	A	110	20,733	A
B Street	Seventh St to Ninth St	Arterial	4	33,750	15,079	A	475	15,554	A
	Ninth St to Eleventh St	Collector	2	11,250	10,885	D	150	11,035	D
Tenth St	South of B Street	Local	2	11,250	<400	A	0	<400	A
Eleventh St	D Street to B St	Collector	2	11,250	4,131	A	540	4,671	A
Morton Ave	B Street to Yosemite Blvd.	Collector	2	11,250	7,200	A	325	7,525	A
Yosemite Blvd.	D Street to Mitchell Rd	Arterial	4	33,750	29,000	D	685	29,685	D
Santa Cruz Ave	Yosemite Blvd. to Oregon St	Collector	2	11,250	6,600	A	300	6,900	A
Tioga Ave	Yosemite Blvd. to Monterey St	Collector	2	11,250	unavailable		210	unavailable	
River Road	Seventh St to Herndon St	Collector	2	11,250	5,300	A	10	5,300	A
	Herndon Ave to Mitchell Rd	Collector	2	11,250	3,100	A	10	3,110	A

As shown, on a typical weekday the TRRP would add a small number of trips to most of the streets in the study area. However, the incremental increase in traffic would not change the existing Levels of Service at any location, and on typical weekdays, City of Modesto's LOS "D" standard would not be exceeded as a result of this project. For this reason, this is considered a less-than-significant impact.

#### Regional Sports Complex

As noted above, on weeknights the Sports Complex could generate about 400 daily trips using normal assumptions for automobile occupancy and drop-off. As the practice schedule is likely to begin before 6:00 p.m., about half of this traffic could occur during the p.m. peak traffic hour. A greater traffic volume could accompany use of the facilities on weekends. Typical recreational soccer leagues schedule about five matches per field on a Saturday. This could result in about 3,200 daily trips being generated on a Saturday if all ten fields were used.

Each team would likely be coming and going at different times, spreading the trips out over a period of time. The incremental increase in traffic would not change the existing LOS at any location, either on the weekends or weekdays. The City of Modesto's LOS "D" standard would not be exceeded as a result of this project. For this reason, this is considered a less-than-significant impact.

#### Amphimeadow

The amphimeadow could be used for either weekend or weekday events such as daytime music concerts or festivals. A 3,000-person event could generate 2,400 daily trips, assuming an average vehicle occupancy of 2.5 people. Depending on the nature of an event, many of these trips could occur immediately before or after the event. The short-term influx of traffic would result in short-term periods of congestion that would exceed the City of Modesto's minimum acceptable LOS "D" standard. This short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create annoyance by area residents or commuters. This is considered a significant impact.

**Impact Traffic-1: Traffic Impacts from Special Events at Amphimeadow.** The increase in traffic associated with special events at the amphimeadow would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphimeadow visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.

#### Large Special Events

As noted above, a large special event with 10,000 to 15,000 visitors would generate about 8,000 to 12,000 daily trips. These crowds would not all arrive or depart from the area at the same time, and as a result the traffic impact would be spread over a broad period of time.

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Currently, events such as the Cinco de Mayo celebration and other large special events are held just to the east of Legion Park. The City of Modesto Police Department meets with event sponsors prior to the event to develop a traffic and parking management plan. Traffic for large events is usually directed by police before, during, and after the event to reduce impacts.

With implementation of the TRRP Master Plan, it is anticipated that some of the large events currently held east of Legion Park and other large events would occur at the Gateway Parcel. During these events, roadways providing access to the Gateway Parcel would be at capacity and drivers would experience stop-and-go traffic. It is anticipated that the City of Modesto Police Department would continue to meet with event sponsor to develop event traffic management plans prior to the event. The traffic management plans would help alleviate traffic problems by directing the flow of traffic. However, even with the traffic management plans in place, the large special events would result in substandard operating conditions on the roadways providing access to the Gateway Parcel and off-site parking facilities. This is considered a significant impact.

**Impact Traffic-2: Traffic Impacts from Large Special Events.** The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.

e. Parking Impacts

The extent to which the Master Plan's proposed parking supply is adequate has been considered using the trip generation assumptions described earlier. An estimate of probable "worst case" parking demands was then compared to the available parking supply in the sections below.

**Table A-8  
Regional Sports Complex Parking Demand**

<b>Activity</b>	<b>Occupied Spaces</b>
Weeknight practice on one field (15 players)	3 - 5
Weeknight Practice on all 10 fields (150 players)	30 - 50
Evening loading / drop-off	65 - 70
Total parking on Weeknights	85 - 120
Saturday Soccer Game on one field (30 players)	16
Saturday Soccer Games on 10 fields (600 players)	320
Drop off Activity	60 - 80
Total Saturday Parking Demand	380 - 400

Typical Park Activities

Implementation of the Master Plan would increase the number of parking spaces provided on-site. The current inventory of 446 parking spaces would be increased by 925 to a total of 1,371 parking spaces. As previously described, a 500-acre regional park could be expected to generate about 2,285 daily trips on a weekday, 2,825 daily trips on Saturday and 3,200 daily trips on Sunday. One visit to the park results in two trips, one arriving, and one departing. These trips would be spread among the various activity centers within the TRRP and throughout the day. The parking requirements for typical park activities would be accommodated in the 1,371 parking spaces provided in the TRRP. For this reason, this is considered a less-than-significant impact.

Regional Sports Complex

Parking demands at the Regional Sports Complex are expected to be different during the weeknight and weekends. The following analysis considers both conditions.

On weeknights some automobiles may park at the site during practice sessions. As shown in Table A-8, three to five vehicles per team would likely be at the park (up to fifty parked cars). With ten fields, another 65 to 70 vehicles would probably need short-term parking as they drop off and pick up participants. While it is unlikely that this total would occur concurrently, this demand could be accommodated in the 225 parking spaces that are expected on at the Sports Complex.

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A. Traffic and Circulation Needs

Greater parking demands would likely occur on Saturdays. The actual parking demand would depend on the number of concurrent and consecutive games scheduled. If all ten fields are used for consecutive games, then up to 40 teams could be at the site at one time. The total parking demand for 40 teams could be about 320 spaces, with another 100 vehicles needing non-concurrent loading / short-term parking. Total loading and parking capacity of about 400 spaces would be needed. As the total on-site supply in this area is only about 225 spaces, the probable parking demand would spill over into the adjoining neighborhoods. This is a significant impact.

Although parking at the Sports Complex could become a problem, several measures could be implemented to avoid such problems. Primarily, park managers could schedule events in a manner that minimizes concurrent parking demand. It may be that not all of the fields could be used concurrently without exceeding the available parking supply. A method for making use of other parking for overflow parking may also need to be identified. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible, and measures to minimize neighborhood traffic by directing overflow parking to this site would be applicable.

**Impact Traffic-3: Parking for the Regional Sports Complex.** Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. This is a potentially significant impact.

Amphimeadow

An event attracting 3,000 persons to the amphimeadow would generate most of its patrons by private automobile. Assuming a typical automobile occupancy rate of 2.5 persons per vehicle, it would be necessary to provide parking for about 1,200 vehicles. While the overall park's parking inventory exceeds this total, only about 530 spaces are projected in the area of the Gateway Parcel. Assuming 100 percent occupancy of that area, about 670 vehicles would need to park outside of the areas identified in the Master Plan.

This overflow demand could extend northerly from the park towards the downtown area. The surrounding land use in this area is commercial and industrial uses. Assuming that each downtown block could accommodate about forty-five to fifty vehicles and no other vehicles were parked on the street, then the overflow would extend to about E Street.

During the harvest season (June-September) processing activities occur at Stanislaus Foods and Gallo 24 hours a day, 7 days a week. Events held during the harvest season and other times when other parking demands also existed would result in overflow parking that extended further towards the downtown core.

The Master Plan acknowledges measures to help alleviate parking problems, and these actions should be incorporated into a parking management plan for major events at the TRRP. There are several overflow parking opportunities in the vicinity of the TRRP to accommodate overflow parking from special events held at the amphimeadow. The parking management plan could identify the locations of off-site parking sufficient for the prescribed event, note the location of necessary signing and coordinate parking with access

management activities. It would be possible to provide coordinated bus service from downtown parking lots and garages. The City may be able to develop agreements with nearby property owners to use employee parking facilities for special event overflow parking during the off-season.

**Impact Traffic-4: Parking for Events held at the Amphimeadow.** An event attracting 3,000 persons to the amphimeadow would exceed the parking capacity in the Gateway Parcel. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is considered a potentially significant impact.

#### Large Special Events

Implementation of the TRRP Master Plan could result in significant off site parking impacts when large special events are held. Events associated with Cinco de Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Currently several large festivals, including the Cinco de Mayo celebration, are held to the east of Legion Park. Prior to the festivals the City of Modesto Police Department meets with event sponsors to develop an event traffic and parking management plan to minimize impacts to the surrounding neighborhood. Even with the event management plan in place, the events result in spillover parking onto neighborhood streets.

With implementation of the TRRP Master Plan, it is anticipated that some of the large events currently held to the east of Legion Park would move to the Gateway Parcel. It is also possible that other large events, not currently held in the TRRP, would also occur in the Gateway Parcel periodically. As noted above, like smaller events held in the amphimeadow, overflow demand from these large special events would extend northerly from the park towards the downtown area. Events held during the harvest season and other times when other parking demands also existed would result in overflow parking that extended further towards the downtown core.

**Impact Traffic-5: Parking for Large Special Events in the Gateway Parcel.** Implementation of the TRRP Master Plan could result in significant off site parking impacts when large special events are held. Events associated with Cinco De Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is a significant impact.

#### 5. Significant Cumulative Impacts

To evaluate the impacts of the TRRP Master Plan on future traffic conditions in the project area, Year 2025 conditions "Without TRRP Master Plan" and "With the TRRP Master Plan" were created and evaluated.

To create the baseline Year 2025 scenario, City of Modesto traffic model forecasts for the study area were obtained, identified and compared to current traffic volumes. These

IV. Environmental Analysis  
A. Traffic and Circulation Needs

forecasts include the completion of the Tuolumne Boulevard Extension, as well as other projects addressed under the City of Modesto General Plan. These forecasts were completed by the City of Modesto staff using the citywide travel demand forecasting model.

The TRRP is identified in the current City of Modesto General Plan. Thus, the typical weekday trips generated by this use are already a part of the traffic volumes forecasts generated by the model, and the TRRP's cumulative impacts have already been assessed as part of the General Plan Update Master EIR. Figure A-3 presents year 2025 traffic volumes on major streets in the study area. To provide a measure of the incremental contribution of TRRP traffic to the area street system, a "Year 2025 Without TRRP Master Plan" forecast was created by deleting TRRP trips from the model forecast.

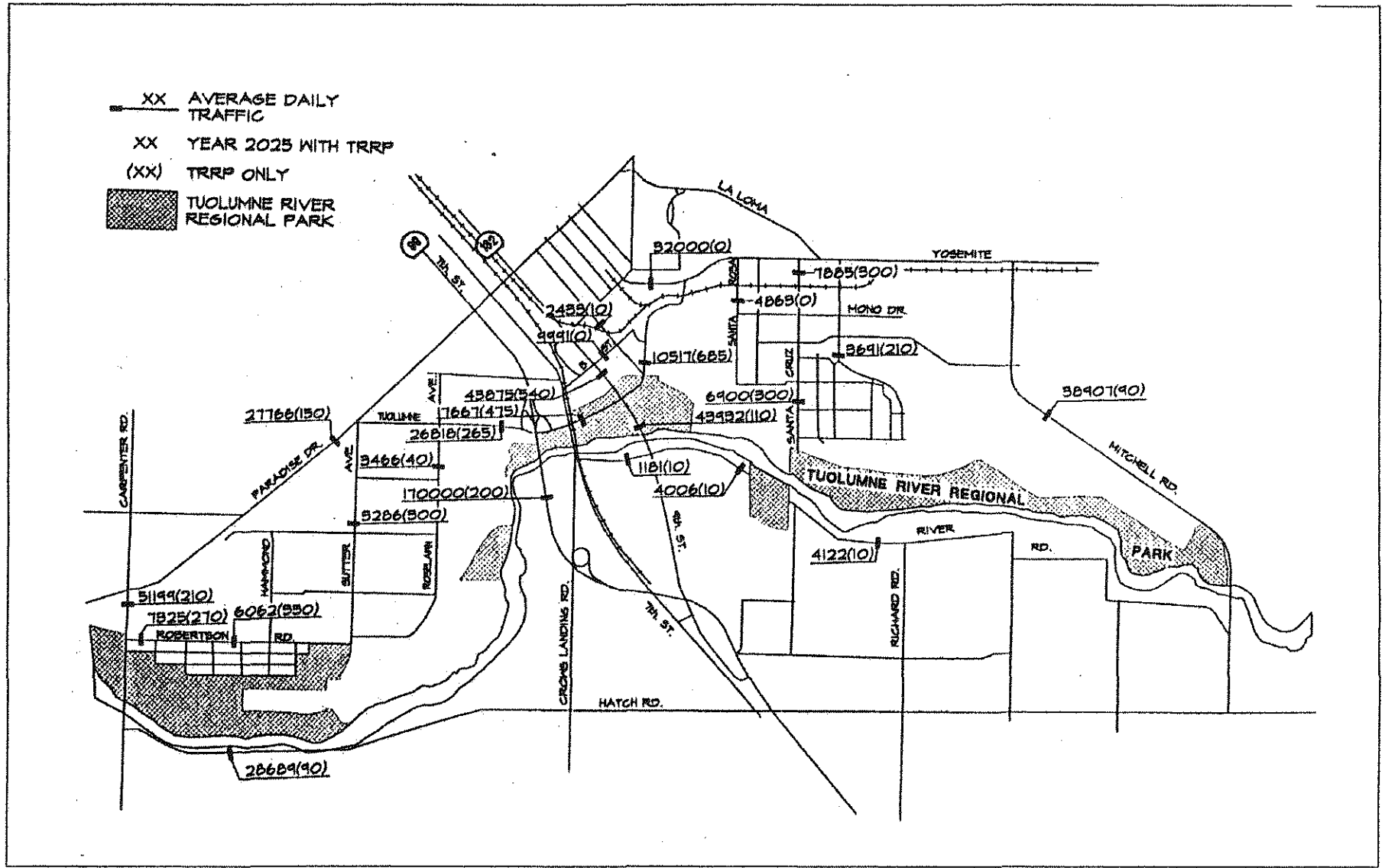
Levels of Service on study area streets are presented in Table A-9. As shown, LOS is not appreciably different under the two scenarios. In this part of Modesto, year 2025 conditions in excess of the City's LOS "D" standard are only projected in one location, which is Ninth Street across the Tuolumne River. The planned four-lane arterial is projected to operate at LOS "F" whether the TRRP is developed or not. However, this impact was already disclosed in the *Final Master EIR for the Urban Area General Plan* (refer Figure 1-5 and Table 1-3).

Development of the TRRP has been addressed in the Modesto General Plan Master EIR. Review of year 2025 traffic volume forecasts generated by the current General Plan citywide travel demand forecasting model reveals that the TRRP does not result in any change to Levels of Service that were not already disclosed in the Master EIR. Thus, this is considered a less-than-significant impact.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

The following are the potential impacts of anticipated subsequent projects for which there is not sufficient information reasonably available to support a full assessment (Public Resources Code 21157(b)(3)):

- Parking Impacts of the Regional Sports Complex; and
- Parking Impacts of Special Events.



Source: KDAAnderson Transportation Engineers (2001)

**Figure A-3 Year 2025 Traffic Volumes**  
 Tuolumne River Regional Park  
 Master Plan MEIR



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**Table A-9**  
**Year 2025 Plus TRRP Traffic Volumes on Roadways**  
**(in Average Weekday Daily Volume)**

Street	Location	Class	Lanes	LOS D Threshold	Year 2025 Without TRRP Master Plan		Year 2025 With TRRP Master Plan		LOS
					Vol	LOS	Volume		
							TRRP	2025 w/ project	
Carpenter Rd	Paradise Rd to Hatch Rd	Expressway	6	67,500	52,408	D	210	52,618	D
Robertson Rd	Carpenter Rd to Sutter Ave	Collector	2	11,250	7,055	A	270	7,325	A
Hancock St	John St to Robertson Rd	Local	2	11,250	<400	A	300	700	A
Sutter Ave	Robertson Rd to Paradise Ave	Collector	2	11,250	2,986	A	300	3,286	A
Roselawn Ave	Colorado Ave to Tuolumne Blvd	Collector	2	11,250	7,709	A	40	7,749	A
Tuolumne Blvd	Paradise Rd to SB Hwy 99 ramps	Arterial	4	33,750	26,553	C	265	26,818	C
	NB Hwy 99 ramps to Ninth St	Arterial	4	33,750	17,192	A	475	17,667	A
	Ninth Street to Yosemite Blvd	Collector	2-4	11,250 33,750	9,832	C A	685	10,517	D A
Hatch Road	Carpenter Rd to Crows Landing Rd	Expressway	4	46,750	28,599	A	90	28,689	A
Crater Ave	Aztecs Road to Dallas Street	Local	2	11,250	<400	A	10	410	A
Seventh St	B Street to Crows Landing Rd	Arterial	4	33,750	12,760	A	10	12,770	A
Ninth St	D Street to Tuolumne Blvd	Arterial	4	33,750	43,335	F	540	43,875	F
	Tuolumne Blvd to River Road	Arterial	4	33,750	43,992	F	110	43,932	F
Eleventh St	D Street to B St	Collector	2	11,250	2,423	A	10	2,433	A
Yosemite Blvd.	D Street to Mitchell Rd	Arterial	6	50,000	41,799	C	685	42,484	C
Santa Cruz Ave	Yosemite Blvd. to Oregon St	Collector	2	11,250	7,585	A	300	7,885	A
Tioga Ave	Yosemite Blvd. to Monterey St	Collector	2	11,250	3,441	A	210	3,651	A
River Road	Seventh St to Herndon St	Collector	2	11,250	4,102	A	10	4,112	A
	Herndon Ave to Mitchell Rd	Collector	2	11,250	3,929	A	10	3,939	A
SR 99	Tuolumne Blvd to Crows Landing Rd	Arterial Freeway	8	180,000	169,910	D	90	170,000	D

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

**Impact Traffic-1: Traffic Impacts from Special Events at Amphimeadow.** The increase in traffic associated with special events at the amphimeadow would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphimeadow visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.

Mitigation Measure Traffic-1: Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan shall identify the following:

- Routes that will be used to access the park by visitors, emergency vehicles and by staff;
- Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event;
- Methods and duration of protection for pedestrian crossings; and
- Location and responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted.

Implementation of this mitigation measure would reduce traffic impacts associated with the amphimeadow, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.

**Impact Traffic-2: Traffic Impacts from Large Special Events.** The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.

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Mitigation Measure Traffic-2: Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1.

Implementation of this mitigation measure would reduce traffic impacts associated with large special events, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.

**Impact Traffic-3: Parking for the Regional Sports Complex.** Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. This is a potentially significant impact.

Mitigation Measure Traffic-3: Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for the Regional Sports Complex, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The following measures may be included in the parking management plan:

- a) Park managers could schedule events in a manner that minimizes concurrent parking demand.
- b) If required, identify overflow parking lots and appropriate signage directing visitors to designated lots. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible.
- c) If necessary, additional parking may be required at the Sports Complex, or the number of fields may need to be reduced to effectively balance parking demand.

No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

**Impact Traffic-4: Parking for Events held at the Amphimeadow.** An event attracting 3,000 persons to the amphimeadow would exceed the parking capacity in the Gateway Parcel. Overflow parking could displace industrial and commercial employee or

patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is considered a potentially significant impact.

Mitigation Measure Traffic-4: Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created.

The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a "real time" basis. Signs noting "lots full" and directing motorists to ancillary parking areas would be needed.

No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

**Impact Traffic-5: Parking for Large Special Events in the Gateway Parcel.**

Implementation of the TRRP Master Plan could result in significant off site parking impacts when large special events are held. Events associated with Cinco De Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is a significant impact.

Mitigation Measure Traffic-5: Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events.

Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4.

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A. Traffic and Circulation Needs

However, even with implementation of the event parking management plans there will likely be significant traffic impacts in the immediate vicinity of TRRP when large special events are staged. With event attendance reaching 15,000, there would not be a feasible measure available to ensure that employees and patrons of the surrounding neighborhoods would not be displaced. For this reason, this is a significant and unavoidable impact.

1. Measures Which Mitigate Cumulative Impacts

No cumulative impacts have been identified.

2. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

As described in the impacts and mitigation measures above, implementation and operation of the amphimeadow and special events at the Gateway Parcel would result in significant and unavoidable short-term traffic impacts. An alternative that would avoid this impact would be an alternative that does not include these uses. Further, a significant and unavoidable impact has been identified regarding overflow parking resulting from special events. Similarly, an alternative that would avoid this impact would be an alternative that does not include special events. This alternative is explored in Chapter VII.

## **CHAPTER IV. ENVIRONMENTAL ANALYSIS**

### **B. DEGRADATION OF AIR QUALITY**

This chapter provides an overview of the climate and meteorological setting for the TRRP project site and the San Joaquin Valley Air Basin, and the regulations that control air quality and air emissions. This summary is followed by an assessment of the potential for the proposed project to result in significant air quality impacts, and recommended mitigation measures to reduce these potentially significant impacts.

#### A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

##### 1. Study Area for Direct Impacts

The study area for direct impacts is the TRRP Master Plan area and those properties immediately surrounding the Master Plan area.

##### 2. Study Area for Cumulative Impacts

The study area for cumulative impacts is the San Joaquin Valley Air Basin.

##### 3. Existing Physical Conditions in the Study Area

###### a. Climate and Meteorology

Ambient air quality is commonly characterized by climatological conditions, the meteorological influences on air quality, and the quantity and type of pollutants released. The following section describes pertinent characteristics of the air basin and provides an overview of the physical conditions affecting pollutant dispersion in the project area.

###### Regional Climate

The project site is located in the San Joaquin Valley Air Basin. The air basin is comprised of eight counties: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and western and central Kern counties and is bounded to the east by the Sierra Nevada (approximately 8,000 to 14,000 feet elevation), to the west by the Coast Ranges (approximately 3,000 feet elevation), and to the south by the Tehachapi Mountains and the San Emigdio Mountains (approximately 8,000 feet elevation).

The concentration of air pollutants in the San Joaquin Valley Air Basin varies from day to day depending on the ability of the atmosphere to disperse pollutants. Air flow and pollutant transport within the air basin is complex and largely influenced by surrounding topographic features. In general, surrounding mountain ranges hinder air flow into and

IV. Environmental Analysis  
B. Degradation of Air Quality

out of the Valley. This weak air flow becomes blocked vertically by high barometric pressure over the San Joaquin Valley and renders the air basin susceptible to pollutant accumulation over time. Most of the surrounding mountains are above the normal height of summer inversion layers (1,500 to 3,000 feet). Local climatological effects, including wind speed and direction, temperature, inversion layers, and precipitation and fog, can exacerbate the air quality problems in the air basin (SJVAPCD 1998).

Local Climate

Stanislaus County is located in the northern portion of the eight-county air basin. The climate is semi-arid with winter and spring rainfall averaging approximately 11 inches per year. The rainfall is very seasonal with low heavy fog in the winter months. Temperatures within the project area range from a daily average January low of 37 degrees to a daily average July high of 94 degrees Fahrenheit (NOAA 1992). Winds are predominantly from the north during all seasons of the year with average annual wind speeds ranging from approximately 4 to 10 miles per hour (CARB 1994).

Due to the prevailing north winds during the summer, some of Stanislaus County's summer air quality problems are a result of pollutants being transported from outside the air basin. Major air quality problems throughout the area occur from late spring through early winter. From May to October high ozone levels are a recurring problem due to the region's intense heat and sunlight. Pollution problems also occur from October through January due to frequent strong temperature inversions, which trap pollutants near the earth's surface. The presence of visibility-reducing particulates is a problem during much of the year, caused largely by dust from spring winds and agricultural operations (SJVAPCD 1998).

Meteorological Influences on Air Quality

Regional wind flow patterns have an effect on air quality patterns by directing pollutants downwind of sources. Localized meteorological conditions, such as moderate winds disperse pollutants and reduce pollutant concentrations. When a warm layer of air traps cooler air close to the ground, an inversion layer is produced. Such temperature inversions especially hamper dispersion by creating a ceiling over the area and trapping air pollutants near the ground. During summer mornings and afternoons, such inversions are present over the project area. During summer's longer daylight hours, plentiful sunshine provides the energy needed to fuel photochemical reactions between nitrogen oxides (NO<sub>x</sub>) and reactive organic gases (ROG), which result in ozone (O<sub>3</sub>) formation.

In the winter, temperature inversions dominate during the night and early morning hours but frequently dissipate by afternoon. During these months, the greatest pollution problems are from carbon monoxide and NO<sub>x</sub>. High carbon monoxide concentrations occur on cold winter mornings with strong surface inversions and light winds.

b. Criteria Air Pollutants

Currently, most of the effort to improve air quality in the United States and California is directed toward the control of five pollutants, called "criteria" air pollutants: photochemical oxidants (ozone), carbon monoxide (CO), fine particulate matter (PM<sub>10</sub>), nitrogen dioxide (NO<sub>2</sub>), and sulfur dioxide (SO<sub>2</sub>). Fifteen years ago, suspended particulate lead would have been included in this list, but the widespread availability and use of unleaded gasoline has effectively eliminated lead as an air quality concern. Criteria pollutants, including their formation and health effects, are discussed below.

Ozone (O<sub>3</sub>)

O<sub>3</sub> is a colorless gas with a pungent odor that causes eye irritation and respiratory function impairment. Most O<sub>3</sub> in the atmosphere is formed as a result of the interaction of ultraviolet light, ROG, and NOx. ROG is composed of nonmethane hydrocarbons, and NOx is made of different chemical combinations of nitrogen and oxygen, mainly nitrogen oxide and nitrogen dioxide (NO<sub>2</sub>). Motor vehicles are the primary source of ROG and NOx. Because these photochemical reactions occur on a regional scale, O<sub>3</sub> is considered a regional pollutant.

Fine Particulate Matter (PM<sub>10</sub>)

PM<sub>10</sub> are atmospheric particles resulting from fume-producing industrial and agricultural operations, and natural activities. Health impacts from breathing the particulates resulted in revision of the Total Suspended Particulate (TSP) standard to reflect particulates that are small enough to be inhaled (i.e., 10 microns or less in size). Current standards define acceptable concentrations of particulates that are smaller than 10 microns in diameter, referred to as PM<sub>10</sub>. PM<sub>10</sub> includes a wide range of solid and liquid particles, including smoke, dust, aerosols, sulfates, and nitrates, which can cause lung damage.

Carbon Monoxide (CO)

CO is an odorless, colorless, gas that causes a number of health problems including fatigue, headache, confusion, and dizziness. The incomplete combustion of petroleum fuels in on-road vehicles is a major cause of CO. CO tends to dissipate rapidly into the atmosphere; consequently, violations of the CO standards are generally limited to major intersections during peak hour traffic conditions. CO is also produced during the winter from wood stoves and fireplaces.

Nitrogen Dioxide (NO<sub>2</sub>)

NO<sub>2</sub> is an indirect product of fuel combustion in industrial sources, motor vehicles, and other mobile sources (e.g., off-road vehicles, trains, aircraft, mobile equipment, and utility equipment). NO<sub>2</sub> causes a number of health problems including risk of acute and chronic respiratory disease.

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Sulfur Dioxide (SO<sub>2</sub>)

SO<sub>2</sub> is a colorless gas with a pungent, irritating odor. The major source of SO<sub>2</sub> emissions is fuel-burning equipment in which fuel oil and/or coal are consumed. SO<sub>2</sub> causes a number of health problems including aggravation of chronic obstructive lung disease.

d. Existing Air Quality Monitoring Data

Air pollutant concentrations are measured at monitoring stations throughout the air basin. Baseline air quality in the study area can be inferred from ambient air quality measurements conducted at the Modesto-14 Street monitoring station. This monitoring station records several pollutants, and is the closest station in proximity to the project site that is generally representative of the air quality in the Modesto Urbanized Area. Table B-1 summarizes the last 3 years of published data from this monitoring station. Based on the information presented, air quality within the Modesto Urbanized Area over the last three years has exceeded the State ambient air quality standards for ozone and PM<sub>10</sub>, as well as the recently established national 8-hour ozone standard, on numerous occasions. The number of days exceeding the recently established national 8-hour ozone standard have steadily decreased over the last three years.

e. Existing Attainment Status

Monitored criteria air pollutants are classified in each air basin, county, or in some cases within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the pollutant is classified as "attainment" in that area. If an area exceeds the standard, the pollutant is classified as "non-attainment." If data are insufficient to determine whether or not the standard is exceeded, the area is designated "unclassified."

The attainment status designations of the air basin are presented in Table B-2. As indicated, the San Joaquin Valley Air Basin is classified "severe nonattainment" for the State ozone standard and "serious nonattainment" for the federal 1-hour ozone and PM<sub>10</sub> standards. The air basin is either unclassified or in attainment for the remaining federal and State air pollution standards. At this time, the attainment designation for the recently established 8-hour ozone and PM<sub>2.5</sub> standards have not been determined (SJVAPCD 2001).

4. Existing Regulatory Policies Applying to the Study Area

Air quality in the project vicinity is regulated by several jurisdictions including the Environmental Protection Agency (EPA), California Air Resources Board (CARB), and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Each of these jurisdictions develop rules, regulations, policies, and/or goals to attain the goals or directives imposed upon them through legislation. Although EPA regulations may not be superseded, both State and local regulations may be more stringent.

**Table B-1**  
**Summary of Annual Air Quality Monitoring Data**  
**Modesto-14<sup>th</sup> Street Station**

	1998	1999	2000
<b>OZONE (O<sub>3</sub>)</b>			
<i>State Standard (1-hr avg, 0.09 ppm)</i>			
<i>National Standard (1-hr avg, 0.12 ppm; 8-hr avg, 0.08 ppm)</i>			
Maximum Concentration (1-hour/8-hour)	0.134/0.119	0.119/0.104	0.131/0.101
Number of Days State Standard Exceeded	24	13	7
Number of Days National Standards Exceeded (1-hour/8-hour)	3/13	0/7	1/4
<b>NITROGEN DIOXIDE (NO<sub>2</sub>)</b>			
<i>State Standard (1-hr avg, 0.25 ppm)</i>			
<i>National Standard (0.053 ppm AAM)</i>			
Maximum Concentration	0.088	0.103	0.079
Annual Mean	NA	0.022	NA
Number of Days State Standard Exceeded	0	0	0
Number of Days National Standard Exceeded	NA	0	NA
<b>CARBON MONOXIDE (CO)</b>			
<i>State Standard (1-hr/8-hr avg, 20/9.1 ppm)</i>			
<i>National Standard (1-hr/8-hr avg, 35/9.5 ppm)</i>			
Maximum Concentration (1-hr/8-hr)	9.4/7.34	11.4/6.36	NA/4.17
Number of Days State Standard Exceeded	0/0	0/0	NA /0
Number of Days National Standard Exceeded	0/0	0/0	NA /0
<b>SUSPENDED PARTICULATES (PM<sub>10</sub>)</b>			
<i>State Standard (24-hr avg, 50µg/m<sup>3</sup>)</i>			
<i>National Standard (24-hr avg, 150µg/m<sup>3</sup>)</i>			
Maximum Daily Concentration	125.0	132.0	112.0
Days Exceeding State/National Standards – Measured	11/0	27/0	8/0
Days Exceeding State/National Standards – Calculated	33/0	84/0	24/0

Note: Measured days are those days that an actual measurement was greater than the level of the State or national standard. Measurements are typically collected every six days. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. Then number of days above the standard is not necessarily the number of violations of the standard for the year.

ppm = parts per million  
 AAM = annual arithmetic mean  
 µg/m<sup>3</sup> = micrograms per cubic meter  
 NA = not available

Source: California Air Resources Board, 2001.

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**Table B-2  
 Ambient Air Quality Standards and SJVAB Attainment Status**

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone – One hour	Nonattainment	Nonattainment/Severe
Ozone – Eight hour	Designation to be Determined	No State Standard
PM <sub>10</sub>	Nonattainment/Serious	Nonattainment
PM <sub>2.5</sub>	Designation to be Determined	No State Standard
CO-Fresno Urbanized Area	Attainment	Nonattainment/Moderate
CO-Remainder of Fresno County	Unclassified/Attainment	Attainment
CO – Merced, Madera and Kings Counties	Unclassified/Attainment	Unclassified
CO – Kern (SJVAB portion), Tulare, Stanislaus, San Joaquin	Unclassified/Attainment	Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide – Kern County (SJVAB portion)	Attainment	Attainment
Sulfur Dioxide – All Other Counties	Unclassified	Attainment
Lead (Particulate)	No Designation	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particulates	No Federal Standard	Unclassified

Source: SJVAPCD, 2001.

Pollutants subject to federal ambient standards are referred to as "criteria" pollutants because the EPA publishes criteria documents to justify the choice of standards. One of the most important reasons for air quality standards is the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed "sensitive receptors." The term "sensitive receptors" refers to specific population groups as well as the land uses where they would reside for long periods. Commonly identified sensitive population groups are children, the elderly, the acutely ill, and the chronically ill. Commonly identified sensitive land uses are residences, schools, playgrounds, childcare centers, retirement homes or convalescent homes, hospitals, and clinics. The federal and State standards for the criteria pollutants and other State regulated air pollutants are shown in Table B-3.

**Table B-3  
 Ambient Air Quality Standards**

California <sup>a</sup>		National <sup>b</sup>	
Air Pollutant	Concentration	Primary (>)	Secondary (>)
Ozone	0.09 ppm, 1-hr avg	0.12 ppm, 1-hr avg 0.08 ppm, 8-hr avg. <sup>c</sup>	0.12 ppm, 1-hr avg 0.08 ppm, 8-hr avg. <sup>c</sup>
Carbon Monoxide	9.1 ppm, 8-hr avg 20 ppm, 1-hr avg	9 ppm, 8-hr avg 35 ppm, 1-hr avg	9 ppm, 8-hr avg 35 ppm, 1-hr avg
Nitrogen Dioxide	0.25 ppm, 1-hr avg	100 µg/m <sup>3</sup> annual	100 µg/m <sup>3</sup> annual
Sulfur Dioxide	0.04 ppm, 24-hr avg 0.25 ppm, 1-hr avg	0.03 ppm, annual avg 0.14 ppm, 24-hr avg	0.5 ppm, 3-hr avg
Suspended Particulate Matter (PM <sub>10</sub> )	30 µg/m <sup>3</sup> annual geometric mean 50 µg/m <sup>3</sup> , 24-hr avg	50 µg/m <sup>3</sup> annual arithmetic mean 150 µg/m <sup>3</sup> , 24-hr avg	50 µg/m <sup>3</sup> annual arithmetic mean 150 µg/m <sup>3</sup> , 24-hr avg
Suspended Particulate Matter (PM <sub>2.5</sub> ) <sup>c</sup>	--	15 µg/m <sup>3</sup> annual arithmetic mean 65 µg/m <sup>3</sup> , 24-hr avg	15 µg/m <sup>3</sup> annual arithmetic mean 65 µg/m <sup>3</sup> , 24-hr avg
Lead	1.5 µg/m <sup>3</sup> , 30-day avg	1.5 µg/m <sup>3</sup> calendar quarter	1.5 µg/m <sup>3</sup> calendar quarter
Sulfates	25 µg/m <sup>3</sup> , 24-hr avg	--	--
Hydrogen Sulfide	0.03 ppm, 1-hr avg	--	--
Vinyl Chloride	0.01 ppm, 24-hr avg	--	--
Visibility Reducing Particles	Insufficient amount to produce an extinction coefficient of 0.23 per kilometer due to particles when the relative humidity is less than 70 percent.	--	--

- a California standards for ozone, carbon monoxide, sulfur dioxide (1-hour), suspended particulate matter-PM<sub>10</sub> visibility reducing particles, are values that are not to be exceeded. The sulfur dioxide (24-hour), sulfates, lead, hydrogen sulfide, and vinyl chloride standards are not to be equaled or exceeded.
- b National standards, other than ozone and those based on annual averages or annual arithmetic means, are not to be exceeded more than once a year. The ozone standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one.
- c Based on newly established 8-hour ozone and PM-2.5 EPA standards. The 0.12 ppm 1-hour ozone standard will not be revoked in a given area until that area has achieved 3 consecutive years of air quality data meeting the 1-hour standard.

ppm parts per million by volume  
 µg/m<sup>3</sup> micrograms per cubic meter

Source: California Air Resources Board, 2001.

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a. Federal Regulations

The Federal Clean Air Act (CAA) of 1970 required the EPA to set National Ambient Air Quality Standards (NAAQS) for several air pollutants on the basis of human health and welfare criteria. The CAA also set deadlines for the attainment of these standards. The CAA Amendments of 1990 (CAAA) made major changes in deadlines for attaining NAAQS and in the actions required of areas of the nation that exceeded these standards.

The CAA requires an air quality control plan referred to as the State Implementation Plan (SIP). The SIP contains the strategies and control measures California will use to attain the NAAQS. The CAAA of 1990 require states containing areas that violate the NAAQS (such as the San Joaquin Valley Air Basin) to revise their SIPs to incorporate additional control measures to reduce air pollutants. If, when reviewing the SIP for conformity with CAAA mandates, the EPA determines a SIP to be inadequate, it may prepare a Federal Implementation Plan (FIP) for the nonattainment area and may impose additional control measures.

b. State Policies

The California Clean Air Act (CCAA), 1988, requires that all air districts in the State endeavor to achieve and maintain California Ambient Air Quality Standards (CAAQS) for O<sub>3</sub>, CO, SO<sub>2</sub> and NO<sub>2</sub>. The CCAA requires air districts that exceed State standards to prepare plans showing how they would meet these standards. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with new authority to regulate indirect sources. Each district plan is to achieve a 5 percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each nonattainment pollutant or its precursors. If this proves impossible, the plans must include "all feasible measures" to achieve emission reductions. The CCAA requires that the plans be updated every three years.

c. San Joaquin Valley Air Pollution Control District Policies

The SJVAPCD is the agency with jurisdiction over air quality regulation in the San Joaquin Valley Air Basin. The SJVAPCD has adopted several plans in an attempt to achieve State and federal air quality standards. In an effort to reach attainment of the State standards for O<sub>3</sub>, the SJVAPCD has prepared and published its 1991 Air Quality Attainment Plan (AQAP). In addition to commitments to implement all feasible control measures, the governing board in adopting the 1991 AQAP on January 30, 1992 also committed to other requirements of the CCAA for severe non-attainment areas, including: (1) implementation of a permit program designed to achieve no net increase in emissions of nonattainment pollutants; (2) implementation of best available retrofit control technology (BARCT) measures for existing stationary sources; (3) implementation of best available control technology (BACT) for new or modified sources; and (4) implementation of transportation control measures. Conformity with the AQAP

is demonstrated through compliance with applicable Rules and Regulations adopted to achieve the goals of the AQAP (SJVAPCD 1992).

To meet the requirements of the federal CAAA, the SJVAPCD has adopted the Ozone Attainment Demonstration Plan and the PM<sub>10</sub> Attainment Demonstration Plan. Both plans establish a regulatory framework necessary for bringing the SJVAB into compliance with the NAAQS for ozone and PM<sub>10</sub>, respectively.

d. Stanislaus County Policies

State and federal legislation requires local governments to include strategies to increase the efficiency of transportation infrastructure and to reduce vehicle trips in their transportation plans. The SJVAPCD encourages local jurisdictions to support these strategies by promoting construction of infrastructure that reduces congestion or trips through the adoption of congestion management plans and transportation control measures (TCMs), including the promotion of alternative means of transportation. Congestion management programs are mandated by State law for urbanized counties having metropolitan areas of 50,000 or more residents. TCMs are required for the San Joaquin Valley by the CCAA and are part of the mobile source strategy in the SJVAPCD's AQAP. Within the City of Modesto Urbanized Area, congestion management and transportation control measures are implemented by the Stanislaus Council of Governments (StanCOG).

Stanislaus County does not address air quality in its General Plan. Further, the County does not have any local ordinances that address air quality or air emission control measures.

e. City of Modesto Policies

The City of Modesto does not address air quality in its General Plan. Further, the City does not have any local ordinances that address air quality or air emission control measures.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

There are no Stanislaus County regulatory policies that avoid impacts to air quality.

b. City of Modesto Policies

There are no City of Modesto regulatory policies which avoid impacts to air quality.

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B. Degradation of Air Quality

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

2. Thresholds of Significance Suggested by Other Analytical Methods

The SJVAPCD's approach to CEQA analyses of short-term construction impacts is to require implementation of effective and comprehensive control measures in compliance with SJVAPCD Regulation VIII, rather than to require detailed quantification of emissions. Short-term construction impacts would be considered significant if development of the proposed land uses would result in increases in emissions that could adversely affect nearby sensitive receptors and if feasible SJVAPCD construction control mitigation measures are not included as part of the project.

With regard to regional air quality, the SJVAPCD has adopted standards of significance for determining the impact of a project on regional air quality. In accordance with these standards, the proposed project would be considered significant if regional emissions of ozone precursor pollutants (e.g., ROG or NOX) exceed 10 tons per year.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact to air quality if:

- Development of the proposed land uses would result in increases in emissions that could adversely affect nearby sensitive receptors and if feasible SJVAPCD construction control mitigation measures are not included as part of the project (SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts, 1998).
- Regional emissions of ozone precursor pollutants (e.g., ROG or NOX) exceed 10 tons per year (SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts, 1998).
- The proposed project would contribute to CO concentrations that would exceed State or national ambient air quality standards.

#### 4. Significant Direct Impacts

##### a. Construction-related Impacts

Construction activities associated with the proposed project would temporarily generate short-term emissions of NO<sub>x</sub>, ROG, CO, and PM<sub>10</sub> during clearing, grading, and general construction activities. The emissions produced during clearing, grading, and general construction activities are "short-term" in the sense that they would be limited to the construction period, and would only be experienced downwind of the project site.

Emissions would be generated primarily during excavation and grading activities associated with the construction of the proposed sports complex, amphimeadow, trails, bike paths, and parking facilities. Emissions would vary substantially from day-to-day and could potentially produce substantial amounts of PM<sub>10</sub>. The Master Plan does not specify feasible SJVAPCD construction control mitigation measures as part of the projects' construction activities.

##### **Impact Air-1: Generation of Short-term Construction-related Emissions.**

The Master Plan does not specify feasible SJVAPCD construction control mitigation measures as part of the projects' construction activities. Because construction significance is determined by means of whether SJVAPCD construction mitigation measures are implemented, construction emissions would be considered a short-term significant air quality impact.

##### b. Local Mobile Source Carbon Monoxide Emissions

The primary mobile source pollutant of local concern is CO. Carbon monoxide concentration is a direct function of vehicle idling time and, thus, traffic flow conditions. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to a congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.). Typically, high CO concentrations, or "hot spots," are associated with roadways or intersections operating at high levels of service (LOS E, or worse), particularly those intersections located within areas that frequently experience elevated levels of background CO concentrations.

As discussed in Section IV-A: Transportation and Circulation, activities conducted at the Gateway parcel, including concerts and special events, would be anticipated to result in a substantial increase in vehicle traffic on area roadways. Attendance at these events could reach up to 15,000 people. Given the limited availability of parking within the area, increased congestion along some roadway segments and intersections would be anticipated. Increased congestion along area segments could potentially result in decreased levels of service, particularly if these events occur during peak traffic commute periods. As previously noted, increased vehicle congestion along roadways or at roadway intersections may result in elevated CO concentrations that could potentially exceed State or National standards and adversely affect nearby sensitive receptors.

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**Impact Air-2: Local Carbon Monoxide Emissions.** Events occurring at the Gateway Parcel, such as special events and concerts, could result in potential increases in carbon monoxide concentrations, or "hot spots," in excess of State or federal air quality standards. These carbon monoxide concentrations could negatively impact sensitive receptors, which may be located in the project vicinity or walking to and from the special events. This impact is potentially significant impact.

5. Significant Cumulative Impacts

a. Long-term Operational Emissions

Implementation of the TRRP Master Plan, including operation of the proposed sports complex and amphimeadow facilities, would result in long-term air pollutant emissions primarily associated with the increased operation of motor vehicles. Long-term air emissions have the potential to affect the cumulative air quality of the San Joaquin Valley Air Basin. The urban emission model, URBEMIS7G, was used to predict the quantities of mobile source regional emissions attributable to the proposed project. URBEMIS7G default speeds, trip lengths, percent of those trips that started cold, the percentage of the trips that were made from home to work, from home to shopping, and from home to other were used assuming a vehicle fleet mix of light and medium duty automobiles.

Trip generation numbers obtained from the traffic analysis prepared for this project were also used in the analysis. Based on the traffic analysis prepared for this project, the proposed land uses would generate an average of approximately 2,285 daily trips during the weekdays (i.e., Monday through Friday). Daily use would increase slightly on the weekend to a maximum of approximately 2,825 trips on Saturdays and approximately 3,220 trips on Sundays. In general, outdoor park-related activities are typically considered seasonal, with slight decreases in trip generation typically occurring during the colder winter months.

In addition, it should be noted that the proposed project includes development of approximately 6 miles of off-street bicycle-accessible paths. These multi-modal paths would further supplement existing bicycle corridors within the Modesto Urbanized Area; would improve access between residential, commercial, and agricultural uses; and would link many of the existing and planned trail systems located in Stanislaus County. Consistent with the trip reduction strategies of the SJVAPCD's AQAP and the goals and objectives of the SCAAG's Congestion Management Program, construction of the proposed multi-modal path would provide safe, fast, and convenient options to the use of personal automobiles for commutes occurring within the Modesto Urbanized Area. Anticipated reductions in trip generation would result in reduction in mobile source vehicle emissions that could offset, to some degree, the predicted increases in emissions associated with development of the proposed amphimeadow and sports complex.

Predicted increases in regional emissions associated with this project were calculated using the ARB-approved URBEMIS7G computer program. To be conservative, the trip generation rates used in the model did not include any reductions due to seasonal

traffic congestion would be decreased enough to reduce the potential for high carbon monoxide concentrations when people are gathering or leaving large special events. For this reason, this is considered a significant and unavoidable impact for special events and concerts at the Gateway Parcel.

2. Measures Which Mitigate Cumulative Impacts

No cumulative impacts have been identified.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

As described in Impact Air-2, special events have the potential to cause short-term carbon monoxide "hot spots," which could negatively affect sensitive receptors who live in the area or are walking to and from the special events. An alternative that would avoid this impact would be an alternative that does not include special events at the Gateway Parcel. This alternative is explored in Chapter VII.

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## CHAPTER IV. ENVIRONMENTAL ANALYSIS

### C. GENERATION OF NOISE

This chapter provides an overview of the noise environment at the TRRP project site and the regulations that control noise. This summary is followed by an analysis of potential noise impacts that could result from implementation of the TRRP Master Plan.

#### A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

##### 1. Study Area for Direct Impacts

The study area for direct impacts is the TRRP Master Plan area and those properties immediately surrounding the Master Plan area.

##### 2. Study Area for Cumulative Impacts

The study area for cumulative impacts includes the study area for direct impacts in addition to the roadways that would access the project site, and sensitive receptors in close proximity to those roadways. Additional vehicle trips to the project site could generate additional roadway noise that could result in cumulative effects to sensitive receptors in close proximity to the roadways.

##### 3. Existing Physical Conditions in the Study Area

###### a. Acoustic Fundamentals

#### Noise Descriptors

Community noise levels are measured in terms of the "A-weighted decibel," abbreviated dBA. A-weighting is a frequency correction that correlates overall sound pressure levels with the frequency response of the human ear. Additional units of measurement have been developed to evaluate the long-term characteristics of sound. The equivalent energy (Leq) noise descriptor is commonly used to represent the corresponding steady state sound level that contains the same total energy as a time varying signal measured over a period of time (e.g., 1, 8, or 24-hour periods.) The Day-Night Averaged Level (Ldn) and the Community Noise Equivalent Level (CNEL) are commonly used to represent a time-weighted average of all measured noise levels that occur over a 24-hour period. Within the State of California, the CNEL noise descriptor is most widely used. Time-weighted refers to the fact that noise that occurs during the more noise-sensitive evening and nighttime hours is weighted (in calculations) more heavily. Both the Ldn and CNEL scales include a 10 dBA "penalty," or weighting, added for nighttime noise (10:00 p.m. to 7:00 a.m.) to account for the greater sensitivity to noise during this period. CNEL, the community equivalent noise level, is similar to Ldn, but adds an

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additional 5 dBA "penalty," or weighting, to evening noise (7:00 p.m. to 10:00 p.m.). CNEL is used in this report for arterial/highway traffic generated noise assessment.

Characteristics of Sound Propagation and Attenuation

Noise can be generated by a number of sources, including mobile sources, such as automobiles, trucks and airplanes, and stationary sources, such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates at a rate between 3.0 to 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3.0 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6.0 to 7.5 dBA per doubling of distance.

Placing barriers between the noise source and the receiver can reduce sound levels. In general, barriers contribute to decreasing noise levels only when the structure breaks the "line of sight" between the source and the receiver. Buildings, concrete walls, and berms can all act as effective noise barriers. Wooden fences or broad areas of dense foliage can also reduce noise, but are less effective than solid barriers.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks demanding concentration or coordination. Hearing loss can occur at the highest noise intensity levels. When community noise interferes with human activities or contributes to stress, public annoyance with the noise source increases. The acceptability of noise and the threat to public well-being are the basis for land use planning policies preventing exposure to excessive community noise levels.

Community Ambient Noise Degradation

In addition to the criteria discussed above, another consideration in defining impact criteria is based on the degradation of the existing noise environment. In community noise assessments, it is "generally not significant" if no noise-sensitive sites are located in the project area, or if increases in community noise level with the implementation of the project are expected to be 3 dBA or less at noise-sensitive locations, and the proposed project would not result in violations of local ordinances or standards. Noise-sensitive sites include residences, motels, hotels, public meeting rooms, auditoriums, schools, churches, libraries, hospitals, amphitheatres, parks, and other areas where quiet is essential.

b. Existing Noise Environment

The major noise sources affecting the project area include vehicular traffic on area roadways and aircraft flyovers from the nearby airports. Noise-sensitive land uses located along the Tuolumne River corridor consist primarily of single and multi-family residential dwellings. In the vicinity of the proposed sports complex, residential dwellings are located within approximately 100 feet of the proposed sports complex. Nearest noise-sensitive receptors located near the proposed amphimeadow include residential dwellings located approximately 1,000 feet south of the site, across the Tuolumne River.

Ambient Noise Survey

To document existing noise conditions, four short-term (15-minute) daytime samples were taken in the vicinity of the proposed noise-generating sources (e.g., the sports complex and the amphimeadow) and nearby noise-sensitive receptors (measurements occurred on March 7, 2001). Ambient noise survey results are summarized in Table C-1. The table displays the minimum (Lmin), maximum (Lmax), and average equivalent (Leq) sound levels measured during the survey. Based on the monitoring conducted, average daytime noise levels in the vicinity of the proposed sports complex range from approximately 47 to 53 dBA Leq, with maximum intermittent noise levels ranging from approximately 64 to 73 dBA. Average daytime noise levels in the vicinity of the proposed amphimeadow measured approximately 47 dBA Leq with maximum noise levels approaching 54 dBA. Average daytime noise levels at the residential dwellings located nearest the proposed amphimeadow, located approximately 1,000 feet to the south across Tuolumne River, measured approximately 54 dBA Leq and maximum noise levels measured approximately 70 dBA.

Existing Traffic Noise

Existing traffic noise levels on the project site were calculated using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108). The input data included average daily traffic levels for nearby area roadways; day/night percentages of autos, medium and heavy trucks; vehicle speeds; ground attenuation factors; and roadway widths. Average daily traffic volumes were calculated from existing peak hour traffic data included in the traffic chapter of this report. Vehicle distribution percentages were based on California average vehicle distribution obtained from the California Department of Transportation.

The existing calculated traffic noise contours (in dBA CNEL) for roadways in the vicinity of the project site are presented in Table C-2. As depicted in Table C-2, existing traffic noise levels at 50 feet from the roadway centerline of area roadways range from approximately 50 to 68 dBA CNEL. Based on the modeling conducted, predicted day-night noise levels at residences located in the vicinity of the proposed sports complex would be estimated at approximately 62 dBA CNEL, or less.

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**Table C-1  
 Daytime Ambient Noise Monitoring**

Location	Monitoring Period	Measured Noise Level		
		L <sub>min</sub>	L <sub>max</sub>	L <sub>eq</sub>
Robertson Road west of Roselawn Avenue <sup>a</sup>	10:30 – 10:45	43.7	73.4	53.2
South of Intersection of John and Hays Streets <sup>a</sup>	11:00 – 11:15	40.8	63.7	47.5
Gateway Parcel, Amphimeadow Site	12:00 – 12:15	43.8	53.8	47.4
North of Intersection of River Road and Bystrum Road	9:45 – 10:00	45.3	69.4	54.3

Notes: Noise measurements were taken on February 1, 2001 using a Larson Davis model 820 digital sound level meter calibrated prior to measurement using a Larson Davis acoustic calibrator model CA250. Measurements were taken at a height of 4.5 feet.

<sup>a</sup> Measurements were taken at a distance of approximately 35 feet from roadway edge.

Source: EDAW, Inc., April 2001.

Residences located immediately south the proposed sports complex, across the Tuolumne River and north of River Road, would be exposed to existing day-night noise levels ranging from less than 60 dBA CNEL for those located along River Road to the mid-60s (dBA CNEL) for those located near 9th Street.

Existing Aircraft Noise

Existing ambient noise levels in the project area are also affected by occasional aircraft overflights originating from and destined for the nearby Modesto City-County Airport. The Modesto Airport is located in the southeastern portion of the City, west of Mitchell Road and north of the Tuolumne River. Existing airport noise contours range from approximately 60 dBA Ldn at approximately 1,300 feet to 75 dBA Ldn at approximately 400 feet from the main runway (Modesto 1995). Areas of the proposed Tuolumne River Regional Park located immediately south of the airport would be within the 60 to 75 dBA Ldn noise contours.

**Table C-2  
Existing Traffic Noise Levels**

Roadway Segment	Predicted Traffic Noise Levels (dBA CNEL) at 50 feet from Roadway Centerline	Distance to Noise Contours	
		65 dBA CNEL	60 dBA CNEL
Carpenter Road, Paradise Rd. to Hatch Rd.	65.98	78.3	165.1
Robertson Road, Carpenter Rd. to Sutter Ave.	61.75	NC	73.1
Hancock Street, John St. to Robertson Rd.	50.21	NC	NC
Sutter Ave., Robertson Rd. to Paradise Ave.	62.57	NC	82.8
Crater Ave., Aztecs Road to Dallas Street	50.21	NC	NC
B Street, Seventh St. to Ninth St.	64.90	67.0	140.3
Ninth Street, B St. to River Road	66.12	82.3	187.2
Eleventh St., D St. to B St.	60.35	NC	59.1
Morton Ave, B St. to Yosemite Blvd.	62.77	NC	85.3
Yosemite Blvd., D St. to Mitchell Rd.	67.74	101.5	215.9
Santa Cruz Ave., Yosemite Blvd. to Oregon St.	62.39	NC	80.5
River Road, Herndon Ave. to Mitchell Rd.	59.11	NC	NC
Tuolumne Blvd., Paradise Rd. to SB Hwy 99 Ramps	63.01	NC	105.6
Tuolumne Blvd., NB Hwy 99 Ramps to Seventh St.	65.01	68.1	142.6

Notes: Predicted noise levels were calculated using FHWA traffic noise prediction model (FHWA-RD-77-108). Based on the calculated average daily trips obtained from the traffic analysis prepared for this project. Assumes no intervening natural or man-made features.

NC = Not Calculated; Noise contour is within roadway right-of-way.

Source: EDAW, Inc., April 2001.

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4. Existing Regulatory Policies Applying to the Study Area

Federal, state, and local governments have established noise standards and guidelines to protect citizens from potential hearing damage and various other adverse physiological and social effects associated with noise. In general, noise control regulations adopted by federal and state governments pertain to the control of transportation noise, land use compatibility, and occupational noise control. Local noise ordinances often establish additional noise standards and restrictions to ensure land use compatibility with noise-generating sources and for the control of nuisance noise. The standards and guidelines that are applicable to the proposed project are discussed below.

a. Federal Regulations

The U. S. Department of Housing and Urban Development (HUD) requires a determination for noise impacts for each request for funding to ascertain whether the project does not involve development of noise sensitive uses, or whether the ambient noise level is 65 Ldn or less, based upon HUD Noise Assessment Guidelines (NAG) for calculating noise levels. These regulations do not apply to the proposed project, as HUD funds are not being pursued.

b. State Policies

Guidelines for the Preparation and Content of the Noise Element of the General Plan were first prepared by the State Department of Health Services (DOHS) in 1976. The guidelines revised and clarified the requirements for the noise element of each city and county general plan. In November 1998, the Governor's Office of Planning and Research for the State of California released it's most recent update of the State's Guidelines. As with the previous edition, the Guidelines are advisory, not mandatory, and include guidance for the acceptability of designated land uses within specific noise contours.

California law establishes minimum noise insulation standards for hotels, motels, dormitories, long-term care facilities, apartment houses and dwelling units other than detached single-family dwellings. However, because none of these uses are proposed by the TRRP Master Plan, these policies do not apply.

c. Stanislaus County Policies

The Stanislaus County General Plan Noise Element includes noise exposure information intended to serve as a basis for land use compatibility with exterior and interior noise environments within the unincorporated areas of the County. The noise exposure information is also intended to provide baseline levels for use in the development and enforcement of local noise control ordinances. The noise compatibility standards published by the California State Office of Noise Control (1976), as depicted in Table C-3, have also been adopted by Stanislaus County and incorporated into the Stanislaus County General Plan Noise Element.

d. City of Modesto Policies

The Noise Element of the Modesto Urban Area General Plan provides standards for evaluating the compatibility of land uses with respect to outdoor and certain indoor noise levels. The purpose of the land use compatibility analysis is to screen projects, which may require specific design considerations to mitigate noise impacts. The noise compatibility standards, shown in Table C-3, are derived from standards published by the California State Office of Noise Control (1976) and are provided in the Noise Element of the most recent update of the City of Modesto Urban Area General Plan (1995).

The noise standards presented in Table C-3 are based on the CNEL noise metrics for evaluating land use compatibility with exterior and interior noise environments. For instance, a recommended interior noise exposure of 45 dBA CNEL is typically recommended for noise-sensitive land uses (e.g., residential dwellings, hotels, etc.).

Assuming a typical exterior-to-interior noise reduction of approximately 12 to 18 dBA (with windows partially open), a 60 dBA CNEL exterior value identified as "normally acceptable" would provide for the recommended interior noise environment. These criteria require a rather broad interpretation, as illustrated by the ranges of acceptability for a given land use within a defined range of noise exposures.

In general, evaluation of land use which falls into the "normally acceptable", "conditionally acceptable", or "normally unacceptable" noise environments should include consideration of the type of noise source, the sensitivity of the noise receptor, the noise reduction likely to be provided by structures, and the degree to which the noise source may interfere with speech, sleep, or other activities characteristic of the land use.

In addition to the General Plan, the City of Modesto Municipal Code contains general noise regulations, including nuisance provisions. One of the provisions of this Code section limits noise-generating construction activities to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and between the hours of 9:00 a.m. and 9:00 p.m. on weekends and holidays.

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**Table C-3  
 Land Use Compatibility for Community Noise Environments**

Land Use Category	Exterior Day/Night Noise Levels (DNL, dB)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential Low-Density Single Family, Duplex, Mobile Homes	50 - 60	55 - 70	70 - 75	75 - 85
Residential Multi-Family	50 - 65	60 - 70	70 - 75	75 - 85
Transient Lodging-Motels, Hotels	50 - 65	60 - 70	70 - 80	80 - 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 - 70	60 - 70	70 - 80	80 - 85
Auditoriums, Concert Halls, Amphitheaters	NA	50 - 70	NA	65 - 85
Sports Arena, Outdoor Spectator Sports	NA	50 - 75	NA	70 - 85
Playgrounds, Neighborhood Parks	50 - 70	NA	67.5 - 75	72.5 - 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 - 75	NA	70 - 80	80 - 85
Office Buildings, Business Commercial and Professional	50 - 70	67.5 - 77.5	75 - 85	NA
Industrial, Manufacturing, Utilities, Agriculture	50 - 75	70 - 80	75 - 85	NA

**Normally Acceptable:** Specified land use is satisfactory, based upon the assumption that any building involved are of normal conventional construction, without any special noise insulation requirements.

**Conditionally Acceptable:** New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

**Normally Unacceptable:** New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made, and needed noise insulation features must be included in the design.

**Clearly Unacceptable:** New construction or development should generally not be undertaken.

**NA:** Not applicable.

Source: Office of Noise Control, State of California; obtained from the City of Modesto Final Master Environmental Impact Report for the Urban Area General Plan, August 15, 1995.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

There are no Stanislaus County regulatory policies which avoid noise impacts.

b. City of Modesto Policies

Enforcement of the City of Modesto Municipal Code ensures that construction activities are limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and between the hours of 9:00 a.m. and 9:00 p.m. on weekends and holidays (Modesto 1995).

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

2. Thresholds of Significance Suggested by Other Analytical Methods

As described above, both the City of Modesto and Stanislaus County employ land use compatibility criteria to screen projects that may require specific design considerations to mitigate noise impacts. The noise compatibility standards, shown in Table C-3, are derived from standards published by the California State Office of Noise Control (1976). These compatibility standards are often used as thresholds of significance for new land uses in environmental review documents.

In addition, most noise analysts and acoustical engineers agree that a noise impact can be considered significant if a noticeable increase (i.e., 3 dBA or greater) in ambient noise levels occurs at nearby noise sensitive land uses.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines and the thresholds of significance suggested by other analytical methods, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact to noise if the project would:

- Result in a long-term noticeable increase (i.e., 3 dBA or greater) in ambient noise levels at nearby noise sensitive land uses.

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- Locate land uses within an area that exceeds the City's "conditionally acceptable" noise levels.

4. Significant Direct Impacts

a. Construction-generated Noise Impacts

Construction activities associated with implementation of the proposed project would include restoration of various areas along the river corridor, development of multi-modal pathways, and construction of the proposed amphimeadow outdoor theater, sports complex, and parking lot facilities. The duration of individual construction activities would vary depending on the activities being performed.

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., demolition/land clearing, grading and excavation, erection). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Although noise ranges were found to be similar for all construction phases, the initial site preparation phase tended to involve the most equipment. The EPA has found that the average noise levels associated with the construction typically ranges from approximately 76 dBA to 84 dBA Leq, with maximum noise levels in excess of 90 dBA for brief periods of time, depending on the operational characteristics of the equipment being used. Typical operating cycles may involve 2 minutes of full power, followed by 3 or 4 minutes at lower settings (EPA 1971a). Table C-4 lists noise levels generated by typical construction equipment at a distance of 50 feet.

Noise from localized point sources (such as construction sites) typically decreases by about 6 dBA with each doubling of distance from source to receptor. Given this noise attenuation rate, the average noise level of construction activities would be 84 dBA Leq at the project site boundary. At this noise level, areas within approximately 1,500 feet of the project site could experience intermittent construction-generated noise levels in excess of 60 dBA for brief periods of time.

Noise levels in excess of 60 dBA may result in temporary interference with speech recognition and increased levels of annoyance, particularly within the outdoor activity areas of the residences, and would result in a noticeable increase (e.g., 3 dBA, or greater) in ambient noise levels. However, these impacts would be short-term. In accordance with the City of Modesto Municipal Code, noise-generating construction activities would be limited to daytime hours of 7:00 a.m. to 9:00 p.m. on weekdays and 9:00 a.m. to 9:00 p.m. on weekends. Because construction noise would be short-term and because compliance with the City's Municipal Code requirements would reduce annoyance and sleep disruption to occupants of nearby residences, construction-generated noise is considered less-than-significant.

**Table C-4  
 Typical Construction Equipment Sound Levels**

<b>Equipment</b>	<b>Typical Sound Level @ 50 Ft (in dBA)</b>
Dump truck	88
Portable air compressor	81
Concrete mixer (truck)	85
Jackhammer	88
Scraper	88
Dozer	87
Paver	89
Generator	76
Pile driver	101
Rock drill	98
Pump	76
Pneumatic tools	85
Backhoe	85

Source: U.S. EPA, 1971.

**b. Stationary Noise Sources**

Implementation of the proposed Tuolumne River Regional Park Master Plan would introduce new noise sources to the area. Proposed uses that would have the potential to affect the existing noise environment would be the sports complex, amphimeadow, and various special events such as fairs and festivals. The sports complex would be located north of the Tuolumne River in the Carpenter Road Area. The amphimeadow would be constructed on the Gateway Parcel. Special events would also occur at the Gateway Parcel. Noise sources typically associated with these proposed facilities, resultant noise levels, and potential impacts to the existing noise environment are discussed below.

Sports Complex

The proposed sports complex would include up to ten active play fields, including a tournament level field equipped with exterior lighting and spectator bleachers. The types of play fields, to be determined by regional needs, could include soccer, tennis, baseball, football, or other sports. The Master Plan does not include specific hourly limitations during which sports activities at the complex would be allowed.

The nearest noise-sensitive receptors include residential dwellings located along John and Hays streets and Robertson Road, the nearest of which are located approximately

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100 feet from the proposed play fields. Based on the monitoring conducted for this analysis, average daytime noise levels in the vicinity of the proposed sports complex currently range from approximately 47 to 53 dBA Leq.

Noise levels typically associated with recreational events (such as baseball and soccer games), including noise from spectators and players, can reach approximately 75 dBA at 50 feet. Assuming a maximum noise level of 75 dBA at 50 feet and a normal sound attenuation rate of 6 dBA per doubling of distance, predicted noise levels at the nearest residential dwellings would be approximately 69 dBA. If an amplified speaker system is used during tournament events additional increases in ambient noise levels at these nearby residences could occur. Noise generated by activities conducted at the proposed sports complex would result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences, especially if activities were to occur during the quieter late evening and nighttime hours. In addition, the resultant increase in ambient noise levels at these nearby residences would exceed the City's "normally acceptable" noise standard of 60 dBA CNEL.

Detailed implementation plans have not been developed for the regional sports complex, and this project has been identified as a subsequent project in this MEIR, which would require additional analysis prior to implementation. It may be possible to design a sports complex that would not result in a noticeable increase in ambient noise levels. This could be achieved by limiting the hours of operation of the sports complex to the daytime and evening hours, providing noise control measures (i.e., barriers) between the fields and nearby residences, and limiting amplification of the sporting events.

**Impact Noise-1. Noise Associated with the Regional Sports Complex.** Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant.

Amphimeadow

The amphimeadow would be constructed at the eastern end of the Gateway Parcel. The proposed amphimeadow stage would face westward so that amplified sound would be directed away from existing land uses and nearby noise-sensitive receptors. Seating would be located within the meadow area west of the stage and would accommodate up to 3,000 people. The proposed use of the amphimeadow has not yet been specified, although it would likely be used for regional and community events, such as plays, recitals, community celebrations, and concerts. The Master Plan does not prohibit amplified musical events, such as concerts.

Noise levels generated by amphitheaters are primarily a function of the type of performance to be provided. Noise levels can vary substantially depending on the use. For instance, sound levels associated with symphony orchestra typically average approximately 90 dBA; whereas, sound levels from a rock concert with an amplified speaker system can reach levels of approximately 120 dBA at 6 feet (Cunniff 1977; Lipscomb and Taylor 1978). Assuming a normal rate of six decibels per doubling of distance from the source and a maximum of 120 dBA at 6 feet, predicted maximum noise levels at 100 feet from the front of the stage would be approximately 96 dBA. Because noise associated with such events are typically directional, noise levels at equivalent distances to the rear and sides of the amphimeadow stage would likely be considerably less than sound levels at areas located directly in front of the stage.

The nearest noise-sensitive receptors are residential dwellings located approximately 1,000 feet south of the project site, across the Tuolumne River. Based on the monitoring conducted for this analysis, the average daytime noise level in the vicinity of these nearby residences is approximately 54 dBA Leq. Assuming a maximum noise generation potential of 120 dBA at 6 feet, predicted "worst-case" noise levels at the property line of the nearest residence would be approximately 74 dBA, which would result in a substantial increase in ambient noise levels, particularly during the quieter late evening and nighttime hours. In addition, the resultant increase in ambient noise levels at these nearby residences would exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. As a result, noise generated by the proposed amphimeadow uses would be considered to have a significant impact to nearby noise-sensitive land uses.

**Impact Noise-2: Noise Associated with the Amphimeadow.** Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater), and would be considered a significant impact.

#### Special Events

Proposed development within the Gateway Parcel would also allow for special events to occur in areas located near Tuolumne Boulevard. For example, to the east of Legion Park, a Cinco De Mayo celebration, Scottish Games and an Armenian Festival attract crowds totaling 10,000 to 15,000 persons. The Master Plan has the capability of attracting crowds of this size to the Gateway Parcel. In the future, some of these events may be relocated to the Gateway Parcel. The Master Plan does not specify hours of restriction during which such activities would be allowed.

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**Table C-5  
Typical Sound Levels of Speech**

Vocal Effort	Speech Noise Levels (dBA at 1 meter)	
	Male	Female
Casual	53	50
Normal	58	55
Raised	65	62
Loud	75	71
Shout	88	82

Source: Harris, 1998.

On-site crowd noise, primarily human speech, is typically the primary noise contributor associated with special events. Average sound levels typically associated with human speech are presented in Table C-5.

As depicted in Table C-5, average speech levels typically range from 50 to 88 dBA at one meter. Using the data presented in the table and assuming a normal attenuation rate of 6 dBA per doubling of distance from the source, the overall crowd noise can be predicted. Assuming that 50 percent of a crowd were male and 50 percent were female, a crowd of 500 people conversing simultaneously at normal levels of speech would generate predicted noise levels of approximately 53 dBA at 100 feet. Predicted noise levels would increase by approximately 3 dBA with each doubling in size of the crowd.

The City of Modesto reports that special events can have attendance up to 15,000 people. This attendance is not anticipated to be at a special event all at one time. However, because a maximum attendance of such events is unknown, this analysis considers the potential noise impact of 15,000 people at the Gateway parcel. Predicted sound levels at 100 feet would be approximately 68 dBA, without the use of amplified sound systems. Assuming a maximum sound level of 68 dBA at 100 feet and a "normal" attenuation rate of 6 dBA per doubling of distance from the source, predicted sound levels at approximately 1,000 feet would be approximately 48 dBA.

Predicted noise levels at the nearest residences, which are located in excess of 1,000 feet from the proposed events, would be less than the measured daytime ambient noise levels of approximately 54 dBA. Thus, the increase in noise associated with crowds at the Gateway parcel would not result in a noticeable increase (i.e., 3 dBA or greater) in daytime ambient noise levels at these residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL.

However, if the use of amplified sound systems are allowed at such seasonal events, noticeable increases in daytime noise levels at nearby residences would likely occur. In addition, events occurring during the quieter evening and nighttime hours (with or

without the allowed use of amplified sound systems) would also be anticipated to result in noticeable increases in ambient noise levels at these residences and, as such, would be anticipated to result in increased levels of annoyance to occupants of these residences.

**Impact Noise-3: Noise Associated with Special Events.** The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. This is a potentially significant impact.

c. Land Use Compatibility

As previously discussed, the City of Modesto Urban Area General Plan includes noise standards to be applied to new development for purposes of ensuring compatibility with the existing noise environment (refer to Table C-3). Based on the thresholds identified, park-related land uses are considered "normally acceptable" within exterior noise environments of 70 dBA CNEL, or less, and "conditionally acceptable" within areas of 70 to 75 dBA CNEL. Noise environments of greater than 75 dBA CNEL are considered "normally unacceptable" for park-related land uses. Amphitheaters are considered "conditionally acceptable" at levels up to 70 dBA CNEL. Land uses involving spectator sports, such as the proposed sports complex, are considered "conditionally acceptable" at levels up to 75 dBA.

Based on the ambient noise surveys and traffic noise modeling conducted for this project, exterior noise levels within most areas of the Tuolumne River Regional Park do not exceed the "normally acceptable" exterior noise standard of 70 dBA CNEL for park-related land uses. The exception being the areas of the park located directly south of the Modesto City-County Airport. As previously discussed, portions of the Tuolumne River Regional Park located immediately south of the airport are within the 75 dBA noise contour of the airport. However, the proposed Master Plan does not propose construction of any new facilities within this portion of the park that would result in a prolonged exposure of members of the public to aircraft noise. Members of the public utilizing this area of the park would primarily be limited to those traveling along the multi-modal path and, as a result, would not be exposed to aircraft noise of sufficient duration that would result in excessive annoyance or physical harm.

The proposed sports complex, amphimeadow outdoor theater, and special events would be located within areas that are within the "conditionally acceptable" noise thresholds for these land uses. The proposed use is an improvement to the existing land use (i.e., open space/park), and is not a change in land use. Further, the City of Modesto General Plan has a land use designation of open space for this property. Because no change in land use is proposed, and because the land uses are consistent with the City's General Plan, this is considered a less-than-significant impact.

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**Table C-6  
 Predicted Traffic Noise Levels**

Roadway Segment	Predicted Traffic Noise Levels (dBA CNEL) at 50 feet from Roadway Centerline		
	Existing	Existing + Project	Predicted Increase
B Street, Seventh St. to Ninth St.	64.90	65.04	0.14
Carpenter Road, Paradise Rd. to Hatch Rd.	65.98	66.03	0.05
Crater Ave., Aztecs Road to Dallas Street	50.21	50.32	0.11
Eleventh St., D St. to B St.	60.35	60.89	0.54
Hancock Street, John St. to Robertson Rd.	50.21	52.64	0.43
Morton Ave, B St. to Yosemite Blvd.	62.77	62.96	0.19
River Road, Herndon Ave. to Mitchell Rd.	59.11	59.12	0.01
Robertson Road, Carpenter Rd. to Sutter Ave.	61.75	61.95	0.20
Santa Cruz Ave., Yosemite Blvd. to Oregon St.	62.39	62.58	0.19
Sutter Ave., Robertson Rd. to Paradise Ave.	62.57	62.75	0.18
Tuolumne Blvd., Paradise Rd. to SB Hwy 99 Ramps	63.01	63.13	0.12
Tuolumne Blvd., NB Hwy 99 Ramps to Seventh St.	65.01	65.14	0.13
Yosemite Blvd., D St. to Mitchell Rd.	67.74	67.84	0.10

Notes: Predicted noise levels were calculated using FHWA traffic noise prediction model (FHWA-RD-77-108). Based on the calculated average daily trips for each scenario obtained from the traffic analysis prepared for this project. Assumes no intervening natural or man-made features.

Source: EDAW, Inc., April 2001.

**5. Significant Cumulative Impacts**

The increase in daily traffic volumes resulting from development of the proposed project would generate increased noise levels along nearby roadways, which may affect nearby noise sensitive receptors. The Federal Highway Administration's Traffic Noise Prediction Model (FHWA-RD-77-108) was used to calculate the resultant increase in traffic noise levels along nearby affected roadways. The input data used in the model included average daily traffic levels for nearby area roadways; day/night percentages of autos, medium and heavy trucks; vehicle speeds; ground attenuation factors; and roadway widths.

Average daily traffic volumes were calculated from peak hour traffic data included in the traffic chapter of this report. Vehicle distribution percentages were based on California average vehicle distribution obtained from the California Department of Transportation. Table C-6 summarizes the calculated noise levels (in dBA CNEL) at 50 feet from the roadway centerline for existing plus approved and existing plus project conditions and the resultant increases in traffic noise attributable to the proposed project. Based on the modeling conducted, average increases in traffic noise levels attributable to the

proposed project would be substantially less than 1 dBA CNEL. As a result, project-generated traffic volumes would not result in a noticeable increase (i.e., 3 dBA, or greater) in traffic noise levels along nearby roadways. This impact is considered less-than-significant.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

As indicated in Mitigation Measure Noise-1 in Section C below, there is not sufficient information to fully assess the noise impacts of the proposed regional sports complex (Public Resources Code 21157(b)(3)). Additional environmental review of the sports complex shall be required, including a project-specific acoustical analysis, as indicated in Mitigation Measure Noise-1.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

**Impact Noise-1. Noise Associated with the Regional Sports Complex.** Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant.

Mitigation Measure Noise-1: Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project:

- a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends.

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- b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.
- c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA.

Implementation of the above measures would ensure that a noticeable increase in noise would not occur at nearby sensitive land uses, and would reduce this potential impact to a less-than-significant level.

**Impact Noise-2: Noise Associated with the Amphimeadow.** Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater), and would be considered a significant impact.

Mitigation Measure Noise-2: An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphimeadow to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby noise-sensitive receptors. Measures may include, but are not limited to, construction of noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity. Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphimeadow. However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby noise-sensitive receptors would still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable.

**Impact Noise-3: Noise Associated with Special Events.** The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potential result in a

significant increase in the ambient noise levels at nearby residences. This is a potentially significant impact.

Mitigation Measure Noise-3: Special events shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime.

Implementation of this mitigation measure would reduce noise impacts associated with large special events, however, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable.

## 2. Measures Which Mitigate Cumulative Impacts

No cumulative impacts have been identified.

## 3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

As described in Impact and Mitigation Measure Noise-2, implementation and operation of the amphimeadow would result in a significant and unavoidable noise impact, which would result from music and performance amplification. An alternative that would avoid this impact would be an alternative that does not include amplified music or performances. Because this alternative would likely be infeasible with attendance of 3,000 persons (as proposed by the Master Plan), an alternative that includes a smaller capacity amphimeadow is explored in Chapter VII. Under this alternative, no amplification would be allowed. This alternative would avoid Impact Noise-2. Although noise would continue to be generated, predicted noise levels at the nearest residences, which are located in excess of 1,000 feet from the proposed amphimeadow, would be less than 40 dBA and would not result in a noticeable increase (i.e., 3 dBA or greater) in ambient noise levels.

As described in Impact and Mitigation Measure Noise-3, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at nearby residences. An alternative that does not include large special events at the Gateway Parcel would avoid Impact Noise-3. Special events would continue to occur to the east of Legion Park as they would under the No Project Alternative.



## **CHAPTER IV. ENVIRONMENTAL ANALYSIS**

### **D. LOSS OF SENSITIVE PLANT AND WILDLIFE HABITAT**

This chapter provides an overview of the general and special-status biological resources that occur, or potentially occur, at the TRRP Master Plan area. This section also identifies potential impacts of the proposed project and mitigation measures to reduce impacts to less-than-significant levels.

#### A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

##### 1. Study Area for Direct Impacts

The study area for direct impacts are the biological resources in the TRRP Master Plan project area and adjacent lands and waterways, including the portions of the Tuolumne River and Dry Creek that are adjacent to the park.

##### 2. Study Area for Cumulative Impacts

The study area for cumulative impacts consists of the TRRP Master Plan project area and other Stanislaus County lands. Each biological resource requires different ecological conditions for its survival and thus each has a different range of habitats and conditions in which it may occur. The political boundary of Stanislaus County is used as the general study area for cumulative impacts because it encompasses the overlapping ranges of many sensitive species. It provides a distinct boundary in which to identify other proposed projects that might contribute to cumulative impacts on the biological resources that exist in the TRRP.

##### 3. Existing Physical Conditions in the Study Area

This section describes the vegetation and wildlife habitat present in the TRRP project area and includes a list of sensitive species and their likelihood of presence in the project area. This information is based on information from the California Department of Fish and Game's (CDFG) Natural Diversity Data Base (CNDDB), the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants, National Wetlands Inventory (NWI) maps, a riparian inventory (McBain and Trush 1998), and a visual and walking survey of the proposed TRRP Master Plan area conducted on Sept. 16, 1999.

###### **a. Vegetation and Wildlife Habitat**

The TRRP Master Plan area is located within and adjacent to the riparian corridor of the Tuolumne River. Major vegetation types and habitats occurring within the project area include non-native grassland, riparian woodland, disked open lands, and aquatic

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(riverine habitat). The importance of these habitats, their distribution within the project area, and representative wildlife species that inhabits these areas are discussed below.

Non-native Grassland

Areas of non-native grassland are primarily located in the western portion of the TRRP area. Plant species observed in this area included wild oats (*Avena* sp.), ripgut brome (*Bromus* sp.), wild mustard (*Brassica* sp.), and wild radish (*Raphanus* sp.).

Grasslands in the project area provide habitat for resident and migratory birds such as American kestrel (*Falco sparverius*), loggerhead shrike (*Lanius ludovicianus*), savannah sparrow (*Passerculus sandwichensis*), western meadowlark (*Sturnella neglecta*), and American goldfinch (*Carduelis tristis*). Mammals that may occur in non-native grasslands in the project area include voles, ground squirrels, rabbits, and coyotes.

Riparian Woodland

Riparian woodland habitat occurs along the Tuolumne River and Dry Creek, as well as portions of a secondary channel that runs through the Airport Parcel. According to the riparian inventory (McBain and Trush 1998), a considerable portion of the riparian vegetation remaining in the 24-mile reach of the lower Tuolumne River occurs within the TRRP Master Plan area. Figures D-1 and D-2 identify the locations of each riparian vegetation type in the TRRP Master Plan area. In the TRRP Master Plan area, 124 of 129 acres (96 percent) of the mapped riparian canopy is composed of native species.

Stands of mature valley oak (*Quercus lobata*) are present in the Airport Area, Legion Park, and in the Gateway Parcel near the Dry Creek confluence. Valley oak comprises over 50 percent of all mapped riparian vegetation in the project area. Because of their slow growth and declining populations, valley oaks are considered one of the most threatened native riparian plant species in the Tuolumne River corridor (McBain and Trush 1998a). The large stand of mature valley oak riparian forest adjacent to the airport is the largest contiguous stand of valley oaks in the sand-bedded reach of the lower Tuolumne River (McBain and Trush 1998a).

Representative riparian woodland bird species in the TRRP project area include acorn woodpecker (*Melanerpes formicivorus*), house wren (*Troglodytes aedon*), Swainson's hawk (*Buteo swainsoni*), western scrub-jay (*Aphelocoma californica*), yellow-billed magpie (*Pica nuttalli*), and Nuttall's woodpecker (*Picoides nuttallii*). Mammals that may occur in riparian woodland include gray fox (*Urocyon cinereoargenteus*) and hoary bat (*Lasiurus cinereus*).

Disked Open Lands

Recently disked open lands were observed in the Gateway Parcel during the site visit. According to Parsons Harland Bartholomew and Associates (1999), areas of disked open lands at the TRRP were formerly walnut orchards. Disked fields can provide foraging habitat for various bird species but are not considered important wildlife habitat.

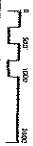
Source: Madala & Truh, 1999.



**Figure D-1 Riparian Inventory Maps (West End of TRRP)**  
 Tualumne River Regional Park  
 Master Plan MEIR

- Riparian Vegetation**
- Arroyo Willow
  - Blue Elderberry
  - Emergent
  - Eucalyptus\*
  - Fremont Cottonwood
  - Disturbed/Misc. Exotics\*
  - Giants Reed\*
  - Gooding's Black Willow
  - Mixed Willow
  - Narrow-leaved Willow
  - Oregon Ash
  - Valley Oak

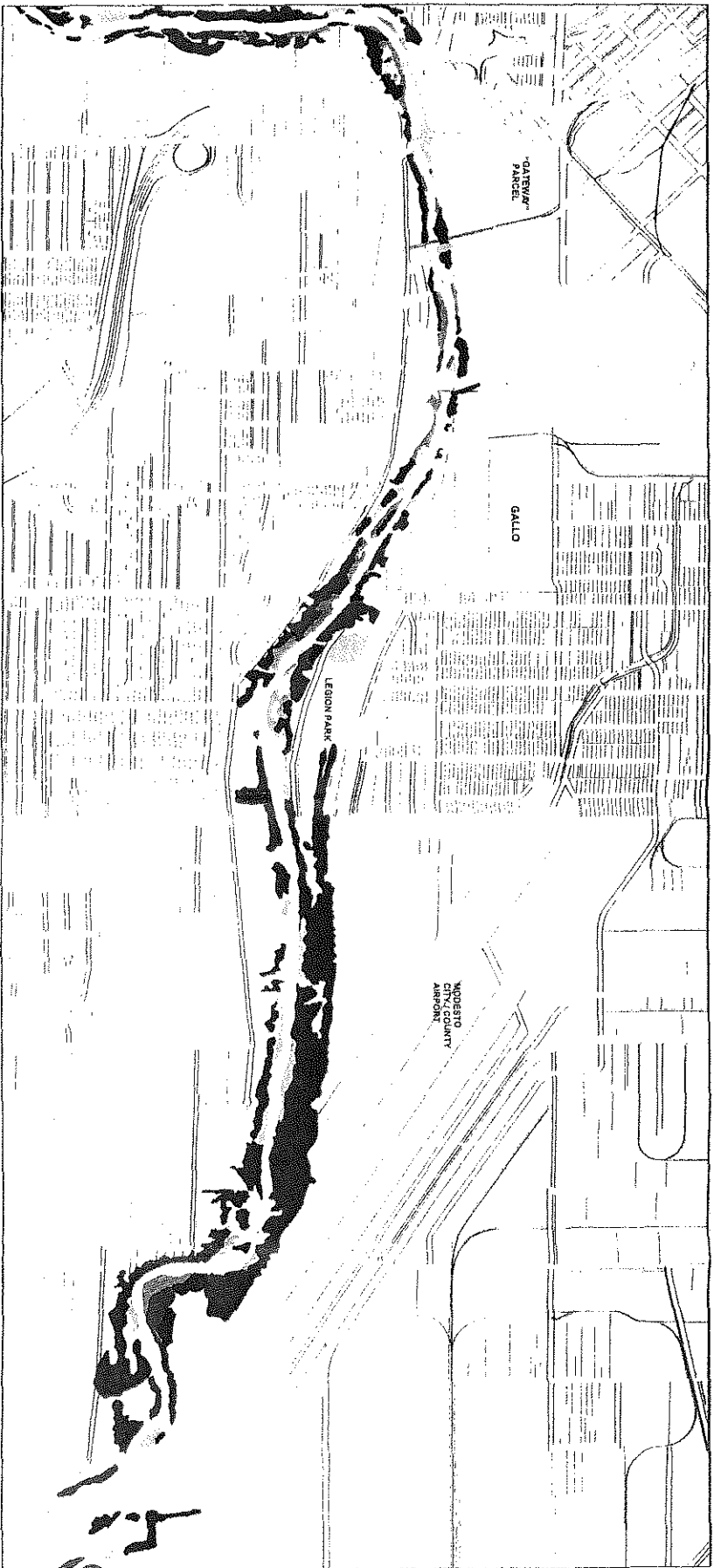
\* Exotic Vegetation



For Continuation of this map to the east, refer to Figure D-2.



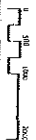
For Continuation of this map to the west, refer to Figure D-1.



Source: Hudson & Trush, 1999.

**Figure D-2 Riparian Inventory Map (East End of TRRP)**  
 Tuolumne River Regional Park  
 Master Plan MEIR

- Riparian Vegetation**
- Arroyo Willow
  - Blue Elderberry
  - Emergent
  - Eucalyptus\*
  - Fremont Cottonwood
  - Disturbed/Misc. Exotics\*
  - Giant Reed\*
  - Gooding's Black Willow
  - Mixed Willow
  - Narrow-Leaved Willow
  - Oregon Ash
  - Valley Oak
- \* Exotic Vegetation





### Aquatic Habitat

The Tuolumne River and Dry Creek provide aquatic habitat in the TRRP Master Plan area. Dry Creek defines the eastern boundary of the TRRP Gateway Parcel. Both the Tuolumne River and Dry Creek are low-gradient and relatively slow moving, with a sand bed and banks. In the lower Tuolumne River, alterations of channel and floodplain morphology and interruption of fluvial processes have reduced and degraded habitat for native species and created habitat or increased habitat suitability for introduced species.

Thirty-five fish species occur in the lower Tuolumne River (Brown and Ford 1992). Of these, 22 species are introduced (based on Moyle et al. 1989). The majority of these species are members of the sunfish family (Centrarchidae) (eight species), minnow family (Cyprinidae) (four species), and catfish family (Ictaluridae) (four species). Several of the sunfish species (primarily largemouth and smallmouth bass) support recreational fisheries, while at the same time posing a management concern because they prey on native species of fish and amphibians (including juvenile chinook salmon).

The Tuolumne River and Dry Creek also provide habitat used by bird and mammal species. Representative species that may forage in or over the Tuolumne River include osprey (*Pandion haliaetus*), belted kingfisher (*Ceryle alcyon*), wood duck (*Aix sponsa*), cliff swallow (*Hirundo pyrrhonota*) (abandoned nests observed at TRRP), and various species of bats.

#### b. Sensitive Habitats

Sensitive habitats include those that are afforded special concern to resource agencies, or that are afforded specific consideration under the California Fish and Game Code, the Clean Water Act, and/or Section 10 of the Rivers and Harbors Act. The CNDDDB also includes an inventory of sensitive plant communities in California. Sensitive habitats in the project area include jurisdictional Waters of the U.S. (including wetlands), great valley mixed riparian forest, and great valley oak riparian forest (CDFG 1999a, CDFG 1999b).

#### Jurisdictional Waters of the U.S. (including wetlands)

Jurisdictional Waters of the U.S., including wetlands in the TRRP Master Plan area were identified from field observations and National Wetlands Inventory (NWI) maps developed by the U. S. Fish and Wildlife Service (USFWS). A jurisdictional delineation was conducted in December 2000 on 6.64 acres in the southeastern portion of the Airport Area between the east end of the airport and the Tuolumne River, in the Modesto City-County Airport Runway 28R Projection Area. For all other areas of the TRRP, the NWI map designations were not field-verified and no other formal wetland delineations have been completed in the project area. NWI maps are prepared from high altitude aerial photographs and typically reflect conditions during the specific year and season they were taken. The four NWI maps covering the TRRP area were based on photographs taken in 1976, 1982, 1984, and 1987.

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All of the areas classified as wetlands on the NWI maps in the project area are represented by river channel or riparian habitats. One potential seasonal wetland (0.20 acre) was discovered during the jurisdictional delineation in the southeastern portion of the Airport Area (Sycamore Environmental Consultants, 2001). During the site visit, some other potential jurisdictional wetlands were observed in other areas of the TRRP that were not shown on the NWI maps, including a secondary channel that runs through Legion Park and the Airport area. Three emergent wetland types occur in the project area (Table D-1). The TRRP project site is located within the historical Tuolumne River floodplain. Floodplain soils do not typically support vernal pools. Vernal pools are associated with impervious hardpan soils not found on the alluvial valley floor. No evidence of vernal pools was observed during the site visit.

**Table D-1**  
**Emergent Wetlands in the TRRP Master Plan Area**

<b>NWI Wetland Type</b>	<b>Location</b>
Palustrine Emergent Temporarily Flooded	Pond on floodplain near airport
Palustrine Emergent Artificially Flooded Excavated	Pond between sewage treatment plant and Dryden Golf Course
Palustrine Unconsolidated Bottom Artificially Flooded Excavated	Pond part of sewage treatment plant

Because the site visit was conducted in the fall (near the end of the dry season), no seasonal wetlands were readily apparent. However, during the site visit, some potential jurisdictional wetlands were observed that were not shown on the NWI maps. Some small depressions that may hold ponded water during the wet season were observed in the Gateway parcel and along the banks of the Tuolumne River.

c. Special-Status Species

A list of threatened, endangered, and sensitive plant and animal species whose distributions may include the TRRP Master Plan area is presented in Table D-2. The likelihood of habitat occurrence for a particular species was determined based on a literature review, a visual and walking survey of the TRRP site, and a query of the CNDDDB (CDFG 1998). Table D-2 includes only those species that could potentially occur at TRRP based on current knowledge of their general distribution in the Central Valley. For some species the information presented relies heavily on the CNDDDB. The CNDDDB only includes reported occurrences of special-status species; therefore, some species may be present in the project area but not included in the CNDDDB.

**Table D-2**  
**Potential for Occurrence of Threatened, Endangered, and Special Status Species and Their Habitats in the TRRP Master Plan Area**

SPECIES	STATUS <sup>a</sup>	LOCAL HABITAT ASSOCIATIONS	HABITAT PRESENT	LIKELIHOOD OF SPECIES OCCURRENCE
<b>PLANTS</b>				
Delta Button-Celery <i>Eryngium racemosum</i>	FSC; SE; 1B	Riparian scrub in fine clay with low ph (Edminster clay)	Possible (soil type unknown)	Unlikely because presumed extirpated from Stanislaus County
California Hibiscus <i>Hibiscus lasiocarpus (californicus)</i>	2	Freshwater marsh and moist banks along rivers and streams	Yes	Possible
Merced Monardella <i>Monardella leucocephala</i>	FSC; 1A	Valley and foothill grassland and riverbeds, in sandy, subalkaline soils	Possible	Unlikely because presumed extirpated from California
Sanford's Arrowhead <i>Sagittaria sanfordii</i>	FSC; 1B	Shallow freshwater marsh	Unlikely	Unlikely because no suitable habitat present
<b>INVERTEBRATES</b>				
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i>	FT	Associated with elderberries	Yes	Likely
Moestan Blister Beetle <i>Lytta moesta</i>	FSC	Unknown	Unknown	Unknown
Molestan Blister Beetle <i>Lytta molesta</i>	FSC	Vernal pools, non-native grassland and scrub communities	Yes	Unknown
<b>FISH</b>				
Kern Brook Lamprey <i>Lampetra hubbsi</i>	FSC; CSC	Rivers, backwater habitats	Yes	Possible
River Lamprey <i>Lampetra ayresi</i>	CSC	Streams, estuaries, and marine waters	Yes	Confirmed <sup>d</sup>
Pacific Lamprey <i>Lampetra tridentata</i>	FSC	Streams, estuaries, and marine waters	Yes	Confirmed <sup>d</sup>

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D. Loss of Sensitive Plant and Wildlife Habitat

Table D-2 (cont.)

SPECIES	STATUS <sup>a</sup>	LOCAL HABITAT ASSOCIATIONS	HABITAT PRESENT	LIKELIHOOD OF SPECIES OCCURRENCE
Steelhead (Central Valley ESU) <i>Oncorhynchus mykiss</i>	FT	Streams, estuaries, and marine waters	Yes	Possible
Chinook Salmon (Central Valley fall-run ESU) <i>Oncorhynchus tshawytscha</i>	FC	Streams, estuaries, and marine waters	Yes	Confirmed <sup>d</sup>
Sacramento Splittail <i>Pogonichthys macrolepidotus</i>	FT, CSC	Fresh to brackish rivers and streams	Yes	Possible <sup>e</sup>
<b>AMPHIBIANS</b>				
California Tiger Salamander <i>Ambystoma californiense</i>	FC; CSC	Ephemeral or permanent pools and ponds (usually with no fish) and underground refuges required for reproduction; in annual grasslands (primary), valley foothill riparian, valley oak woodland, blue oak woodland (secondary)	Unlikely	Unlikely because no suitable habitat present
Western Spadefoot <i>Scaphiopus hammondi</i>	FSC; CSC	Temporary rain pools that lack aquatic predators primarily in grassland habitats; secondarily in valley-foothill hardwood woodlands	Unlikely	Unlikely because no suitable habitat present
California Red-legged Frog <i>Rana aurora draytonii</i>	FT, CSC	Ponds, streams, ditches	Present but poor quality	Unlikely because outside of range
<b>REPTILES</b>				
Western Pond Turtle <i>Clemmys marmorata</i>	FSC; CSC	Slow-moving backwater, ponds, lakes, gravel mining pits	Yes	Likely
California Horned Lizard <i>Phrynosoma coronatum frontale</i>	FSC, CSC	Miscellaneous open habitats with undisturbed, sandy, friable soil	Yes	Possible
Silvery Legless Lizard <i>Anniella pulchra pulchra</i>	FSC, CSC	Areas with sandy or loamy soils undisturbed by agriculture or mining	Yes	Unlikely because area is disturbed
Giant Garter Snake <i>Thamnophis gigas</i>	FT, ST	Wetlands for foraging; burrows for winter hibernation	Yes	Unlikely because outside of range

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D. Loss of Sensitive Plant and Wildlife Habitat

Table D-2 (cont.)

SPECIES	STATUS <sup>a</sup>	LOCAL HABITAT ASSOCIATIONS	HABITAT PRESENT	LIKELIHOOD OF SPECIES OCCURRENCE
<b>BIRDS</b>				
Great Blue Heron (rookery) <i>Ardea herodias</i>	SA	Nests in large trees near open water	Unlikely	Unlikely <sup>b</sup>
Great Egret (rookery) <i>Casmerodius albus</i>	SA	Nests in large trees near open water	Unlikely	Unlikely, no known rookeries in the area <sup>b</sup>
Snowy Egret (rookery) <i>Egretta thula</i>	SA	Nests in dense marshes or in trees near open water	Unlikely	Unlikely, nearest known rookery is on san joaquin river
Black-crowned Night Heron (rookery) <i>Nycticorax nycticorax</i>	SA	Nests in dense marshes, blackberry thickets, or in trees near open water	Unlikely	Unlikely, no known rookeries in the area
Aleutian Canada Goose (wintering) <i>Branta canadensis leucopareia</i>	Recovered, delisted March 2001	Open water (lakes and ponds); forages on grasslands	Yes	Unlikely, not known to occur in project area
Osprey (nesting) <i>Pandion haliaetus</i>	CSC	Nests in large trees, on cliffs, or on manmade structures	Yes	Possible <sup>b</sup>
White-tailed Kite (nesting) <i>Elanus leucurus</i>	FP	Nests in trees near open foraging areas	Yes	Possible <sup>b</sup>
Bald Eagle <i>Haliaeetus leucocephalus</i>	FT; SE (Proposed for de-listing, 1999)	Near large bodies of fish-bearing water with adjacent snags or other perches	Yes	Possible, not expected to breed in area, may occur in small numbers during winter
Northern Harrier (nesting) <i>Circus cyaneus</i>	CSC	Grasslands and wetlands	Unlikely	Unlikely to nest in area because no suitable habitat is present, may forage in grasslands <sup>b</sup>
Cooper's Hawk (nesting) <i>Accipiter cooperii</i>	CSC	Woodland and riparian zones	Yes	Possible

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D. Loss of Sensitive Plant and Wildlife Habitat

Table D-2 (cont.)

SPECIES	STATUS <sup>a</sup>	LOCAL HABITAT ASSOCIATIONS	HABITAT PRESENT	LIKELIHOOD OF SPECIES OCCURRENCE
Swainson's Hawk (nesting) <i>Buteo swainsoni</i>	ST	Riparian areas and oak savannah	Yes	Likely <sup>c</sup>
Ferruginous Hawk (wintering) <i>Buteo regalis</i>	FSC; CSC	Miscellaneous open habitat types	Yes	Unlikely, foraging habitat is of low value
Golden Eagle <i>Aquila chrysaetos</i>	CSC, FP	Open woodland	Present but poor quality	Unlikely, suitable nesting and foraging habitat is of low value
Merlin <i>Falco columbarius</i>	CSC	Wetlands and grasslands with adjacent trees	Yes	Possible
Mountain Plover (wintering) <i>Charadrius montanus</i>	FC; CSC	Open shortgrass plains, plowed fields with little vegetation, flooded disked agricultural lands	Yes	Unlikely, not expected to winter in vicinity of project area
Western Yellow-billed Cuckoo <i>Coccyzus americanus occidentalis</i>	SE	Nests in riparian forest along the broad, lower flood-bottoms of larger river systems	Yes	Unlikely, no recent nesting records
Western Burrowing Owl (burrow sites) <i>Speotyto cunicularia hypugea</i>	FSC; CSC	Grasslands, shrublands, levees, open habitat	Yes	Possible
Little Willow Flycatcher <i>Empidonax traillii brewsteri</i>	CSC	Wet meadow and montane riparian habitats, riparian woodland, especially with willow and buttonbush (nesting); riparian woodland (migration)	Yes	Unlikely, not known to breed in project area
California Horned Lark <i>Eremophila alpestris actia</i>	CSC	Short-grass prairie, bald hills, fallow grain fields, alkali flats	Yes	Possible
Loggerhead Shrike <i>Lanius ludovicianus</i>	FSC; CSC	Grassland, woodland, and scrubland	Yes	Confirmed <sup>b</sup>
California Yellow Warbler (nesting) <i>Dendroica petechia brewsteri</i>	CSC	Riparian woodland and conifer forest	Yes	Possible; nesting and migrants likely

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Table D-2 (cont.)

SPECIES	STATUS <sup>a</sup>	LOCAL HABITAT ASSOCIATIONS	HABITAT PRESENT	LIKELIHOOD OF SPECIES OCCURRENCE
Yellow-breasted Chat (nesting) <i>Icteria virens</i>	CSC	Riparian woodland and early seral riparian vegetation	Yes	Unlikely, not known to breed in project area
Tricolored Blackbird (nesting colony) <i>Agelaius tricolor</i>	FSC; CSC	Thick stands of bulrushes, tules, blackberries, or cattails usually adjacent to freshwater emergent marsh	Unlikely	Unlikely, no suitable habitat present
<b>MAMMALS</b>				
Pallid Bat <i>Antrozous pallidus</i>	CSC	Roost in buildings, trees, mines, caves, crevices, buildings, or bridges; feeds over water, along edge of woodlands, forests, and scrub, or in variety of open habitats	Unlikely	Unlikely, no suitable habitat present
Townsend's Western Big-eared Bat <i>Corynorhinus (Plecotus) townsendii townsendii</i>	FSC; CSC	As above	Unlikely	Unlikely, no suitable habitat present
<i>Myotis</i> spp.: -Long-eared Myotis ( <i>M. evotis</i> ) -Fringed Myotis ( <i>M. thysanodes</i> ) -Long-legged Myotis ( <i>M. volans</i> ) -Small-footed Myotis ( <i>M. cillolabrum</i> ) -Yuma myotis bat ( <i>M. yumanensis</i> )	FSC	As above	Unlikely	Unlikely, no suitable habitat present
California Mastiff Bat <i>Eumops perotis californicus</i>	FSC; CSC	As above	Unlikely	Unlikely, no suitable habitat present
Riparian Brush Rabbit <i>Sylvilagus bachmani riparius</i>	FE, SE	Dense riparian forests with forest clearings (considered to be restricted to Caswell State Park)	Yes	Unlikely, current distribution does not include project area
Merced Kangaroo Rat <i>Dipodomys heermanni dixonii</i>	FSC	Annual grassland, coastal scrub, mixed and montane chaparral, and early successional stages of valley foothill hardwood and hardwood-conifer habitats	Yes	Possible

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Table D-2 (cont.)

SPECIES	STATUS <sup>a</sup>	LOCAL HABITAT ASSOCIATIONS	HABITAT PRESENT	LIKELIHOOD OF SPECIES OCCURRENCE
San Joaquin Pocket Mouse <i>Perognathus inornatus inornatus</i>	FSC	Dry, open grasslands or oak woodlands with fine-textured soil	Yes	Possible
San Joaquin Valley (Riparian) Woodrat <i>Neotoma fuscipes riparia</i>	FE; CSC	Valley oak woodland adjacent to areas with dense understory such as willows	Yes	Unlikely, current distribution only includes San Joaquin River
San Joaquin Kit Fox <i>Vulpes macrotis mutica</i>	FE; ST	Grasslands, chenopod scrub, alkali sink, subshrub scrub, oak woodland, agricultural lands	Yes	Unlikely, current range does not include project area

- a
- FE Listed as endangered under the federal Endangered Species Act.
  - FT Listed as threatened under the federal Endangered Species Act.
  - FPE Proposed for listing as endangered under the federal Endangered Species Act.
  - FPT Proposed for listing as threatened under the federal Endangered Species Act.
  - FC Federal candidate species.
  - FSC Species of Concern (former C2 candidate). (Note: Although the U. S. Fish and Wildlife Service does not maintain a list for these species, in most cases they represent species that are sensitive to impacts and/or that are documented as or suspected to be undergoing population declines.)
  - SE Listed as endangered under the California Endangered Species Act.
  - ST Listed as threatened under the California Endangered Species Act.
  - CSC CDFG species of special concern.
  - FP CDFG fully protected.
  - SA CDFG special animal. These species are considered to be biologically rare or declining in California, the population considered peripheral to the major portion of a taxon's range, or closely associated with a declining habitat.
  - 1A Plants considered by the California Native Plant Society to be extirpated in California.
  - 1B Plants considered by the California Native Plant Society to be rare, threatened, or endangered in California and elsewhere.
  - 2 Plants considered by the California Native Plant Society to be rare, threatened, or endangered in California, but more common elsewhere.
- b Individual observed on site.
- c Included in the bird list for the Park in Dahlin (1997), but it is not specified whether the observation was a nesting record.
- d Confirmed by Stillwater Sciences (2000)
- e Confirmed at River Mile (RM) 5 by Stillwater Sciences (2000), and presence is believed possible farther upstream. The RM 5 is approximately 8 miles downstream of the TRRP Master Plan area.

#### Special-status Plants

Four special-status plants have been identified as having the potential to occur in the project vicinity: delta button-celery (*Eryngium racemosum*), California hibiscus (*Hibiscus lasiocarpus californiacus*), Merced monardella (*monardella leucocphala*) and Sanford's arrowhead (*Sagittaria sanfordii*) (USFWS 2000). Delta button-celery, Merced monardella, and Sanford's arrowhead are not expected to occur in the project area because they are presumed extirpated from Stanislaus County (CNPS 2000). The distribution of California hibiscus is restricted to locations north of the project area (CNPS 2000). No occurrences for these or any other special-status plants have been recorded in the vicinity of the project area (CNPS 2000).

#### Special-status Wildlife

The USFWS has identified a number of special status species as having the potential to occur in the project area (USFWS 2000). These species are listed in Table D-2. Many of these species were eliminated from further consideration in this EIR because the project area is outside of the species current range or because no suitable habitat is present in the project area. Additional information is provided below for 21 special-status wildlife species that could occur in the project area.

#### Valley Elderberry Longhorn Beetle

Valley elderberry longhorn beetle is listed as federally threatened. This species is dependent on elderberry (*Sambucus mexicanus*) shrubs for both food and reproduction. The CNDDB includes three occurrences of valley elderberry longhorn beetle within a five-mile radius of the TRRP Master Plan area (Figure D-3).

#### Western Pond Turtle

The western pond turtle is a federal and California Species of Special Concern. Western pond turtles are found in slow-moving aquatic habitats, such as ponds, marshes, streams, and irrigation ditches. They use submerged or emergent vegetation for foraging and basking while partially submerged, and require logs or other objects for basking out of the water. Western pond turtles nest in upland habitats adjacent to aquatic sites that provide suitable thermal and hydric environment for incubation of eggs. This species is expected to occur in the project area.

#### Chinook Salmon

The Tuolumne River supports a naturally reproducing population of fall-run chinook salmon that is the largest population of fall-run chinook salmon in the San Joaquin Basin. Aquatic and riparian habitats in the TRRP are designated essential fish habitat (EFH) for fall-run chinook salmon (NMFS 1997). Abundance of this species in the Tuolumne River has fluctuated widely over recent decades, declining severely during prolonged droughts. Due to its periodic declines in abundance, this population has been the target of considerable management efforts. Numerous studies have been conducted

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by the Tuolumne and Modesto Irrigation Districts (TID/MID) to assess chinook salmon population dynamics and habitat in the lower Tuolumne River. These studies have identified predation by introduced species as among the primary factors limiting the salmon population in the Tuolumne River (TID/MID 1992). In 1995, as part of the Federal Energy Regulatory Commission (FERC) process that regulates the New Don Pedro Dam Project, TID/MID, USFWS, CDFG, FERC, and several environmental groups entered into a settlement agreement to protect and restore the Tuolumne River fall-run chinook salmon population.

Adult chinook salmon spawn in the Tuolumne River from September through December, with arrivals typically peaking in November. While spawning may occur throughout the gravel-bedded reach of the river, almost all spawning occurs upstream of Hickman Bridge (at Waterford). Spawning is most heavily concentrated in the reach between Old La Grange Bridge and Basso Bridge, approximately 30 miles upstream of the TRRP. The period of fry emergence varies depending upon the timing of adult arrival and incubation temperature. Emergence typically extends from January through March but may begin earlier and continue later. Young salmon may leave the river as fry or may remain in the river to rear. Salmon that rear in the river emigrate in late spring as juveniles or smolts. Little is known regarding use of the TRRP vicinity by chinook salmon for rearing or during other life-history stages.

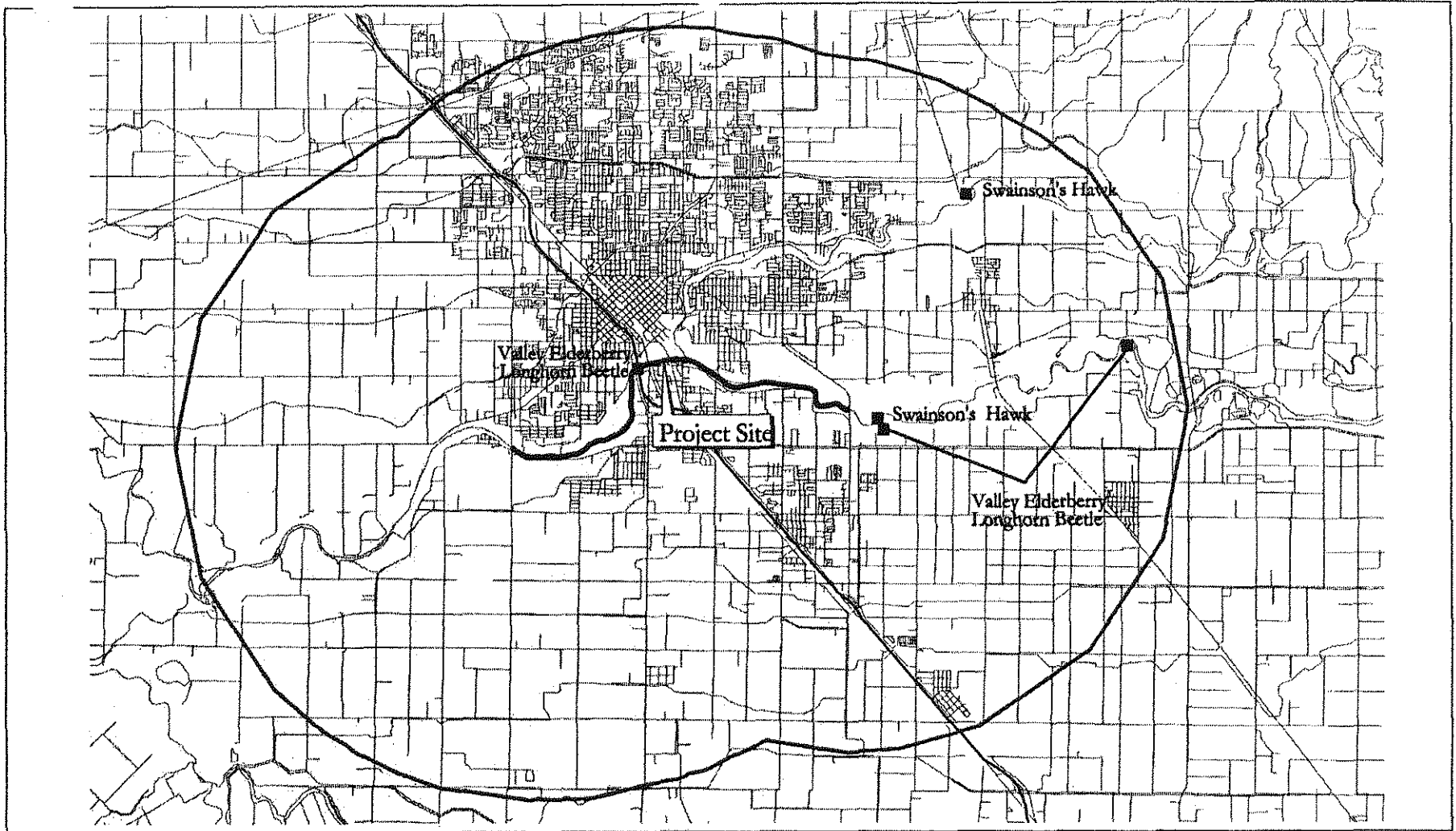
##### Steelhead

Steelhead is the anadromous (swims upstream to spawn) form of rainbow trout. The historical abundance and distribution of steelhead in the San Joaquin River tributaries is not well understood, however, a review of historical documents by Trihey and Associates, Inc. (1996) indicates that steelhead did historically occur in the San Joaquin system. Adult winter steelhead in the Sacramento Basin migrate upstream in October and November and spawn in the winter (Cramer et al. 1995).

The Tuolumne River has recently been designated by NMFS as critical habitat for Central Valley steelhead (NMFS 2000). NMFS defines steelhead critical habitat in the Tuolumne River to include the river and adjacent riparian habitat that provides "shade, sediment, nutrient or chemical regulation, stream bank stability, and input of large woody debris or organic matter" (NMFS 2000).

##### Kern Brook Lamprey, River Lamprey, Pacific Lamprey, Sacramento Splittail

River and Pacific lampreys are anadromous and are known to occur in the Tuolumne River in the TRRP area. Kern brook lamprey are found in the Merced, Kaweah, Kings, and San Joaquin Rivers. They are not known to occur in the Tuolumne River, but because they have been recorded in the Merced River in habitat similar to the lower Tuolumne River, they have the potential to occur in the TRRP Master Plan Area. Sacramento splittail are endemic to the Central Valley. The CNDDB lists no occurrences for the Tuolumne River, but successful spawning was recorded in wet years during the 1980's, at which both adults and juveniles were observed in Modesto (T. Ford, pers. comm., as cited in Moyle et al. 1995).



Source: CNDD8, 2000; Teale, 1998; EDAW, 2001

**LEGEND**

■ Animal

○ 5-Mile Radius of Project Site

— Project Site



**Figure D-3 California Natural Diversity Database Species Occurrences in TRRP Vicinity**

Tuolumne River Regional Park  
Master Plan MEIR

**EDAW**

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Osprey, White-tailed Kite, Northern Harrier, Cooper's Hawk, Swainson's Hawk, Merlin

Several species of raptors may occur and nest in the project area because it offers open space for foraging and mature trees for nesting. Osprey, white-tailed kite, northern harrier, Cooper's hawk, and merlin are California Species of Special Concern. White-tailed kites are also Fully Protected under the California Fish and Game Code. Swainson's hawks are State-listed as threatened. Osprey, white-tailed kite, Cooper's hawk, and Swainson's hawks nest in riparian and oak woodlands. Northern harriers nest on the ground in marshes and grasslands. White-tailed kite, northern harrier, Swainson's hawk, and merlin forage in grasslands and agricultural fields. Osprey forage for fish in rivers and lakes. Cooper's hawks forage in riparian and oak woodlands. All six of these raptors are known to occur in the project vicinity. The CNDDDB includes two occurrences of Swainson's hawk within a five-mile radius of the TRRP Master Plan area (Figure D-3). With the exception of merlin, which is present only during winter months, these raptors could nest in the project area.

Western Burrowing Owl

Western burrowing owls are a California Species of Special Concern. They prefer dry grasslands and other dry, open habitats. They typically nest and roost in burrow systems created by medium-sized mammals (e.g., ground squirrels) or in artificial sites (e.g., drain pipes and culverts). This species is not expected to occur in the project area but suitable habitat is present.

California Horned Lark, Loggerhead Shrike

California horned lark and loggerhead shrikes are designated California Species of Special Concern. They use open areas for foraging and nest grasslands and other open habitats. Loggerhead shrikes were observed foraging in grasslands in the TRRP Master Plan area. California horned lark could also occur in the project area but most of the area is considered unsuitable nesting habitat.

Yellow Warbler

The yellow warbler is a California Species of Special Concern. Yellow warblers breed in riparian woodlands. Historically, yellow warblers were locally common summer residents in suitable habitat throughout most of the State. However, yellow warbler populations have declined due to loss of riparian habitat to agriculture and urbanization and nest parasitism by the brown-headed cowbird (*Molothrus ater*). Yellow warblers are likely to occur in the project area during migration but they are not expected to use the area for nesting.

California Horned Lizard, San Joaquin Pocket Mouse, Merced Kangaroo Rat

California horned lizard, San Joaquin pocket mouse, and Merced kangaroo rat are federal Species of Special Concern. California horned lizard is also a California Species of Special Concern. They inhabit grasslands and weedy habitats on fine textured soils.

None of these species have been recorded in the TRRP Master Plan area. Grasslands in the TRRP area may represent suitable habitat for these three species.

#### 4. Existing Regulatory Policies Applying to the Study Area

Many of the biological resources in the TRRP Master Plan area are protected and regulated by laws and policies. Prior to implementation, it would be necessary for the proposed project to be in compliance with these regulations. Key regulatory issues for this project are discussed below.

##### a. Federal Regulations

#### Clean Water Act

Waters of the U.S. are subject to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Waters of the U.S. are under the jurisdiction of the U.S. Army Corps of Engineers (USACE). The Tuolumne River is considered a Waters of the U.S. Section 404 establishes a requirement to obtain a permit prior to any activity that involves any discharge of dredged or fill material into Waters of the U.S., including wetlands. Waters of the U.S. include navigable waters, all other waters where the use or degradation or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are somehow connected to any of these waters or their tributaries. Activities that require a permit under Section 404 include placing fill or riprap, grading, mechanized land clearing, and dredging. Any activity that results in the deposit of dredged or fill material within the Ordinary High Water Mark of Waters of the U.S. usually requires a permit, even if the area is dry at the time the activity takes place. Section 10 of the Rivers and Harbors Act establishes a requirement to obtain a permit from USACE prior to performing any work in, on, or under navigable Waters of the U.S. Riparian habitat (i.e., the land and plants bordering a watercourse or stream) within the Ordinary High Water Mark of jurisdictional Waters of the U.S. is also under regulatory authority of USACE.

#### Federal Endangered Species Act

Pursuant to the federal Endangered Species Act (ESA), USFWS and National Marine Fisheries Service (NMFS) have authority over projects that may affect the continued existence of a federally listed species or may adversely affect their designated critical habitat. If a USACE Section 404 permit is required for wetland fill or if a project results in a take of federally-listed species, an interagency consultation between USACE and USFWS under Section 7 of ESA would be required.

Section 7 of ESA outlines the procedures for federal interagency cooperation to conserve federally-listed species. Section 7 of ESA mandates that all federal agencies participate in the conservation and recovery of listed Threatened or Endangered species. Furthermore, Section 7 states that each federal agency shall ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed

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species. Take of a federally listed species may be approved through a Section 7 consultation between the USFWS and another federal agency only if the following conditions are met. A Biological Assessment must be prepared to evaluate the effects on species listed and proposed for listing. Based on information from the Biological Assessment and other sources, the USFWS will prepare a Biological Opinion. The Biological Opinion will include a determination if the proposed action may jeopardize the continued existence of a species. The Biological Opinion may authorize a certain level of incidental take contingent upon the implementation of specified terms and conditions to minimize such take and mitigate for its effects.

b. State Policies

California Endangered Species Act

The potential of a State-listed species (e.g., Swainson's hawk) to be affected by the project would necessitate consultation with CDFG pursuant to the California Endangered Species Act (CESA) (Fish and Game Code Section 2080 *et seq.*). The State has the authority to issue an incidental take permit under §2081 of the Fish and Game Code. CESA directs that State agencies should not approve projects that would jeopardize the continued existence of an endangered or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of a species. Furthermore, CESA states that reasonable and prudent alternatives shall be developed by CDFG, together with the project proponent and the State lead agency, consistent with conserving the species, while at the same time maintaining the project purpose to the greatest extent possible (Fish and Game Code Section 2053).

For species that are listed under both ESA and CESA, take authorization under Section 7 of ESA could also suffice for take authorization under CESA if CDFG finds that the federal permit adequately protects the species. If CDFG believes additional protection measures are needed, a Section 2081 permit would need to be obtained.

Section 1600 of the Fish and Game Code

Riparian vegetation associated with rivers, stream, or lakes in California is subject to regulation by CDFG, pursuant to Sections 1600 through 1603 of the California Fish and Game Code. Section 1601 of the Code governs public agency projects. Activities regulated by CDFG include diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake. Pursuant to Section 1601, a Streambed Alteration Agreement is required from CDFG for projects that have the potential to affect streambeds, lakebeds, or their associated riparian habitats.

c. Stanislaus County Policies

The Stanislaus County General Plan (1994) addresses the conservation and enhancement of biological resources in the project area. The Land Use Element discourages urban development in areas with high water tables or poor soil percolation, which are potential growth-limiting factors. Urban development is also prohibited in

geological fault and hazard areas, floodplains, riparian zones, and airport hazard areas, unless measures to mitigate the problems are included as part of the application.

The Conservation/Open Space Element promotes protection and preservation of the County's natural resources and open spaces by maintaining the natural environment in areas dedicated as parks and open space, assuring compatibility between natural areas and development, conserving water resources, preserving vegetation to protect waterways from bank erosion and siltation, protecting and enhancing oak woodlands and other native hardwood habitat, and protecting fish and wildlife species of the County.

d. City of Modesto Policies

The City of Modesto General Plan (1995) addresses the conservation and enhancement of biological resources in the project area. The Urban Area Open Space and Recreation Element preserves Dry Creek and Tuolumne River waterways, floodplains, and adjacent areas in its natural state to maintain a diversity of fish, wildlife, and vegetation habitat. The Conservation Element provides for protection and enhancement of riparian habitat occurring along Dry Creek and the Tuolumne River in order to minimize potential impacts to fish and wildlife populations.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

The County reviews all development requests to ensure that sensitive areas (e.g., riparian habitats, vernal pools, rare plants) are left undisturbed or that mitigation measures acceptable to appropriate State and federal agencies to protect the habitat are included in the project (Stanislaus County General Plan 1994).

b. City of Modesto Policies

The MEIR for the Modesto Urban Area General Plan contains measures intended to minimize impacts to sensitive biological resources due to development in the Planned Urbanizing Area, including the Dry Creek and Tuolumne River Comprehensive Planning districts. Focused EIR's for these areas shall incorporate the "Mitigation Measures for Sensitive Biological Habitats" (Table 7-1, pg IV-7-29 of the Modesto Urban Area General Plan).

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

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1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

2. Thresholds of Significance Suggested by Other Analytical Methods

Typically, qualified biological professionals in the State of California consider substantial adverse effects to special-status species and habitats as significant impacts to biological resources. Special-status species and habitats are defined as plants, animals, and habitats that are legally protected or that are otherwise considered sensitive by federal, State, or local resource conservation agencies and organizations.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact to biological resources if it would:

- Have a substantial direct or indirect adverse effect on any listed species (candidate, sensitive, special-status, threatened, endangered) identified by CDFG, USFWS, local/regional plans, policies or regulations.
- Have a substantial adverse effect on riparian habitats or other sensitive natural communities identified by CDFG, USFWS, local/regional plans, policies or regulations.
- Have a substantial adverse effect on federally protected wetlands (defined by Section 404 of the Clean Water Act).
- Interfere substantially with the movement of native resident or migratory fish or wildlife species or with corridors used by these species, or prevent the use of wildlife nursery sites.
- Conflict with any existing policies or ordinances protecting biological resources adopted by local governments.
- Conflict with provisions of adopted and approved conservation plans by the local, regional, or State government.

4. Significant Direct Impacts

a. General Terrestrial Habitat

The loss of non-native grassland and disked land is expected to occur under the proposed TRRP Master Plan during grading for floodplain terraces and construction of trails and the Loop Road. Grading and earthmoving activities to create the floodplain

terraces would remove non-native grassland in the Carpenter Road Area and disturb agricultural land in the Gateway Parcel. Removal of disked land would also occur during construction of the Loop Road and trails connecting to the river promenade trail in the Gateway Parcel. The loss of habitat would reduce the populations of some common plant and wildlife species in the area. Impacts on common wildlife would include direct mortality and the loss of foraging and breeding habitat.

Although there would be some loss of non-native grassland and disked land, open space within the TRRP would be preserved and planted with wildflower meadow grasses native to the Central Valley. Approximately 64 acres of park landscaping (wildflower meadow, lawn, landscape trees, specimen trees, street trees, and "path" trees) would be planted in the Gateway Parcel. Approximately 180 acres of park landscaping would be planted in the Carpenter Road Area, including lawn in the sports complex area and wildflower meadow to the west of the sewer treatment plant.

Although the grasslands and disked open lands in the TRRP Master Plan area support a number of common plant and wildlife species, these species are generally abundant locally and regionally. The loss of common plant and wildlife species and their habitat would not substantially affect the populations of these species in the local area. Therefore, this impact would be less-than-significant.

#### b. Impacts to Riparian Habitat

The riparian habitat on the TRRP site currently supports high wildlife diversity and functions as an important wildlife corridor. Grading and earthmoving activities to create the terraces would remove up to approximately 22 acres of existing riparian vegetation; 11 acres in the Gateway Parcel and 11 acres in the Carpenter Road Area. Additional riparian vegetation may be removed during construction of trails in the other portions of the TRRP. Riparian habitat is considered a sensitive habitat and often receives legal protection from CDFG and USACE. Riparian vegetation associated with rivers, stream, or lakes in California is also subject to regulation by CDFG, pursuant to Sections 1600 through 1603 of the California Fish and Game Code. Riparian habitat within the Ordinary High Water Mark of jurisdictional Waters of the U.S. is under regulatory authority of USACE. The Stanislaus County General Plan (1994) and the City of Modesto General Plan EIR (1995) address the conservation of riparian habitat.

One of the primary goals of the TRRP project is to restore a continuous riparian corridor along the Tuolumne River. According to preliminary estimates, approximately 79 acres of riparian vegetation would be planted as part of the TRRP project. In the Gateway Parcel, native riparian vegetation would be restored in a zone extending 185 feet from the Tuolumne River. In both the Gateway Parcel and the Carpenter Road Area, floodplain terraces would be created to provide surfaces that inundate more frequently, restore hydrologic connectivity, and create different hydrologic niches that meet many riparian plant species' initiation and establishment requirements. Approximately 22 acres of riparian vegetation would be replanted in the Gateway Parcel and approximately 28 acres in the Carpenter Road Area once the terraces have been created. Mature valley oaks would not be removed and would be protected from soil

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compaction and damage during the projects construction phase. Areas that require summer irrigation, such as lawn, would not be planted in the vicinity of oaks to protect them from fungus infection.

**Impact Bio-1: Riparian Habitat.** The negative impacts to riparian habitats would be temporary during construction activities and implementation of the TRRP Master Plan would result in a net increase in riparian habitat over time, once riparian vegetation in replanted areas have been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat has been identified as a sensitive natural plant community by federal, State, and local agencies.

c. Impact to Jurisdictional Waters of the U.S.

Implementation of the proposed project would require construction-related disturbance to jurisdictional Waters of the U.S. The disturbance of federally protected jurisdictional Waters of the U.S., as defined by Section 404 of the Clean Water Act, would be a significant effect. Wetland habitat has declined considerably this century in California as a result of flood control practices and conversion of wetlands to agricultural and urban uses. Wetlands have been given regulatory protection because of their multiple functions and values, including their importance to wildlife.

Grading for floodplain terraces and construction of fishing piers and bridges could potentially impact wetlands in the Master Plan area. Grading for floodplain terraces would occur in the Gateway Parcel and west of the sewage treatment plant in the Carpenter Road Area. The construction of pedestrian bridges could also potentially temporarily impact wetlands through short-term increase in sedimentation resulting from construction activities. Two low wooden bridges would extend the trail network over the ancient channel in Legion Park. Pedestrian bridges would also be constructed over Dry Creek, connecting the Gateway Parcel with the Gallo Property, and over the Tuolumne River, connecting Mancini Park with the north bank of the river. Additionally, wooden piers suitable for fishing and launching small non-motorized boats would be constructed in the Gateway Parcel, Carpenter Road Area and Legion Park. Project construction of bridges, trails, river overlooks, and other near-river facilities would cause short-term increases in bank erosion, which would likely result in temporarily elevated levels of sediment delivery to the Tuolumne River. Because a wetland delineation has not been conducted, it is unknown if wetlands occur outside of the Tuolumne River and Dry Creek channels.

Stormwater wetlands would be created on the Gateway Parcel and in the Carpenter Road Area to help purify some of the stormwater runoff from the adjacent urban areas. These wetland zones would use plants, such as tules, sedges, and cattails, to purify stormwater runoff from the adjacent neighborhoods, reducing the amount of non-point source pollution that enters the Tuolumne River in this area; this would be a beneficial effect of the project.

**Impact Bio-2: Jurisdictional Waters of the U.S.** The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant.

d. Impacts Due to Increased Human Activity and Use

Walking trails and roads would be built in existing or restored riparian habitat. Expected traffic on trails, roadways and in parking lots would likely diminish the quality of habitat for wildlife species in the trail areas. The 1.5-mile section of the river promenade trail adjacent to Dryden Golf Course could have potentially greater impacts to riparian corridor species because of the narrow space between the golf course and the Tuolumne River. Efforts to minimize impacts to the riparian corridor in the Gateway Parcel by limiting trail areas and river access points would decrease impacts to wildlife in this area. River overlooks and two river access piers would be constructed in the Gateway Parcel to provide designated river access points, thus limiting impacts to the riparian corridor.

In order to maintain public safety, areas such as parking lots, access roads, the amphimeadow, the regional sports complex, and limited pathways may be illuminated at night. Lighting may diminish the quality of habitat for wildlife and limit use of the riparian corridor by nocturnal species. However, lighting is proposed only for the access areas and not the more natural areas of the TRRP. Because riparian vegetation would be enhanced throughout the park to form a continuous corridor and river access points would be limited, potential impacts from trail use, nighttime lighting, and other human activity would be less-than-significant.

e. Impacts to Special-status Fish

Six threatened, endangered, or otherwise sensitive fish species or their habitats have been identified as potentially occurring in the vicinity of the TRRP. These are: Kern brook lamprey, river lamprey, Pacific lamprey, Central Valley steelhead, fall-run chinook salmon, and Sacramento splittail. Of these, only the Kern brook lamprey and steelhead have not been documented in the vicinity of the TRRP. Aquatic and riparian habitat in the TRRP is designated critical habitat for Central Valley steelhead (NMFS 1999b) and essential fish habitat (EFH) for fall-run chinook salmon (NMFS 1997).

The project is expected to have a long-term benefit to native fish species and their habitats. Beneficial impacts are expected to result from removal of invasive exotic vegetation from riparian areas, reestablishment of native riparian vegetation species composition, reconnection of portions of the floodplain to the river (by terrace contouring), and the reestablishment of natural riparian vegetation and processes on the excavated terraces. Restoration of the natural riverbank configuration is expected to

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result in long-term beneficial impacts to fish and fish habitat both in the TRRP and downstream. Throughout much of the TRRP, flow regulation and human alteration of the Tuolumne River and Dry Creek channel and floodplain has resulted in an incised channel and oversteepened banks that are either artificially stabilized or actively eroding. Beneficial impacts that are expected to result from the proposed bank recontouring at several locations on the Tuolumne River and Dry Creek include:

- substantial reductions in localized bank erosion and elimination of the need for artificial stabilization;
- increased floodway capacity;
- increased area available to salmonids and other fish for rearing and refuge during high flows;
- reestablishment of the connection between the river and its floodplain; and
- resumption of natural riparian vegetation recruitment and successional processes.

Although special-status fish will benefit from the project in the long-term, some short-term impacts are anticipated. Recontouring portions of the north bank of the Tuolumne River could result in physical disturbance to habitat for special-status fish and is considered a potentially significant impact. Temporarily elevated levels of total suspended solids (TSS) may also pose problems to fish of all life stages within the project area and downstream. Increased input of fine sediment during project construction could potentially result in direct impacts to chinook salmon, steelhead, lamprey, and Sacramento splittail, as well as other fish, and could cause local and downstream impacts to habitat. Bank recontouring can be expected to cause short-term increases in bank erosion, which would likely result in temporarily elevated levels of sediment delivery to the Tuolumne River.

A short-term loss of riparian vegetation is expected during construction of bridges, trails, river overlooks, and other facilities near the Tuolumne River and Dry Creek, and may lead to temporary adverse impacts to fish and aquatic resources in the TRRP area. Exposed bare soil on restored banks could result in greater bank erosion and sediment delivery to the river. Disturbance caused by heavy machinery and construction crews, both in and out of the river, may potentially impact fish and wildlife in those areas. The potential impacts of construction-related sediment on fish and in-stream habitat would depend on the timing and duration of the construction, the presence of sensitive fish and their habitat on-site and downstream, and the river flow conditions during construction. Adverse impacts would gradually be reduced as the new riparian vegetation matures. Since there are only three access points to the river from the TRRP described in the Master Plan, disturbance following construction would be minimal. Replanting would follow the planting palette developed for the TRRP Master Plan, which includes guidelines for species composition and planting location. Project construction that could result in direct disturbance and increased sediment input would be temporary, and therefore no significant long-term impacts are expected.

Construction of bridges may temporarily impede upstream passage by adult salmonids, lamprey, and splittail, and downstream passage by outmigrating juveniles or sub-adults. This is a potentially significant impact. Several bicycle and pedestrian bridges are included in the TRRP Master Plan. Construction of bridges may temporarily impede upstream passage by adult salmonids, lamprey, and splittail, and downstream passage by outmigrating juveniles or sub-adults. The effects of construction on fish passage and aquatic habitat connectivity would be limited to the construction period, and would depend on the life stage and migratory timing of sensitive species. Only one bridge, proposed to span the Tuolumne River channel, has the potential to adversely impact fish migration and aquatic habitat connectivity after construction. Depending on final design specifications, drops created by sills across the channel bed at this bridge location could impair upstream passage of adult chinook salmon and movement of other fish and aquatic species, resulting in significant adverse impacts to these species beyond the initial construction period. The potential impacts of this bridge structure would likely be influenced by river flow and would presumably be greatest during periods of low flow.

Construction of park facilities and recontouring of riverbanks in portions of the park are expected to cause temporary loss of riparian vegetation. Removal of riparian vegetation and vegetative ground cover (living and dead organic material) during construction could result in reduced stream shading, loss of overhead cover for fish and other aquatic organisms, reduced input of organic matter and terrestrial insects to the aquatic ecosystem, and increased riparian habitat fragmentation. These mechanisms could result in impacts to essential fish habitat for chinook salmon (NMFS 1997) and critical habitat for Central Valley steelhead (NMFS 1999b).

Although reduced stream shading has the potential to result in increased water temperatures, this is considered unlikely in the TRRP area because removal of riparian vegetation as a result of project construction and bank restoration would be confined to a few specific locations on the north bank of the Tuolumne River and the west bank of Dry Creek. The north bank of the Tuolumne River, because of the angle of the sun (due to latitude) and the east-west orientation of the Tuolumne River, generally does not provide as much shade to the channel as vegetation on the south bank. Therefore, no significant adverse water temperature impacts are expected.

Short-term reductions in overhead cover for fish and other aquatic organisms due to removal of riparian vegetation could result in temporary adverse impacts to species relying on this habitat feature within the TRRP project area. However, because ample overhead cover would be available to these species in adjacent areas where riparian vegetation remained undisturbed, adverse impacts would be expected to be minimal.

**Impact Bio-3: Special-status Fish.** Potential impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because

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these species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species.

f. Impacts to Valley Elderberry Longhorn Beetle

Ground-disturbing activities, use of herbicides, or other activities may destroy occupied elderberry shrubs, resulting in potential take of the valley elderberry longhorn beetle. The Master plan is within the known range of the species and elderberry shrubs are located in the project area.

**Impact Bio-4: Valley Elderberry Longhorn Beetle.** Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact.

g. Impacts to Western Pond Turtle

Bank recontouring and other construction activities may cause a short-term impact to suitable habitat for western pond turtle, a California Species of Special Concern. A low number of western pond turtles could also be killed during these activities. However, the project would result in a long-term benefit to western pond turtles by increasing and enhancing riparian habitat. No substantial effects on the local and regional populations are anticipated because suitable turtle habitat is abundant in the project vicinity. This impact would be less-than significant.

h. Impact to Nesting Raptors

Tree-nesting raptors, including osprey, white-tailed kite, Cooper's hawk and Swainson's hawk, often use traditional nest sites. Implementation of the proposed TRRP Master Plan could result in the loss or disturbance of active raptor nests, which are protected under Section 3503.5 of California Fish and Game Code. Swainson's hawk is also a State-listed Threatened species. Raptor nests could be affected by the removal of large trees during the breeding season (February 1 to August 31). Although significant tree removal is not currently planned, the project plans are currently conceptual, and there is the potential for tree removal to be proposed in the final implementation plans. Raptors could also be affected by nearby construction activity during the breeding season. This impact is considered potentially significant.

**Impact Bio-5: Nesting Raptors.** Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant.

5. Significant Cumulative Impacts

Cumulative impacts are the same as the direct impacts identified above. The analysis of biological resources issues takes into consideration cumulative impacts of Master Plan implementation, including the effect of the removal of habitat at the project site on the sustainability of biological resources in the region. In addition, the Master Plan is

consistent with the City of Modesto Urban Area General Plan. The potential for cumulative impacts to sensitive plant and wildlife habitat was analyzed in Chapter IV-7 of the Master Environmental Impact Report for the Urban Area General Plan. No additional cumulative impacts have been identified.

#### 6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

Impacts to biological resources have been identified in this MEIR at a "programmatic" level. Because detailed implementation plans are not available, some biological surveys and consultation have yet to be conducted. Specifically, as outlined in the mitigation measures below, a determination of potential impacts to Waters of the U.S. and consultation with regulatory agencies, including USACE, USFWS, NMFS, and CDFG, will be required prior to the implementation of individual Master Plan projects. However, all required protective measures and consultation requirements are specified in the mitigation measures detailed in Section C.

### C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

Mitigation measures are provided below to reduce significant or potentially significant impacts to biological resources resulting from implementation of the proposed Master Plan.

#### 1. Measures Which Mitigate Direct Impacts

**Impact Bio-1: Riparian Habitat.** The negative impacts to riparian habitats would be temporary during construction activities and implementation of the TRRP Master Plan would result in a net increase in riparian habitat overtime, once riparian vegetation in replanted areas have been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat has been identified as a sensitive natural plant community by federal, State, and local agencies.

Mitigation Measure Bio-1: To minimize disturbance to riparian habitat outside of the proposed area of disturbance, the following measures shall be implemented:

- a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented.
- b) Prior to project implementation, a Section 404 permit shall be obtained from USACE and a Section 1600 Streambed Alteration Agreement shall be obtained from CDFG. Additional mitigation for impacts to riparian areas

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will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually by a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG.

Implementation of the above mitigation measures in consultation with USACE and CDFG would ensure that impacts to riparian habitat are less-than-significant.

**Impact Bio-2: Jurisdictional Waters of the U.S.** The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant.

Mitigation Measure Bio-2: The following mitigation measures shall be implemented to ensure impacts to Waters of the U.S. are less-than-significant.

- a) For any TRRP Master project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential jurisdictional Waters of the U.S., including wetlands are present in the project area.
- b) If potential jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate.
- c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S., will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.
- d) For all projects with the potential to effect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages.

**Impact Bio-3: Special-status Fish.** Potential impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because these species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species.

Mitigation Measure Bio-3: The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat.

- a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate would avoid impacts during fish migrations and sensitive life stages.
- b) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.

Implementation of the above mitigation measures in consultation with NMFS and USFWS would ensure that impacts to sensitive fish species are less-than-significant.

**Impact Bio-4: Valley Elderberry Longhorn Beetle.** Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact.

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Mitigation Measure Bio-4: The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:

- a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.
- b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.
- c) If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented.

**Impact Bio-5: Nesting Raptors.** Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant.

Mitigation Measure Bio-5: Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:

- a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.
- b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable.

## 2. Measures Which Mitigate Cumulative Impacts

Cumulative impacts are the same as the direct impacts identified in this section, and thus the measures identified to mitigate those impacts would also ensure that cumulative impacts would not occur to sensitive or other biological resources in the area. No additional cumulative impacts have been identified.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because the identified impacts in this section could be adequately mitigated, there is no alternative design presented.

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## CHAPTER IV. ENVIRONMENTAL ANALYSIS

### E. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES

This section describes the cultural resources setting, evaluates potential impacts, and recommends mitigation measures to reduce potential cultural resource impacts of the proposed TRRP Master Plan. The analysis contained in this chapter was prepared by William Self Associates (WSA).

#### A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the General Plan is significant.

##### 1. Study Area for Direct Impacts

The study area for direct impacts is the TRRP Master Plan area.

##### 2. Study Area for Cumulative Impacts

The study area for cumulative impacts is the same as for cumulative impacts.

##### 3. Existing Physical Conditions in the Study Area

###### a. Cultural Background

###### Prehistory

The chronological sequence for central California and the Lower Sacramento Valley begins with the Windmill Pattern (Fredrickson 1973). Sites from this period date from about 4500 to 3500 years before present (B.P.). Although earlier sites no doubt exist, sites from the Paleo-Indian Period, dating from about 12,000 to 8,000 B.P., and sites from an unnamed phase dating from about 8,000 to 4,500 B.P., are thought to be buried under Holocene alluvial deposits and are not well documented in this part of California. Various scholars have suggested Windmill sites are associated with an influx of peoples from outside of California who brought with them an adaptation to river-wetland environments (Moratto 1984:207).

Windmill sites are often situated in riverine, marshland, and valley floor setting on small knolls above seasonal floodplains. Most Windmill sites possess burial in what are thought to be cemeteries. Typically, the human remains are found in an extended position and oriented towards the west. The burials frequently contain numerous mortuary artifacts, which often include large projectile points (spear or dart points), a variety of fishing paraphernalia such as net weights, bone hooks, and spear points, and the vertebrate faunal remains of large and small mammals. Seed-grinding implements such as mortars and pestles, often included in burials, point to the importance of the gathering and processing of seed resources. Other artifacts such as charmstones,

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quartz crystals, *Olivella* and *Haliotis* shell beads that are found in association with burials suggest trade routes and various degrees of ceremonialism. The subsequent Berkeley Pattern (previously part of the Middle Horizon) covers a period from about 3500 to 1500 B.C. in the San Francisco Bay region. This pattern overlaps somewhat with Windmill attributes at the beginning and with Late Prehistoric artifacts at the end. Berkeley Pattern sites are much more common and well documented, and therefore better understood than the Windmill sites. The sites are distributed in more diverse environmental setting, although a riverine focus is common.

Deeply stratified midden deposits (resulting from generations of occupation) are common to Berkeley Pattern sites, as are an abundance of milling and grinding stones for processing vegetal resources. Projectile points are progressively smaller and lighter over time, culminating in the introduction of the bow-and-arrow during the late prehistoric period. As mentioned above, although there are shared traits with Windmill manifestations, artifacts unique to Berkeley Pattern sites include slate pendants, steatite beads, ear ornaments, and burial techniques utilizing variable directional orientation, flexed body positioning, and a general reduction of mortuary goods (Frederickson 1973; Moratto 1984).

The late prehistoric period (formerly the Late Horizon) ranges from about 950 to 150 B.P. This period, characterized as the Augustine Pattern (Fredrickson 1973), is typified by intensive fishing, hunting and gathering (particularly acorns), a large population increase, increased trade and exchange networks, increases in ceremonial and social attributes, and the practice of cremation (in addition to flexed burial). Certain artifact types also typify the pattern: bone awls for use in basketry manufacture, small notched and serrated projectile points indicative of bow-and-arrow use, some pottery, clay effigies, bone whistles, and stone pipes. The Augustine Pattern and the late prehistoric period can be characterized as the apex of Native American cultural development in this part of California. Further analysis of the various cultural interrelationships can be found in Hughes (1994), Fredrickson (1993) and Elsasser (1986).

##### Ethnography

Archaeological sites in the northern San Joaquin Valley indicate that it has been occupied, at least intermittently, for the past 5,000 years or longer (Moratto 1984). The ethnographic inhabitants of the area were the Yokut Indian group who are known to have established semipermanent villages in the project vicinity (Kroeber 1970). Unique among the California natives, the Yokuts are divided into true tribes, each with a name, a dialect, and a geographical territory. Each of the Yokuts tribes were autonomous units, none being subordinate to any other tribe. Cook (1955) estimates the number of Valley Yokuts (Northern and Southern) in the 18<sup>th</sup> century as approximately 41,000 persons, which makes them the largest pre-contact ethnic group in California (Moratto 1984:173). The approximately 50 tribes of Yokuts, each with 300 to 400 persons, lived in the 250-mile long San Joaquin Valley as far north as where the San Joaquin River empties into the Sacramento and as far south as the foot of the Tehachapi Mountains (Emanels 1992:119). The exact boundaries of the Yokuts are still a matter of controversy, especially between the Plains division and the adjacent Miwoks (Kroeber 1970:442). Although each tribal group had one or more permanent villages, their

territory contained numerous smaller campsites used during seasonal rounds of resource exploitation. Because tule grew profusely in their territory along the small creeks, streams and rivers, many extended families lived in lodges of woven tule. Often they built their villages in street-like order (Emanels 1992:127). Ceremonial semi-subterranean men's houses (called "sweathouses" by the Spanish), were built at the larger village sites also using grass and earth cover (Kroeber 1970). Given an abundant and continuous subsistence base, ceremony in Yokut life was fairly extensive, and scholars have written much about it based on early ethnographic accounts (Bennyhoff 1977; Kroeber 1970; Levy 1978).

Rituals associated with death were of great importance. Two forms of interment were practiced and mortuary goods were often placed into the grave at the time of burial. Cremation was also occasionally practiced, especially for those who died away from home so that the ashes might be transported for burial. Personal possessions were sometimes burned and the house of death was customarily abandoned. The ashes and unburned bones were gathered and placed in water, or else buried in a basket in the local cemetery (Gayton 1948, 2:236, 274).

The TRRP Master Plan area would have provided an excellent location for seasonal resource procurement camps. Tule or balsa canoes were used to navigate rivers and lakes and for hunting and gathering forays into the Delta. Scholars have suggested the early California environment offered a large assortment of resources for use by native people, although acorns, fish, and game mammals formed the staples of their diet (Baumhoff 1963). Plant foods in great variety were gathered as they came into season. Researchers have stressed that acorns were of the utmost importance, as they could be stored in great quantities.

The first Europeans to explore the area were the Spanish looking for inland mission sites. The Spanish named the low-lying portion of the San Joaquin Valley "Los Tulares" and the stream "Rio de los Tulares", hence the appellation "Tulareños" by which the Yokuts were known (Kroeber 1970:476). In 1829 conflicts between the missionaries and native populations were quelled by Mexican forces. These troops controlled the area until the Mexican-American War ended 1848 and Mexico sold California to the United States. By the mid 1800s the Yokut population was nearly extinct due to diseases and pressures brought by the influx of missionaries and miners since the beginning of the 19<sup>th</sup> century (Wallace 1978). Historic settlement of the region by Euro-Americans comprised of cattle ranching, agriculture, orchards, and similar land use. The discovery of gold in the nearby Sierra Nevada foothills, also in 1848, caused the population in the Tuolumne River area to balloon. By 1871, the town of Modesto was established along Central Pacific Railroad lines that connected it to Stockton to the north and, eventually, Bakersfield to the south.

#### b. Results of the Record and Literature Search

A record and literature search was conducted at the Central California Information Center on September 29, 1999 to establish the location of previously conducted cultural resource surveys and known resources within a ¼ mile radius of the TRRP Master Plan area (File

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No. 3567N). The search included a review of the *National Register of Historic Places*, the *California Register of Historical Resources*, the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1990), and the *California Points of Historical Interest* listing (May 1992 and updates), the *Historic Property Directory* (Office of Historic Preservation current computer list), the *Caltrans Local Bridge Survey* (1989), the *Survey of Surveys* (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

In the Gateway Parcel four previous cultural resources surveys were found to have been conducted within the area of the record search (Hatoff et al. 1995, Marvin and Davis-King 1996, Hill 1992, Jensen 1996). Two field surveys have been conducted outside the immediate project area but lie within a ¼-mile of the project area (Jones & Stokes 1996, Harmon 1992). No archaeological resources were found during those surveys. The archival search identified no known or recorded prehistoric resources within the Gateway Parcel. One historic archaeological site, the Thurman Field Trash Scatter, has been recorded within ¼-mile of the Gateway Parcel project area (Jones & Stokes 1996). Four cultural resources (Lion's Market, W. H. Breshears, Inc., Ninth Street Bridge, Tidewater Southern Crossing) and one resource currently eligible for the National Register of Historic Places (Seventh Street Bridge) occur within the Gateway Parcel.

The Native American Heritage Commission (NAHC) in Sacramento was contacted by letter with a description of the proposed project and a request for a listing of local, interested Native American Representatives, and information on traditional or sacred lands within the project area and vicinity. No individual or tribal members have been notified as part of this scope of work. The Native American Heritage Commission responded to the request, noting that a search of the sacred lands file failed to indicate the presence of Native American cultural resources in the immediate project area. (Appendix C: letter dated December 14, 2000 and list of Native American Contacts).

##### c. Known Cultural Resources

A reconnaissance field survey of the Gateway Parcel and the Gallo/Mancini Area from the eastern edge of Mancini Park and the western edge of Legion Park to the western side of the Seventh Street Bridge was conducted on November 28, 2000. The area was evaluated for the presence of historic or prehistoric site indicators, and the existing cultural resources within the project area were evaluated and documented. In those areas subject to pedestrian survey, a maximum survey interval of 30 meters (100 feet) or less was utilized. The field survey consisted of a mixed strategy: intensive in sensitive areas known to contain sites, and cursory in developed/residential areas, cultivated fields, farmland, and densely overgrown/poison oak covered terrain. Steep hillsides and overgrown creek bottoms were avoided. Areas of steep terrain or dense vegetation/poison oak were visually inspected as conditions permitted along the route of the Tuolumne River drainage.

Ground visibility was fair to poor due to marsh, thick vegetation, and weed or riparian plant growth. Trowel or foot clearing was used to displace vegetation at regular intervals to improve ground visibility. All visible ground surface, gopher borrows, and other exposed soil was examined for the presence of historic or prehistoric site

indicators. Indicators of prehistoric activity include charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, and pockets of dark, friable soils. Historic resources include glass, metal, ceramics, brick, wood and similar debris.

Five previously recorded historic sites were located during the survey. Although outside the immediate project area, the Thurman Field Scatter was also reexamined. A description of these historic sites is presented below.

#### Seventh Street Bridge

The Seventh Street Bridge (Bridge No. 38C-023), or "Lion Bridge" as it is called locally, is located along the west side of the Gateway Parcel on Seventh Street across the Tuolumne River (Figures E-1 and E-2). Situated at the southern gateway to the City of Modesto, the Seventh Street Bridge is the only major example in the San Joaquin Valley of the "City Beautiful" bridge. Adorned in Beaux Arts classical detail, two concrete lions stand guard at each portal. Designed through the collaborative efforts of the engineering firm of Leonard & Day and architect Fay Spangler, the Seventh Street Bridge is the most impressive extant example of "Cantcrete" bridge design. Invented by John B. Leonard, this bridge form involves a cantilevered steel truss encased in concrete. Built in 1916 by C.E. Cotton & Co., the main span is 101 feet long and 35.8 feet wide with 14 additional spans for a total of 1170 feet. The Seventh Street Bridge was designated a Modesto Landmark Preservation Site by the Modesto City Council in 1992 (City of Modesto 1992). According to the Caltrans Bridge Inventory, the Seventh Street Bridge (38C-23) is eligible for inclusion on the National Register of Historic Places.

#### Lion's Market

Lion's Market P-50-000438, originally known as Sanders Bros. Grocery, is located at 439 Seventh Street. Although it was constructed in 1947 and served the adjacent Shady Acres Court (now know as the Del Rio Mobile Home Park), the building does not appear to be eligible for inclusion in the NRHP under any of the criteria. Under Criterion A it is associated with the growth and development of Modesto after World War II, but is not associated with any persons significant in history (Criterion B). It does not embody any distinctive architectural characteristics (Criterion C), nor is it likely to yield information important in history (Criterion D). Recorded in 1996 by Judith Marvin, the site is described as "a one-story rectangular concrete clock building with front elevation clad in stucco and a front gable roof clad in asphalt shingles."

#### W.H. Breshear's Complex

Located at 720 B Street on the north side of the Seventh Street Bridge, the W.H. Breshears, Inc. (originally Standard Oil of California Products) is a complex of industrial buildings used for the distribution of Chevron products. Situated on a bluff along the northwest edge of the Gateway Parcel, the complex dates from 1913 and 1946. Recorded in 1996 as P-50-000439, this historic site is described as "an office, storage buildings, and storage tanks." The Breshear's buildings do not appear to be eligible for inclusion in the National Register under any of the criteria. Under Criterion A, they are associated with the growth of the City of Modesto and the San Joaquin Valley when the

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automobile and truck were replacing the horse and railroad as the primary methods of transportation, and oil and gasoline distribution facilities were developed along railroad lines as transfer stations. The buildings were constructed by an oil company and operated by a succession of managers and so does not appear to be eligible under Criterion B, nor does it appear to be likely to yield information important in history (Criterion D). Under Criterion C it does not retain any integrity of design or represent the work of a master or embody any distinctive characteristics of construction.

##### Ninth Street Bridge

The Ninth Street Bridge (Bridge 38C-61), is a pre-1950 highway bridge located in the Gateway Parcel project area at the Tuolumne River and 9<sup>th</sup> Street. According to the Caltrans Bridge Inventory, the Ninth Street Bridge is ineligible for inclusion on the National Register of Historic Places.

##### Union Pacific Railroad and Tidewater Southern Railway Bridges

Two pre-1950 railroad bridges are present in the Gateway Parcel project area. The two railroad bridges are standard wood truss type bridges, and thus not eligible for inclusion on the National Register as per the Memorandum of Understanding between Caltrans, the Federal Highway Administration and the California State Office of Historic Preservation. The Union Pacific Railroad Bridge (P-50-000083, UP-1 and UP-2) was built in 1912 by the independent Tidewater Southern Railway and acquired by the Western Pacific Railroad in 1917. The Union Pacific Railroad Bridge is located on the Turlock branch running from Modesto south to Turlock, one of three original segments of the Tidewater Southern Railway. The Tidewater Southern Railway began as an electric interurban passenger and freight line running south from Stockton to Modesto, a distance of 32 miles (Fickewirth 1992). A steam division was extended in July 1916 from Modesto to Turlock, a distance of 16 miles. Although unprofitable from the outset, passenger service survived until 1932 (Strapac 1974:10 in Hatoff, et al. 1995). The existing tracks reflect various stages of post-World War II modernization undertaken by the Western Pacific after 1917. The Union Pacific Railroad Bridge on the Turlock Branch shows signs of the most recent modernization. The rails were laid at these points some time after 1966 (Hatoff, et al. 1995).

The Tidewater Southern Railway Bridge was previously evaluated in 1996, but was determined ineligible for listing in the National Register of Historic Places due to a loss of integrity as per the Memorandum of Understanding (December 1980 among Caltrans, the Federal Highway Administration, and the California SHPO (CCIC 1999). The Tidewater Southern Railway Bridge was not recorded. Potential significance for this shortline relates chiefly to the fact that it was one of a small number of interurban electric train lines in the San Joaquin Valley. All vestiges of the old interurban line were dismantled in the 1930s when the line was converted to conventional motive power and in the 1940s when it was rebuilt for heavier diesel locomotives (Hatoff et al. 1995). The Tidewater Southern Railway Bridge does not appear to be eligible for listing in the National Register of Historic Places because it does not retain integrity of setting, design, materials, workmanship, feeling and association.



Source: William Self Associates

**Figure E-1 View looking southeast of Seventh Street Bridge**

Tuolumne River Regional Park  
Master Plan MEIR



Source: William Self Associates

**Figure E-2 View looking northwest of Seventh Street Bridge**

Tuolumne River Regional Park  
Master Plan MEIR

Thurman Field Scatter

The Thurman Field Scatter CA-STA-393H, "a historic-era trash scatter containing four concentrations" is located outside the immediate project area, but within ¼ mile. Recorded in 1996 by Jones & Stokes, Inc. as part of the City of Modesto Thurman Field Expansion Project, the site is located between Neece Drive and the Tuolumne River and extends approximately 320 feet by approximately 80 feet with a depth of approximately 27 inches. Although visibility was low due to riparian vegetation, a number of medium-sized chunks of concrete were visible on the level surface along Neece Drive. The steep embankment and area below contains large pieces of broken concrete slab. No recent evidence of potholing was observed. No additional cultural resources were noted.

4. Existing Regulatory Policies Applying to the Study Area

a. Federal Regulations

National Historic Preservation Act (NHPA) of 1966, Title 16, U.S. Code, Section 470

The NHPA establishes a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States. The National Register of Historic Places was established to recognize resources associated with the country's history and heritage. Guidelines for nomination are based on significance in American history, architecture, archaeology, engineering, and culture is present in resources that possess integrity of location, design, setting, materials, workmanship, feeling, and association (National Register of Historic Places).

Executive Order 11593

Executive Order 11593, "Protection of the Cultural Environment," May 13, 1971, 36 Code of Federal Regulations, Section 8921 as incorporated into Title 16, United States Code, Section 470, calls for the protection and enhancement of the cultural environment through providing leadership, establishing State offices of historic preservation, and developing criteria for assessing resource values.

American Indian Religious Freedom Act; Title 42 United States Code, Section 1996

The American Indian Religious Freedom Act protects Native American religious practices, ethnic heritage sites, and land uses.

b. State Policies

Title 14, Public Resources Code, Section 5024.1 establishes a California Register of Historic Places; sets forth criteria to determine significance; defines eligible properties; lists nomination procedures. To be eligible for California State Landmark registration, a cultural resource must have State-wide significance as the first and only, or most significant of a type in a region, be associated with an individual who has a profound influence on the history of California, or have architectural significance. The structure

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must also be visible and accessible to the public, and must be maintained by the owner in its historic style (California State Landmarks Board).

The criteria for governing California State Points of Historical Interest are generally the same as those which govern State Landmarks, but are oriented to local, city or county areas. Points of Interest should be significant to the County or local area's social, cultural, economical, political, religious, or military history (California State Landmarks Board).

Title 14, Public Resources Code, Section 5097.5 prohibits any unauthorized removal or destruction of archaeological, paleontological resources on sites located on public lands. As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the State, or any city, county, district, authority or public corporation, or any agency thereof.

Title 14, Public Resources Code 5097.98 prohibits obtaining or possessing Native American artifacts or human remains taken from a grave or cairn and sets penalties for such actions.

##### c. Stanislaus County Policies

The Stanislaus County General Plan Conservation/Open Space Element preserves areas of national, State, regional, and local historical importance. "Qualified Historical Buildings" as defined by the State Building Code shall be preserved (Conservation/Open Space Element, Goal 8, Policies 5 and 6).

##### d. City of Modesto Policies

City of Modesto Ordinance No. 2619 is the Landmark Preservation Ordinance. This ordinance establishes the recognition, preservation, enhancement, perpetuation, and use of structures, natural features, sites, and areas within the City of Modesto as having historic, architectural, archaeological, structural engineering, or aesthetic significance. The eligibility of a site is determined after public hearings by Modesto Landmark Preservation Commission recommendation, plus public hearing and final determination by the City Council.

#### 5. Regulatory Policies which Avoid Impacts

##### a. Stanislaus County Policies

There are no Stanislaus County regulatory policies that avoid impacts to historic and archaeological resources.

##### b. City of Modesto Policies

The City of Modesto Landmark Preservation Ordinance (Ordinance No. 2619) serves to avoid impacts to historic and archaeological resources.

## B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

### 1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

The CEQA Guidelines incorporate provisions for the evaluation of resources that might be eligible for the California Register. The Guidelines also state that archaeological sites, once identified, are to be evaluated for their significance, and specifically, that the lead agency must determine if the site is a historical resource under Section 15064.5 of the Guidelines. Determination of archaeological significance generally involves archaeological excavation to determine data potentials, site content, integrity of deposits, and the nature of constituent features and artifacts. Once it is determined that an archaeological site contains both the potential data for answering scientific or historical questions and integrity of deposits, then protection or other mitigation measures should be developed, in accordance with Section 15126.4 of the Guidelines.

Effects on archaeological sites may also be considered significant if the site is either a historical resource pursuant to 4850-4858 (Title 14) of the Public Resources Code or a unique archaeological resource. Further, steps are outlined in the CEQA Guidelines if the project disturbs any human remains, including those interred outside formal cemeteries. Finally, a lead agency is to make provisions for inadvertent discoveries (accidental discoveries during construction) (CEQA Guidelines 15064.5).

### 2. Thresholds of Significance Suggested by Other Analytical Methods

#### a. National Historic Preservation Act (NHPA)

The NHPA established eligibility requirements for inclusion on the National Register of Historic Places. The Act also requires that federal agency heads, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any historic landmark. The National Register of Historic Places criteria (contained in 36 CFR 60.4) are used to evaluate resources when complying with NHPA Section 106. Those criteria state that eligible resources comprise:

...districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that (a) are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that

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represent a significant distinguishable entity whose components may lack individual distinction; or (d) that have yielded or may be likely to yield, information important to history or prehistory.

The National Register of Historic Places was established to recognize resources associated with the country's history and heritage. Guidelines for nomination are based on significance in American history, architecture, archaeology, engineering, and culture is present in resources that possess integrity of location, design, setting, materials, workmanship, feeling, and association (National Register of Historic Places).

Archeological site evaluation assesses the potential of each site to meet one or more of the criteria for NRHP eligibility based upon visual surface and subsurface evidence (if available) at each site location, information gathered during the literature and record searches, and the researcher's knowledge of and familiarity with the historic or prehistoric context associated with each site.

##### b. The State Historic Preservation Officer (SHPO)

The SHPO coordinates State participation in the implementation of the National Historic Preservation Act by identifying historic properties, assessing the effects on them and considering alternatives to avoid or reduce those effects.

##### c. Landmark Preservation Commission

The Landmark Preservation Commission is responsible for the designation of historic landmarks within the City of Modesto. The landmark preservation designation process is as follows. The most desirable initiation is by an enthusiastic property owner with a property meeting the landmark guidelines for designation. However, for the six-year life of the Commission, individual Commissioners have placed sites on the Inventory of Potential Sites. The process includes a letter from the Chair to the property owner. The City Council requires that the property owner be in favor of designation. Staff then analyze the site and sets dates for public hearings. The public hearing will result in: (1) approval of the request if the Landmark Preservation Ordinance can make findings based on Section 9-10.04(b) of the Municipal Code, (2) continuing the hearing for more information, or (3) denying the request based on inability to make findings.

### 3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines, the National Historic Preservation Act, the State Historic Preservation Officer, and the Landmark Preservation Commission, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact to cultural resources if it would:

- Result in substantial modification or demolition of a listed historic resource or a structure over 50 years old.

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- Involves the removal of known resources, results in discovery of undiscovered archaeological resources, or if it involves construction within an area of high archaeological sensitivity.
- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.
- Disturb any human remains, including those interred outside of formal cemeteries.

4. Significant Direct Impacts

a. Impacts to Known Cultural Resources

Impacts to cultural resources may result either directly or indirectly during the pre-construction, construction, and operation of the project. Direct impacts are those which may result from the immediate disturbance of resources, whether from vegetation removal, vehicle travel over the surface, earth-moving activities, excavation or alteration of the setting of a resource. Indirect impacts are those which may result from increased erosion due to site clearance and preparation, or from inadvertent damage or outright vandalism to exposed resource materials due to improved accessibility.

Based upon the on-site evaluation and limited archival research, none of the known cultural resource sites in the Gateway Parcel or the Gallo/Mancini TRRP project vicinity would be adversely affected by implementation of the proposed TRRP Master Plan. The Seventh Street Bridge (No. 38C-023) has been determined eligible for inclusion in the National Register of Historic Places (DOE Process 12/24/85). There would be an adverse effect if the bridge is removed or it or its surrounding environment significantly altered. Because the TRRP Master Plan does not propose to remove or alter the Seventh Street bridge, there would be no impact to this historic resource.

b. Potential Discovery of Unknown Resources

Implementation of the TRRP Master Plan would allow for subsurface grading and construction of new recreational facilities within the TRRP, primarily in the Gateway Parcel. Based upon the findings of the recent record and literature search, impacts to significant cultural resource sites within the project area are not anticipated. It is, however, possible that buried or otherwise unknown resources may be discovered during construction grading or vegetation removal. Prehistoric resources include chert or obsidian flakes, projectile points, mortars and pestles, and dark, friable midden soil containing bone and shell. Historic resources include glass, metal, ceramics, wood and similar debris. In addition to cultural resources, the potential for fossil materials to be found during project construction activities, remains uncertain until the ground surface has been broken and excavation of sub-surface soils takes place. Such resources, if uncovered during project

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development, would be subject to potential damage or destruction prior to the assessment of their importance and development of mitigation measures.

**Impact CR-1: Potential Discovery of Unknown Cultural Resources.** Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact.

c. Potential Discovery of Human Remains

The TRRP Master Plan area has no known human remains, including those interred outside of formal cemeteries. However, it is possible that human remains may be discovered when site excavation and grading occurs. If uncovered during project development, construction activities may disturb the human remains. Sections 5097.98 and 5097.99 of the Public Resources Code calls for protection of Native American human burials and skeletal remains from vandalism and inadvertent destruction.

**Impact CR-2: Potential Discovery of Human Remains.** Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact.

5. Significant Cumulative Impacts

The direct impacts described in this section are the same as cumulative impacts. Cultural resource issues associated with the TRRP Master Plan are site- and project-specific. No cultural resource conditions exist around the project site that could, in combination with other cultural effects, result in a larger cumulative impact. Thus, no cumulative cultural resource impacts are anticipated.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

There are no potential impacts for which there is insufficient information to support a full analysis.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

**Impact CR-1: Potential Discovery of Unknown Cultural Resources.** Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact.

Mitigation Measure CR-1: Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or

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unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant.

- a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.
- b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.
- c) If the discovery is historic, archival research may be necessary by a qualified historian.
- d) If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards.

**Impact CR-2: Potential Discovery of Human Remains.** Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact.

Mitigation Measure CR-2: Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant.

Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

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2. Measures Which Mitigate Cumulative Impacts

Because the direct impacts described in this section are the same as cumulative impacts, the mitigation measures given for direct impacts would also serve as mitigation measures for cumulative impacts.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because the identified impacts in this section could be adequately mitigated, there is no alternative design presented.

## CHAPTER IV. ENVIRONMENTAL ANALYSIS

### F. FLOODING AND WATER QUALITY

This section describes existing flooding and water quality conditions at the project site and the potential hydrological impacts of the proposed TRRP Master Plan. The analysis contained in this chapter was prepared by HDR Engineering.

#### A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

##### 1. Study Area for Direct Impacts

The study area for direct impacts is the seven miles of Tuolumne River and associated floodplain, floodway and tributaries adjacent to the TRRP.

##### 2. Study Area for Cumulative Impacts

The study area for cumulative impacts is the Tuolumne River and associated floodplain, floodway and tributaries upstream and downstream of the TRRP.

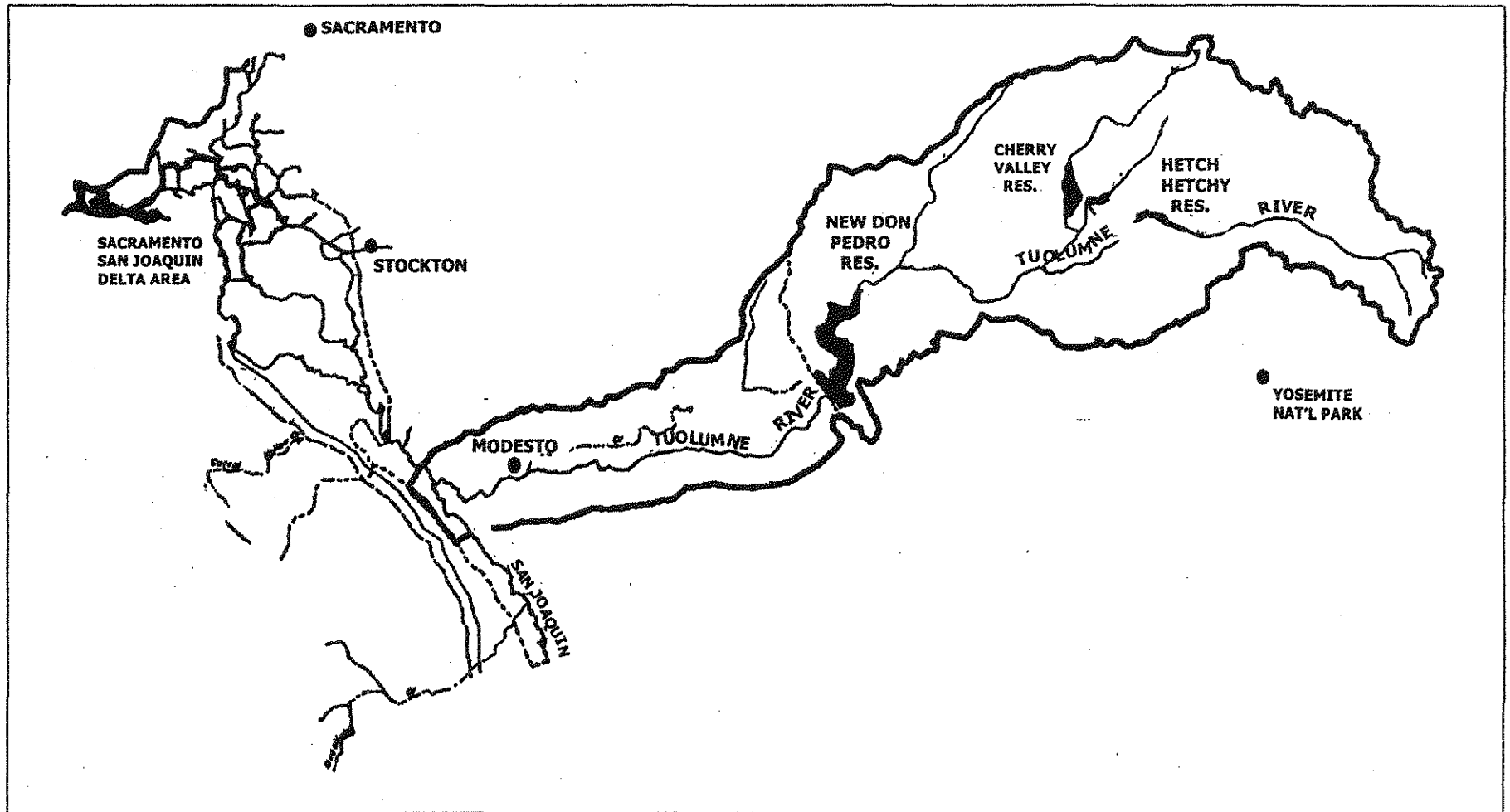
##### 3. Existing Physical Conditions in the Study Area

The surface water bodies adjacent to the project site are the Tuolumne River and Dry Creek. The following sections describe these water bodies, and the associated 100-year floodplain.

###### a. Tuolumne River

The largest tributary of the San Joaquin River, the Tuolumne River drains a 1,960 square-mile watershed that includes the northern half of Yosemite National Park. The Tuolumne River watershed is located between the Stanislaus River Basin to the north and the Merced River Basin to the south. The Tuolumne River watershed is shown on Figure F-1.

The climate in the Tuolumne River basin is Mediterranean. Winters are mild at low elevations, and precipitation is highly seasonal. Winter storms travel eastward from the North Pacific and rise over the Sierra Nevada mountains. The east-west land cover gradients in the basin are strongly related to the precipitation gradient, which ranges from less than 10 inches per year along the San Joaquin River to more than 60 inches per year at the higher elevations in the Sierra Nevada.



Source: HDR Engineering, 1999

**Figure F-1 Tuolumne River Watershed Boundaries**

Tuolumne River Regional Park  
Master Plan MEIR



**EDAW**

At lower elevations, this water falls as rain and runoff ensues directly during the winter. At higher elevations, however, the precipitation falls as snow, and the resulting runoff is delayed until late spring or early summer snowmelt.

Snowmelt from the Sierra portion of the watershed provides a majority of the water for the Tuolumne River. Stream flow varies seasonally, with an average of 65 percent of the runoff occurring from April to July as the snowpack melts (R. W. Beck and Associates 1992).

The flow of the Tuolumne River is regulated by reservoirs and dams located upstream from Modesto. Most of the Tuolumne's dams, reservoirs, and water control structures are located on the Upper Tuolumne River, above River Mile (RM) 52.2 (La Grange Dam). These include New Don Pedro Dam and Reservoir, Hetch Hetchy, Cherry Lake, and Lake Eleanor Reservoirs. Smaller reservoirs below New Don Pedro Dam include La Grange, Turlock, and Modesto Reservoirs (Turlock and Modesto are offstream reservoirs) (EDAW 1999). The Hetch Hetchy Reservoir (capacity 360,400 acre-feet [af]) on the Tuolumne River in Yosemite Park is operated by the City and County of San Francisco primarily for domestic water supply.

The New Don Pedro Dam and Reservoir is the largest water storage facility on the Tuolumne River. It was jointly constructed by the Turlock Irrigation District (TID) and Modesto Irrigation District (MID) with financial support from the City and County of San Francisco and the Army Corps of Engineers. The multi-purpose dam and reservoir were constructed in 1970 and provide water supply storage for urban and agricultural use, hydropower generation, 340,000 acre-feet of flood control storage, and recreation. The maximum storage capacity is 2,030,000 acre-feet with a maximum outlet release of approximately 15,000 cubic feet per second (cfs) (EDAW 1999).

As is typical for rivers originating in the Sierra Nevada mountains, the peak annual flows of the Tuolumne River usually occur in the early summer months fed by snowmelt runoff. However, winter storms can also create high flows, generally of shorter duration. Such a storm occurred in January 1997 causing massive runoff and record water inflows into the New Don Pedro Dam. During the storm, the total regulated and unregulated flow entering the Tuolumne River channel reached approximately 60,000 cubic-feet-per-second (cfs) at the dam. The Tuolumne River at Modesto rose to an elevation of 70.9 feet at the peak flow of approximately 56,000 cfs and included the unregulated flow from Dry Creek and other smaller tributaries. During this storm event, much of the TRRP area was inundated.

Following the flood of January 1997, the Federal Emergency Management Agency (FEMA) prepared a study of the flood hazard areas along the Tuolumne River in the vicinity of the TRRP (FEMA 1999). The focus of the study was a reach of the Tuolumne from river mile 10 to 22, and to river mile 2 along Dry Creek. The FEMA Flood Hazard Mitigation Study concluded that the peak discharge for the 10-year flood on the Tuolumne River at the Modesto 9<sup>th</sup> Street bridge is 10,500 cfs, the 50-year flood is 32,000 cfs, the 100-year flood is 70,000 cfs, and the 500-year flood is 154,000 cfs (FEMA 1999b).

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b. Dry Creek

Dry Creek, an unregulated stream, is the main tributary of the Tuolumne River downstream of New Don Pedro Dam and Reservoir. Dry Creek is located to the north of the Tuolumne, with headwaters in the Sierra Nevada. From the mountains, it flows downhill to its confluence with the Tuolumne River in the City of Modesto (at Tuolumne River RM 16.44). This confluence occurs roughly in the center of the TRRP and defines the eastern edge of the Gateway Parcel.

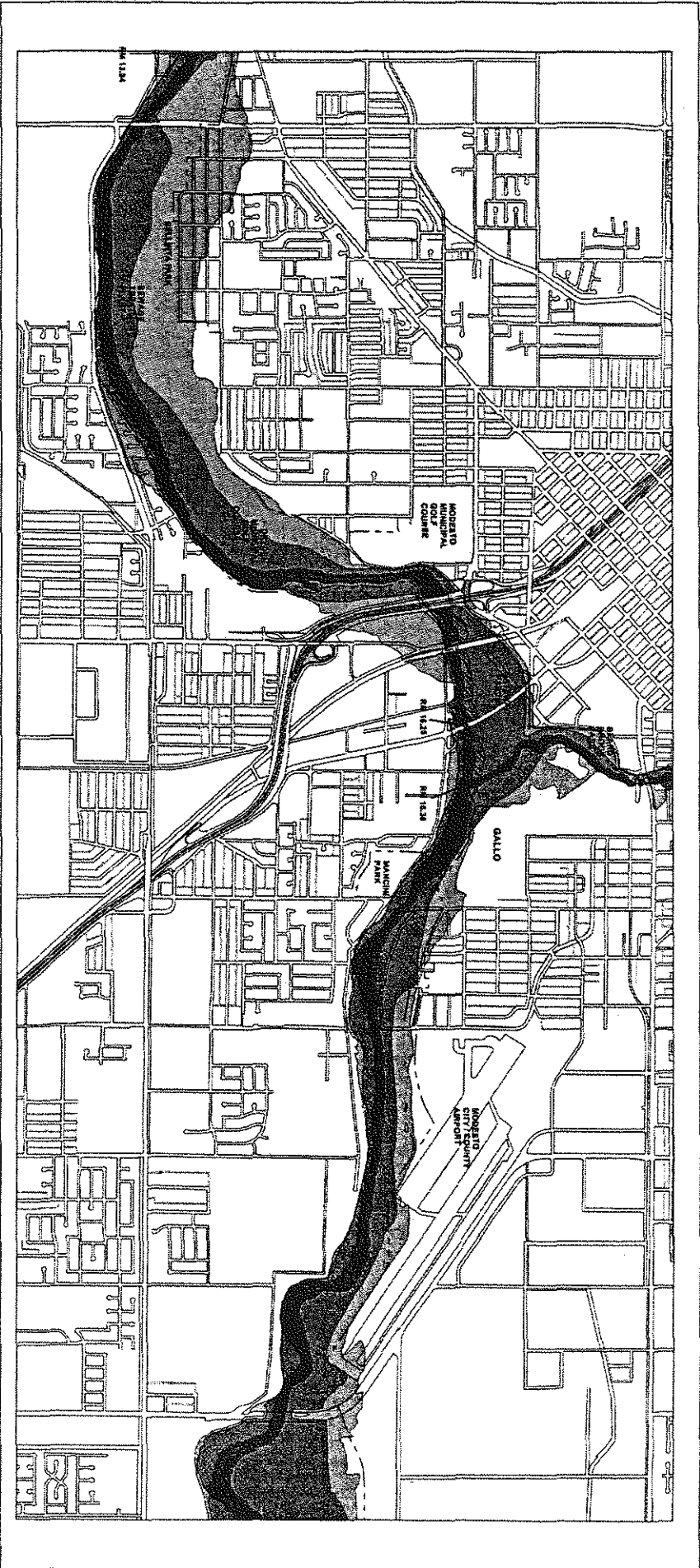
Unlike the Tuolumne River, Dry Creek's annual flow levels have not been recorded in a systematic manner using a gauging stations. For this reason, little quantifiable information is available about the historical flows of Dry Creek. Dry Creek's flow levels appear to be largely influenced by stormwater runoff from residential and agricultural areas in its watershed, and by the water level in the Tuolumne River.

Hydraulic analysis conducted by FEMA concludes that the peak discharge for the 10-year flood on Dry Creek is 4,730 cfs, the 50-year flood is 9,300 cfs, the 100-year flood is 11,800 cfs, and the 500-year flood is 18,100 cfs (FEMA 1999b). The maximum flow recorded for Dry Creek (December 22, 1996) was approximately 5,000 cfs (unregulated) (USACE 1998). A significant amount of flooding occurs near the confluence when high flows in the Tuolumne River cause a backwater effect along Dry Creek. The backwater effect not only raises the water levels near the confluence but reduces the capability of Dry Creek to convey peak flows into the river. Localized storm centers can also cause flooding in the lower reaches of Dry Creek. In most instances, the peak flows of Dry Creek are not concurrent with peak flows on the Tuolumne River (EDAW 1999).

c. 100-Year Floodplain

The 100-year flood, also referred to as the base flood, is defined as the flood having a one percent probability of being equaled or exceeded in any given year. The boundaries of the 100-year floodplain and designated floodway are delineated by FEMA on the basis of hydrology, topography, and modeling of flow during predicated storm events.

On December 15, 1999, FEMA issued a Letter of Map Revision (LOMR) for the City of Modesto and Stanislaus County based upon the findings of the Flood Hazard Mitigation Study, which modified the elevations and boundary delineations of the base floodplain and the regulatory floodway along the Tuolumne River. On June 30, 2000, FEMA issued Preliminary Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study reports which included much of the TRRP study area within the 100-year floodplain. The revised FIRMs are expected to be adopted in 2001. These proposed floodplains, consistent with the LOMR, are provided in Figure F-2.



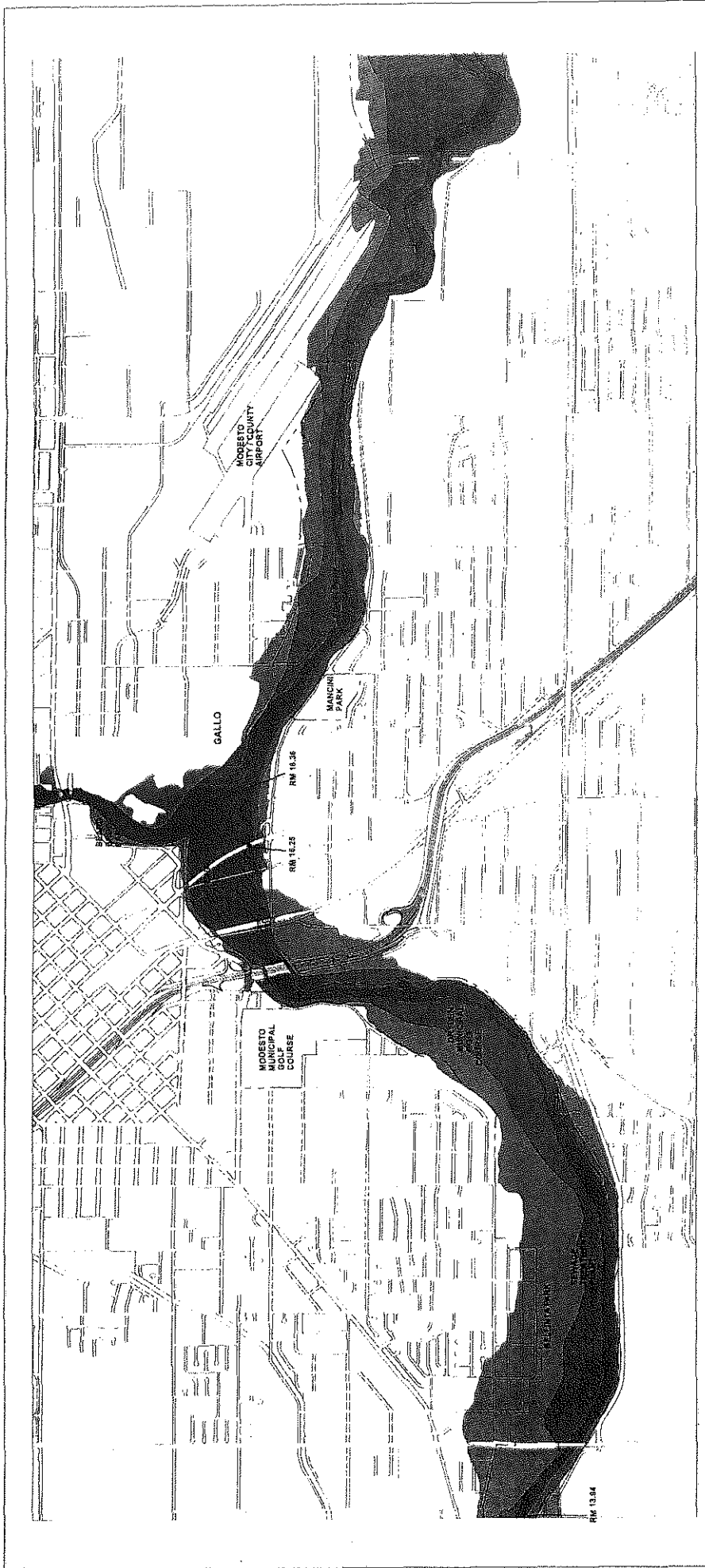
Source: Flood Hazard Mitigation Study, 7/24, 1989.

**Figure F-2. 100 - Year Floodway and Floodplain**  
 Tuolumne River Regional Park  
 Master Plan MEIR



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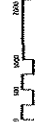
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Source: Flood Hazard Mitigation Study, FEMA, 1999.

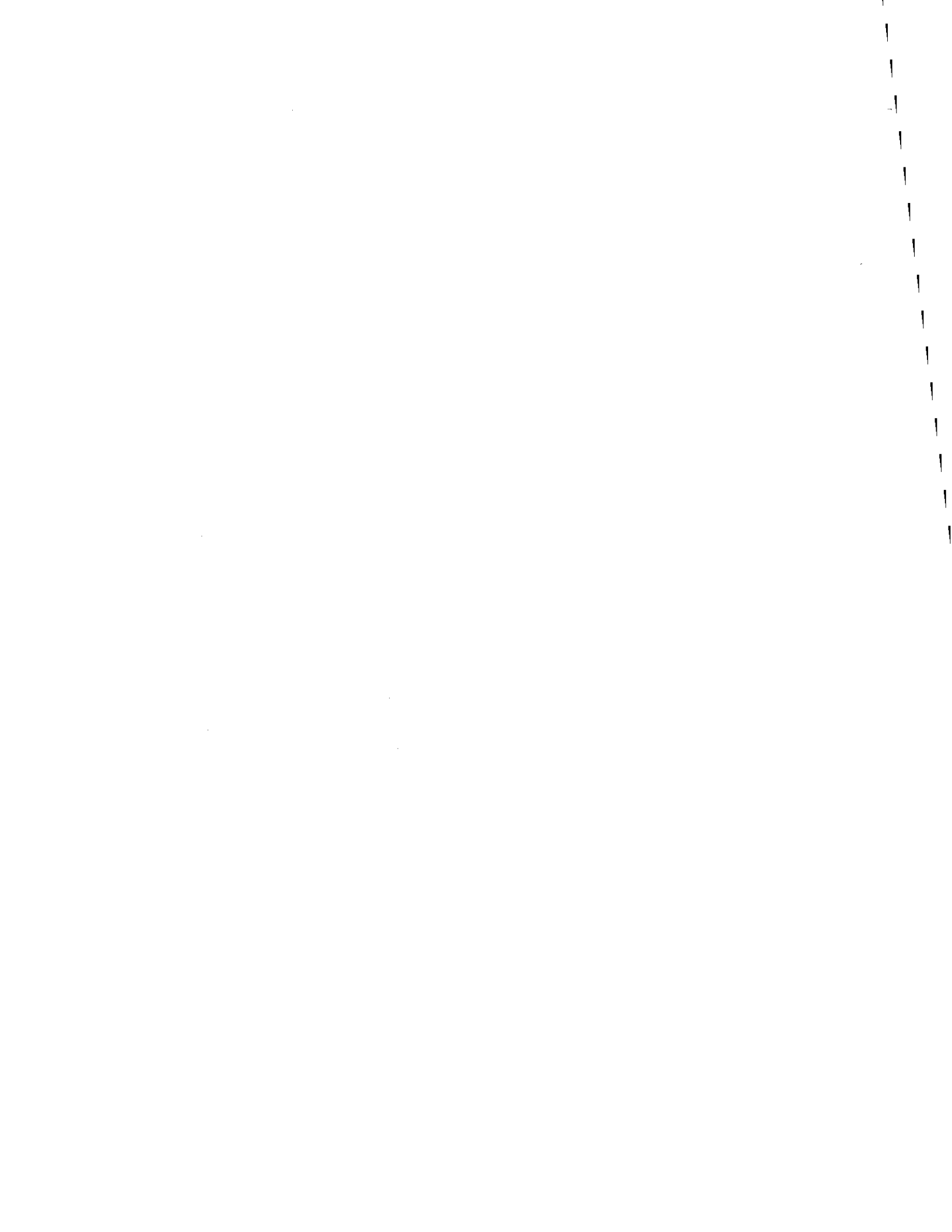
**Flooding and Hydrology**

- TUOLUMNE RIVER CHANNEL
- 100 YEAR FLOODWAY (1999)
- 100 YEAR FLOODPLAIN (1999)



**EDAW**

**Figure F-2. 100 - Year Floodway and Floodplain**  
 Tuolumne River Regional Park  
 Master Plan MEIR



d. Water Quality

The lower Tuolumne has been designated an "impaired waterbody" pursuant to Section 303(d) of the Clean Water Act. Water quality in the Tuolumne River is affected by a number of point sources within the TRRP project site. The confluence of the Tuolumne with the muddy flow from Dry Creek produces a visible change in water quality below the confluence. Two additional major point sources that can potentially impair water quality within the TRRP project area are the wastewater treatment plant, to the east of Carpenter Road, and the old landfill site, immediately adjacent to Carpenter Road to the east and west. The wastewater treatment plant is only a water quality concern during high flows when floodwaters may inundate the treatment ponds. Little is known about the contents of the nearby landfill, which is believed to be unlined and uncapped, and could be contributing pollutants to the nearby water table and river. To date, no ground water characterization has been performed at the landfill.

4. Existing Regulatory Policies Applying to the Study Area

a. Federal Regulations

National Flood Insurance Program

The National Flood Insurance Act of 1968 established the National Flood Insurance Program (NFIP) to provide flood insurance for property owners and to discourage development in hazardous areas. FEMA administers the NFIP and is responsible for mapping flood prone areas and determining flooding risks. FEMA determines flood hazard areas with reference to the "100-year" flood standard, which is the national standard on which the NFIP regulations are based. It is also the standard adopted by virtually every federal agency for administration of their floodplain management programs.

The regulatory floodway, which is adopted into the community's floodplain management ordinance, is the stream channel plus that portion of the overbanks that must be kept free from encroachment in order to discharge the one percent annual chance flood without increasing flood levels by more than 1.0 foot. The intention of the floodway is not to preclude development. Rather, it is intended to assist communities in prudently and soundly managing floodplain development and prevent additional damages to other property owners. The community is responsible for prohibiting encroachments, including fill, new construction, and substantial improvements, within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment will not increase flood levels within the community. In areas that fall within the one percent annual chance floodplain, but are outside the floodway (termed the "floodway fringe"), development will, by definition, cause no more than a 1.0-foot increase in the 1-percent annual chance water-surface elevation (FEMA 2000).

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Federal Energy Regulatory Commission

Operation of the New Don Pedro Reservoir is licensed by the Federal Energy Regulatory Commission (FERC), an independent regulatory agency within the Department of Energy. FERC regulates key interstate aspects of the electric power, natural gas, oil pipeline, and hydroelectric industries, and is responsible for licensing and inspecting private, municipal and State hydroelectric projects (FERC 2000).

In 1992 FERC initiated a reevaluation of the New Don Pedro operations, and prepared a Final Environmental Impact Statement (FEIS) in compliance with the National Environmental Policy Act (NEPA). The resulting FERC Settlement Agreement (FSA) established new instream flow requirements for the Tuolumne River to protect the native chinook salmon population. The minimum stream flow schedule for the lower Tuolumne River ranges from 50 cfs in critically dry summer months to 300 cfs during maximum wet winter and spring months (EDAW 1999).

b. State Policies

Reclamation Board of the State of California Resources Agency

The Reclamation Board of the State of California Resources Agency is the State agency charged with regulating encroachments within designated floodways on the Sacramento and San Joaquin Rivers as well as their tributaries. Section 8710 of the California Water Code requires that a Board permit be obtained prior to start of any work, including excavation and construction activities, within the Tuolumne River Designated Floodway, an adopted plan of flood control (State Reclamation Board 2000). Much of the TRRP falls within the Tuolumne River Designated Floodway.

The Reclamation Board can require geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses prior to taking action on an encroachment permit application (State Reclamation Board 2000).

c. Stanislaus County Policies

The Stanislaus County General Plan Land Use Element discourages urban development in areas with growth-limiting factors such as high water table, floodplains or riparian areas, unless measures to mitigate any impacts are included as part of the application. These measures apply to unincorporated lands in the county. The County will continue to provide proper ordinances to ensure that flood insurance can be made available to qualified property owners through State and federal programs. Development on lands that are subject to flooding, landslide, faulting or any natural disaster is discouraged to minimize loss of life and property. Development is not allowed in areas that are within the designated floodway (City of Modesto 1995).

d. City of Modesto Policies

The Modesto General Plan Public Safety Element, Flooding Hazards section identifies programs for reducing flood losses, including channel maintenance and development, flood forecasting, zoning, exclusions from designated floodways, building code requirements and evacuation from flood areas. Undeveloped floodway and floodplain areas shall be preserved for non-urban use. The Conservation Element calls for the continued support of land acquisition and recreational use development in Tuolumne River Regional Park.

5. Regulatory Policies Which Avoid Impacts

a. Stanislaus County Policies

Stanislaus County Code, Chapter 16.50, Flood Damage Prevention, governs development within areas of special flood hazards within the jurisdiction of the County, and contains provisions which prohibit encroachments into the floodway that increase the base flood elevation. Chapter 16.50 also sets minimum standards for construction within the floodway relating to anchoring of structures, construction methods and materials, flood proofing and elevation of structures, and structural stability.

b. City of Modesto Policies

Modesto City Code, Chapter 4, Flood Damage Prevention, governs development within areas of special flood hazards within the jurisdiction of the City of Modesto. Building permits are required to ensure that the proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point and that the proposed site is reasonably safe from flooding. Chapter 4, Article 4 sets provisions for flood hazard reduction, including standards for anchoring of structures, construction materials and methods, and elevation and flood proofing of structures. For development within floodways, the ordinance also requires certification by a registered civil engineer or licensed architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

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2. Thresholds of Significance Suggested by Other Analytical Methods

Hydrology expert opinion suggests that an impact is considered significant if the proposed action would substantially change absorption rates, drainage patterns, flow velocities or water surface elevations resulting in increased exposure of persons or property to damage from flood waters (HDR Engineering 2000).

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of methodological approaches suggested in the CEQA Guidelines and other analytical methods, the City has chosen to adopt the following thresholds of significance. Impacts to hydrology and water quality will be significant if the proposed project would:

- Place within a 100-year flood hazard area structures which would impede or redirect flood flows, or
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

4. Significant Direct Impacts

All of the TRRP falls within the 100-year floodplain and much of the park falls within the proposed 100-year floodway as designated by FEMA. It also falls within the floodway designated by the State Reclamation Board. Although no housing or other inhabitable structures would be constructed within the defined flood zones, some structures would be placed in the flood hazard zone. Preliminary grading, and planting plans were analyzed by HDR Engineering to identify potential flooding and water quality impacts. The preliminary plans were developed for study purposes, and are not presented in the Master Plan. Because the Master Plan is intended to be implemented over a 20-year time period, detailed engineering design and construction plans would be developed prior to construction of projects identified in the Master Plan. HDR's analysis of the preliminary plans found that it is feasible to develop construction, grading and planting plans that would not increase water surface elevations during a 100-year flood and would avoid other potentially significant impacts to flooding and water quality.

Because detailed construction, grading, and planting plans would be developed at a later date, potentially significant impacts to flooding and water quality impacts have been identified below. The mitigation measures identified below specify performance standards that would be used once exact engineering designs are developed, to mitigate the potentially significant flooding and water quality effects of the project. The City of Modesto would require implementation of the mitigation measures prior to the approval of construction and grading permits.

a. Water Quality

The TRRP Master Plan project does not propose any uses or pollution sources that would further compromise the existing water quality, further violate water quality standards, or necessitate waste discharge requirements. Any alterations of development within the landfill or the wastewater treatment plant are considered future projects and are not analyzed in this MEIR. The enhanced riparian systems as a result of the project may improve the water quality on the lower Tuolumne River. Thus, after construction, the proposed TRRP Master Plan would not result in significant impacts to water quality.

b. Storm Drainage Pattern

Development on the TRRP site, including roadways, parking areas, and multi-use trails would increase the amount of impervious surfaces, which may generate a small increase in runoff. This small increase in runoff would not require the construction of new storm drainage facilities or the expansion of existing facilities. Although the proposed project may contribute additional runoff, it is not anticipated to substantially alter the existing drainage pattern of the site or area. Much of the runoff would be distributed to the "stormwater wetlands" and vegetated swales within the park in order to filter the water before it reaches the river. Thus, the proposed TRRP Master Plan would not result in significant impacts to the storm drainage system.

c. Construction within the 100-year Floodplain

Construction of the Regional Sports Complex and Nature Interpretive Center would be located within the 100-year floodplain but outside of the floodway. During certain base flood events these facilities would become inundated and inaccessible and flood damage may occur. Because the Sports Complex and Nature Interpretive Center would be located within the 100-year floodplain, careful consideration would be necessary during design to ensure that the construction of these improvements within the flood plain would not increase water surface elevations during a 100-year flood.

**Impact Hydro-1: Construction within the 100-year Floodplain.** Construction of the Regional Sports Complex and Nature Interpretive Center in the 100-year floodplain could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.

d. Grading for Floodplain Terraces and Proposed Construction Projects

Proposed grading in the Carpenter Road, Gateway Parcel and Legion Park areas could increase water surface elevations during a 100-year flood. The proposed park design in the Carpenter Road area consists of terracing back the right overbank which creates more conveyance to pass the 100-year flow. The 100-year water surface elevation at the utmost end of the park in this area (RM 13.94) would be lowered slightly by the proposed grading. The proposed grading would have little effect on river flow velocities.

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The proposed design of the Gateway area includes cutting back the right bank and developing a rolling hill landscape. The proposed design would increase flow conveyance through the reach without increasing the elevation of the existing right overbank area. Increasing conveyance lowers velocities throughout the Gateway Parcel reach. Water surface elevations, through the majority of the reach, would be reduced due to the proposed changes. At the Ninth Street Bridge (RM 16.25) however, the water surface would be raised slightly (approximately 0.15 feet) under the proposed grading plan. This increase in water surface elevation would attenuate out by location RM 21 (approximately 1,200 feet downstream of Codoni). The slight increase in water surface elevation in the Tuolumne River would have no effect on Dry Creek at its confluence (RM 16.44).

The proposed park design in the Legion Park area consists of grading to create terraces in the right overbank area. The proposed grading slightly reduces the existing flow area of the river but has little or no effect on velocity and base flood water surface elevations.

**Impact Hydro-2: Grading for Floodplain Terraces and Proposed Construction Projects.** The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.

e. Construction of Near-River Structures

Construction of overlook structures, fishing piers and boat docks is proposed in the floodway. Encroachment into the floodway with structures may cause a loss of flood conveyance and could increase water surface elevations while their placement may increase the likelihood of localized bank erosion. Such structures would also be subject to damage from flood flows.

**Impact Hydro-3: Construction of Near-River Structures.** Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant impact.

f. Hydraulic Roughness

The introduction of additional riparian planting into the channel and overbank areas has the potential to increase water surface elevations by increasing hydraulic roughness. However, since the FEMA Flood Hazard Mitigation Study, Hydraulic Study Report of February 1999 used high roughness for the overbank area, it should be possible to design a riparian planting scheme that does not increase the hydraulic roughness above that used in the FEMA study.

**Impact Hydro-4: Hydraulic Roughness.** The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead

to increases in the water surface elevations. This is considered a potentially significant impact.

g. Inundation of the Amphimeadow

Because the amphimeadow is located along the edge of Dry Creek, careful consideration would be necessary during design to ensure that the amphimeadow would withstand high flows and long durations of standing water. Although the amphimeadow is along Dry Creek, flooding would be a direct result of water surface elevation in the Tuolumne River.

**Impact Hydro-5: Inundation of the Amphimeadow.** The proposed amphimeadow is likely to suffer frequent flooding inundation. This is considered a potentially significant impact.

h. Construction of Pedestrian Bridges

The proposed pedestrian bridge across Dry Creek near its confluence with the Tuolumne River is located within the designated floodway and could increase water surface elevations during flood events. Possible scour problem may also develop around piers and abutments if velocities increase due to bridge construction and placement. The bridge may also trap floating debris during flood events and could impact flood conveyance.

**Impact Hydro-6: Construction of the Pedestrian Bridge over Dry Creek.** Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour.

i. Changes in Channel and Overbank Configuration

Floodplain terraces would be constructed where possible along the riparian corridor in the Gateway Parcel and Carpenter Road area west of the wastewater treatment plant. These floodplains would provide surfaces that inundate more frequently to restore hydrologic connectivity and create different hydrologic niches that meet many riparian plant species' initiation and establishment requirements. The changes in the channel and overbank configuration could increase water velocities which could cause scour and erosion at existing bridge locations.

**Impact Hydro-7: Scour and Erosion at Existing Bridge Locations.** Changes in channel and overbank configuration could cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations.

5. Significant Cumulative Impacts

Potential direct flooding and water quality impacts are identified in consideration of cumulative flooding and water quality considerations, specifically, the Tuolumne River

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and Dry Creek. Thus, the hydrology and water quality impact analysis contained in the direct impacts section adequately considers cumulative conditions related to hydrology and water quality.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

The former landfill site located in the Carpenter Road Area would be reclaimed to allow for park activities. Development over the landfill may result in water quality impacts. Before this part of the park can be developed, a landfill closure plan must be prepared in order to comply with California State law (Postclosure Land Use, CCR Title 27, Section 21190). Because the regulatory constraints related to landfill reclamation, development activities for the area has been identified as a subsequent project in this MEIR.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

**Impact Hydro-1: Construction within the 100-year Floodplain.** Construction of the Regional Sports Complex and Nature Interpretive Center in the 100-year floodplain could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.

Mitigation Measure Hydro-1: The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

**Impact Hydro-2: Grading for Floodplain Terraces and Proposed Construction Projects.** The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.

Mitigation Measure Hydro-2: Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood

water surface elevations. The grading design shall not significantly increase river flow velocities. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

**Impact Hydro-3: Construction of Near-River Structures.** Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant impact.

Mitigation Measure Hydro-3: The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway:

- a) Once detailed plans have been developed for the proposed structures, hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations.
- b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design.
- c) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream.
- d) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events.

Implementation of these mitigation measures would reduce this impact to a less-than-significant level.

**Impact Hydro-4: Hydraulic Roughness.** The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead to increases in the water surface elevations. This is considered a potentially significant impact.

Mitigation Measure Hydro-4: Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

**Impact Hydro-5: Inundation of the Amphimeadow.** The proposed the amphimeadow is likely to suffer frequent flooding inundation. This is considered a potentially significant impact.

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Mitigation Measure Hydro-5: The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall be also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

**Impact Hydro-6: Construction of the Pedestrian Bridge Over Dry Creek.** Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour.

Mitigation Measure Hydro-6: The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge:

- a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base flood water surface elevations during the base flood.
- b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris.
- c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events.
- d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design.

Implementation of these mitigation measures would reduce this impact to a less-than-significant level.

**Impact Hydro-7: Scour and Erosion at Existing Bridge Locations.** Changes in channel and overbank configuration may cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations.

Mitigation Measure Hydro-7: Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, armoring and erosion control measures shall be installed

at existing bridge locations. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

## 2. Measures Which Mitigate Cumulative Impacts

Because the direct impacts described in this section are the same as cumulative impacts, the mitigation measures given for direct impacts would also serve as mitigation measures for cumulative impacts.

## 3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because identified impacts in this section could be adequately mitigated, there is no alternative design presented.



## **CHAPTER IV. ENVIRONMENTAL ANALYSIS**

### **G. EXPOSURE TO HAZARDOUS MATERIALS**

The following assessment of potential hazardous materials impacts resulting from implementation of the TRRP Master Plan is based on a Phase I preliminary environmental assessment and a records review that was prepared for the Gateway Parcel (EKI 1995) and existing available information regarding hazardous materials within the TRRP area.

#### A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

##### 1. Study Area for Direct Impacts

The study area for direct impacts is the TRRP Master Plan project area and the W.H. Breshears, Inc. property, and any other properties adjacent to the TRRP project site that may contain hazardous materials. The former landfill site in the Carpenter Road Area is not included in this analysis of hazardous materials because it has been identified as a subsequent project requiring further analysis.

##### 2. Study Area for Cumulative Impacts

The study area for cumulative impacts includes the W.H. Breshears, Inc. property and any other properties adjacent to the TRRP project site that may contain hazardous materials.

##### 3. Existing Physical Conditions in the Study Area

A Phase I Preliminary Environmental Assessment report was prepared by Erler & Kalinowski, Inc. (EKI) in June 1995 for the former Podesto Property, which is 22 acres of land bordered on the south by the Tuolumne River, on the north by Tuolumne Boulevard, on the east by Dry Creek and on the west by the Modesto Municipal Golf Course. The property is roughly the location of the area identified as the Gateway Parcel in the TRRP Master Plan, with a small part of the property extending into the Golf Course Area, west of Highway 99 and east of the Modesto Municipal Golf Course. For simplicity, this property will be referred to as the Gateway Parcel in this section. The Phase I assessment was conducted prior to the City of Modesto's acquisition of the land for the purposes of preservation and riparian restoration. The purpose of the Phase I assessment was to identify significant environmental concerns, if any, associated with the property related to past and present on-site land uses and nearby off-site land uses. The assessment was based on a database search, discussions with Stanislaus County personnel, a review of historical aerial photographs, and a site reconnaissance. No soil or groundwater samples were collected by EKI as part of this assessment.

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Phase I assessments have not been conducted for other areas identified in the Master Plan area. However, the Phase I assessment for the Gateway Parcel provides some information regarding surrounding land uses and potential hazardous materials issues. This information is also presented in the following sections.

a. Current and historic land uses associated with hazardous materials

With the exception of the Carpenter Road Area, most of the TRRP area is currently undeveloped open space or existing parkland. Hazardous materials are not currently generated, handled, or transported in the TRRP site. Approximately 37 acres of land on both sides of Carpenter Road were formerly used as a landfill and are presently being monitored for methane gas discharges. Development or disturbance of the landfill property has been identified as a subsequent project in this MEIR, therefore, hazardous materials impacts associated with the landfill will be assessed during future environmental review of the landfill closure plan and subsequent development over the landfill.

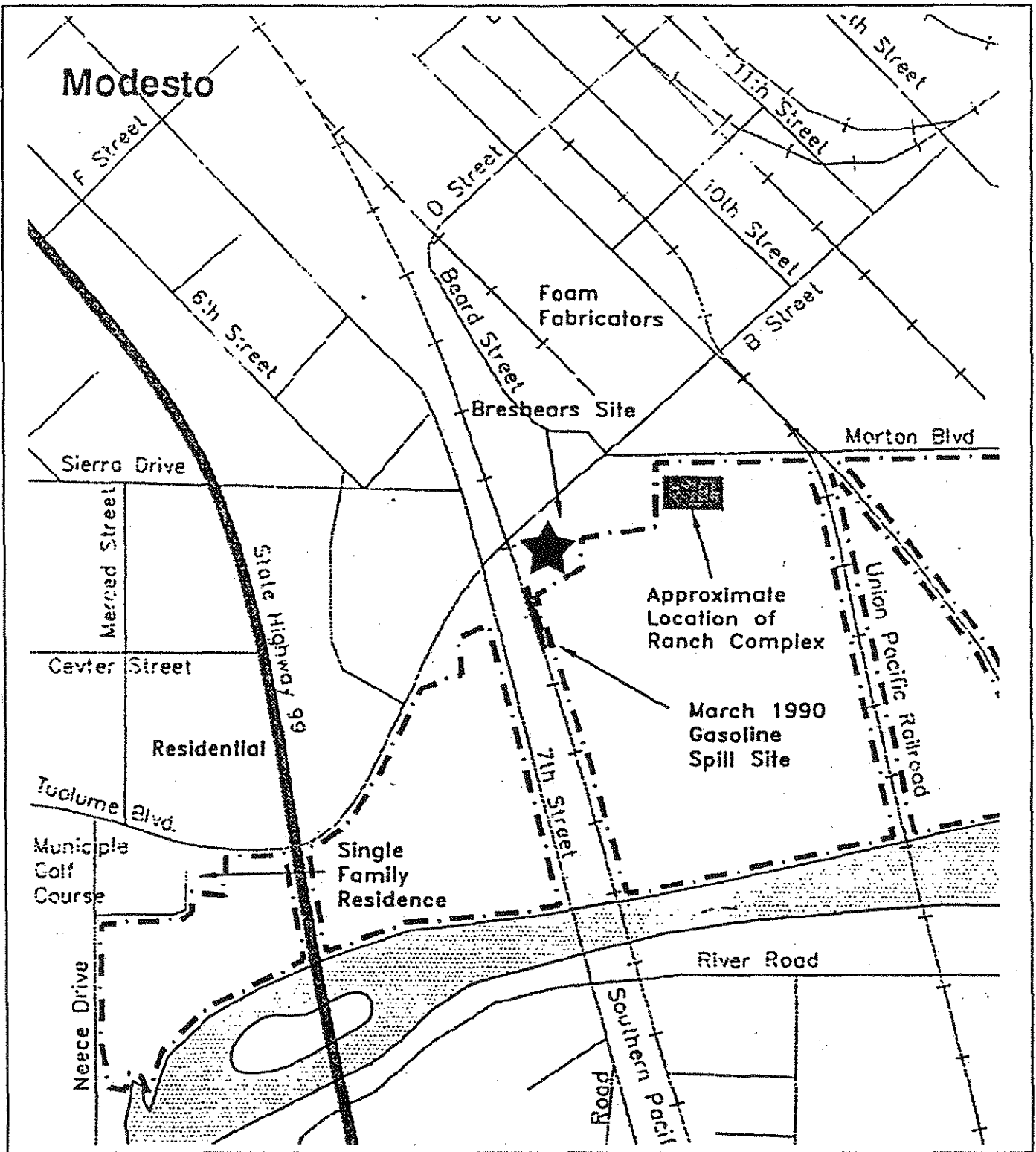
The Municipal Sewage Treatment Plant is located in the Carpenter Road area of the TRRP, but is not part of the Master Plan project. The Modesto City-County Airport is located north of the eastern portion of the TRRP. The predominant land use adjacent to the TRRP is low-density single-family residential neighborhoods. Agricultural lands are located to the east of the Airport area and adjacent to the south side parcels of the TRRP.

Most identified industrial uses adjacent to the TRRP are located primarily near the center of Modesto and the Gateway Parcel. Above-ground storage tanks, used to store fuel, are located at the W.H. Breashears facility directly adjacent to the Gateway Parcel (Figure G-1). The largest industrial use adjacent to the planning area is the Gallo Winery complex located across Dry Creek, directly west of the Gateway Parcel. Industrial uses are also located on the south side of the river across from the Gateway Parcel and to the west of Highway 99. These industrial uses include warehousing, auto-related uses, and auto wrecking yards. A tallow plant is located across the Tuolumne River from the Dryden Municipal Golf Course.

A Santa Fe Pacific petroleum pipeline is located on the Southern Pacific Railway easement on the Gateway Parcel as indicated on Figure G-1. This pipeline is an 8-inch diameter pipe that is used to transport jet fuel (EKI, 1995). No leaks in the pipeline have been reported on or near the Gateway Parcel since its installation in 1960.

Two sanitary sewer pipelines cross the Gateway Parcel. One 36-inch diameter and one 54-inch diameter pipe carry untreated wastewater to the Modesto wastewater treatment plant located in the Carpenter Road area, two miles southeast of the Gateway Parcel.

A review of historic aerial photographs of the Gateway Parcel from the dates June 17, 1963, April 1, 1985, and March 31, 1990 indicate that the majority of the Gateway Parcel was used as an orchard since before June 17, 1963. No visible indications of chemical disposal were noted in the photographs reviewed.



Source: Eler & Kalinowski, Inc., Phase I Preliminary Environmental Assessment of Modesto Property, Modesto, CA, (1995).

**Figure G-1 Sites on the Gateway Parcel with Potential Hazardous Materials Concerns**

Tuolumne River Regional Park  
Master Plan MEIR



**EDAW**

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A ranch complex possibly used for equipment maintenance and repair, and possible agricultural chemical handling was noted in the aerial photographs. No historic aerial photographs were reviewed for the other areas of the TRRP.

b. Reported Hazardous Materials Releases in the TRRP Master Plan Area.

In 1995, Stanislaus County Department of Environmental Services records were searched to identify reported chemical release and chemical use sites within approximately 1.5 miles of the Gateway Parcel (EKI 1995). No chemical releases or chemical use sites were reported on the Gateway Parcel itself. Thirty-four documented chemical release sites were found within 0.75 mile of the Gateway Parcel and forty-four within 1.5 miles. These sites are detailed in Appendix C.

Of the reported sites, EKI identified only one as having potential impacts on the Gateway Parcel based on the distance to the property and inferred groundwater flow direction. On March 4, 1990, approximately 6,000 gallons of gasoline were released from the W.H. Breshears, Inc. bulk fuel facility. Approximately 4,000 cubic yards of impacted soil were excavated from the spill site and replaced with clean fill beginning on March 5, 1990. Monitoring wells were installed to determine the extent of soil and groundwater contamination on the adjoining Gateway Parcel. Petroleum in groundwater was found to have migrated onto the Gateway Parcel a distance of approximately 60 to 70 feet, contaminating soil in the saturated zone (i.e., soil below the groundwater table). No further investigations or remediation has occurred since the Phase I assessment conducted by EKI. The California Regional Water Quality Control Board (RWQCB) is now the overseeing agency for remediation of the site. Three additional wells will be installed in Spring of 2001 to replace 3 wells that were destroyed by vandalism and the 1997 flood. At that time, RWQCB will reevaluate the extent of the contamination and may recommend additional investigations and remediation measures at that time. Any residual soil or groundwater contamination from the spill poses no immediate human health risk (personal communication, Mr. Joe Mello, Central Valley RWQCB, personal communication, December 19, 2000).

A records search has not been conducted to identify chemical release and chemical use sites on or affecting the other areas of the TRRP.

c. Other Potential Hazardous Material Issues

Ranch Complex

A small ranch complex was located on the Gateway Parcel east of the W.H. Breshears bulk fuel facility. The approximate location of the ranch complex is shown on Figure G-1. Several sheds and buildings located in this area were used to support farming operations. All but one of these buildings were removed from the property in 1998. The remaining building is currently used by the City of Modesto for storage of park play equipment and construction materials. Farming equipment and miscellaneous equipment including used tires, scrap metal, and scrap lumber observed throughout the ranch complex during the Phase I investigation have since been removed (personal

correspondence, Mr. Fred Allen, City of Modesto Parks and Recreation Department, December 5, 2000).

During the Phase I investigation, evidence of chemical use and storage was observed at several locations in the ranch complex. Several small containers labeled as lubricants and cleaning products were located on shelves in a small cinder-block building. In the past this building was used to store solvents used to clean metal parts and to mix pesticides applied to the adjacent orchard. Approximately 10 to 15 steel drums were located in the ranch complex, most of which contained trash or general refuse. Two of the drums contained approximately 80-gallons of waste oil. Gasoline was historically stored in a former underground storage tank (UST) located in the ranch complex. The UST was excavated in the early 1980s, intact and free of leaks. A 240-gallon capacity above-ground storage tank used to store diesel fuel was present in the ranch complex at the time of the walk-through. The steel drums, above-ground storage tank, and general refuse have since been removed from the site.

#### Agricultural Chemical Usage

Much of the TRRP Master Plan area was historically under agricultural cultivation. The presence of residual levels of agricultural chemicals in shallow soils in current and former agricultural areas is common throughout much of the Central Valley region of California. Prior to the 1940s, inorganic compounds (containing metals such as arsenic, copper, or mercury) were commonly used as herbicides, insecticides, and fungicides. Beginning in the 1940s, a variety of organic compounds became commonly used. Some of these agricultural chemicals may not rapidly break down into harmless by products; potentially harmful residues may be present in soils for decades after application. Soils in areas near former farm outbuildings, where agricultural chemicals may have been stored, mixed, or disposed of, may have high concentrations of agricultural chemical residues as a result of spills.

Chemicals reportedly applied to the orchard on the Gateway Parcel in the 1980s and 1990s include: Guthion, Diazinon, Zolone, Lorsban, Asana, and Round-up. These chemicals may be present at residual concentrations in soils in the orchard areas, and at higher concentrations in areas where the chemicals were mixed or loaded into the farm equipment in the former ranch complex.

#### 4. Existing Regulatory Policies Applying to the Study Area

The use, production and disposal of hazardous materials and waste are regulated extensively by federal, State, regional, and local regulations and guidance, with the objective of protecting the public health and environment.

##### a. Federal Regulations

The United States Environmental Protection Agency (EPA) is the agency responsible for enforcing federal regulations that affect public health and the environment. The EPA designates much of its regulatory authority to the individual states. The California Department of Toxic Substances Control (DTSC) within California EPA enforces

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hazardous materials laws and regulations in California in conjunction with the federal EPA.

b. State Policies

The California Code of Regulations (CCR) presents California's hazardous waste laws. In general, a material is hazardous if it poses a threat to human health or the environment. Under California law, approximately 800 substances are listed as potentially hazardous depending upon their property or combination of properties. Generally, State requirements mirror federal requirements, and in some cases are more stringent than federal requirements.

The State Department of Health Services and the State Water Resources Control Board list hazardous sites selected for remedial action, and underground storage tanks with a reported unauthorized release of toxic materials. The TRRP area is located within the jurisdiction of the Central Valley RWQCB (Region 5). The RWQCB is authorized by the Porter-Cologne Water Quality Act of 1969 to protect the waters of the State. The RWQCB provides oversight for sites where the quality of groundwater or surface waters are threatened. Extraction and disposal of contaminated groundwater due to investigation/remediation activities or due to dewatering during construction would require a permit from the RWQCB if the water were discharged to storm drains, surface water, or land. A permit from the local sanitary treatment facility would be required if water were discharged to the sanitary sewer.

c. Stanislaus County Policies

Implementation of policies in the Stanislaus County General Plan Safety Element minimizes the effects of hazardous conditions that might cause loss of life and property in the unincorporated areas of the county. The Hazardous Waste Management Plan provides guidelines for managing hazardous waste in the county (Stanislaus County General Plan Conservation Element, Goal 5; Safety Element, 1994). The County Department of Environmental Resources coordinates efforts to identify locations of hazardous materials and prepare and implement plans for management of spilled hazardous materials, as required throughout the County (i.e., in both incorporated and unincorporated areas).

d. City of Modesto Policies

The City of Modesto General Plan Community Services Element identifies hazardous materials management policies, including identification of potential contamination and hazardous waste sites, notification of the City of Modesto and the County Health Services Department, and preparation of site remediation plans.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

Any proposed project within the proposed TRRP Master Plan boundary must comply with federal, State, regional and local laws which regulate the generation, transportation, storage or disposal of hazardous materials. Such laws also require the listing of known hazardous materials sites.

b. City of Modesto Policies

Any proposed project within the proposed TRRP Master Plan boundary must comply with federal, State, regional and local laws which regulate the generation, transportation, storage or disposal of hazardous materials. Such laws also require the listing of known hazardous materials sites.

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

2. Thresholds of Significance Suggested by Other Analytical Methods

There is a great deal of informed opinion, but no established methodology, for analyzing the impacts of hazardous materials. For example, lists of potential site contaminants have been compiled by the EPA, California EPA, the Central Valley RWQCB, and the Stanislaus County Department of Environmental Resources. These sites are monitored for unauthorized release of contaminants or slated for remediation. Because impacts could be created whenever hazardous materials are stored, produced, or transported, these lists have been established to identify the locations of such materials.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines and other analytical methods, the City has chosen to adopt the following thresholds of significance. The proposed TRRP Master plan would have a significant impact on public health and safety from hazardous materials if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (CEQA Guidelines, Appendix G).

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- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (CEQA Guidelines, Appendix G).
- Be located on or adjacent to 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. Significant Direct Impacts

Implementation of the TRRP Master Plan would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials as no unusual use of hazardous materials are anticipated as a result of the project. The proposed project would not emit hazardous emissions and does not include the handling of hazardous or acutely hazardous materials. Pesticides and herbicides would be used according to EPA registration and label directions, and thus would not result in a significant impact.

a. Potential Contamination Related to the Breshears, Inc. Facility

The 1990 gasoline spill from the Breshears facility has impaired groundwater on the Gateway Parcel but poses no immediate human health risk to park users. The RWQCB will oversee the replacement of monitoring wells in the Spring of 2001, reevaluation of the contamination, and the subsequent remediation plan, if warranted.

There is no evidence which documents that a chemical release has occurred on the Breshears facility other than the 1990 surface spill (EKI 1995). However, given the long-term existence of the Breshears bulk petroleum distribution facility adjacent to the Gateway Parcel, a potential exists for petroleum related compounds to be present in soil or groundwater on the Gateway Parcel from past unknown or unreported spills or releases, if any, from the Breshears facility. The additional investigations that will be conducted in Spring 2001 would identify any additional contamination from the Breshears operations. The status of the Breshears investigations and remediation should be periodically checked.

**Impact HazMat-1: Potential Contamination Related to the Breshears, Inc. Facility.** Development or grading of areas within the Gateway Parcel could expose construction workers and/or the public to hazardous materials from potential soil and groundwater contamination from past spills or releases at the Breshears, Inc. facility. This is considered a potentially significant impact.

b. Potential Contamination Related to the Ranch Complex

Several areas of potential environmental concern were noted at the former ranch complex on the Gateway Parcel during the Phase I investigation. These include:

- The site of the former underground fuel storage tank;

- The above ground diesel fuel storage tank;
- Current and former chemical use and storage areas;
- Current and former farm equipment and machinery repair and maintenance areas; and
- Current and former chemical mixing and/or loading areas.

All unused or abandoned containers, the above ground storage tank, equipment and general debris and refuse throughout the ranch complex were removed prior to City of Modesto acquisition of the property. The Phase I report recommended additional investigations to confirm that chemical impacts to soil in the former ranch complex were not present. To date, no additional investigations have occurred in the ranch complex area.

**Impact HazMat-2: Potential Contamination Related to the Ranch Complex.**

Development or grading of areas within the former ranch complex area of the Gateway Parcel could expose construction workers and/or the public to hazardous materials during and/or following redevelopment. This is considered a potentially significant impact.

c. Potential Contamination Related to Past Agricultural Use

Shallow soils in former orchards and other agricultural areas throughout the TRRP may contain residual concentrations of agricultural chemicals. If chemicals are present in soils at residual or trace concentrations, and these levels fall below applicable regulatory agency action levels for the intended land uses, no significant human health risks would be expected. Because anticipated TRRP land use is for passive recreation and hiking trails, a sampling of shallow soils in the existing orchard areas for agricultural chemicals is not warranted. However, more sensitive (e.g., children's playgrounds) land uses in the former orchard areas or other agricultural lands could cause potential health risks depending on the levels of residual chemicals that are present.

**Impact HazMat-3: Potential Contamination Related to Past Agricultural Use.**

Potential health risks could result from placement of sensitive land uses, such as children's playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact.

d. Potential for Unknown Hazardous Materials Issues

A Phase I assessment has not been conducted for areas of the TRRP other than the Gateway Parcel. Potential unknown releases of hazardous materials to the surface and subsurface may have impacted soils and groundwater quality within these other areas of the TRRP. Soils throughout the TRRP area could be disturbed during re-grading and site development. The soils may contain a variety of chemical compounds associated with

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fuels, oils, solvents, metals, agricultural chemicals, or other hazardous substances originating from historical land uses. In addition, possible historic releases of chemical compounds on- or off-site may have migrated from their original source area and affected groundwater quality in the TRRP area. If excavations were to extend to the groundwater table, dewatering could be required. Extracted contaminated groundwater would require on-site management and/or treatment. If contaminated soils or groundwater were encountered during re-grading or development activities, potential health risks to construction workers and/or the public could result.

**Impact HazMat-4: Potential for Unknown Hazardous Materials Issues.**

Development or re-grading of areas within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact.

5. Significant Cumulative Impacts

The direct impacts described in this section are the same as cumulative impacts. There are no known additional hazardous materials issues in close proximity to the project that would compound existing hazardous materials issues at the project site. Thus, no cumulative hazardous materials impacts are anticipated.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

Impacts related to hazardous materials have been identified in this MEIR to the extent possible, given existing documentation. Because detailed engineering design plans are not available, some site-specific hazardous materials investigations have not yet been conducted. Site investigations (as specified in the mitigation measures detailed in Section C, below) are required prior to development or grading of areas within the former ranch complex area (identified in Figure G-1) and development of children's playgrounds in the Gateway Parcel. A Phase I site assessment is required prior to development or grading for projects in all areas of the TRRP, exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

**Impact HazMat-1: Potential Contamination Related to the Breshears, Inc. Facility.** Development or grading of areas within the Gateway Parcel could expose

construction workers and/or the public to hazardous materials from potential soil and groundwater contamination from past spills or releases at the Breshears facility during and/or following redevelopment. This is considered a potentially significant impact.

Mitigation Measure HazMat-1: Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel. Implementation of this measure would ensure that potential impacts related to existing soil and groundwater contamination in the Gateway Parcel adjacent to the Breshears facility are reduced to a less-than-significant level.

**Impact HazMat-2: Potential Contamination Related to the Ranch Complex.**

Development or grading of areas within the former ranch complex area of the Gateway Parcel could expose construction workers and/or the public to hazardous materials during and/or following redevelopment. This is considered a potentially significant impact.

Mitigation Measure HazMat-2: A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Implementation of this measure would ensure that potential impacts related to existing soil contamination in the former ranch complex area are reduced to a less-than-significant level.

**Impact HazMat-3: Potential Contamination Related to Past Agricultural Use.**

Potential health risks could result from placement of sensitive land uses, such as children's playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact.

Mitigation Measure HazMat-3: A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children's playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for

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the intended land use, remediation requirements in accordance with State and federal regulations would be required. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.

**Impact HazMat 4: Potential for Unknown Hazardous Materials Issues.**

Development or redevelopment of properties within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact.

Mitigation Measure HazMat-4: A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.

2. Measures Which Mitigate Cumulative Impacts

Because direct impacts described in this section are the same as cumulative impacts, the mitigation measures given for direct impacts would also serve as mitigation measures for cumulative impacts.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because the identified impacts in this section could be adequately mitigated, there is no alternative design presented.

## **CHAPTER IV. ENVIRONMENTAL ANALYSIS**

### **H. INCREASED DEMAND FOR FIRE SERVICES**

This chapter provides an overview of existing fire services provided by the Modesto Fire Department and the Stanislaus Consolidated Fire Protection District. Further, this chapter contains analyses of the potential environmental impacts associated with the provision of fire services to the TRRP project.

#### **A. ENVIRONMENTAL SETTING**

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

##### **1. Study Area for Direct Impacts**

The study area for direct impacts is the TRRP Master Plan project site. In addition, if build-out of the Master Plan would result in the need for additional or expanded fire facilities, direct impacts could also occur at the new or expanded facility location off-site.

##### **2. Study Area for Cumulative Impacts**

The study area for cumulative impacts is the combined service areas for the Modesto Fire Department (MFD) and the Stanislaus Consolidated Fire Protection District (SCFPD). The Modesto Fire Department service area includes all incorporated areas of the City of Modesto. The Stanislaus Consolidated Fire Protection District is responsible for the unincorporated areas in its service district. The SCFPD service district is a 200 square mile area in Stanislaus County between Modesto and Hughson along the Tuolumne River.

##### **3. Existing Physical Conditions in the Study Area**

The MFD and the SCFPD are both responsible for providing fire protection services to portions of the TRRP area and surrounding lands. Both districts provide fire and wildfire suppression, hazardous materials response, rescue and "first-responder" emergency medical services. The MFD jurisdiction covers the TRRP areas within the Modesto city limits, including the Carpenter Road, Golf Course, Gateway Parcel, Mancini Park, Legion Park and Airport areas of the TRRP, both north and south of the river. The SCFPD's jurisdiction includes the Gallo Property and unincorporated areas around the park that may be affected if a fire breaks out on site. Automatic aid agreements exist between the two fire departments, allowing each to assist in the other's jurisdiction if needed.

The MFD answers approximately 92 to 94 percent of all calls within 6 minutes, and has 10 active fire stations in the city (City of Modesto 1995). The TRRP would be served primarily by four MFD fire stations. Station 2, currently located at 629 Second Street serves the portion of the TRRP west of Ninth Street. MFD plans to move Station 2 to the James Marshall Park on Sutter Avenue within two years but it would still serve the same area of the TRRP. Station 1, located at 610 Eleventh Street serves the portion of

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the TRRP between Ninth Street and the Gallo/Mancini area. Station 8, located at 637 Airport Way, serves the portion of the TRRP east of Gallo/Mancini Area to the Mitchell Road Bridge. Station 10, located at 148 Imperial Avenue, serves Mancini Park and areas south of the Tuolumne River. Three staff and a single engine company are located at each station. The fire engines are not able to traverse unpaved areas. Station 1 also has two small rescue boats and a fire truck with a ladder used for specialized rescue work. The staff at Station 1 is trained for swift water rescue. It is estimated that currently MFD responds to fewer than 25 incidents in the TRRP area annually, including one or two water rescue incidents (personal correspondence, Fire Chief Doug Hannick, MFD, November 21, 2000).

The SCFPD fire station closest to the TRRP is Station 31, located on Mitchell Drive and Tenaya Dr., one block from the eastern edge of the park. The SCFPD call response in the TRRP area is within the first 6 minutes and District-wide is within the first 8 minutes. A SCFPD goal is to maintain three staff at each station, however Station 31 is currently staffed with two people. Equipment at Station 31 includes a truck company, engine company, county hazardous materials response unit, and a rescue unit. The staff is trained for swift water rescue. The truck company is not able to traverse off-road areas. This station responds to approximately 900 to 1000 calls per year (2 to 3 calls per day). Very few of these calls are attributable to the TRRP area. SCFPD estimates that Station 31 would be able to respond to a 25 percent increase in calls before needing to increase in staff (personal communication, Fire Chief Kurt Latipow, SCFPD, October 17, 2000).

4. Existing Regulatory Policies Applying to the Study Area

a. Federal Regulations

There are no applicable federal regulations.

b. State Policies

There are no applicable State policies.

c. Stanislaus County Policies

The Stanislaus County General Plan Safety Element has a number of policies that relate to fire protection on unincorporated county lands. The policies ensure that new developments have adequate water to meet flow standards and that the Uniform Fire Code be followed in inspections and maintenance of structures. The policies also call for coordination between the County Fire Safety Department, the California Department of Forestry and Fire Protection, and local fire districts to minimize the damage from wildfire.

d. City of Modesto Policies

The City of Modesto General Plan has a number of existing policies to minimize the potential loss of life and property due to fire. The Modesto General Plan identifies a response time standard of 6 minutes for first emergency response unit, 10 minutes for a full alarm assignment and 15 minutes for a second alarm assignment to maintain adequate fire-protection services in the incorporated areas. The General Plan also recommends the MFD to maintain staffing levels adequate to achieve an Insurance Service Office (ISO) rating of Class 2.

The General Plan also includes a policy to provide adequate road widths and corner radii in the street design of the City's circulation system to facilitate a rapid response by emergency vehicles. The Modesto Fire Department reviews all development proposals in Modesto to determine the adequacy of emergency access.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

Development proposals in unincorporated areas shall be reviewed by the County Fire Safety Department to ensure compliance with the Uniform Fire Code. In the TRRP area, the SCFPD is contracted by the County to perform these development plan reviews. The standards of the Uniform Fire Code help to ensure that water fire-flows are adequate, that roads are of adequate width to provide emergency access, and that clearances around structures are of adequate width.

b. City of Modesto Policies

Development proposals within Modesto shall be reviewed by the MFD for compliance with the Uniform Fire Code.

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant (CEQA Guidelines 15382).

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2. Thresholds of Significance Suggested by Other Analytical Methods

There are no known thresholds of significance suggested by other analytical methods.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of methodological approaches suggested in the CEQA Guidelines, the City has chosen to adopt the following threshold of significance. Impacts from increased demand for fire services would be significant if the proposed project would:

- Require a new or physically altered fire station to maintain adequate fire protection service, the construction of which could cause significant environmental impacts.
- Result in inadequate emergency access.
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4. Significant Direct Impacts

a. Provision and Delivery of Emergency Services

Implementation of the TRRP Master Plan could have an impact on the provision and delivery of emergency services, especially emergency medical and water rescue services. Development of the project would increase the number of visitors to the TRRP area annually through the creation of trails and active and passive recreation areas. The MFD anticipates that as the park is developed and utilized, the number of service requests would grow to over 100 requests for service annually, including 10 to 20 anticipated water rescue service calls (personal communication, Fire Chief Doug Hannick, MFD, November 21, 2000). This estimated figure is derived from MFD experience with other parks in Modesto and anticipated special-event use of the amphimeadow to its 3000-person capacity approximately 10 times per year.

In order to maintain response times for the additional requests for service, the MFD anticipates the need for additional staff and equipment. During special events, an additional staff person should either be on-call at Station 1 or on-site to respond to emergency medical requests. To respond to additional calls for water rescue, two personal watercraft (sometimes called jet skis) and water rescue-trained staff are recommended at Station 2, where they may quickly access the river along the western half of the proposed park for search or rescue operations. Water rescue operations standards call for rescues to be conducted with pairs of watercrafts. The rescue boats would use the launch points identified in the Master Plan. An additional launch point near the Gateway Parcel's east fishing pier is also recommended.

Although the increase in calls anticipated at full buildout of the proposed TRRP Master Plan would result in the need for increased staff and equipment as described above, it is

not expected to necessitate the construction of any new fire protection facilities to maintain adequate fire protection services. It is anticipated that the additional calls would be directed to the existing MFD Stations 1, 2, 8 and 10 or to SCPFD Station 31, which would provide the additional staff and equipment necessary to respond to the emergency calls. Because implementation of the TRRP Master plan would not necessitate the construction of new fire protection facilities, or the physical alteration of existing facilities to maintain adequate fire protection services, this is considered a less-than-significant impact.

b. Provision of Adequate Emergency Access

The TRRP Master Plan is a conceptual plan for the area and thus specific roadway and pathway designs would be specified in the future. Roadway designs will be required to meet Uniform Fire Code emergency access design standards, administered by the MFD and SCPFD during development design and construction reviews. Emergency access to other portions of the park, particularly the trails and water access points, should be reviewed by the MFD and SCPFD as detailed designs are developed.

**Impact Fire-1: Emergency Access.** Inadequate emergency access to TRRP is considered a potentially significant impact.

c. Potential for Wildland Fires

The proposed Master Plan calls for the enhancement and maintenance of riparian forests as wildlands along the length of the park. The trails proposed in the Master Plan would provide greater access to wildland areas than currently exists. Increased public access to wildlands increases possible ignition sources and therefore also increases the likelihood for wildland fires, and the risk of loss, injury or death due to wildland fires both on-site and for the adjacent developed parcels. In general, wildlands along riparian corridors are considered low to moderate risk of wildland fire, however the location of the park adjacent to urban land uses increases the possible damage that could occur if a wildfire starts. The TRRP Master Plan recommends maintenance measures to reduce the fuel load in the meadow areas and thus reduce the risk of wildfire. The City of Modesto's requirement that buildings meet Uniform Fire Code standards reduces the risk of damage to adjacent buildings during a fire. Fire hazard warning signs and possible closure of trails through wildland areas of the park during high-risk fire hazard days (primarily during the summer and early fall months) could also be considered as a method to reduce the risk.

**Impact Fire-2: Wildland Fires.** The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact.

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5. Significant Cumulative Impacts

The MFD and SCFPD have been contacted as part of this environmental review, and they have assisted in providing an analysis of the project's effects on their systems in consideration of other planned projects. The anticipated increases in staff as a result of this project, in combination with anticipated increases in staff needed for other planned projects in the downtown Modesto area and within the SCFPD Station 31's jurisdiction would not necessitate additional fire facilities or expansion of existing facilities. As a result, cumulative impacts on fire prevention services are no greater than the direct impacts described above.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

There are no potential impacts for which there is insufficient information to support a full analysis.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

**Impact Fire-1: Emergency Access.** Inadequate emergency access to TRRP is considered a potentially significant impact.

Mitigation Measure Fire-1: The MFD and SCFPD shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCFPD shall be accommodated.

**Impact Fire-2: Wildland Fires.** The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact.

Mitigation Measure Fire-2: The Modesto Parks and Recreation Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall:

- Characterize existing and proposed vegetation fuels,
- Identify potential ignition sources and locations,
- Identify assets at risk in case of a fire,

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- Identify specific maintenance measures to reduce fuel loads,
- Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and
- Make recommendations for fire resistant plantings.

Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

2. Measures Which Mitigate Cumulative Impacts

Because the direct impacts described in this section are the same as cumulative impacts, the mitigation measures given for direct impacts would also serve as mitigation measures for cumulative impacts.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because identified impacts in this section could be adequately mitigated there is no alternative design presented.

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## **CHAPTER V. CUMULATIVE IMPACTS**

Cumulative impacts refer to two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time (CEQA Guidelines 15355).

The TRRP Master Plan is consistent with the City of Modesto Urban Area General Plan. The potential for cumulative impacts was analyzed for each of the environmental topics in Chapter IV of the Master Environmental Impact Report for the Urban Area General Plan. No additional significant cumulative impacts (beyond identified direct impacts) have been identified in this MEIR. A more detailed discussion of the cumulative issues, including study area and method of analysis, is provided for each of the environmental topics in Chapter IV: Environmental Analysis of this report.

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## **CHAPTER VI. GROWTH INDUCING IMPACTS**

An EIR must discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment. Included in this are projects that would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). In addition, increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects (CEQA Guidelines 15126.2(d)).

The proposed project is consistent with the site's existing General Plan and zoning designations. The proposed TRRP Master Plan does not include the development of any residential dwelling units, nor would it remove obstacles to population growth by extending services to a currently unserved area or requiring the construction of new community facilities. The TRRP is currently served by small utility and infrastructure systems. There are few water lines for irrigation and plumbing, few electrical connections, and a very small wastewater system. As the Master Plan is implemented, it will be necessary to upgrade these utility systems to meet the needs of park users. This expansion will be sized to only accommodate the proposed park uses, and therefore would not be growth-inducing. As a long-planned regional park, the TRRP project is not expected to foster economic or population growth or any other growth that could affect the environment.

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## **CHAPTER VII. ALTERNATIVES TO THE PROJECT**

The TRRP Master Plan, as proposed, has been described and analyzed in the previous chapters with an emphasis on potentially significant impacts and recommended mitigation measures to avoid these impacts. The State CEQA Guidelines also require the description and comparative analysis of a range of reasonable alternatives that have been developed to avoid or substantially lessen one or more of the significant effects identified for the project analyzed in the MEIR (CEQA Guidelines Section 15126.6(c)). Based on the authority of the above-cited Guidelines, this MEIR focuses on alternatives that would lessen or avoid significant impacts that have been identified in Chapter IV of this document.

The following discussion is intended to inform the public and decision-makers of project alternatives that could be developed and the positive and negative aspects of those alternatives. This chapter also includes an analysis of the No Project Alternative, as required by CEQA.

Implementation of the proposed Master Plan would result in significant impacts in the following resource areas: traffic and circulation, air quality, noise, biological resources, archaeological or historic resources, hydrology and water quality, hazardous materials, and fire services. Of these impacts, those to traffic, air quality, and noise could either be reduced or avoided through the Master Plan alternatives presented in this chapter. Other potential impacts identified in this Draft MEIR (biological resources, archaeological or historic resources, hydrology and water quality, hazardous materials, and fire services) have the potential to occur with any scenario, and would not be substantially changed (i.e., reduced or increased) by a different Master Plan scenario.<sup>1</sup> For these issue areas, the most appropriate and feasible mitigation is the implementation of the measures recommended in this Draft EIR. For these reasons, these issue areas are not addressed further for the modified Master Plan alternatives. However, because the No Project Alternative could result in changes to these potential impacts, all of the environmental issue areas are discussed for this alternative.

The three alternatives that are compared in this chapter are the following:

1. No Project Alternative
2. 250-person Amphimeadow Alternative
3. Passive Recreation/Sports Complex Alternative

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<sup>1</sup> Any Master Plan scenario would need to meet the project objectives outlined in Chapter III: Project Description.

VII. Alternatives to the Project

**Table VII-1  
Summary of Effects of Project Alternatives**

<b>Project Alternatives</b>	<b>No Project Alternative</b>	<b>250-person Amphimeadow Alternative</b>	<b>Passive Recreation/ Sports Complex Alternative</b>
Traffic and Circulation Needs	++	+	++
Degradation of Air Quality	++	=	++
Generation of Noise	++	++	++
Loss of Sensitive Wildlife and Plant Habitat	-	=	=
Disturbance of Archaeological or Historical Sites	=	=	=
Flooding and Water Quality	=	=	=
Exposure to Hazardous Materials	=	=	=
Increased Demand for Fire Services	=	=	=

++ Substantial improvement when compared to the proposed Master Plan

+ Improvement when compared to the proposed Master Plan

= Same as proposed Master Plan

- More adverse effect when compared to the proposed Master Plan

Table VII-1 summarizes the results of the alternatives analysis. This analysis is qualitative rather than quantitative. If any of these alternatives were pursued, additional environmental review would be required to quantify the anticipated impacts and to recommend appropriate mitigation measures consistent with the level of impact.

In the following sections, each alternative is first described, and is then analyzed in consideration of the proposed Master Plan, according to whether it would have a mitigating or adverse effect. Section D summarizes these findings and presents conclusions about which alternative is environmentally superior. Section E examines off-site alternatives.

**A. NO PROJECT ALTERNATIVE**

As required by the CEQA Guidelines (Section 15126.6(e)), the No Project Alternative is to be analyzed in an EIR to allow decision-makers to compare the impacts of approving the proposed project with the impact of not approving the proposed project. If the proposed Master Plan were not approved, the land use designation of the property would continue to be Open Space, as specified by the Modesto General Plan. Individual improvement projects could continue to occur, but would be approved through the City

of Modesto's discretionary review process on a project-by-project basis, rather than through a unified Master Plan. Because a Master Plan would not guide the development of the regional park, it is assumed that the park would continue as it is today - that is, providing limited passive recreation opportunities. It is further assumed that the restoration and education efforts proposed by the Master Plan would not occur. Special events would continue to occur at Legion Park, but would not be expanded to the Gateway Parcel. It is also assumed that the amphimeadow and the regional sports complex would not be developed.

### 1. Traffic and Circulation Needs

Because special events would not occur at the Gateway Parcel, and development of the amphimeadow and the regional sports complex would not occur under the No Project Alternative, the traffic, circulation, and parking impacts associated with these uses would be avoided. Traffic attributable to the regional park would not grow considerably under this alternative. Traffic could increase minimally in association with population growth in the area or in response to improvements that could be made to the existing passive recreation facilities. This growth would be consistent with the assumptions made for a regional park in the City of Modesto Urban Area General Plan and the City of Modesto's traffic model.

The significant peak traffic impacts that could occur with the proposed Master Plan (which would be attributable with peak ingress and egress associated with special events, including those at the amphimeadow) would not occur with the No Project Alternative. Although these impacts of the proposed Master Plan would be short-term, they are considered significant and unavoidable. In addition, by not accommodating special events at the Gateway Parcel, significant parking impacts would also be avoided. As identified in Chapter IV, this is a significant and unavoidable impact that would occur with special events at the Gateway Parcel. Although these special events currently occur at Legion Park, these are existing activities that would continue under the No Project Alternative, and no additional impacts would be anticipated.

In summary, by not introducing special events or the amphimeadow at the Gateway Parcel, the No Project Alternative would avoid the following significant and unavoidable impacts: peak traffic associated with special events (including those at the amphimeadow), and a shortage of parking supply associated with special events. Thus, the No Project Alternative is considered better than the proposed project from a traffic and circulation perspective.

### 2. Degradation of Air Quality

Because the No Project Alternative would not include special events at the Gateway Parcel, no additional air quality impacts would occur. This alternative would avoid the significant and unavoidable impact identified for carbon monoxide "hot spots" attributable to vehicular ingress and egress associated with special events (including those at the amphimeadow). Thus, the No Project Alternative would be considered better than the proposed project from an air quality perspective.

## VII. Alternatives to the Project

### 3. Generation of Noise

Because the No Project Alternative would not include an amphimeadow, the significant and unavoidable noise impact attributable to this use would not occur. Thus, the No Project Alternative would be considered better than the proposed project with regard to noise. In addition, because the regional sports complex would not be constructed, and because special events would not occur at the Gateway Parcel, no change in the existing ambient noise environments would be anticipated.

### 4. Loss of Sensitive Wildlife and Plant Habitat

The No Project Alternative does not include the extensive riparian restoration planned through the TRRP Master Plan. Thus, this restoration would likely not occur. Although several impacts have been identified for the Master Plan as a result of site disruption associated with flood plain creation, facility construction, and native plantings, these impacts to biological resources are considered short-term and could be rendered less-than-significant with the implementation of the mitigation measures outlined in this report. Because the No Project Alternative would result in no net improvement to biological values, this alternative is considered worse than the proposed Master Plan in this regard.

### 5. Disturbance of Archaeological or Historical Sites

Because substantial construction at the TRRP site would not be anticipated with the No Project Alternative, cultural resources would likely not be disturbed. However, the proposed project would not result in unavoidable impacts to this resource area. Conversely, no known cultural resources that would be affected are known to exist at the project site. Thus, construction associated with the TRRP Master Plan is not anticipated to disturb cultural resources. However, it is impossible to be sure about the presence or absence of cultural resources until the ground is disturbed. For this reason, this MEIR recommends mitigation measures to address the discovery of unknown resources. Such mitigation measures should apply to all ground-disturbing activities at the TRRP site.

### 6. Flooding and Water Quality

All of the TRRP falls within the 100-year floodplain and much of the park falls within the proposed 100-year floodway. The No Project Alternative would not change this condition; however, new land uses would likely not be introduced to the TRRP site. Although no housing or other inhabitable structures would be constructed within the defined flood zones with implementation of the proposed Master Plan, some structures would be placed in the flood hazard zone and proposed re-grading and planting schemes could increase water surface elevations during a 100-year flood. However, all of the potential impacts of the proposed Master Plan could be avoided with the implementation of the mitigation measures recommended in this MEIR. Thus, this No Project Alternative and the proposed Master Plan are considered to have similar flooding impacts. In addition, potential short-term water quality impacts associated with construction of the facilities proposed by the Master Plan could also be reduced to a

less-than-significant level with the implementation of the measures recommended in this MEIR. Thus, the No Project Alternative and the proposed Master Plan are considered essentially the same from a hydrology and water quality perspective.

#### 7. Exposure to Hazardous Materials

The hazardous materials impacts of the No Project Alternative are essentially the same as those for the proposed Master Plan. Although the need for additional hazardous materials investigations may not be triggered by the No Project Alternative (because additional development may not occur), the additional investigations recommended in this MEIR should be implemented prior to any new development within the TRRP.

#### 8. Increase Demand for Fire Services

The No Project Alternative would avoid the impacts identified for the proposed Master Plan, which are associated with an increase in the number of users at the park. The potentially significant impacts of the proposed Master Plan include the potential for inadequate emergency access and increases in wildfire hazards associated with increased use of the park. Although these impacts would not have the potential of occurring with the No Project Alternative, they are easily mitigated with the implementation of the mitigation measures recommended in this MEIR. Thus, the No Project Alternative and the proposed Master Plan are essentially the same from a fire services and hazards perspective, assuming the mitigation measures identified in this MEIR are implemented.

### B. 250-PERSON AMPHIMEADOW ALTERNATIVE

This alternative would be identical to the proposed Master Plan with one exception: the proposed amphimeadow would only accommodate only 250 people, rather than the 3,000 proposed by the Master Plan. This reduction in size would make it feasible to have presentations at the amphimeadow without the use of amplification. If amplification were to be accommodated under this alternative, it is assumed to be minimal and could likely be controlled so that significant noise impacts do not occur to surrounding sensitive uses. This alternative would avoid this significant and unavoidable noise impact identified for the proposed Master Plan in Chapter IV of this MEIR (Impact Noise-2).

The environmental consequences of this alternative are explored below. This analysis focuses on traffic and circulation, air quality, and noise. These are the environmental consequences where conclusions may be different for this alternative when compared to the proposed Master Plan.

#### 1. Traffic and Circulation Needs

Because this alternative would substantially reduce the number of people attending amphimeadow events, peak traffic associated with these activities could likely be reduced to a less-than-significant level with the implementation of an event traffic management plan. In addition, sufficient parking for the events at the reduced capacity

## VII. Alternatives to the Project

amphimeadow would be provided by the 530 parking spaces in the Gateway Parcel. However, significant and unavoidable impacts would still occur with implementation of this alternative as a result of peak traffic and parking associated with special events, which would be allowed to occur at the Gateway Parcel. Because the number of significant and unavoidable traffic and circulation impacts would be reduced, this alternative is considered better than the proposed Master Plan from a traffic and circulation perspective. However, this improvement would not be considered substantial because special events would continue to have these types of impacts.

### 2. Degradation of Air Quality

The 250-person Amphimeadow Alternative would not avoid the identified significant and unavoidable air quality impact of the Master Plan. This alternative may limit the number of events where carbon monoxide "hot spots" could potentially occur, because the special events associated with the amphimeadow would be limited in size. However, carbon monoxide "hot spots" could still occur as a result of short-term congestion resulting from the ingress and egress of people from special events. Because these events would occur with implementation of both the Master Plan and the 250-person Amphimeadow Alternative, the differences with regard to air quality is not considered substantial.

### 3. Generation of Noise

The 250-person Amphimeadow Alternative would avoid the significant and unavoidable noise impact identified in this MEIR for the TRRP Master Plan. Specifically, with the smaller event size, it is assumed that amplification would not be required at the amphimeadow. Thus, this alternative is considered substantially better than the proposed project with regard to noise. All other noise impacts identified in this MEIR could be reduced to a less-than-significant level with the implementation of the measures identified in this report.

## C. PASSIVE RECREATION/SPORTS COMPLEX ALTERNATIVE

In this alternative, no special events would occur at the Gateway Parcel and the amphimeadow would not be constructed. They would continue to occur in Legion Park, similar to existing conditions. Because the regional sports complex is not expected to result in any significant and unavoidable impacts,<sup>2</sup> this alternative continues to integrate this use. However, implementation of the mitigation measures associated with the regional sports complex, as recommended in this MEIR, would continue to be required to reduce potential impacts associated with this use to a less-than-significant level.

The environmental consequences of this alternative are explored below. This analysis focuses on traffic and circulation, air quality, and noise. These are the environmental

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<sup>2</sup> The Regional Sports Complex has been identified in this MEIR as a subsequent project which will require additional environmental review when detailed implementation plans are developed. However, based upon the program-level analysis contained in this Draft MEIR, it is likely that all impacts could be reduced to a less-than-significant level with the implementation of the mitigation measures presented herein.

consequences where conclusions may be different for this alternative when compared to the proposed Master Plan.

1. Traffic and Circulation Needs

Because this alternative would not include special events of any sort at the Gateway Parcel, short-term traffic and parking impacts associated with special events (including those at the amphimeadow) would be avoided. Although a potentially significant parking impact is identified in this MEIR for the proposed sports complex, this impact could be reduced with the implementation of the mitigation measure recommended in this document. Thus, this alternative is considered substantially better than the proposed Master Plan from a traffic and circulation perspective.

2. Degradation of Air Quality

The Passive Recreation/Sports Complex Alternative would avoid the identified significant and unavoidable air quality impact of the Master Plan. This alternative would remove the potential for carbon monoxide "hot spots" because traffic would be spread more evenly over a longer time period. Thus, the potential for traffic congestion and carbon monoxide "hot spots" would be reduced to a less-than-significant level. Thus, the Passive Recreation/Sports Complex Alternative is considered substantially better than the proposed Master Plan from an air quality perspective.

3. Generation of Noise

The Passive Recreation/Sports Complex Alternative would avoid the significant and unavoidable noise impact identified in this MEIR for the TRRP Master Plan. Specifically, because special events would not occur, the potential for noise impacts resulting from activities at the Gateway Parcel would be avoided. Thus, this alternative is considered substantially better than the proposed project from a noise perspective. All other noise impacts identified in this MEIR could be reduced to a less-than-significant level with the implementation of the measures identified in this report.

D. ENVIRONMENTALLY-SUPERIOR ALTERNATIVE

As summarized above, the No Project Alternative, the 250-person Amphimeadow Alternative, and the Passive Recreation/Sports Complex Alternative would avoid traffic, air quality, and noise impacts. However, the No Project Alternative would also not include the biological resource and habitat enhancement benefits that are attributable to the proposed Master Plan.

The 250-person Amphimeadow Alternative would avoid the significant and unavoidable noise impact associated with the TRRP Master Plan, but would only avoid some of significant and unavoidable traffic and air quality impacts. The Passive Recreation/Sports Complex Alternative would avoid all of the significant and unavoidable impacts identified in this MEIR for the TRRP Master Plan. In summary, as shown in Table VII-1, the Passive Recreation/Sports Complex Alternative is considered the environmentally superior alternative.

E. OFF-SITE ALTERNATIVES

This analysis does not provide a detailed evaluation of alternative sites. Per Section 15126.6(f)(2) of the CEQA Guidelines, the key question to ask when considering whether alternative locations should be analyzed in an EIR is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR. Alternative locations would not avoid the impacts discussed in the preceding sections. Placing an amphitheater and holding special events would result in significant short-term traffic, parking, and air quality impacts in any conceivable location within an urban area.

Although a location outside of the urbanized area could be selected for these special facilities to avoid potential noise impacts to sensitive receptors, it could not be developed with the integrated active and passive recreation uses that are proposed for the TRRP. The opportunity that is provided by this existing riverfront park is unique. The existing park has the potential to attract a variety of users due to its location along the river and in close proximity to downtown Modesto and the City of Ceres. A site further away from the urban core would not provide an opportunity to draw upon downtown uses and current activities in the cities. From a transportation perspective, people would have fewer opportunities to walk or bike to events at a site outside of the city and event planners would not be able to utilize existing nearby parking facilities. One of the main objectives of the Master Plan is to "provide a variety of recreational experiences, including opportunities for both active and passive activities." The opportunities provided by the Tuolumne River for joint restoration and recreation are not afforded by other locations within the region.

In addition to the opportunities provided by this particular site, construction-related impacts (e.g., air quality, water quality, biology, etc.) would exist at other areas of the City of Modesto or the region, especially along any other stretch of the Tuolumne River. Although restoration of this river stretch may result in these short-term impacts, the long-term benefits of river restoration in the TRRP outweigh these limited impacts. These types of construction-related impacts are most appropriately mitigated to less-than-significant levels with the implementation of construction-related measures and best management practices, as outlined in this Draft MEIR, and should not drive the consideration of alternative locations.

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TUOLUMNE RIVER REGIONAL PARK  
MASTER PLAN DRAFT MEIR

**APPENDIX A: Notice of Preparation / Initial Study**



**TUOLUMNE RIVER REGIONAL PARK JOINT  
POWERS AUTHORITY (JPA)**

• CITY OF MODESTO, CITY OF CERES, STANISLAUS COUNTY •

**PROJECT:**

**NOTICE OF PREPARATION/INITIAL STUDY**

**Tuolumne River Regional Park (TRRP)  
Master Plan**

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# TUOLUMNE RIVER REGIONAL PARK MASTER PLAN MASTER EIR

## NOTICE OF PREPARATION / INITIAL STUDY

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I. Notice of Preparation Process

A. CEQA Authority

Section 21080.4 of the Public Resources Code requires the Tuolumne River Regional Park Joint Powers Authority (JPA), (comprised of the City of Modesto, the City of Ceres, and Stanislaus County), as lead agency, to notify certain public agencies that the JPA is preparing a Master Environmental Impact Report (Master EIR). Those public agencies are classified as either: "Responsible Agencies"; agencies "having jurisdiction by law over natural resources affected by the project," (so-called "Trustee Agencies"); or "appropriate Federal agencies."

The goal for the JPA's Notice of Preparation (NOP) process is to seek relevant guidance from appropriate public agencies to help us prepare the Master EIR for the Tuolumne River Regional Park (TRRP) Master Plan.

B. Your Expected Role as Public Agency

In accordance with Section 21080.4 of the Public Resources Code, the City of Modesto requests the following information from your agency:

Is your agency a "Responsible Agency," a "Trustee Agency," or an "appropriate Federal agency" for the TRRP Master Plan? If so, what statutory authority do you have over the TRRP Master Plan and/or its implementation?

What is the "scope and content of the environmental information" which your agency wishes to include in the Master EIR for the TRRP Master Plan. Section IV of this NOP is carefully structured to help you respond to this question. To the degree that the JPA has focused the environmental issues to be studied, we have stated so, and we have invited specific agencies to provide feedback to us on how well we have focused that issue. In any event, please feel free to comment on any aspect of this NOP.

Who will be the contact person(s) for your agency? Feel free to name more than one, if appropriate.

C. Purpose of the Master EIR

As Lead Agency, the JPA will prepare an EIR to assess the impacts of development of the TRRP Master Plan. The EIR will be prepared pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Section 15000 et seq.), as amended. CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority.

The EIR is a public document that discloses the significant environmental impacts of a project and measures to reduce these effects; significant impacts that cannot be avoided; growth-inducing impacts; effects found not to be significant; and significant cumulative impacts of past, present, and reasonably foreseeable future projects. An EIR is an informational document that is to be used in the planning and decision-making process.

Specifically, the JPA will be preparing a "Master EIR" for the TRRP Master Plan. Section 21157(b) of the Public Resources Code describes the minimum required contents of a Master EIR. A Master EIR may be prepared for projects consisting of smaller individual projects to be implemented in phases. The Master EIR may be used to limit review of subsequent projects that are within the scope of the Master EIR. Further, the Master EIR may identify subsequent projects that require additional focused environmental review for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR. The purpose of the Master EIR will be to perform environmental review for TRRP Master Plan pursuant to Section 21157 of the Public Resources Code.

## II. Readers' Guide

As permitted under Sections 15063(f) and 15082 of the CEQA Guidelines, this NOP is also intended to serve as the Initial Study for the TRRP Master Plan. We are requesting specific responses from all responsible agencies for the TRRP Master Plan. This NOP is divided into six sections, including this Readers' Guide. Contents of each section are summarized below.

- A. Sections I and II contain information regarding the use of the NOP and how it relates to preparation of a Master EIR for the project.
- B. A description of the proposed project ("Tuolumne River Regional Park Master Plan") is provided in Section III.
- C. Section IV, the bulk of this NOP, contains the description of "probable environmental effects" by topic and the requests for responses from responsible agencies.
- D. Section V provides a compilation of specific questions directed to specific agencies in Section IV (Probable Environmental Effects).
- E. Section VI provides the references used to develop this NOP.

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### III. Project Description

Section 15082 of the CEQA Guidelines requires that the NOP contain sufficient information describing the project to enable the responsible agencies to make a meaningful response. The following is a description of the proposed project for purposes of this NOP.

#### A. Project Location

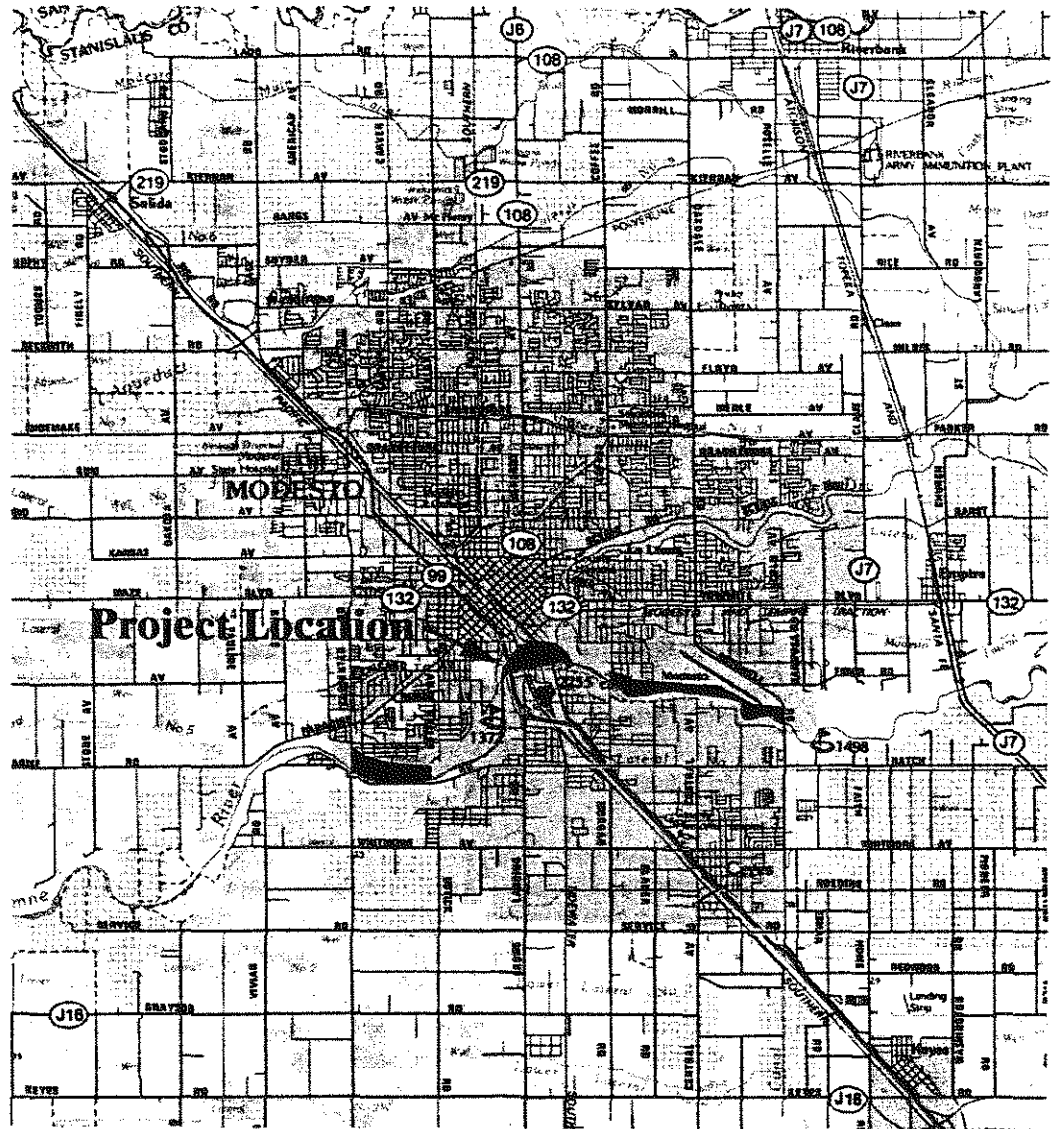
The TRRP is located within the City of Modesto in Stanislaus County, California. The City of Modesto is situated 27 miles south of Stockton and 90 miles north of Fresno on State Route 99. The project area encompasses approximately 500 acres along the Tuolumne River and south of downtown Modesto. Most of the land is along the northern bank of the river; however, there are some parcels of parkland along the south bank as well. These parcels are much smaller in area and do not form a continuous band along the river. Overall, the TRRP stretches from Carpenter Road on the west to Mitchell Road on the east. Figure 1 depicts the project location and Figure 2 shows the proposed TRRP Master Plan.

#### B. Planning Process

The TRRP planning process began in late 1998 when the TRRP JPA issued a Request for Proposals to prepare the plan. In early 1999, a planning consulting team lead by EDAW was selected to assist the JPA to prepare a master plan for the park. The consultant team was to work with the TRRP Citizen's Advisory Committee (CAC), appointed by the TRRP Commission, on the preparation of the plan. The CAC meets monthly and provides recommendations to the TRRP Commission on all matters related to the park.

At the outset of the planning process "stakeholder" meetings were held with approximately one dozen individuals representing political leaders, community interests and agency personnel. The purpose of these meetings was to gain an understanding of key issues associated with the TRRP.

To date, three broadly noticed public workshops have been held in Modesto at key intervals in the planning process. On September 29th, 1999 the first public workshop on the plan was held. During this meeting, participants were introduced to the site and asked to provide ideas for the park. The second public workshop was held on December 9, 1999. During this workshop, conceptual plans for the park and the Gateway Parcel were presented, and members of public were asked to provide comments on the plan. On February 14, 2000, a public presentation was made to a joint meeting of the TRRP Commission and Citizen's Advisory Committee. The meeting was open to the public for review and comment. A third public workshop was held on April 17, 2000 to present a refined master plan for the park. Each workshop was held in the evening, and



**Figure 1: Project Location**

was well attended, with approximately 50 to 60 members of the public in attendance. Meetings with the JPA staff (i.e., Modesto, Ceres and Stanislaus County) and regulatory agencies were also convened earlier in the day on September 29th, December 9th, and April 17th. Currently, JPA staff is hosting public workshops on the TRRP Master Plan in different locations of Stanislaus County.

In addition to the public workshops, project briefings were held with various local, State and federal departments/agencies to provide information about the park master planning process and to receive input from these groups.

C. Project Objectives

Section 15124 of the CEQA Guidelines requires an EIR to include a description of the objectives of the proposed project. The following are project objectives that have been identified for the proposed project.

1. Restore a continuous riparian corridor along the length of the river.
2. Provide a continuous bicycle and pedestrian trail from Carpenter Road to Mitchell Road with connections across the river.
3. Provide a variety of recreational experiences, including opportunities for both active and passive activities.
4. Enhance the environmental values of the park.
5. Provide access to the river.
6. Integrate educational and interpretive elements into the park design.

D. Project Description

The TRRP Master Plan is a land use vision and framework for improvements that will create a regional riverfront park approximately 500 acres in size. The Master Plan identifies six distinct areas of the park from west to east. These planning areas are identified in Figure 2. The corresponding numbers for the planning areas are used throughout this document for reference.

The following sections provide further description of the components of the Master Plan for the planning areas.

1. Carpenter Road Area

The Carpenter Road Area is approximately 180 acres in size. The former landfill site that is included in this area would be reclaimed to allow for public and park activities in the area. Because of the regulatory constraints related to landfill reclamation, development activities for this area will be identified as a subsequent project in the Master EIR. Included in the Master Plan is the development of a

Figure 2: TRRP Planning Areas

**See Figure III-4  
Page III-11**

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river promenade trail, restoration of the riparian corridor, creation of stormwater wetlands, and the development of a regional sports complex.

2. Golf Course Area

Currently, the JPA does not own land in this reach. Therefore, the acreage of this zone is not included in the Master Plan. However, the Master Plan advocates a narrow trail and riparian restoration easement along the river's edge in this reach.

3. Gateway Parcel

The Gateway Parcel would be the focal point of the TRRP Master Plan and would contain the majority of the active recreational and physical improvements. This area encompasses approximately 90 acres. A plan view of the Master Plan for the Gateway Parcel is provided in Figure 2. The Master Plan for the Gateway Parcel includes a river promenade trail and an internal trail system, riparian corridor restoration, multi-use meadows for community events and informal park activities, an "amphimeadow" (an outdoor amphitheater within a natural "meadow-like" setting) that seats 5,000 people, a children's play area, and parking for approximately 530 cars. The Master Plan also includes the removal of Dennett Dam as a subsequent project.

4. Gallo/Mancini Area

Mancini Park is approximately 25 acres. In this area, the plan includes the river promenade trail, restoration of the riparian corridor, and pedestrian/bike crossing across Dry Creek to the Gateway Parcel.

5. Legion Park

The Legion Park area is approximately 50 acres and would include the river promenade trail, restoration of the riparian corridor, picnic areas, a canoe/kayak beach, small group public event space, and a pedestrian/bike river crossing to Mancini Park.

6. The Airport Area

The Airport Area is approximately 160 acres and is influenced by the adjacent airport in terms of appropriate uses and activities. Overall, this is a low use area focused on study and enjoyment of the natural environment. For this area, the Master Plan includes the river promenade trail, restoration of the riparian corridor, and a river overlook and fishing pier.

E. Project Alternatives

Though alternative approaches were discussed throughout the planning process described in Section IIIB, at this time the JPA has not identified any specific

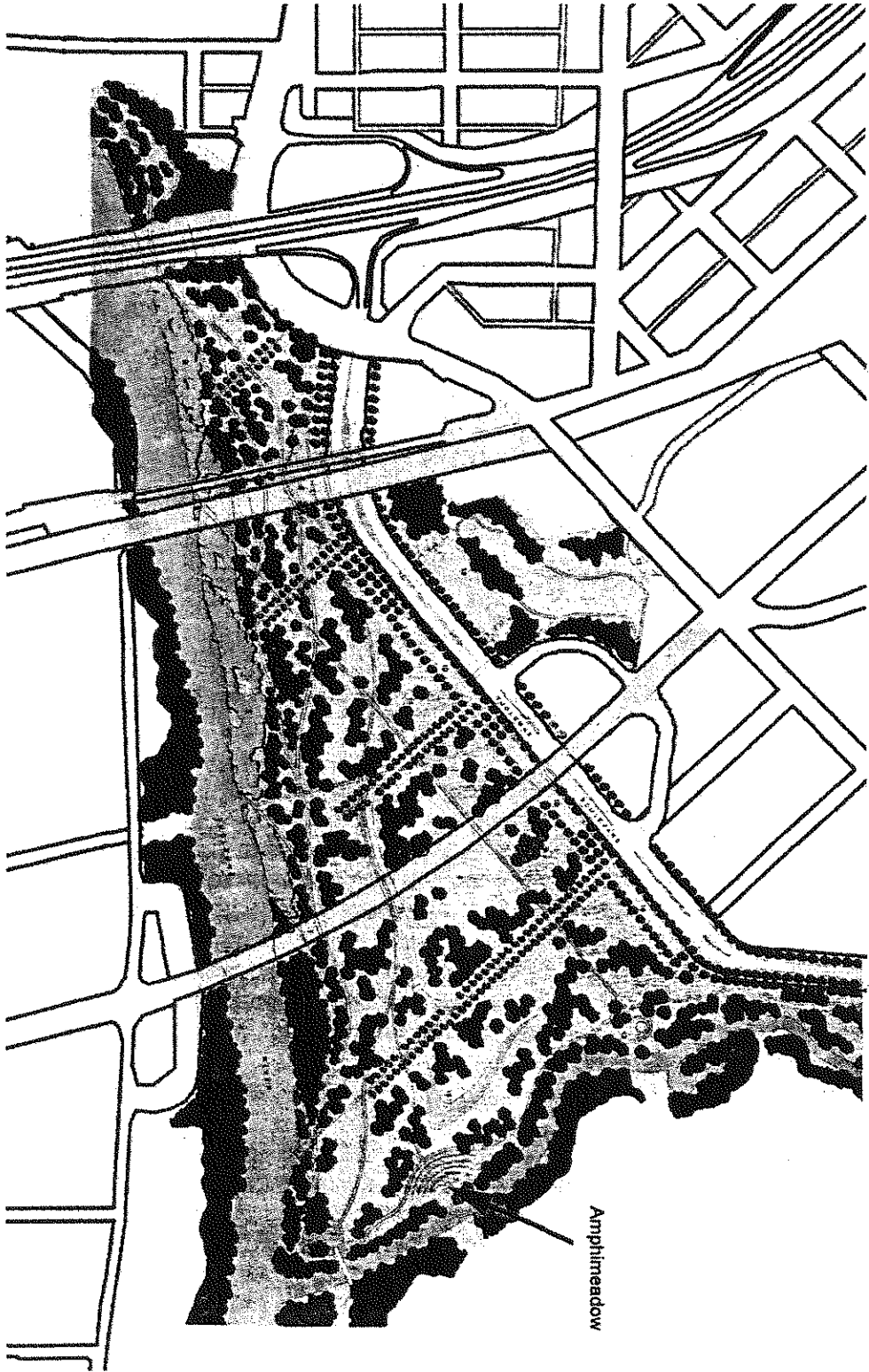
project alternatives for examination in the Master EIR. In the EIR, the State CEQA Guidelines require that the description and comparative analysis of a range of reasonable alternatives be developed to avoid or substantially lessen one or more of the significant effects identified for the project analyzed in the EIR. The Master EIR will include this analysis. Respondents may suggest project alternatives for analysis in the EIR.

F. Subsequent Projects

As allowed by the Public Resources Code, Section 21157(b)(3), the Master EIR will identify subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR. These activities would require additional focused environmental review prior to their implementation. Based upon the JPA's initial assessment of planned activities and projects, the following are expected to be identified in the Master EIR as "subsequent projects":

1. Landfill closure plan and subsequent development over the landfill (Planning Area 1)
2. Regional sports complex (Planning Area 1)
3. Treatment plant redesign or relocation (Planning Area 1)
4. Removal of Dennett Dam (Planning Area 3)
5. Special events at the Gateway Parcel (Planning Area 3)
6. Special events and/or concerts at the amphimeadow (Planning Area 3)
7. Pedestrian bridge overcrossings (Planning Areas 2, 3, 4, and 5)
8. Fishing piers and river overlooks (not specifically located)

Figure 3: Gateway Parcel Plan



# Gateway Parcel: Conceptual Development Plan





#### IV. Probable Environmental Impacts

As allowed by CEQA Guidelines Section 15082, the JPA has reviewed the proposed project and made an initial determination of which probable environmental effects need to be studied further and which environmental effects require no further analysis. This section provides sufficient information to responsible agencies reviewing the NOP on the project's probable environmental effects. This section also asks for responses from those agencies that are identified in Appendix B of the CEQA Guidelines as having statutory authority over specific areas of environmental expertise.

##### A. Traffic and Circulation Needs

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

##### 1. "Probable Environmental Effects": (CEQA Guidelines Section 15082(a)(1)(C))

Based on the traffic analysis prepared for the Modesto General Plan (1990), roadways within the vicinity of the TRRP are generally operating at good levels of service (i.e., LOS C or better). Congested links in the vicinity of the planning area include the Ninth Street Bridge (LOS E) and B Street between 9th and 11th Streets (LOS F). Congestion occurs during the AM and/or PM peak commute hours. Under the buildout of the General Plan, these routes are anticipated to remain congested.

Implementation of the TRRP Master Plan would include recreational improvements throughout most of the planning area that would attract increased numbers of people to the park. The Gateway Parcel in particular would become a major recreational destination for the region as a whole. In general, peak recreational traffic occurs during off-peak hours (i.e., weekends or evenings).

The potential for large events to take place at the Gateway Parcel could be expected to cause a substantial increase in traffic. At the present time, events that accommodate 5,000 to 10,000 people are periodically staged at the nearby Legion Park portion of the TRRP and at the Gallo winery. Implementation of the project would relocate these types of large events to the Gateway Parcel. In addition, the development of facilities, such as the proposed amphimeadow (5,000-person capacity), could result in programming of additional special events. These events would cause a substantial increase in traffic in the area. Special events could also generate significant parking demands.

Though it is acknowledged that parking demands and traffic generated by special events could create significant traffic impacts, the environmental effects of special events and concerts at the Gateway Parcel will not be

examined in detail in the Master EIR. As allowed by Section 21157(b)(3) of the Public Resources Code, the Master EIR will identify these activities as subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR. These activities would require additional subsequent environmental review to be implemented.

The TRRP Master Plan would provide a system of Class I bicycle and pedestrian paths through the park that would link to other non-motorized routes in the area. The Plan provides for three bridge crossings: (1) over Dry Creek between Gateway and the Gallo properties; (2) across the Tuolumne River at Mancini Park; (3) across the Tuolumne River in the vicinity of the Dryden Golf Course. This system would provide excellent improvements to the overall circulation system which is currently fragmented in the east-west direction (due to the land use patterns) and in the north-south direction (the river creates a barrier to circulation in this direction). In order to provide pedestrian connections between the Gateway Parcel and adjacent urban areas and neighborhoods, crossings of the new Tuolumne Boulevard extension would be required.

The Master EIR will identify and evaluate traffic-generated effects caused by the implementation of the TRRP Master Plan. Further, the Master EIR will provide a description of potential impacts of anticipated subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR.

2. "Meaningful Responses" are requested from potentially Responsible Agencies: (CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should be considered in the TRRP Master Plan EIR (CEQA Guidelines Section 15082(b)).

a. City of Modesto Engineering and Transportation Department  
(Glen Lewis, Director)

Is there information relating to the above Traffic and Circulation items that you would like to have included in the EIR? If so, also indicate what analysis should be included in the TRRP Master Plan EIR.

b. City of Ceres Planning and Community Development Director  
(Randy Hatch)

Is there information relating to the above Traffic and Circulation items that you would like to have included in the EIR? If so, also indicate what analysis should be included in the TRRP Master Plan EIR.

c. City of Ceres Public Works Director (Joe Hollstein)

Is there information relating to the above Traffic and Circulation items that you would like to have included in the EIR? If so, also indicate what analysis should be included in the TRRP Master Plan EIR.

d. Stanislaus County Planning and Community Development Director (Ron Freitas)

Is there information relating to the above Traffic and Circulation items you wish to provide in response to this NOP? If so, also indicate what analysis should be included in the TRRP Master Plan EIR.

e. Stanislaus County Public Works Director (George Stillman)

Is there any information regarding the County's circulation system that you wish to have included in the EIR? If so, also indicate what analysis should be included in the TRRP Master Plan EIR.

3. Responses Requested from Other Parties

a. Caltrans District 10

State Highway 99 crosses the TRRP. A Class I pedestrian and bicycle path is proposed to cross under this structure. Do you have any concerns that should be addressed in the Master EIR?

B. Increased Demand for Long-Term Water Supplies

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

The proposed project would have no significant effect on demand for long-term water supplies. The TRRP would only require minor extensions of water-related utilities, such as water pipelines for a limited number of restrooms and drinking fountains, primarily at the Gateway Parcel. The majority of the vegetation proposed for park is composed of native plants which will only require irrigation during a short period of initial

establishment. The park will also require minor extensions of permanent water lines for use in the irrigation of a turf grass zone in the Gateway Parcel and for soccer fields in the Carpenter Road Area.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding demand for long-term water supplies. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties  
  
None requested.

C. Degradation of Air Quality

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The TRRP is located within the San Joaquin Air Basin, a large basin that includes the eight counties of the southern Central Valley region. Within the TRRP area (i.e., Modesto), ozone and particulates are the key air quality issues. According to California Air Resources Board (CARB), data for the 14th Street station in Modesto, State and federal standards for ozone and particulates have been exceeded through 1997 to 1999; standards for carbon monoxide have not been exceeded during this period. The TRRP is adjacent to numerous sensitive receptors including residential neighborhoods, elementary schools, and parks.

Implementation of the TRRP Plan would result in grading and earthwork in the Gateway Parcel and in other areas of the park. Temporary air quality impacts due to these construction activities (diesel fumes and particulate dust) are anticipated.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should

considered in the TRRP Master Plan EIR (CEQA Guidelines Section 15082(b)).

a. San Joaquin Valley Unified Air Pollution Control District

With regard to Section 2.3.1 of your Agency's "Guide for Assessing and Mitigating Air Quality Impacts," are there any recent changes to the guide or other information you would like to have addressed in the Master EIR regarding air quality effects of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

b. State Air Resources Board

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have addressed in the Master EIR regarding air quality effects of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

3. Responses Requested from Other Parties

None requested.

D. Loss of Productive Agricultural Land

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The Gateway Parcel is designated Prime Farmlands by the California Department of Conservation on the 1990 Stanislaus County Important Farmlands Map.<sup>1</sup> Loss of agricultural land within the designated urban area boundary of Modesto was analyzed in the Master EIR for the Urban Area General Plan, 1995. Through this process, the City of Modesto acknowledged and made findings that if development was within the Baseline Developed Area as identified on the General Plan Growth Strategy Diagram, the project shall be considered to have a minimal effect on the conversion of agricultural lands, and no mitigation would be required (Modesto, 1995). Those areas on the north side of the Tuolumne River are within this boundary, including the Gateway Parcel. Further, the Mancini area (which is on the south side of the river) is not designated as

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<sup>1</sup> City of Modesto, Final Master EIR of the Urban Area General Plan, 1995. Figure 4-1.

Prime Farmland. For these reasons, the TRRP Master Plan is not anticipated to result in loss of productive agricultural land.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding agricultural resources. However, responsible agencies, may respond if desired.

3. Responses Requested from Other Parties

None requested.

E. Generation of Noise

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

Noise generators in the project area include roadways, railroads, the Modesto City/County Airport, and nearby industry. Sensitive receptors to noise include residences, schools, parks, churches, and local wildlife.

The TRRP is envisioned as a quiet, contemplative space providing visual and auditory relief from adjacent urban areas. The TRRP would not introduce uses that would permanently increase ambient noise levels. As a result, the proposed project would not likely result in a substantial permanent increase in ambient noise

Special events and concerts at the proposed amphimeadow in the Gateway Parcel may be amplified which may increase noise levels. Though it is acknowledged that these special events could generate noise that could result in significant noise impacts, potential impacts of special events will not be examined in detail in the Master EIR. As allowed by Section 21157(b)(3) of the Public Resources Code, the Master EIR will identify these activities as subsequent projects for which there is not sufficient information available to support a full assessment of potential impacts in the Master EIR. These activities would require additional subsequent environmental review to be implemented.

To assess potential short-term noise impacts, the Master EIR will identify sensitive receptors and their relative exposure including the nearby schools and residential areas. Noise levels of specific construction equipment will be determined and resultant noise levels at receptors will

be calculated. Predicted noise levels will be compared with applicable State and local standards, and the significance of short-term noise impacts will be determined.

Implementation of the TRRP may expose additional people to existing noise generators, including Highway 99 and the Union Pacific Railroad, both extending over the Gateway Parcel, and the City/County Airport adjacent to the easternmost segment of the park. As the TRRP itself is considered a sensitive receptor, the EIR will evaluate the effects of exposing additional numbers of people to these existing noise generators.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should be considered in the TRRP Master Plan EIR (CEQA Guidelines Section 15082(b)).

- a. City of Modesto Engineering and Transportation Department  
(Airport manager, Glen Lewis/Howard Cook)

Is there other information you feel should be added to the TRRP Master EIR regarding noise and the implementation of the TRRP Master Plan? If so, please indicate what analysis should be included in the EIR.

- b. Stanislaus County Planning and Community Development Director  
(Ron Freitas)

Is there information you would like to have added to the TRRP Master EIR regarding generation of noise? When providing this information, please indicate what analysis should be included in the EIR.

- c. State Aeronautics Department

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR regarding generation of noise, or any information regarding changes to noise levels from the Modesto City/County Airport? When providing this information, please indicate what analysis should be included in the EIR.

d. State Department of Fish and Game

Your agency is listed as having statutory authority over noise in Appendix B of the CEQA Guidelines as excessive noise may affect wildlife. Do you have any criteria for evaluating noise on wildlife? Is there information you would like to have added to the TRRP EIR regarding generation of noise? When providing this information, please indicate what analysis should be included in the EIR.

e. State Health Services Department, State Office of Noise Control  
(Russ Dupree)

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR regarding generation of noise? When providing this information, please indicate what analysis should be included in the EIR.

3. Responses Requested from Other Parties

None requested.

F. Loss of Sensitive Wildlife and Plant Habitat

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The TRRP is located within and adjacent to the riparian corridor of the Tuolumne River. The parklands consist of developed areas such as existing parks, and other recreation facilities, as well as undeveloped land. Although most of the undeveloped land within the TRRP Master Plan area has been subject to past disturbance, a portion of the land consists of remnant riparian forest. However, much of this existing riparian habitat is degraded. Implementation of the Master Plan is intended to improve the habitat value along these corridors. The Tuolumne River and environs is also habitat and potential habitat for several State and federally listed or candidate species.

Although the Tuolumne River itself is a water body of the United States and is therefore regulated by Section 404 of the Clean Water Act, there are no known federally protected wetlands on the project site. However, wetland areas do exist along the stream banks, and could be affected by construction activities.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should be considered in the TRRP Master Plan EIR (CEQA Guidelines Section 15082(b)).

- a. National Marine Fisheries Service (Dennis Smith)

Your agency is responsible for restoration of habitat for threatened and endangered fisheries. The Tuolumne River is critical habitat for steelhead and fall run Chinook Salmon. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

- b. State Department of Fish and Game  
(William Loudermilk, Regional Manager; Timothy Heyne, Biologist)

Your agency is responsible for the enforcement of the 185-foot riparian easement over the Gateway Parcel. In addition, we anticipate your involvement in implementing a fish count facility and oversight of restoration plans and various permitting processes. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

- c. State Department of Parks and Recreation

Your agency is listed as having statutory authority over biological resources in Appendix B of the CEQA Guidelines. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

d. State Department of Health Services

Your agency is listed as having statutory authority biological resources in Appendix B of the CEQA Guidelines. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

e. State Water Resources Control Board

Your agency is listed as having statutory authority over biological resources in Appendix B of the CEQA Guidelines. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

f. United States Fish and Wildlife Service

Your agency has statutory authority over biological resources . Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

3. Responses Requested from Other Parties

a. Turlock Irrigation District (Tim Ford, Biologist)

Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

G. Potential Disturbance of Archaeological or Historical Sites

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

A review of files at the Central California Information Center in Turlock determined that the only known significant historic resource in the TRRP is the 7th Street Bridge, which crosses over the Gateway Parcel. The review

also identified one historic-era trash pit near John Thurman Ball Field, which has not been evaluated for its historic significance. Although no Native American archaeological sites have been discovered in the TRRP, only a small portion of the park has been surveyed for such resources, and there exists the potential for unknown subsurface archaeological sites near the current and historic shorelines of the Tuolumne River and Dry Creek.

Implementation of the TRRP Master Plan would allow for subsurface grading and construction of new recreational facilities within the TRRP, primarily in the Gateway Parcel. These activities would not affect the historic 7th Street Bridge. However, construction grading may disturb previously unknown subsurface archaeological or historic resources at the Gateway Parcel or other areas of the TRRP, if present.

The Master EIR will include mitigation measures related to specific, ground-disturbing projects.

The site has no known human remains, including those interred outside of formal cemeteries. However, it is impossible to be sure about the presence or absence of human remains on a site until site excavation and grading occurs. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with state law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should be considered in the TRRP Master EIR (CEQA Guidelines Section 15082(b)).

a. California State Office of Historic Preservation  
(Daniel Abeyta, Acting SHPO)

Your agency is listed as having statutory authority over cultural resources in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR on effects to cultural resources in the TRRP? When providing this

information, please indicate what analysis should be included in the EIR.

b. Native American Heritage Commission

Your agency is listed as having statutory authority over cultural resources in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR on effects to cultural resources in the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

c. Caltrans District 10

Your agency has statutory authority over the 7<sup>th</sup> Street Bridge. Is there information you would like to have added to the Master EIR? When providing this information, please indicate what analysis should be included in the EIR.

d. State Lands Commission

Your agency is listed as having statutory authority over cultural resources in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR? When providing this information, please indicate what analysis should be included in the EIR.

3. Responses Requested from Other Parties

None requested.

H. Flooding and Water Quality

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

All of the TRRP falls within the 100-year floodplain and much of the park falls within the proposed 100-year floodway as designated by FEMA. It also falls within the floodway designated by the State Reclamation Board. No housing or other inhabitable structures would be constructed within the defined flood zones. Although the proposed project may contribute additional runoff, it is not anticipated to substantially alter the existing drainage pattern of the site or area.

The Lower Tuolumne has been designated an "impaired waterbody" pursuant to Section 303(d) of the Clean Water Act. The constituent pollutants include Group A Pesticides, DDT, and unknown toxicity. The primary human health-related water quality issue in the lower Tuolumne River is high levels of fecal coliform. The Stanislaus County Department of Health recommends posting bathing areas with a warning sign against water contact when fecal coliform counts exceed 200 organisms per 100 mL for two consecutive monthly samples or for a single sample of greater than 400 organisms per 100 mL. Data from the Stanislaus County Department of Health (1994) indicate that these criteria had been exceeded several times from 1991 to 1994. In 1991, six of the seven sites sampled near Modesto exceeded these criteria; in 1992, four of seven sites exceeded criteria; and in 1993 and 1994, neither of two sites exceeded criteria.

Water quality in the Tuolumne River is also affected by a number of point sources within the Tuolumne River Regional Park project site. The confluence of the Tuolumne with the muddy flow from Dry Creek produces a visible change in water quality below the confluence. Dry Creek generally carries a higher sediment and nutrient load than the Tuolumne above this point due to the grazing and agricultural land uses in its watershed. Two additional major point sources that can potentially impair water quality within the TRRP project area are the wastewater treatment plant, to the east of Carpenter Road, and the old landfill site, immediately adjacent to Carpenter Road to the east and west. The wastewater treatment plant is only a water quality concern during high flows when floodwaters may inundate the treatment ponds. Little is known about the contents of the nearby landfill, which is believed to be unlined and uncapped, and could be contributing pollutants to the nearby water table and river.

The project does not propose any uses or pollution sources that would further compromise the existing water quality, further violate water quality standards, or necessitate waste discharge requirements. The project would not alter the existing landfill or the wastewater treatment plant. The enhanced riparian systems as a result of the project may improve the water quality on the lower Tuolumne River.

There is no known potential for tsunamis or seiches at the project site.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any

information related to your agency's area of responsibility that should be considered in the TRRP Master EIR (CEQA Guidelines Section 15082(b)).

- a. State Department of Water Resources, Reclamation Board (Peter D. Rabbon, General Manager, Ricardo Pineda, Chief Engineer)

With regard to your Agency's jurisdiction is there information you would like to have added to the Master EIR regarding potential policy conflicts? When providing this information, please indicate what analysis should be included in the EIR.

- b. City of Ceres Public Works Director (Joe Hollstein)

Is there additional information you wish to provide with regard to flooding and water quality effects that should be included in the TRRP Master EIR? Please provide this information, and tell us what analysis should be provided in the EIR.

- c. City of Modesto Engineering and Transportation, Utilities Planning Division (Glen Lewis)

Is there additional information you wish to provide with regard to flooding and water quality effects that would require new analysis? Specifically, are there new NPDES requirements that should be included in the Master EIR? Please provide this information, and tell us what analysis should be provided in the EIR.

- d. Federal Emergency Management Agency Region IX (Martha Whetstone, Director)

FEMA is responsible for reducing damage due to flooding and other natural disasters. We are aware of the recent revisions to the 100-year flood plain and floodway boundaries. Are there any additional considerations that we should be aware of? What type of analysis should be included in the Master EIR?

- e. Regional Water Quality Control Board, Central Valley Region (5)

Your agency has statutory responsibility over setting and enforcing the water quality standards in the area. Are there any recent revisions to the regional water quality standards that should be included in the TRRP Master EIR? Is there any recent water quality information that can be added to the analysis? Is there any other information you would like to have added to the TRRP Master EIR regarding the best management practices in the park? When providing this information, please indicate what analysis should be included in the EIR.

- f. Stanislaus County Public Works Director (George Stillman)

Is there information you would like to have added to the TRRP Master EIR regarding flooding and water quality effects of implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

- g. State Department of Fish and Game (William Loudermilk)

Your agency is listed as having statutory authority over water quality in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR regarding water quality and its effect on fish and wildlife in the riparian areas of the Tuolumne River and Dry Creek from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

- h. United States Army Corps of Engineers

Your agency has statutory responsibility over flooding and hydrology, and has permit authority over stream channel alterations. In addition, there have been several studies prepared to date, including a 1998 Reconnaissance Study, that address flood control issues on the Tuolumne River. Is there information you would like to have added to the TRRP Master EIR regarding flooding? When providing this information, please indicate what analysis should be included in the EIR.

3. Responses Requested from Other Parties

- a. Modesto Irrigation District (Walter Ward)

Is there additional information you wish to provide with regard to flooding and water quality effects that should be included in the TRRP Master EIR? Please provide this information, and tell us what analysis should be provided in the EIR.

- b. Turlock Irrigation District

Is there additional information you wish to provide with regard to flooding and water quality effects that should be included in the TRRP Master EIR? Please provide this information, and tell us what analysis should be provided in the EIR.

I. Landslides and Seismic Activity

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

There are no known active faults in the project area that would expose people or structures to potential, substantial adverse effects. The current Uniform Building Code indicates that Modesto is in the lower risk zone (Zone 3) for seismic activity. As no inhabitable structures (i.e., restrooms and overlook platforms could be constructed) would be constructed as part of the proposed project, there would be no impact related to seismic hazards, and issues associated with expansive soils are not considered significant. Because the general land slopes along the river banks are relatively slight, the potential for slope failures due to seismic activity is not significant.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

Since there are no anticipated impacts to landslides and seismic activity as a result of the TRRP, responses from responsible agencies are not being requested at this time. Please feel free to comment on this subject, however, if desired.

3. Responses Requested from Other Parties

None requested.

J. Hazardous Materials

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials as no unusual use of hazardous materials are anticipated as a result of the project. The proposed project would not emit hazardous emissions and does not include the handling of hazardous or acutely hazardous materials.

Approximately 37 acres of land on both sides of Carpenter Road were formerly used as a landfill and are presently being monitored for methane

gas discharges. The Carpenter Road west site (approximately 28 acres) was open from 1956 to 1967. The Carpenter Road East site (approximately 9 acres) was open from 1967 to 1968. Neither of the sites had been used as a burn site, and hazardous materials are not known to have been received at the sites. Both sites were "trench-and-fill" construction. Cover material for each of these sites is native soil. Landfill gases have not been detected at off-site locations, and no gas collection system exists at these sites. In 1987, at the request of the Air District, the City of Modesto performed emissions screening and driven hole tests at the site. Nine locations exceeding 10 parts per million (ppm) were noted at the Carpenter Road West site and three locations were noted at the Carpenter Road East site. Driven hole tests resulted in 47% and 43% methane concentrations at Carpenter Road East and West. More recent test data is not available.

The landfill would be required to be capped prior to reuse for recreational purposes. Any post closure land use changes (i.e., implementation of the TRRP Master Plan) must be submitted to the California Integrated Waste Management Board for review. Requirements for the design and maintenance of post closure land uses are contained in Title 27, Section 21190 of the California Code of Regulations. Construction of a park and a trail through this area, as provided by the project, could expose people to methane gas.

Though it is acknowledged that development of the landfill property could result in potentially significant hazard impacts, the Master EIR will not examine this issue in detail. As allowed by Section 21157(b)(3) of the Public Resources Code, the Master EIR will identify disturbance or development of the landfill property as a subsequent project for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR. Development of the landfill property would require additional subsequent environmental review to be implemented.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should be considered in the TRRP Master Plan EIR (CEQA Guidelines Section 15082(b)).

a. City of Modesto Fire Department (Doug Hannink)

Is there additional information you would like to provide regarding the potential exposure of additional people to wildfires resulting from implementation of the TRRP? In providing this information, please tell us what analysis should be included in the EIR.

b. Regional Water Quality Control Board, Central Valley Region (5)

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding generation of hazardous materials effects from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

b. Solid Waste Management Board (Susan Markie)

The Solid Waste Management Board is currently monitoring this site for methane gas production. Is there information you would like to have addressed in the Master EIR?

c. Stanislaus Consolidated Fire Protection District

Is there additional information you would like to provide regarding the potential exposure of additional people to wildfires resulting from implementation of the TRRP? In providing this information, please tell us what analysis should be included in the EIR.

d. Stanislaus County Department of Environmental Resources

Is there information you would like to have added to the Master EIR regarding effects from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

e. Stanislaus County Environmental Health Department

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding generation of hazardous materials effects from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

f. State Department of Conservation

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding effects on agricultural lands from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

g. State Department of Fish and Game

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding potential effects on fish and wildlife habitat from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

h. State Department of Water Resources

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding effects on water resources from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

i. State Integrated Waste Management Board

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding potential effects from implementation of the TRRP Land Use Plan Update? When providing this information, please indicate what analysis should be included in the EIR.

j. United States Environmental Protection Agency, Region IX

Your agency has statutory authority over this environmental area. Is there information you would like to have added to the Master EIR regarding effects from implementation of the TRRP? With this information, please indicate what analysis should be included in the EIR.

3. Responses Requested from Other Parties

None requested.

K. Increased Demand for Sanitary Sewer Facilities

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The increased demand for sanitary sewer facilities for the TRRP will be not be significant. New sanitary sewer facilities will be limited to a small number of restrooms, which will be constructed in the Carpenter Road area and on the Gateway Parcel. These facilities will comply with the wastewater treatment requirements of the Regional Water Quality Control Board. They will not result in the construction of new water or wastewater treatment facilities, the expansion of existing facilities, or cause significant environmental effects.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding sanitary sewer facilities. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

None requested.

L. Increased Demand for Water Distribution Facilities

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The proposed project would have no significant effect on demand for water distribution facilities. The TRRP would only require minor extensions of water-related utilities, such as water and wastewater pipelines for a limited number of restrooms and drinking fountains, primarily in the Gateway Parcel. The majority of the vegetation proposed for park is composed of native plants which will only require irrigation during a short period of initial establishment. The park will also require minor extensions of permanent water lines for use in the irrigation of a turf grass zone in the Gateway Parcel and for soccer fields in the Carpenter Road Area.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding water distribution facilities. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

None requested.

M. Increased Demand for Storm Drainage Facilities

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

Development on the TRRP site, including roadways, parking areas, and multi-use trails would increase the amount of impervious surfaces, which may generate a small increase in runoff. This small increase in runoff will not require the construction of new storm drainage facilities or the expansion of existing facilities. Much of the runoff will be distributed to the "stormwater wetlands" and vegetated swales within the park in order to filter the water before it reaches the river.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding storm drainage facilities. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

None requested.

N. Increased Demand for Solid Waste Facilities

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The project would involve activities that would generate small amounts of solid waste requiring collection, transportation, and disposal. In

accordance with State-mandated recycling requirements, some solid waste reduction would be achieved through source reduction and recycling. Solid waste will be collected on site using trash cans spaced through out the park. Standard transportation and disposal methods will be followed. Solid waste generated by park visitors is not expected to substantially affect local landfill capacity or solid waste disposal services.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding solid waste facilities. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

None requested.

O. Increased Demand for Energy

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

Construction and operation of the project would only require minimal use of electricity for night lighting along selected portions of the main trail, the amphimeadow, and the sports complex. Some gasoline will be consumed by construction and maintenance vehicles. The TRRP trail network will provide a convenient and important non-motorized transportation option for local residents, potentially reducing their overall use of gasoline for local transportation.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding demand for energy. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

None requested.

P. Increased Demand for Police Services

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The Modesto Police Department maintains a service ratio of 1.65 police officers per 1,000 citizens, and can answer most emergency calls within 3-5 minutes (City of Modesto, 1995). The Police Department operates out of two main facilities; 601 11<sup>th</sup> Street and 12<sup>th</sup> and F Streets. The proposed project would likely require additional police patrols for enhanced security due to the increased number of park users. These additional patrols would not substantially affect service ratios, response times, or other performance. No new police facilities would be needed as a result of the project.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should be considered in the TRRP Master EIR (CEQA Guidelines Section 15082(b)).

a. City of Modesto Police Department (Paul Jefferson)

Is there additional information you would like to provide regarding the increased demand for police services resulting from implementation of the TRRP?

b. Stanislaus County Sheriff (Les Weidman)

Is there additional information you would like to provide regarding the increased demand for police services resulting from implementation of the TRRP?

3. Responses Requested from Other Parties

None requested.

Q. Increased Demand for Fire Services

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The Modesto Fire Department answers approximately 92-94% of all calls within 6 minutes, and has 10 active fire stations in the city (City of Modesto, 1995). The two closest fire stations to the TRRP are located at 601 11<sup>th</sup> Street and 629 2<sup>nd</sup> Street. Implementation of the proposed project would not substantially increase the fire hazard beyond what currently exists at the TRRP. For these reasons, there would be no impacts to fire protection as a result from the proposed project.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should be considered in the TRRP Master EIR (CEQA Guidelines Section 15082(b)).

- a. City of Modesto Fire Department (Doug Hannink)

Is there additional information you would like to provide regarding the increased demand for fire protection services resulting from implementation of the TRRP?

- b. Stanislaus County Consolidated Fire District Chief

Is there additional information you would like to provide regarding the increased demand for fire protection services resulting from implementation of the TRRP?

3. Responses Requested from Other Parties

None requested.

R. Increased Demand for Park Facilities and Open Spaces

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

Implementation of the proposed project would greatly increase the amount of parkland available and accessible to the public, thereby taking pressure off of other recreational facilities in the area. The proposed project would not increase the use of other neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of those facilities would occur.

The proposed project may also require additional city parks personnel to maintain and administer the additional facilities and activities envisioned for the TRRP. The number of additional city parks personnel needed would not substantially reduce the department's ability to provide such services elsewhere in the city

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should be considered in the TRRP Master EIR (CEQA Guidelines Section 15082(b)).

a. City of Modesto Park Planning and Development  
(Fred Allen)

Is there additional information you would like to provide regarding the increased demand for city parks personnel resulting from implementation of the TRRP? In providing this information, please tell us what analysis should be included in the EIR.

3. Responses Requested from Other Parties

None requested.

S. Increased Demand for School Facilities

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The proposed project would not require additional school facilities as no students are anticipated as a result of project development.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding school facilities. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

None requested.

T. Visual Resources

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The TRRP Master Plan is located adjacent to the Tuolumne River, a significant natural landscape feature. The visual experience of the river corridor includes areas that are of high visual quality, and other areas where the visual environment has been degraded by urban development. Along the river corridor, the area with the highest existing visual quality is the eastern-most portion of the park, which supports a majestic, mature oak woodland on the north bank. The project would not damage existing scenic resources, including but not limited to significant or unique trees, rock outcroppings, or significant historic resources. The mature oak woodland would be preserved.

The natural environment in other reaches of the park has been degraded, resulting in an overall lower visual quality. These more degraded portions of the park are highly visible (i.e., the Gateway Parcel, Carpenter Road) from the Seventh Street Ninth Street and Highway 99 bridges. Extensive planting of the project area would improve its appearance.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

No agencies with statutory responsibility in this issue area have been identified to date.

3. Responses Requested from Other Parties  
None requested.

U. Mineral Resources

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":  
(CEQA Guidelines Section 15082(a)(1)(C))

The project site is not known to contain any mineral resources that are important to the region or the State. The project site is not known to contain locally important mineral resources and none of these resources are delineated on a local plan, specific plan or other land use plan.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:  
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding mineral resources. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties  
None requested.

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V. Specific Questions Directed to Specific Agencies

We have attempted to notify all relevant agencies and have included those agencies indicated in CEQA Guidelines Appendix B as having Statutory Authority. However, do not rely strictly on the guidance presented below. In fact, any agency is free to comment on any aspect of this NOP.

Those agencies, the information requested, and the references where discussed in Section IV, "Probable Environmental Effects" are:

1. Caltrans, District 10
  - a. Information Requested on:
    - (1) Traffic and Circulation Needs: Item IV-A
    - (2) Potential Disturbance of Archaeological or Historical Sites: Item IV-G
  
2. City of Ceres Planning and Community Development Director
  - a. Information Requested on:
    - (1) Traffic and Circulation Needs: Item IV-A
  
3. City of Ceres Public Works Director
  - a. Information Requested on:
    - (1) Traffic and Circulation Needs: Item IV-A
    - (2) Flooding and Water Quality: Item IV-H
  
4. City of Modesto Fire Chief
  - a. Information Requested on:
    - (1) Generation of Hazardous Materials: Item IV-J
    - (2) Increased Demand for Fire Services: Item IV-Q
  
5. City of Modesto Police Chief
  - a. Information Requested on:
    - (1) Increased Demand for Police Services: Item IV-P
  
6. City of Modesto Engineering and Transportation Department
  - a. Information Requested on:
    - (1) Traffic and Circulation Needs: Item IV-A
    - (2) Generation of Noise: Item IV-E
  
7. City of Modesto Engineering and Transportation Department, Utilities Planning Division
  - a. Information Requested on:
    - (1) Flooding and Water Quality: Item IV-H

8. City of Modesto Park Planning and Development
  - a. Information Requested on:
    - (1) Increased Demand for Park Facilities and Open Space: Item IV-R
9. Federal Emergency Management Agency, Region IX
  - a. Information Requested on:
    - 1) Flooding and Water Quality: Item IV-H
10. Modesto Irrigation District
  - a. Information Requested on:
    - (1) Flooding and Water Quality: Item IV-H
    - (2) Increased Demand for Energy: Item IV-O
11. National Marine Fisheries Service
  - a. Information Requested on:
    - (1) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F
12. Native American Heritage Commission
  - a. Information Requested on:
    - (1) Potential Disturbance of Archeological or Historical Sites: Item IV-G
13. Regional Water Quality Control Board, Central Valley Region (5)
  - a. Information Requested on:
    - (1) Flooding and Water Quality: Item IV-H
    - (2) Generation of Hazardous Materials: Item IV-J
14. San Joaquin Valley Unified Air Pollution Control District
  - a. Information Requested on:
    - (1) Degradation of Air Quality: Item IV-C
15. Solid Waste Management Board
  - a. Information Requested on:
    - (1) Generation of Hazardous Materials: Item IV-J
16. Stanislaus Consolidated Fire Protection District
  - a. Information Requested on:
    - (1) Generation of Hazardous Materials: Item IV-J
17. Stanislaus County Consolidated Fire Department
  - a. Information Requested on:
    - (1) Increased Demand for Fire Services: Item IV-Q
18. Stanislaus County Department of Environmental Resources
  - a. Information Requested on:
    - (1) Generation of Hazardous Materials: Item IV-J

19. Stanislaus County Environmental Health Department
  - a. Information Requested on:
    - (1) Generation of Hazardous Materials: Item IV-J
20. Stanislaus County Planning and Community Development Director
  - a. Information Requested on:
    - (1) Traffic and Circulation Needs: Item IV-A
    - (2) Generation of Noise: Item IV-E
21. Stanislaus County Public Works Director
  - a. Information Requested on:
    - (1) Traffic and Circulation Needs: Item IV-A
    - (2) Flooding and Water Quality: Item IV-H
22. Stanislaus County Sheriff
  - a. Information Requested on:
    - (1) Increased Demand for Police Services: Item IV-P
23. State Air Resources Board
  - a. Information Requested on:
    - (1) Degradation of Air Quality: Item IV-C
24. State Aeronautics Department
  - a. Information Requested on:
    - (1) Generation of Noise: Item IV-E
25. State Department of Conservation
  - a. Information Requested on:
    - (1) Generation of Hazardous Materials: Item IV-J
26. State Department of Fish and Game
  - a. Information Requested on:
    - (1) Generation of Noise: Item IV-E
    - (2) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F
    - (3) Flooding and Water Quality: Item IV-H
    - (4) Generation of Hazardous Materials: Item IV-J
27. State Department of Health Services
  - a. Information Requested on:
    - (1) Generation of Noise: Item IV-E
    - (2) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F
28. State Department of Parks and Recreation
  - a. Information Requested on:
    - (1) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F

29. State Department of Water Resources
  - a. Information Requested on:
    - (1) Flooding and Water Quality: Item IV-H
    - (2) Generation of Hazardous Materials: Item IV-J
30. State Integrated Waste Management Board
  - a. Information Requested on:
    - (1) Generation of Hazardous Materials: Item IV- J
31. State Lands Commission
  - a. Information Requested on:
    - (1) Potential Disturbance to Archaeological and Historical Sites: Item IV-G
32. State Office of Historic Preservation
  - a. Information Requested on:
    - (1) Potential Disturbance of Archaeological or Historical Sites: Item IV-G
33. State Water Resources Control Board
  - a. Information Requested on:
    - (1) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F
34. Turlock Irrigation District
  - a. Information Requested on:
    - (1) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F
    - (2) Flooding and Water Quality: Item IV-H
35. United States Army Corps of Engineers
  - a. Information Requested on:
    - (1) Flooding and Water Quality: Item IV-H
36. United States Environmental Protection Agency (EPA), Region IX
  - a. Information Requested on:
    - (1) Generation of Hazardous Materials: Item IV-J
37. United States Fish and Wildlife Service
  - a. Information Requested on:
    - (1) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F

VI. References

- California Air Resources Board website ([www.arb.ca.gov/homepage.htm](http://www.arb.ca.gov/homepage.htm)). Data for Modesto 14th Street monitoring station. Accessed June 6, 2000.
- Environmental Sciences Associates (ESA). 1998. Vegetation Management Plan for the Modesto City-County Airport and Adjacent Tuolumne River Interface. Modesto, CA.
- Modesto. 1999a. Technical Memorandum #4 Tuolumne River Regional Park Plan Existing Conditions. Prepared for the Tuolumne River Regional Park Joint Powers Authority. Prepared by EDAW, Inc, Stillwater Sciences, HDR, Inc., and McBain and Trush. San Francisco, CA.
- Modesto. 1999b. City Of Modesto General Plan Master EIR Update Notice of Preparation/Initial Study. Modesto, CA.
- Modesto. 1995. Final Master Environmental Impact Report for the Urban Area General Plan. As certified by the Modesto City Council Resolution No. 95-408. State Clearinghouse No. 92052017. Modesto, CA.

TUOLUMNE RIVER REGIONAL PARK  
MASTER PLAN DRAFT MEIR

APPENDIX B: Native American Heritage Letter and  
List of Native American Contacts



NATIVE AMERICAN HERITAGE COMMISSION  
915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
Fax (916) 657-5390



December 14, 2000

William Self  
WILLIAM SELF ASSOCIATES  
P.O. Box 2192  
61d Avenida de Orinda  
Orinda, CA 94563

RE: Tuolumne River Regional Park, Stanislaus County

Sent By Fax: (925) 254-3553

Pages Sent: 2

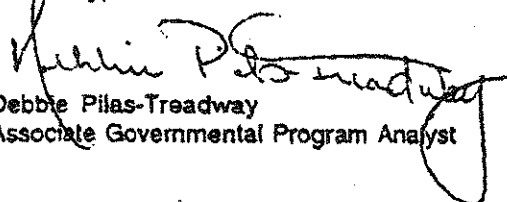
Dear Mr. Self:

A record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend other with specific knowledge. A minimum of two weeks must be allowed for responses after notification.

If you receive notification of change of addresses and phone numbers from any these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,

  
Debbie Pilas-Treadway  
Associate Governmental Program Analyst

**NATIVE AMERICAN CONTACTS**  
**Stanislaus County**  
**December 11, 2000**

Tuolumne Band of Me-Wuk  
Reba Fisher  
P.O. Box 639  
Tuolumne, CA 95379

(209) 928-1309 - Home  
(209) 928-9479 - Tribal Office  
(209) 928-1877 - Tribal Fax

Me-Wuk - Blank

Katherine Edwards Perez  
1234 Luna Lane  
Stockton, CA 95208  
(209) 941-1900 work

Chonaka Anderson  
Northern Valley Yacht  
Day Ninock

This list is current only as of the date of the document.  
Information of this list may include any person of unknown responsibility as defined in Section 7060.5 of the Native and Ancestral Code.  
This list is not to be used for any purpose other than the original assessment and the proposed  
Tribal Court Proceedings from Stanislaus County.

TUOLUMNE RIVER REGIONAL PARK  
MASTER PLAN DRAFT MEIR

**APPENDIX C: Hazardous Materials Site Identification**

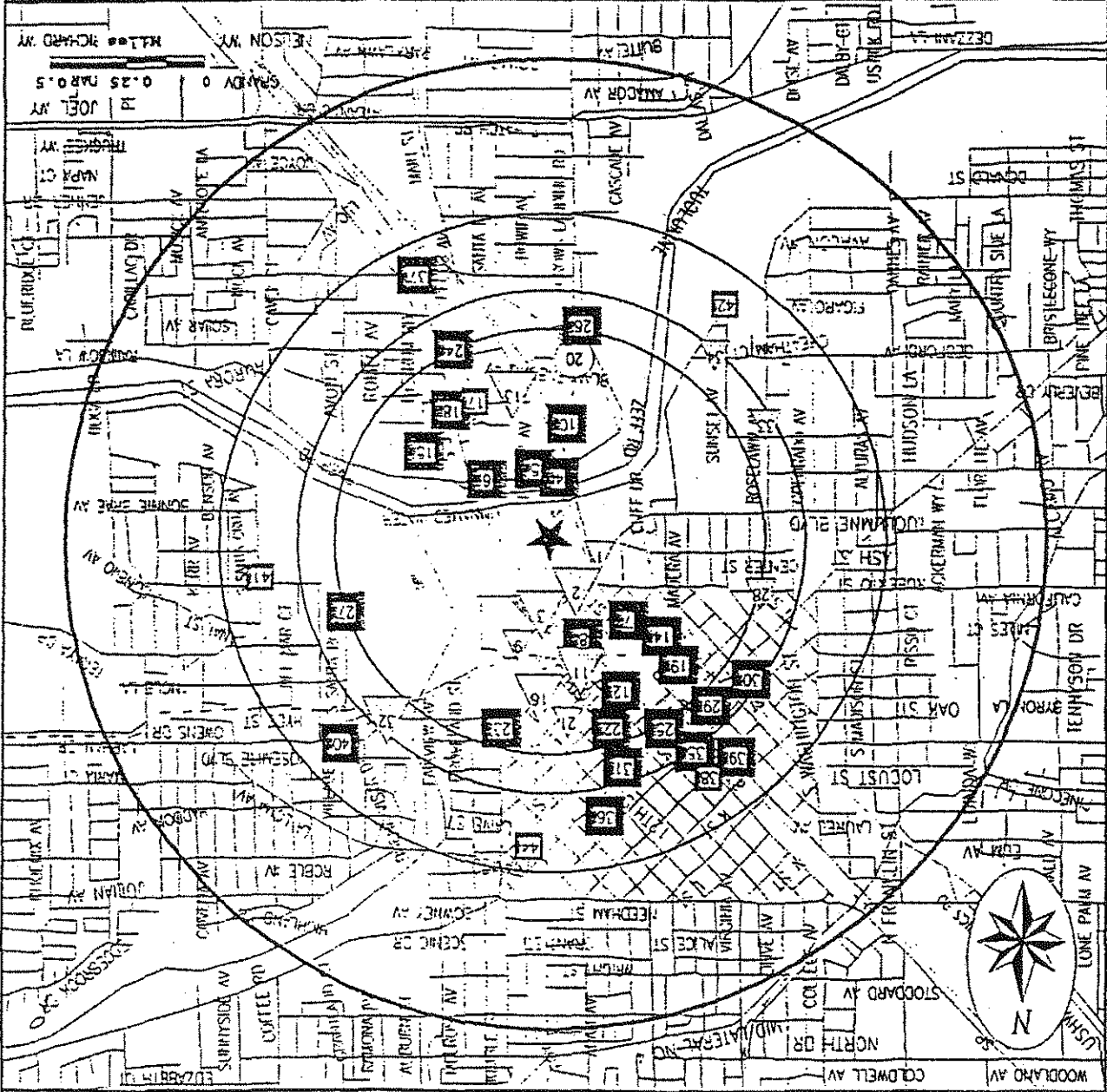


# SITE ASSESSMENT PLUS REPORT (EXTENDED BY 1/2 MILE)

Map of Sites within One and One-Half Miles



VISTA



**Category:** Databases Searched to:

- Single Sites
- Multiple Sites

**Category:**

- A 1/2 ml.
- B 1 ml.
- C 3/4 ml.
- D 5/8 ml.

**Category:**

- ERNS, GENERATORS
- UST
- CERCLIS, LUST, SWLF
- NPL, SPL, SCL, TSD

**Category:**

- Roads
- Highways
- Railroads
- Rivers or Water Bodies
- Utilities

**Category:**

- Subject Site

If additional databases are listed in the cover page of the report they are also displayed on this map. The map symbol used corresponds to the database category letter A,B,C,D.

# SITE ASSESSMENT PLUS REPORT (EXTENDED BY 1/2 MILE)

## SITE INVENTORY

MAP ID	PROPERTY AND THE ADJACENT AREA (within 5/8 mile)	VISTA ID DISTANCE DIRECTION	A			B				C		D					
			NPL	CORRACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLE	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS
1	COLLINS ELECTRICAL CO., INC. 125 TUOLUMNE MODESTO, CA 95354	3203844 0.10 MI W													X		
2	PODESTO ARATA 806 B MODESTO, CA 95354	1232804 0.12 MI NW													X		
2	US WEST 813 'B' ST MODESTO, CA 95354	200048341 0.13 MI NW															X
3A	BEARD LAND DEVELOP 104 NINTH MODESTO, CA 95351	4017541 0.13 MI N													X		
3B	STANISLAUS FOODS 217 TENTH MODESTO, CA 95354	4016279 0.23 MI N													X		
4	DELTA RUBBER 225 WEST RIVER ROAD MODESTO, CA 95351	1595838 0.14 MI S						X									
4	PEPSI COLA CO. 200 RIVER RD MODESTO, CA 95351	5357390 0.15 MI S								X							
4	PEPSI COLA BOTTLING CO 200 W RIVER RD MODESTO, CA 95351	3225680 0.15 MI S															X
4	PEPSI COLA CO. 200 RIVER RD MODESTO, CA 95351	3595907 0.15 MI S						X							X		
5A	GRAYSTONE BLOCK CO., INC. 316 W RIVER MODESTO, CA 95351	4045971 0.15 MI SE													X		
5A	CAR-DEAN WHEEL PLATING 431 BUNKER AVE MODESTO, CA 95351	1172312 0.17 MI S						X									
5B	STERLING BEVERAGE COMPANY, INC 250 BUNKER MODESTO, CA 95353	3192712 0.21 MI S													X		
6A	INDUSTRIAL SALES RENTALS 420 RIVER RD MODESTO, CA 95351	1595842 0.19 MI SE						X									
6A	INDUSTRIAL SALES RENTALS 420 RIVER MODESTO, CA 95351	1172340 0.19 MI SE													X		



X = search criteria; \* = tag-along (beyond search criteria).

For more information call VISTA Environmental Information at 1 - 800 - 767 - 0403.

Report ID: 076015-001

Date of Report: June 9, 1995

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MAP ID	PROPERTY AND THE ADJACENT AREA (within 5/8 mile)	VISTA ID DISTANCE DIRECTION	A			B					C		D				
			NPL	CORRACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UBT/AST	ERNS
6B	GIBSON HOMANS CO 301 9TH ST BLDG C MODESTO, CA 95351	171064 0.22 MI SE												X			X
6B	STANISLAUS ELECTRIC MOTOR WORK 504 RIVER MODESTO, CA 95351	4013011 0.22 MI SE												X			
6B	RAYCO INDUSTRIAL SUPPLY 512 RIVER MODESTO, CA 95351	4013018 0.22 MI SE												X			
6C	JACQUELINE FORET 406 S NINTH MODESTO, CA 95351	4017550 0.27 MI SE												X			
7A	7TH STREET, RENTAL 329 007TH MODESTO, CA 95351	4015389 0.23 MI NW												X			
7B	VOGUE CLEANERS 409 N 7TH ST MODESTO, CA 95354	455709 0.30 MI NW															X
7B	DESIS AUTO RPR 417 7TH ST MODESTO, CA 95354	115885 0.31 MI NW															X
7B	AL'S ALIGNMENT 427 N SEVENTH MODESTO, CA 95354	4017390 0.31 MI NW												X			
7B	W H BRESHEARS INC 428 7TH ST MODESTO, CA 95354	5350765 0.32 MI NW						X									
7B	W.H. BRESHEARS, INC. 428 007TH MODESTO, CA 95354	4015393 0.32 MI NW												X			
8A	PGE GAS PLANT MODESTO N COR 9TH C STS MODESTO, CA 95351	327860 0.25 MI N				X											
8A	VITO TRANSPORTATION 301F 9TH ST MODESTO, CA 95350	455465 0.25 MI N															X
8A	GIBSON-HOMANS CO THE (MOD DIV) 301 C 9TH STREET MODESTO, CA 95351	1600718 0.25 MI N															X
8A	SELF SERV OIL 302 9TH ST N. MODESTO, CA 95351	5350897 0.26 MI N								X							
8B	PGE MANUFACTURED GAS PLANT SQ-ST-MO BLOCKS OF: C, D, 8TH AND 10TH STREET MODESTO, CA 95350	3076251 0.29 MI NW					X										
8B	J.S. WEST CO. (FUEL DEPT.) 813 D MODESTO, CA 95354	3194523 0.30 MI NW												X			
8B	HAIG BERRBERIAN NINTH D MODESTO, CA 95351	4024061 0.32 MI NW												X			



X = search criteria; • = tag-along (beyond search criteria).

For more information call VISTA Environmental Information at 1 - 800 - 767 - 0403.

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MAP ID	PROPERTY AND THE ADJACENT AREA (within 5/8 mile)	VISTA ID DISTANCE DIRECTION	A			B				C			D				
			NPL	CORTRACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS
9	J. C. SORENSEN, INC. LESSEE 1106 B MODESTO, CA 95354	3192325 0.29 MI N														X	
10A	D W AUTO WRECKER 531 CROWSLANDING MODESTO, CA 95351	4023774 0.30 MI S														X	
10A	UNITED AGRI PRODUCTS 541 CROWS LANDING RD MODESTO, CA 95351	5353808 0.32 MI S															X
10A	CHEVRON CHEMICAL COMPANY - ORTHO DIV 541 CROWS LANDING ROAD MODESTO, CA 95351	80966 0.33 MI S					X										X
10A	FARRIESTERS AUTO WRECKERS 547 CROWS LANDING RD MODESTO, CA 95351	145075 0.33 MI S															X
10B	MCCOY RACING PRODUCTS, INC. 553 S 007TH MODESTO, CA 95351	4015397 0.32 MI S												X			
11	LOVELADYS BODY PAINT SHOP INC 401 10TH STREET MODESTO, CA 95354	250776 0.36 MI N															X
11	RAY STARN, INC 431 10TH ST MODESTO, CA 95354	347963 0.37 MI N															X
11	DEL ESTE WATER COMPANY 430 TENTH ST MODESTO, CA 95354	116907 0.38 MI N												X			X
11	DEL ESTE WATER COMPANY 430 010TH MODESTO, CA 95354	4015587 0.38 MI N												X			
12A	A R M AUTO DISMANTLERS 432 S 9TH ST MODESTO, CA 95351	26525 0.36 MI NW															X
12B	COOK MARKETPLACE 500 9TH ST MODESTO, CA 95354	5181846 0.42 MI NW						X									
12B	EJECTOR MFG COMPANY INC 500 9TH ST MODESTO, CA 95354	135925 0.42 MI NW															X
12B	MOTOWN TRUCK REPAIR 536 9TH S. MODESTO, CA 95351	5350899 0.44 MI NW								X							
12C	STANISLAUS IMPLEMENT HARDWAR 526 10TH ST MODESTO, CA 95354	1581588 0.45 MI NW						X		X							
12C	STANISLAUS IMPLEMENT HARDWAR 526 010TH MODESTO, CA 95354	4015590 0.45 MI NW												X			
12D	THE TIRE STORE 590 S 009TH MODESTO, CA 95351	4823770 0.47 MI NW												X			



X = search criteria; \* = tag-along (beyond search criteria).

For more information call VISTA Environmental Information at 1 - 800 - 767 - 0403.

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MAP ID	PROPERTY AND THE ADJACENT AREA (within 5/8 mile)	VISTA ID DISTANCE DIRECTION	A			B				C			D				
			NPL	CORRFACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS
12D	TIRE STORE FARM FLEET THE 590 S 9TH ST MODESTO, CA 95351	424941 0.47 MI NW															X
12D	RAUL NUNES 607 H S 9TH STREET MODESTO, CA 95351	347376 0.50 MI NW															X
12D	HUGH E. GALLAGHER 619 S NINTH MODESTO, CA 95351	4017556 0.50 MI NW												X			
12D	MODESTO LUMBER CO 621 9TH ST MODESTO, CA 95354	5350902 0.50 MI NW								X							
12D	THE MODESTO LUMBER CO. 621 009TH MODESTO, CA 95354	4015505 0.50 MI NW												X			
12D	MODESTO LUMBER CO 621 9TH ST MODESTO, CA 95354	1214924 0.50 MI NW						X									
12E	UNKNOWN 10ST AND 'F' STS. MODESTO, CA 95354	200097031 0.51 MI NW															X
12E	MODESTO DATSUN 617 10TH ST MODESTO, CA 95354	280736 0.52 MI NW															X
12E	MENDONCA BUILDING 608 010TH MODESTO, CA 95354	4015595 0.53 MI NW												X			
13A	MENDOZE ENT. 243 HOSMER MODESTO, CA 95351	4029722 0.39 MI S												X			
13A	SEVEN-UP BOTTLING COMPANY 400 HOSMER MODESTO, CA 95351	1248725 0.41 MI SE												X			
13B	LEE WHITE PAVING CO. 680 JANMOPAU MODESTO, CA 95351	1238908 0.46 MI S												X			
14A	AMFAC PLUMBING SUPPLY 500 7THJ MODESTO, CA 95354	4017475 0.40 MI NW												X			
14B	G G CARDLOCK 526 6TH ST MODESTO, CA 95354	5350710 0.41 MI NW								X							
14B	G G CARDLOCK 526 6TH ST MODESTO, CA 95354	1582191 0.41 MI NW						X									
14B	G G PROPERTIES 526 006TH MODESTO, CA 95354	4015335 0.41 MI NW												X			
15A	SAN JOAQUIN MOTOR TRUCK LINES 445 BYSTRUM MODESTO, CA 95351	536783 0.41 MI SE												X			



X = search criteria; • = tag-along (beyond search criteria).

For more information call VISTA Environmental Information at 1 - 800 - 767 - 0403.

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MAP ID	PROPERTY AND THE ADJACENT AREA (within 5/8 mile)	VISTA ID DISTANCE DIRECTION	A				B				C			D			
			NPL	CORRACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS
15B	HOAGLAND TRANSPORT SERVICE 460 BYSTROM MODESTO, CA 95351	937963 0.44 MI SE						X									
15B	HOAGLAND TRANSPORT SERVICE 460 BYSTROM MODESTO, CA 95351	1604694 0.44 MI SE						X									
16	STANISLAUS FOOD PRODUCTS CO 1202 D STREET MODESTO, CA 95354	200359161 0.44 MI N															X
16	STANISLAUS FOOD PRODUCT CO 1202 D STREET MODESTO, CA 95354	200272474 0.44 MI N															X
16	STANISLAUS FOOD PRODUCTS COMPA 1202 D MODESTO, CA 95354	396762 0.44 MI N													X		
16	WHITE'S LAWNMOWER SHOP 1215 D MODESTO, CA 95354	4024089 0.46 MI N													X		
17	SNOWDEN ENTERPRISES 514 HOSMER AVENUE MODESTO, CA 95351	517587 0.44 MI SE					X										
18	MOTOWN TRUCK REPAIR 536 9TH ST S MODESTO, CA 95351	1215099 0.46 MI SE						X									
18	MOTOWN TRUCK REPAIR 536 S 009TH MODESTO, CA 95351	4015504 0.46 MI SE													X		
19A	STANISLAUS CHROME PLATING 610 N 7TH ST MODESTO, CA 95354	396758 0.49 MI NW					X										X
19A	PAYLESS AUTO PAINTING 615 7TH ST MODESTO, CA 95354	1268563 0.49 MI NW															X
19A	WEISNER CERATO MACHINE SHOP 616 007TH MODESTO, CA 95354	4015400 0.50 MI NW													X		
19B	RED TOP TAXI 630 006TH MODESTO, CA 95354	4015337 0.51 MI NW													X		
19B	DENNIS MCDONALD 630 6TH ST MODESTO, CA 95354	118767 0.51 MI NW															X
19C	DOW HAMMOND CO 720 G ST MODESTO, CA 95354	128790 0.55 MI NW													X		X
20	BRADLEY AUTO 660 CROWS LANDING RD MODESTO, CA 95351	55998 0.52 MI S															X
20	PARTS R US 696 CROWS LANDING MODESTO, CA 95351	320799 0.55 MI S															X



X = search criteria; \* = tag-along (beyond search criteria).

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MAP ID	PROPERTY AND THE ADJACENT AREA (within 5/8 mile)	VISTA ID DISTANCE DIRECTION	A				B				C			D				
			NPL	CORRACTS	ISD	SPL	GERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS	GNRTR
21	KAR-TUNE 516 TWELFTH MODESTO, CA 95354	3783848 0.53 MI N															X	
22A	MODESTO POLICE DEPARTMENT 601 011TH MODESTO, CA 95354	4015634 0.54 MI N															X	
22A	CITY OF MODESTO GARAGE 621 11TH ST MODESTO, CA 95354	280756 0.56 MI N						X		X							X	
22A	CITY OF MODESTO GARAGE 621 11TH ST MODESTO, CA 95354	4983650 0.56 MI N						X										
22A	FIRE STATION #1 610 011TH MODESTO, CA 95354	4015635 0.56 MI N															X	
22B	PERFORMANC TIRE WHEEL 1024 G ST MODESTO, CA 95354	325983 0.59 MI NW																X
23A	FORMER AIR QUALITY 211 GRAND ST MODESTO, CA 95354	1258688 0.55 MI NE						X		X							X	
23A	GRAND STREET LITHO 101 SYDNEY ST MODESTO, CA 95354	4063325 0.60 MI N																X
23B	JIM ASBILL'S AUTO SALES 401 014TH MODESTO, CA 95354	4015692 0.55 MI N															X	
23B	JIM ASBILL'S AUTO SALES 401 14TH ST MODESTO, CA 95354	937962 0.55 MI N						X		X								
24A	CPM PROPERTIES 601 S NINTH MODESTO, CA 95351	4017555 0.58 MI SE															X	
24B	SAV-AWN ALUMINUM 615 JANOPAUL LN MODESTO, CA 95351	1172315 0.62 MI SE						X										
24B	MCGRATH MOVING STORAGE 645 JANOPAUL MODESTO, CA 95351	1223323 0.62 MI SE															X	
24B	CONSTRUCTION FLUID POWER 630 JANOPAUL LN MODESTO, CA 95351	3197611 0.62 MI SE																X
25A	MODESTO WELDING 718 S NINTH MODESTO, CA 95351	4017358 0.59 MI NW															X	
25A	PROMAK SURFACING SYSTEMS 747 S 9TH ST MODESTO, CA 95351	340835 0.61 MI NW																X
25A	LTD FABRICATION 747 S 9TH ST MODESTO, CA 95351	149659 0.61 MI NW																X



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MAP ID	PROPERTY AND THE ADJACENT AREA (within 5/8 mile)	VISTA ID DISTANCE DIRECTION	A			B				C		D					
			NPL	CORRACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS
26A	ORVIN BROTHERS 725 ZEFF MODESTO, CA 95351	1177152 0.61 MI S													X		
27	GOEHRING MEAT PROD. CORP. 601 ZEFF MODESTO, CA 95351	3205409 0.61 MI E													X		

MAP ID	SITES IN THE SURROUNDING AREA (within 5/8 - 3/4 mile)	VISTA ID DISTANCE DIRECTION	A			B				C		D					
			NPL	CORRACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS
22B	BILL'S SAFE LOCK 701 ELEVENTH MODESTO, CA 95354	4016343 0.63 MI NW													X		
24C	I.C. REFRIGERATION SERVICE, INC 741 S 009TH MODESTO, CA 95351	4015513 0.69 MI SE													X		
25B	E.F. BERRY 820 S NINTH MODESTO, CA 95351	4017562 0.68 MI NW													X		
25B	SMART FINAL 831 NINTH MODESTO, CA 95354	4017563 0.68 MI NW													X		
25C	CITY TOWERS 801 10TH ST MODESTO, CA 95354	4923986 0.68 MI NW						X									
26B	ORVIS BROTHERS SLAUGHTERHOUSE 725 ZEFF RD MODESTO, CA 95351	5360442 0.65 MI S								X							
26B	ORVIS BROTHERS SLAUGHTERHOUSE 725 ZEFF RD MODESTO, CA 95351	1608693 0.65 MI S						X									
27	MIDCAL ALUMINUM BOTTLE CAPS SEALS 500 S SANTA ROSA MODESTO, CA 95354	1172311 0.63 MI E					X						X	X			
28	FIRE STATION #2 629 002ND MODESTO, CA 95354	4015075 0.63 MI W													X		
29A	DOWNTOWN BEACON 801 007TH MODESTO, CA 95350	4015407 0.65 MI NW													X		
29A	BEACON #90-1 801 7TH ST MODESTO, CA 95354	1603987 0.65 MI NW						X									
29A	DOCTORS AMBULANCE OF MODESTO, 820 007TH MODESTO, CA 95354	4015408 0.67 MI NW													X		



MAP ID	SITES IN THE SURROUNDING AREA (within 5/8 - 3/4 mile)	VISTA ID DISTANCE DIRECTION	A			B				C		D					
			NPL	CORRACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS
29B	FIRESIDE DODGE 722 I MODESTO, CA 95353	3197280 0.73 MI NW												X			
30A	FORMER SS (PHILLIPS) 801 5TH ST MODESTO, CA 95351	5350626 0.67 MI NW						X									
31A	COUNTY GARAGE 720 TWELFTH MODESTO, CA 95354	4016389 0.68 MI N												X			
31A	STANISLAUS CO GARAGE 720 12TH ST MODESTO, CA 95354	4050905 0.68 MI N						X									
31B	STANISLAUS COUNTY 1100 H MODESTO, CA 95354	1201988 0.70 MI NW												X			
31B	BUILDINGS AND GROUNDS 1115 H MODESTO, CA 95354	1229936 0.71 MI NW												X			
31C	STANISLAUS COUNTY JAIL 805 12TH ST MODESTO, CA 95354	937961 0.74 MI N						X		X							
32	E J GALLO WINERY 600 YOSEMITE BLVD. MODESTO, CA 95354	495657 0.71 MI NE											X				
32	E. J. GALLO WINERY 600 YOSEMITE BLVD MODESTO, CA 95354	1245147 0.71 MI NE												X			
33	ROSLAWN AVE. 525 ROSELAWN MODESTO, CA 95351	1228591 0.72 MI SW												X			
34	OMS #27 630 ROUSE AVENUE MODESTO, CA 95351	309569 0.73 MI SW												X			

MAP ID	SITES IN THE SURROUNDING AREA (within 3/4 - 1 mile)	VISTA ID DISTANCE DIRECTION	A			B				C		D					
			NPL	CORRACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS
30	ARCO NO. 321 903 5TH ST MODESTO, CA 95351	1144501 0.76 MI NW						X									
35	ARCO 901 9TH ST N MODESTO, CA 95354	3191518 0.75 MI NW						X									
35	CHEVRON #91381 921 9TH ST MODESTO, CA 95354	1582293 0.76 MI NW						X		X							



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MAP ID	SITES IN THE SURROUNDING AREA (within 3/4 - 1 mile)	VISTA ID DISTANCE DIRECTION	A			B				C			D				
			NPL	CORRACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS
36	MODESTO BEE 1325 H STREET MODESTO, CA 95354	280727 0.78 MI N						X									
36	THE MODESTO BEE 1421 I ST MODESTO, CA 95354	487290 0.89 MI N						X									
37	J M EQUIPMENT CO 819 S NINTH ST MODESTO, CA 95351	218946 0.83 MI SE					X	X									
37	A B TRUCK REPAIR 959 S NINTH ST MODESTO, CA 95351	3562 0.95 MI SE					X	X	X		X						
38	ROYAL HOTEL 917 J ST MODESTO, CA 95354	3863763 0.85 MI NW						X		X							
39	FARMER'S WAREHOUSE 1029 8TH ST MODESTO, CA 95354	5350858 0.85 MI NW						X									
39	FARMER'S WAREHOUSE 1029 8TH ST MODESTO, CA 95354	1206411 0.85 MI NW						X									
40	DISCOUNT AUTO ELECTRIC 833 YOSEMITE BLVD MODESTO, CA 95354	5360419 0.87 MI NE									X						
40	DISCOUNT AUTO ELECTRIC 833 YOSEMITE BLVD MODESTO, CA 95354	3596494 0.87 MI NE						X									
41	GALLO GLASS - SOUTH FIELD LANDFILL 615 S SANTA CRUZ AVE MODESTO, CA 95354	3182071 0.87 MI E					X										
42	DRYDEN GOLF COURSE 920 NEECE BLVD MODESTO, CA 95351	3595446 0.88 MI SW						X		X							
43	MODESTO GROUNDWATER CONTAMINATION NEAR MODESTO MODESTO, CA 95351	280741 0.89 MI	X			X	X										
44	MODESTO CITY HOSPITAL 730 17TH ST MODESTO, CA 95354	280733 0.92 MI N						X									

MAP ID	SITES IN THE SURROUNDING AREA (within 1 - 1 1/2 miles)	VISTA ID DISTANCE DIRECTION	A			B				C			D				
			NPL	CORRACTS	TSD	SPL	CERCLIS	SCL	LUST	SWLF	DEED RSTR	CORTESE	TOXIC PITS	RCRA VIOL	TRIS	UST/AST	ERNS
No Records Found																	



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UNMAPPED SITES	VISTA ID	A				B				C		D				
		NPL	CORRACTS	YSD	SPL	CERCLIS	SCL	LUST	SWLE	DEED RSTR	CORTESE	TOXIC/PITS	RCRA VIOL	TRIS	UST/AST	ERNS
MODESTO OSPS-OSC02 (CAK096) MODESTO, CA	4221277													X		
MODESTO IRRIGATION DISTRICT DISPOSAL SW OF INTAKE TOWER, N OF RESEVOIR RD MODESTO RESEVIOR, CA	5338237							X								
LEO FOLETTA MODESTO, CA 95351	4222202													X		



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**CEQA FINDINGS OF FACT**  
**and**  
**STATEMENT OF OVERRIDING CONSIDERATIONS**  
**for the**

**TUOLUMNE RIVER REGIONAL PARK  
MASTER PLAN**

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**T R R P J o i n t P o w e r s A u t h o r i t y**

SCH# 2000022028

**DRAFT**

October 2001



**CEQA FINDINGS OF FACT  
AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE  
TUOLUMNE RIVER REGIONAL PARK (TRRP) MASTER PLAN**

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## I. INTRODUCTION

The Final Master Environmental Impact Report ("Final MEIR") prepared for the Tuolumne River Regional Park (TRRP) Master Plan (the "Master Plan") addresses the potential environmental effects associated with a proposed riverfront park for a site along the Tuolumne River in Stanislaus County, California partially within the City of Modesto and near the City of Ceres. These findings have been prepared to comply with requirements of the California Environmental Quality Act ("CEQA") (Public Resources Code, Section 21000 et. seq.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.). Because the MEIR identified significant effects that would occur as a result of the Master Plan and in accordance with the provisions of CEQA, the City of Modesto hereby adopts these findings as part of the approval of the Master Plan.

## II. DESCRIPTION

The TRRP Master Plan describes the joint plans by the City of Modesto as Lead Agency, the City of Ceres, and the County of Stanislaus (Cities and County) to create a riverfront park along a seven-mile stretch of the Tuolumne River. The TRRP would be funded through a Joint Power Agency (JPA) formed by the Cities and County. The Master Plan provides a long-range vision for the park including overall guidance for the conservation and improvement of the park. The Master Plan focuses on ecological restoration, enhancement of recreational amenities, and flood protection. Proposed improvements include a children's play area, outdoor amphimeadow, fishing piers, pedestrian and bicycle bridges, a regional sports complex, and parking lots. Other improvements include riparian restoration, creation of stormwater wetlands, and a pedestrian and bicycle trail system. For more detail on the development vision for the park, please refer to the TRRP Master Plan (EDAW 2001). A description of the Master Plan is also provided in Chapter III of the Draft MEIR.

The TRRP consists of over 500 acres of land along the Tuolumne River bounded by Mitchell Road to the east and extending across Carpenter Road to the west, as shown in Figure III-1 of the Draft MEIR. Highway 99 crosses the TRRP near the center of the park. Most of the TRRP Master Plan area is located within the boundaries of the City of Modesto, however trail access and restoration of the riparian corridor is proposed on unincorporated lands south of the river and along the river's edge on the Gallo Property. The majority of the TRRP is located on the north side of the river, with the exception of Mancini Park and a string of small, narrow, riverfront parcels near the western end of the park. Dry Creek, a tributary of the Tuolumne River, joins the Tuolumne near the park's central Gateway Parcel.

The project site is generally composed of relatively flat, riverfront land within the Tuolumne River's 100-year floodplain. In most places on the project site, a narrow row of riparian trees exists along the riverbank. Approximately 180 acres of TRRP land have already been developed for recreational purposes, and include open lawn areas, mature tree canopies, and park amenities (picnic benches, trails, restrooms, parking areas, etc.). The remaining land in the TRRP has been used for agriculture and other purposes over the years, and now generally exists as unimproved open space.

A closed landfill is present within the western portion of the park, on both sides of Carpenter Road. Before this portion of the park is developed for public access and recreational purposes, a

closure plan must be prepared in compliance with California State law (Postclosure Land Use, CCR Title 27, Section 21190).

#### A. PROJECT OBJECTIVES

As set forth in the MEIR, the following objectives have been identified for the Master Plan (Draft MEIR, p. III-6 and III-9):

- Restore a continuous riparian corridor along the length of the river.
- Provide a continuous bicycle and pedestrian trail from Carpenter Road to Mitchell Road with connections across the river.
- Provide a variety of recreational experiences, including opportunities for both active and passive activities.
- Enhance the environmental values of the park.
- Provide access to the river.
- Integrate educational and interpretive elements into the park design.

#### B. PROJECT PHASING

The City of Modesto, as Lead Agency, prepared the EIR as a Master EIR, which may be prepared for a general plan element, general plan amendment, specific plan, or a project that consists of smaller individual projects which will be carried out in phases (Public Resources Code, Section 21157 (a)). Because the TRRP Master Plan is a long-range plan, additional design work would be completed prior to the implementation of individual park improvement projects. As allowed by the Public Resources Code, Section 21157(b)(3), the MEIR identified subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the MEIR.

These projects are as follows:

- Landfill closure plan and subsequent development over the landfill
- Regional sports complex
- Special events, including those at the amphimeadow
- Treatment plant redesign or relocation
- Removal of Dennett Dam
- River overlook, fishing piers, and pedestrian bridges (not specifically located)
- Development and grading of children's playgrounds and projects in the former ranch complex in the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G).

- Development and grading for projects in all areas of the TRRP except the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G).

These subsequent projects were reviewed in some topical sections of the Draft MEIR where meaningful analysis was possible. Thus, some impacts and mitigation measures included in the MEIR address these subsequent projects. However, these analyses should not be construed as a full environmental assessment for these project components. When detailed implementation plans are developed for these Master Plan projects, additional environmental review would be required pursuant to Public Resources Code Section 21157.1.

The Master Plan is intended to be implemented over a 20-year period, from 2001 to 2021. In general, park improvements would be phased as funding permits. Priority would be placed on the development of the Gateway Parcel, due to its high visibility, central location, and proximity to existing trails and park facilities at Legion Park and the Airport Area. The first project to be implemented under the Master Plan would likely be the trail from Beard Brook Park, along the eastern edge of the Gateway Parcel, continuing east across Dry Creek to the Gallo and Legion Park properties. In addition, it is anticipated that the planned earthwork (floodplain terracing) and riparian restoration at the Gateway Parcel would be implemented in the near-term, as well as the compacted earth pathways envisioned for the Gateway Parcel. Development of the amphimeadow would not occur until the planned Tuolumne Boulevard extension is constructed, which is currently funded and planned for completion by the City of Modesto in 2003-2004.

After development of the improvements at the Gateway Parcel, the next priority would be to integrate the remaining riparian areas into the park system. Due to the additional planning and extraordinary costs associated with the Carpenter Road landfill, it is assumed that improvements in this area would occur over the long-term. A conceptual schedule of park improvement phasing is provided in the Master Plan. However, this phasing schedule could be modified as funding or implementation opportunities arise.

### III. THE DRAFT AND FINAL MEIR

Pursuant to Section 15146(a) of the CEQA Guidelines, the Draft MEIR for the Master Plan summarizes the effects of a series of actions the City of Modesto, City of Ceres, and County of Stanislaus, jointly through the JPA, will need to undertake to implement the Master Plan.

The Final MEIR also incorporates within the impact analysis the responses to comments received on the Draft EIR. The information in the Final MEIR replaces and supersedes the Draft EIR and was the basis for the environmental analysis of the Master Plan, which the City of Modesto independently reviewed and on which it relied in approving the Master Plan. (Collectively, the Draft MEIR and the Final MEIR shall be referred to throughout these findings as the "MEIR").

The MEIR for the Master Plan fulfills all the necessary requirements of CEQA and the Guidelines issued thereunder. Pursuant to CEQA, the MEIR includes mitigation measures for each significant environmental impact and a mitigation monitoring program.

The MEIR was prepared by a private consulting firm under contract to, at the direction of, and in consultation with, the City of Modesto. The MEIR and all of its conclusions have been

independently reviewed by the City of Modesto and they represent the City's independent judgment.

#### IV. FINDINGS UNDER CEQA

Section 15091 of the CEQA Guidelines requires that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions. The first is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR". The second potential finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency". The third permissible conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR".

#### V. LEGAL EFFECTS OF FINDINGS

To the extent that these findings conclude that various proposed mitigation measures outlined in the MEIR are feasible and have not been modified, superseded or withdrawn, the City of Modesto hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when decision makers formally approve the Master Plan.

#### VI. MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program (MMP) has been prepared for the Master Plan and has been adopted concurrently with these Findings. (See Public Resources Code, Section 21081.6 (a)(1).) The City of Modesto will use the MMP to track compliance with Master Plan mitigation measures. The MMP will remain available for public review during the compliance period.

#### VII. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The MEIR identified several significant environmental effects (or "impacts") that the TRRP Master Plan will cause. Some of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Others cannot be avoided by the adoption of feasible mitigation measures or feasible environmentally superior alternatives that meet the project's objectives; however, these effects are outweighed by overriding consideration as set forth in Section IX below. This section (VII) presents in greater detail the City of Modesto's findings with respect to the environmental effects of the Master Plan.

## A. TRAFFIC AND CIRCULATION NEEDS

### Impact:

**Impact Traffic-1: Traffic Impacts from Special Events at Amphimeadow.** (Draft MEIR, p. IV-A-15)

### Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

### Explanation:

The increase in traffic associated with special events at the amphimeadow would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphimeadow visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact. (Draft MEIR, p. IV-A-15)

### Mitigation:

Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. The environmental review will include, but not be limited to, a Comprehensive Traffic Study and a Site Access Study consistent with General Plan requirements. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan shall identify the following:

- Routes that will be used to access the park by visitors, emergency vehicles and by staff;
- Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event;
- Methods and duration of protection for pedestrian crossings; and
- Location and responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted.

Implementation of this mitigation measure would reduce traffic impacts associated with the amphimeadow, however, for a short time immediately before and after an event, congestion would still occur. (Draft MEIR, p. IV-A-23)

### Significance after Mitigation:

Significant and unavoidable. (Draft MEIR, p. IV-A-23)

Impact:

**Impact Traffic-2: Traffic Impacts from Large Special Events.** (Draft MEIR, p. IV-A-16)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

Explanation:

The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact. (Draft MEIR, p. IV-A-16)

Mitigation:

Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. This environmental review will include, but not be limited to, a Comprehensive Traffic Study and a Site Access Study consistent with General Plan requirements. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1.

Implementation of this mitigation measure would reduce traffic impacts associated with large special events, however, for a short time immediately before and after an event, congestion would still occur. (Draft MEIR, p. IV-A-24)

Significance after Mitigation:

Significant and unavoidable. (Draft MEIR, p. IV-A-24)

Impact:

**Impact Traffic-3: Parking for the Regional Sports Complex.** (Draft MEIR, p. IV-A-18)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. (Draft MEIR, p. IV-A-18)

Mitigation:

Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a “subsequent project” in this MEIR. When detailed implementation plans are developed for the Regional Sports Complex, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The following measures may be included in the parking management plan:

- a) Park managers could schedule events in a manner that minimizes concurrent parking demand.
- b) If required, identify overflow parking lots and appropriate signage directing visitors to designated lots. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Road Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible.
- c) If necessary, additional parking may be required at the Sports Complex, or the number of fields may need to be reduced to effectively balance parking demand.

No overflow into the adjacent neighborhoods shall be allowed. Implementation of this measure would reduce this impact to a less-than-significant level. (Draft MEIR, p. IV-A-24)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-A-24)

Impact:

**Impact Traffic-4: Parking for Events held at the Amphimeadow.** (Draft MEIR, p. IV-A-19)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

An event attracting 3,000 persons to the amphimeadow would exceed the parking capacity in the Gateway Parcel. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is considered a potentially significant impact. (p. IV-A-19)

Mitigation:

Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a “subsequent project” in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created.

The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a "real time" basis. Signs noting "lots full" and directing motorists to ancillary parking areas would be needed.

No overflow into the adjacent neighborhoods shall be allowed. Implementation of this measure would reduce this impact to a less-than-significant level. (Draft MEIR, p. IV-A-25)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-A-25)

Impact:

**Impact Traffic-5: Parking for Large Special Events in the Gateway Parcel.** (Draft MEIR, p. IV-A-19)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

Explanation:

Implementation of the TRRP Master Plan could result in significant off-site parking impacts when large special events are held. Events associated with Cinco de Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is a significant impact. (Draft MEIR, p. IV-A-19)

Mitigation:

Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events.

Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4.

However, even with implementation of the event parking management plans there will likely be significant traffic impacts in the immediate vicinity of TRRP when large special events are staged. With event attendance reaching 15,000, there would not be a feasible measure available to ensure that employees and patrons of the surrounding neighborhoods would not be displaced. (Draft MEIR, p. IV-A-25)

Significance after Mitigation:

Significant and unavoidable. (Draft MEIR, p. IV-A-26)

## B. DEGRADATION OF AIR QUALITY

Impact:

**Impact Air-1: Generation of Short-term Construction-related Emissions.** (Draft MEIR, p. IV-B-11)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

The Master Plan does not specify feasible San Joaquin Valley Air Basin Pollution Control District (SJVAPCD) construction control mitigation measures as part of the projects' construction activities. Because construction significance is determined by means of whether SJVAPCD construction mitigation measures are implemented, construction emissions would be considered a short-term significant air quality impact. (Draft MEIR, p. IV-B-11)

Mitigation:

The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:

- a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, or vegetative ground cover.
- b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water.
- c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
- e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The

use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.)

- f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water.
- g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph.
- h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent.
- i) Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.
- j) Excavation and grading activities shall be suspended when winds exceed 20 mph.
- k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible.
- l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.
- m) When not in use, on-site equipment shall not be left idling.

The SJVAPCD has determined that implementation of the above mitigation measures would reduce short-term construction-generated emissions to less-than-significant levels. (Draft MEIR, p. IV-B-13, IV-B-14)

Significance after Mitigation:

Less than significant. (Draft MEIR, p.IV-B-14)

Impact:

**Impact Air-2: Local Carbon Monoxide Emissions.** (Draft MEIR, p. IV-B-12)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

Explanation:

Events occurring at the Gateway Parcel, such as special events and concerts, could result in potential increases in carbon monoxide concentrations, or "hot spots," in excess of State or federal air quality standards. These carbon monoxide concentrations could negatively impact sensitive receptors, which may be located in the project vicinity or walking to and from the special events. This impact is potentially significant impact. (Draft MEIR, p. IV-B-12)

Mitigation:

When special events, including concerts, occur at the Gateway Parcel, the City of Modesto shall implement a traffic and parking management control plan, as recommended in mitigation measures for impacts identified for Traffic and Circulations. The smooth flow of traffic would decrease the potential for carbon monoxide "hot spots," which could occur if vehicles are idling for long periods of time in high concentrations. However, it is unlikely that traffic congestion would be decreased enough to reduce the potential for high carbon monoxide concentrations when people are gathering or leaving large special events. For this reason, this is considered a significant and unavoidable impact for special events and concerts at the Gateway Parcel. (Draft MEIR, p. IV-B-14, IV-B-15)

Significance after Mitigation:

Significant and unavoidable. (Draft MEIR, p. IV-B-15)

C. GENERATION OF NOISE

Impact:

**Impact Noise-1. Noise Associated with the Regional Sports Complex.** (Draft MEIR, p. IV-C-12)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant. (Draft MEIR, p. IV-C-12)

Mitigation:

Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project:

- a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. The sports complex could stay open until 10:00 p.m. However, sporting events shall be scheduled to end at 9:00 p.m.

- b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.
- c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA.

Implementation of the above measures would ensure that a noticeable increase in noise would not occur at nearby sensitive land uses, and would reduce this potential impact to a less-than-significant level. (Draft MEIR, p IV-C-17, IV-C-18, Final MEIR, p. II-25)

Significance after Mitigation:

Less than significant. (Draft MEIR, p IV-C-17, IV-C-18, Final MEIR, p. II-25)

Impact:

**Impact Noise-2: Noise Associated with the Amphimeadow.** (Draft MEIR, p. IV-C-13, Final MEIR, p. II-25)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

Explanation:

Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater). In addition, the increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact. (Draft MEIR, p. IV-C-13, Final MEIR, p. II-25)

Mitigation:

To minimize the impacts of noise associated with events at the amphimeadow, the following measures shall be implemented:

- a) An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphimeadow to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby residences and other noise-sensitive receptors and riparian areas. Measures may include, but are not limited to, construction of

temporary noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity.

- b) Prior to the design and construction of the proposed amphimeadow, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation, including locational considerations for the amphimeadow, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation.

The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphimeadow. Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphimeadow. These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level. However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby residences and other noise-sensitive receptors could still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable. (Draft MEIR, p. IV-C-18, Final MEIR, p. II-26)

Significance after Mitigation:

Significant and unavoidable. (Draft MEIR, p. IV-C-18, Final MEIR, p. II-26)

Impact:

**Impact Noise-3: Noise Associated with Special Events.** (Draft MEIR, p. IV-C-15, Final MEIR, p. II-27)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

Explanation:

The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. In addition, a substantial increase in noise levels from amplified sound could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact. (Draft MEIR, p. IV-C-15, Final MEIR, p. II-27)

Mitigation:

To minimize the impacts of noise associated with large special events, the following measures shall be implemented:

- a) The use of amplified sound systems shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.
- b) Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent events. If the sound requirements for a subsequent event should differ significantly from the event used to identify the mitigation measures, consultation with an acoustical engineer and appropriate resource agencies shall occur.

Implementation of this mitigation measure would reduce noise impacts associated with large special events. These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level. However, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable. (Draft MEIR, p. IV-C-19, Final MEIR, p. II-27 and II-28)

Significance after Mitigation:

Significant and unavoidable. (Draft MEIR, p. IV-C-19, Final MEIR, p. II-28)

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

Impact:

**Impact Bio-1: Riparian Habitat.** (Draft MEIR, p. IV-D-24)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

The negative impacts to riparian habitats would be temporary during construction activities and implementation of the TRRP Master Plan would result in a net increase in riparian habitat over time, once riparian vegetation in replanted areas has been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat

has been identified as a sensitive natural plant community by federal, State, and local agencies. (Draft MEIR, p. IV-D-24)

Mitigation:

To minimize disturbance to riparian habitat outside of the proposed area of disturbance, the following measures shall be implemented:

- a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented.
- b) Prior to project implementation, a Section 404 permit shall be obtained from the United States Army Corps of Engineers (USACE) and a Section 1600 Streambed Alteration Agreement shall be obtained from California Department of Fish and Game (CDFG). Additional mitigation for impacts to riparian areas will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually by a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG. (Draft MEIR, p. IV-D-29, IV-D-30)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-D-30)

Impact:

**Impact Bio-2: Jurisdictional Waters of the U.S.** (Draft MEIR, p. IV-D-25)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant. (Draft MEIR, p. IV-D-25)

Mitigation:

The following mitigation measures shall be implemented to ensure impacts to Waters of the U.S. are less than significant.

- a) For any TRRP Master Plan project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential jurisdictional Waters of the U.S., including wetlands are present in the project area.
- b) If potential jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate.
- c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S., will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a “no-net-loss” basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.
- d) For all projects with the potential to affect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages. All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.  
(Draft MEIR, p. IV-D-30, Final MEIR, p. II-29)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-D-30, Final MEIR, p. II-29)

Impact:

**Impact Bio-3: Special-status Fish.** (Draft MEIR, p. IV-D-27)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Potential impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because these

species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species. (Draft MEIR, p. IV-D-27)

Mitigation:

The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat.

- a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.
- b) River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate to avoid impacts during fish migrations and sensitive life stages. Construction shall not occur near the river from September through December, as this is the period when most ESA species would be in the river in appreciable numbers.
- c) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.  
(Draft MEIR, p. IV-D-31, Final MEIR, p. II-29 and II-30)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-D-31, Final MEIR, p. II-30)

Impact:

**Impact Bio-4: Valley Elderberry Longhorn Beetle.** (Draft MEIR, p. IV-D-28)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact. (Draft MEIR, p. IV-D-28)

Mitigation:

The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:

- a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.
- b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.
- c) If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented. (Draft MEIR, p. IV-D-31, IV-D-32)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-D-31, IV-D-32)

Impact:

**Impact Bio-5: Nesting Raptors.** (Draft MEIR, p. IV-D-28)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant. (Draft MEIR, p. IV-D-28)

Mitigation:

Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:

- a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.
- b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be

permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable. (Draft MEIR, p. IV-D-32)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-D-32)

E. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES

Impact:

**Impact CR-1: Potential Discovery of Unknown Cultural Resources.** (Draft MEIR, p. IV-E-14)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact. (Draft MEIR, p. IV-E-14)

Mitigation:

Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less than significant.

- a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.
- b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.
- c) If the discovery is historic, archival research may be necessary by a qualified historian.
- d) If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards. (Draft MEIR, p. IV-E-15)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-E-15)

Impact:

**Impact CR-2: Potential Discovery of Human Remains.** (Draft MEIR, p. IV-E-14)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact. (Draft MEIR, p. IV-E-14)

Mitigation:

Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. (Draft MEIR, p. IV-E-15)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-E-15)

F. FLOODING AND WATER QUALITY

Impact:

**Impact Hydro-1: Construction within the 100-year Floodplain.** (Draft MEIR, p. IV-F-11)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Construction of the Regional Sports Complex and Nature Interpretive Center in the 100-year floodplain could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact. (Draft MEIR, p. IV-F-11)

Mitigation:

The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level. (Draft MEIR, p. IV-F-14)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-F-14)

Impact:

**Impact Hydro-2: Grading for Floodplain Terraces and Proposed Construction Projects.**  
(Draft MEIR, p. IV-F-12)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact. (Draft MEIR, p. IV-F-12)

Mitigation:

Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood water surface elevations. The grading design shall not significantly increase river flow velocities. (Draft MEIR, p. IV-F-14, IV-F-15)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-F-15)

Impact:

**Impact Hydro-3: Construction of Near-River Structures.** (Draft MEIR, p. IV-F-12)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant impact. (Draft MEIR, p. IV-F-12)

Mitigation:

The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway:

- a) Once detailed plans have been developed for the proposed structures, hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations.
- b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).
- c) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream.
- d) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events. (Draft MEIR, p. IV-F-15, Final MEIR, p. II-30)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-F-15, Final MEIR, p. II-30)

Impact:

**Impact Hydro-4: Hydraulic Roughness.** (Draft MEIR, p. IV-F-12, IV-F-13)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead to increases in the water surface elevations. This is considered a potentially significant impact. (Draft MEIR, p. IV-F-12, IV-F-13)

Mitigation:

Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance. Implementation of this mitigation measure would reduce this impact to a less-than-significant level. (Draft MEIR, p. IV-F-15)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-F-15)

Impact:

**Impact Hydro-5: Inundation of the Amphimeadow.** (Draft MEIR, p. IV-F-13)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

The proposed amphimeadow is likely to suffer frequent flooding inundation. Because the amphimeadow is located along the edge of Dry Creek, careful consideration would be necessary during design to ensure that the amphimeadow would withstand high flows and long durations of standing water. Although the amphimeadow is along Dry Creek, flooding would be a direct result of water surface elevation in the Tuolumne River. This is considered a potentially significant impact. (Draft MEIR, p. IV-F-13)

Mitigation:

The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall also be performed and, if necessary, surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian

streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering). (Draft MEIR, p. IV-F-15, IV-F-16, Final MEIR, p. II-30 and II-31)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-F-15, IV-F-16, Final MEIR, p. II-30, II-31)

Impact:

**Impact Hydro-6: Construction of the Pedestrian Bridge Over Dry Creek.** (Draft MEIR, p. IV-F-13)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour. (Draft MEIR, p. IV-F-13)

Mitigation:

The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge:

- a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base floodwater surface elevations during the base flood.
- b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris.
- c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events.
- d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering). (Draft MEIR, p. IV-F-16, Final MEIR, p. II-31)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-F-16, Final MEIR, p. II-31)

Impact:

**Impact Hydro-7: Scour and Erosion at Existing Bridge Locations.** (Draft MEIR, p. IV-F-13)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Changes in channel and overbank configuration may cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations. (Draft MEIR, p. IV-F-13)

Mitigation:

Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, armoring and erosion control measures shall be installed at existing bridge locations. (Draft MEIR, p. IV-F-16, IV-F-17)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-F-16, IV-F-17)

## G. EXPOSURE TO HAZARDOUS MATERIALS

Impact:

**Impact HazMat-1: Potential Contamination Related to the Breshears, Inc. Facility.** (Draft MEIR, p. IV-G-8)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Development or grading of areas within the Gateway Parcel could expose construction workers and/or the public to hazardous materials from potential soil and groundwater contamination from past spills or releases at the Breshears, Inc. facility. This is considered a potentially significant impact. (Draft MEIR, p. IV-G-8)

Mitigation:

Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the

appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel. (Draft MEIR, p. IV-G-11)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-G-11)

Impact:

**Impact HazMat-2: Potential Contamination Related to the Ranch Complex.** (Draft MEIR, p. IV-G-9)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Development or grading of areas within the former ranch complex area of the Gateway Parcel could expose construction workers and/or the public to hazardous materials during and/or following redevelopment. This is considered a potentially significant impact. (Draft MEIR, p. IV-G-9)

Mitigation:

A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. (Draft MEIR, p. IV-G-11)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-G-11)

Impact:

**Impact HazMat-3: Potential Contamination Related to Past Agricultural Use.** (Draft MEIR, p. IV-G-9)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Potential health risks could result from placement of sensitive land uses, such as children's playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact. (Draft MEIR, p. IV-G-9)

Mitigation:

A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children's playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for the intended land use, remediation requirements in accordance with State and federal regulations would be required. (Draft MEIR, p. IV-G-11, IV-G-12)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-G-12)

Impact:

**Impact HazMat 4: Potential for Unknown Hazardous Materials Issues.** (Draft MEIR, p. IV-G-10)

Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:

Development or redevelopment of properties within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact. (Draft MEIR, p. IV-G-10)

Mitigation:

A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. (Draft MEIR, p. IV-G-12)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-G-12)

## H. INCREASED DEMAND FOR FIRE SERVICES

### Impact:

**Impact Fire-1: Emergency Access.** (Draft MEIR, p. IV-H-5)

### Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

### Explanation:

Inadequate emergency access to TRRP is considered a potentially significant impact. (Draft MEIR, p. IV-H-5)

### Mitigation:

The Modesto Fire Department and Stanislaus Consolidated Fire Protection District shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCFPD shall be accommodated. (Draft MEIR, p. IV-H-6)

### Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-H-6)

### Impact:

**Impact Fire-2: Wildland Fires.** (Draft MEIR, p. IV-H-5)

### Finding:

Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

### Explanation:

The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact. (Draft MEIR, p. IV-H-5)

### Mitigation:

Mitigation Measure Fire-2: The Modesto Parks and Recreation Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall:

- Characterize existing and proposed vegetation fuels,
- Identify potential ignition sources and locations,

- Identify assets at risk in case of a fire,
- Identify specific maintenance measures to reduce fuel loads,
- Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and
- Make recommendations for fire resistant plantings.  
(Draft MEIR, p. IV-H-6, IV-H-7)

Significance after Mitigation:

Less than significant. (Draft MEIR, p. IV-H-6, IV-H-7)

## VII. PROJECT ALTERNATIVES

If a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. An alternative may be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. Thus, “feasibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors of a project.

As described in Section VII of these findings, with respect to the TRRP Master Plan, the following impacts remain potentially significant:

- Impact Traffic-1: Traffic Impacts from Special Events at Amphimeadow.
- Impact Traffic-2: Traffic Impacts from Large Special Events.
- Impact Traffic-5: Parking for Large Special Events in the Gateway Parcel.
- Impact Air-2: Local Carbon Monoxide Emissions.
- Impact Noise-2: Noise Associated with the Amphimeadow.
- Impact Noise-3: Noise Associated with Special Events.

These Findings address the extent to which particular alternatives might or might not be environmentally superior with respect to these impacts. These Findings address the environmental merits of the alternatives with respect to all broad categories of impacts. The Findings also assess whether each alternative is feasible in light of the Master Plan objectives and compliance with the goals and policies of the Master Plan objectives.

The Draft MEIR identified the following three potentially feasible alternatives to the proposed Master Plan: No Project Alternative, 250-person Amphimeadow Alternative, and the Passive

Recreation/Sports Complex Alternative. In addition, the MEIR discusses whether any of the significant effects identified for the Master Plan would be avoided or substantially lessened by putting the project in another location.

Implementation of the proposed Master Plan would result in significant impacts in the following resource areas: traffic and circulation, air quality, noise, biological resources, archaeological or historic resources, hydrology and water quality, hazardous materials, and fire services. Impacts to traffic, air quality, and noise could either be reduced or avoided through the Master Plan alternatives presented in this chapter. Other potential impacts identified in the MEIR (biological resources, archaeological or historic resources, hydrology and water quality, hazardous materials, and fire services) have the potential to occur with any scenario, and would not be substantially changed (i.e., reduced or increased) by a different Master Plan scenario. For these issue areas, the most appropriate and feasible mitigation is the implementation of the measures recommended in the MEIR. For these reasons, these issue areas are not addressed further for the modified Master Plan alternatives. However, because the No Project Alternative could result in changes to these potential impacts, all of the environmental issue areas are discussed for this alternative.

#### A. NO PROJECT ALTERNATIVE

##### Description

As required by the CEQA Guidelines (Section 15126.6(e)), the No Project Alternative is to be analyzed in an EIR to allow decision-makers to compare the impacts of approving the proposed project with the impact of not approving the proposed project. If the proposed Master Plan were not approved, the land use designation of the property would continue to be Open Space, as specified by the Modesto General Plan. Individual improvement projects could continue to occur, but would be approved through the City of Modesto's discretionary review process on a project-by-project basis, rather than through a unified Master Plan. Because a Master Plan would not guide the development of the regional park, it is assumed that the park would continue as it is today - that is, providing limited passive recreation opportunities. It is further assumed that the restoration and education efforts proposed by the Master Plan would not occur. Special events would continue to occur at Legion Park, but would not be expanded to the Gateway Parcel. It is also assumed that the amphimeadow and the regional sports complex would not be developed.

##### Traffic and Circulation Needs

By not introducing special events or the amphimeadow at the Gateway Parcel, the No Project Alternative would avoid the following significant and unavoidable impacts: peak traffic associated with special events (including those at the amphimeadow), and a shortage of parking supply associated with special events. Thus, the No Project Alternative is considered better than the proposed project from a traffic and circulation perspective.

##### Degradation of Air Quality

Because the No Project Alternative would not include special events at the Gateway Parcel, no additional air quality impacts would occur. This alternative would avoid the significant and unavoidable impact identified for carbon monoxide "hot spots" attributable to vehicular ingress and egress associated with special events (including those at the amphimeadow). Thus, the No Project Alternative would be considered better than the proposed project from an air quality perspective.

### Generation of Noise

Because the No Project Alternative would not include an amphimeadow, the significant and unavoidable noise impact attributable to this use would not occur. Thus, the No Project Alternative would be considered better than the proposed project with regard to noise. In addition, because the regional sports complex would not be constructed, and because special events would not occur at the Gateway Parcel, no change in the existing ambient noise environments would be anticipated.

### Loss of Sensitive Wildlife and Plant Habitat

The No Project Alternative does not include the extensive riparian restoration planned through the TRRP Master Plan. Thus, this restoration would likely not occur. Although several impacts have been identified for the Master Plan as a result of site disruption associated with flood plain creation, facility construction, and native plantings, these impacts to biological resources are considered short-term and could be rendered less-than-significant with the implementation of the mitigation measures outlined in this report. Because the No Project Alternative would result in no net improvement to biological values, this alternative is considered worse than the proposed Master Plan in this regard.

### Disturbance of Archaeological or Historical Sites

Because substantial construction at the TRRP site is not anticipated with the No Project Alternative, cultural resources would likely not be disturbed. However, the proposed project would not result in unavoidable impacts to this resource area. Conversely, no known cultural resources that would be affected are known to exist at the project site. Thus, construction associated with the TRRP Master Plan is not anticipated to disturb cultural resources. However, it is impossible to be sure about the presence or absence of cultural resources until the ground is disturbed. For this reason, this MEIR recommends mitigation measures to address the discovery of unknown resources. Such mitigation measures should apply to all ground-disturbing activities at the TRRP site.

### Flooding and Water Quality

All of the TRRP falls within the 100-year floodplain and much of the park falls within the proposed 100-year floodway. The No Project Alternative would not change this condition; however, new land uses would likely not be introduced to the TRRP site. Although no housing or other inhabitable structures would be constructed within the defined flood zones with implementation of the proposed Master Plan, some structures would be placed in the flood hazard zone and proposed re-grading and planting schemes could increase water surface elevations during a 100-year flood. However, all of the potential impacts of the proposed Master Plan could be avoided with the implementation of the mitigation measures recommended in this MEIR. Thus, this No Project Alternative and the proposed Master Plan are considered to have similar flooding impacts. In addition, potential short-term water quality impacts associated with construction of the facilities proposed by the Master Plan could also be reduced to a less-than-significant level with the implementation of the measures recommended in this MEIR. Thus, the No Project Alternative and the proposed Master Plan are considered essentially the same from a hydrology and water quality perspective.

### Exposure to Hazardous Materials

The hazardous materials impacts of the No Project Alternative are essentially the same as those for the proposed Master Plan. Although the need for additional hazardous materials investigations may not be triggered by the No Project Alternative (because additional

development may not occur), the additional investigations recommended in this MEIR should be implemented prior to any new development within the TRRP.

#### Increase Demand for Fire Services

The No Project Alternative would avoid the impacts identified for the proposed Master Plan, which are associated with an increase in the number of users at the park. The potentially significant impacts of the proposed Master Plan include the potential for inadequate emergency access and increases in wildfire hazards associated with increased use of the park. Although these impacts would not have the potential of occurring with the No Project Alternative, they are easily mitigated with the implementation of the mitigation measures recommended in this MEIR. Thus, the No Project Alternative and the proposed Master Plan are essentially the same from a fire services and hazards perspective, assuming the mitigation measures identified in this MEIR are implemented.

(Draft MEIR, p. VII-2 – VII-5)

#### Conclusion

As summarized above, the No Project Alternative would avoid the impacts identified for the proposed Master Plan. However, the No Project Alternative would also not include the biological resource and habitat enhancement benefits that are attributable to the proposed Master Plan. Moreover, the No Project Alternative would not provide the integrated active and passive recreation uses that are proposed for the TRRP, including providing a location for regional community events close to the commercial centers of Modesto and Ceres, and easily accessible to the rest of the region. Because of its failure to meet key project objectives, and for the reasons stated in the Statement of Overriding Considerations, the City of Modesto rejects the No Project Alternative.

### B. 250-PERSON AMPHIMEADOW ALTERNATIVE

#### Description

This alternative would be identical to the proposed Master Plan with one exception: the proposed amphimeadow would accommodate only 250 people, rather than the 3,000 proposed by the Master Plan. This reduction in size would make it feasible to have presentations at the amphimeadow without the use of amplification. If amplification were to be accommodated under this alternative, it is assumed to be minimal and could likely be controlled so that significant noise impacts do not occur to surrounding sensitive uses. This alternative would avoid this significant and unavoidable noise impact identified for the proposed Master Plan in Chapter IV of this MEIR (Impact Noise-2).

The environmental consequences of this alternative are explored below. This analysis focuses on traffic and circulation, air quality, and noise. These are the environmental consequences where conclusions may be different for this alternative when compared to the proposed Master Plan.

#### Traffic and Circulation Needs

Because this alternative would substantially reduce the number of people attending amphimeadow events, peak traffic associated with these activities could likely be reduced to a less-than-significant level with the implementation of an event traffic management plan. In addition, sufficient parking for the events at the reduced capacity amphimeadow would be provided by the 530 parking spaces in the Gateway Parcel. However, significant and unavoidable

impacts would still occur with implementation of this alternative as a result of peak traffic and parking associated with special events, which would be allowed to occur at the Gateway Parcel. Because the number of significant and unavoidable traffic and circulation impacts would be reduced, this alternative is considered better than the proposed Master Plan from a traffic and circulation perspective. However, this improvement would not be considered substantial because special events would continue to have these types of impacts.

#### Degradation of Air Quality

The 250-person Amphimeadow Alternative would not avoid the identified significant and unavoidable air quality impact of the Master Plan. This alternative may limit the number of events where carbon monoxide "hot spots" could potentially occur, because the special events associated with the amphimeadow would be limited in size. However, carbon monoxide "hot spots" could still occur as a result of short-term congestion resulting from the ingress and egress of people from special events. Because these events would occur with implementation of both the Master Plan and the 250-person Amphimeadow Alternative, the differences with regard to air quality is not considered substantial.

#### Generation of Noise

The 250-person Amphimeadow Alternative would avoid the significant and unavoidable noise impact identified in this MEIR for the TRRP Master Plan. Specifically, with the smaller event size, it is assumed that amplification would not be required at the amphimeadow. Thus, this alternative is considered substantially better than the proposed project with regard to noise. All other noise impacts identified in this MEIR could be reduced to a less-than-significant level with the implementation of the measures identified in this report.

(Draft MEIR, p. VII-5 – VII-6)

#### Conclusion

The 250-person Amphimeadow Alternative would avoid the significant and unavoidable noise impact associated with the TRRP Master Plan, but would only avoid some of significant and unavoidable traffic and air quality impacts. The 250-person Amphimeadow Alternative meets some project objectives. The City nevertheless rejects the 250-person Amphimeadow Alternative. A 250-person amphimeadow would not accommodate the regional events envisioned for the park. The proposed 3,000-person amphimeadow in the Master Plan presents an opportunity to properly accommodate community events that are now held in areas that are poorly equipped to handle it. For this reason, and as particularly stated in the Statement of Overriding Considerations, the City of Modesto has concluded that the 250-person Amphimeadow Alternative would not meet the basic project objectives, and specific economic, social, or other considerations make it infeasible.

### C. PASSIVE RECREATION/SPORTS COMPLEX ALTERNATIVE

#### Description

In this alternative, no special events would occur at the Gateway Parcel and the amphimeadow would not be constructed. They would continue to occur in Legion Park, similar to existing conditions. Because the regional sports complex is not expected to result in any significant and unavoidable impacts, this alternative continues to integrate this use. However, implementation of the mitigation measures associated with the regional sports complex, as recommended in this MEIR, would continue to be required to reduce potential impacts associated with this use to a less-than-significant level.

The environmental consequences of this alternative are explored below. This analysis focuses on traffic and circulation, air quality, and noise. These are the environmental consequences where conclusions may be different for this alternative when compared to the proposed Master Plan.

#### Traffic and Circulation Needs

Because this alternative would not include special events of any sort at the Gateway Parcel, short-term traffic and parking impacts associated with special events (including those at the amphimeadow) would be avoided. Although a potentially significant parking impact is identified in this MEIR for the proposed sports complex, this impact could be reduced with the implementation of the mitigation measure recommended in this document. Thus, this alternative is considered substantially better than the proposed Master Plan from a traffic and circulation perspective.

#### Degradation of Air Quality

The Passive Recreation/Sports Complex Alternative would avoid the identified significant and unavoidable air quality impact of the Master Plan. This alternative would remove the potential for carbon monoxide "hot spots" because traffic would be spread more evenly over a longer time period. Thus, the potential for traffic congestion and carbon monoxide "hot spots" would be reduced to a less-than-significant level. Thus, the Passive Recreation/Sports Complex Alternative is considered substantially better than the proposed Master Plan from an air quality perspective.

#### Generation of Noise

The Passive Recreation/Sports Complex Alternative would avoid the significant and unavoidable noise impact identified in this MEIR for the TRRP Master Plan. Specifically, because special events would not occur, the potential for noise impacts resulting from activities at the Gateway Parcel would be avoided. Thus, this alternative is considered substantially better than the proposed project from a noise perspective. All other noise impacts identified in this MEIR could be reduced to a less-than-significant level with the implementation of the measures identified in this report.

(Draft MEIR, p. VII-6 – VII-7)

#### Conclusion

The Passive Recreation/Sports Complex Alternative would avoid all of the significant and unavoidable impacts identified in the MEIR for the TRRP Master Plan. For this reason, this alternative is considered the environmentally superior alternative. However, the Passive Recreation/Sports Complex Alternative would not provide the integrated active and passive recreation uses that are proposed for the TRRP, including providing a location for regional community events close to the commercial centers of Modesto and Ceres, and easily accessible to the rest of the region. Because of its failure to meet key project objectives, and for the reasons stated in the Statement of Overriding Considerations, the City of Modesto rejects the Passive Recreation/Sports Complex Alternative.

### D. OFF-SITE ALTERNATIVES

As described in the MEIR, alternative locations would not avoid the impacts identified for the Master Plan and meet the objectives of the project. Placing an amphitheater and holding special events would result in significant short-term traffic and air quality impacts in any conceivable location within an urban area. In the Final MEIR, Thurman Field, Graceada Park, and roped-off

streets of downtown Modesto were considered as alternative sites for special events. Thurman Field and Graceada Park would not avoid the traffic, parking and air quality impacts identified for the Master Plan. Although the parking supply in downtown Modesto would most likely be able to meet the demands of event visitors on weekends, this alternative site for special events would not avoid the identified traffic and air quality impacts of the TRRP Master Plan. In addition, none of these other sites are owned or controlled by the JPA.

Although a location outside of the urbanized area could be selected for these special facilities to avoid potential noise impacts to sensitive receptors, it could not be developed with the integrated active and passive recreation uses that are proposed for the TRRP. The opportunity that is provided by this existing riverfront park is unique. The existing park has the potential to attract a variety of users due to its location along the river and in close proximity to downtown Modesto and the City of Ceres. A site further away from the urban core would not provide an opportunity to draw upon downtown uses and current activities in the cities. From a transportation perspective, people would have fewer opportunities to walk or bike to events at a site outside of the city and event planners would not be able to utilize existing nearby parking facilities. One of the main objectives of the Master Plan is to "provide a variety of recreational experiences, including opportunities for both active and passive activities." The opportunities provided by the Tuolumne River for joint restoration and recreation are not afforded by other locations within the region.

In addition to the opportunities provided by this particular site, construction-related impacts (e.g., air quality, water quality, biology, etc.) would exist at other areas of the City of Modesto or the region, especially along any other stretch of the Tuolumne River. Although restoration of this river stretch may result in these short-term impacts, the long-term benefits of river restoration in the TRRP outweigh these limited impacts. These types of construction-related impacts are most appropriately mitigated to less-than-significant levels with the implementation of construction-related measures and best management practices, as outlined in this Draft MEIR, and should not drive the consideration of alternative locations. For these reasons and because of the failure to meet key project objectives, the City of Modesto rejects off-site alternatives as infeasible.

#### E. CONCLUSION

None of these alternatives would meet the project's basic objectives. No other feasible alternatives that would attain the project's basic objectives and would avoid or substantially reduce the significant unavoidable impacts of the Project are known. In sum, the City of Modesto finds that the TRRP Master Plan is an efficient and environmentally sensitive means of creating a regional park that accommodates active and passive recreational experiences and is oriented towards and compatible with the Tuolumne River, its water, natural resources, and processes.

### IX. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the City of Modesto's approval of the TRRP Master Plan will result in impacts that, even with mitigation, remain significant and unavoidable. As described in Section VII of these findings, with respect to the TRRP Master Plan, the following impacts remain potentially significant:

- Impact Traffic-1: Traffic Impacts from Special Events at Amphimeadow.
- Impact Traffic-2: Traffic Impacts from Large Special Events.
- Impact Traffic-5: Parking for Large Special Events in the Gateway Parcel.
- Impact Air-2: Local Carbon Monoxide Emissions.
- Impact Noise-2: Noise Associated with the Amphimeadow.
- Impact Noise-3: Noise Associated with Special Events.

Despite these impacts, however, the City of Modesto has chosen to approve the Master Plan (as mitigated). To do so, the City of Modesto must first adopt this Statement of Overriding Considerations.

Section 21081(3)(b) of the Public Resource Code and Section 15093 of the CEQA Guidelines require public agencies to balance the benefits of a proposed project, including specific economic, social, planning, land use, or other considerations, against its unavoidable environmental risks in determining whether to approve the project. The City of Modesto has reviewed and considered the information contained in the MEIR. Based on this information, the City of Modesto has determined that the TRRP Master Plan should be approved and that any remaining unmitigated environmental impacts attributable to the Master Plan are outweighed by the following specific economic, fiscal, social, environmental, land use and other overriding considerations. Any one of the reasons for approval cited below is sufficient to justify approval of the Master Plan.

#### A. PROVIDE INTEGRATED ACTIVE AND PASSIVE RECREATION USES

The adoption and implementation of the TRRP Master Plan will provide a variety of recreational experiences, including opportunities for both active and passive activities. The TRRP provides a unique opportunity for community gathering and special events due to its close proximity to downtown Modesto and the City of Ceres. The existing park has the potential to attract a variety of users due to its location along the river and in close proximity to downtown Modesto and the City of Ceres, and access to Highway 99. The opportunities provided by the Tuolumne River for joint restoration and active and passive recreation are not afforded by other locations within the region.

The TRRP Master Plan has been developed according to a conceptual framework that divides the park into active and passive recreation areas, zones for intensive restoration work and areas intended for nature study and interpretation. In general the centrally located Gateway Parcel will be the primary public gathering area and home to informal, active recreational areas, including a grassy outdoor “amphimeadow” that can accommodate up to 3,000 people for regional and community events. The Carpenter Road Area’s sports complex will be the other active recreation zone, complete with sports fields located far from the river corridor. The rest of the TRRP is oriented towards quieter, passive recreation, focused around trail networks and picnic areas.

The TRRP provides a unique opportunity to draw upon downtown uses and current activities in the cities, while providing an opportunity for people to enjoy the natural environment and learn about the natural riparian processes of the Tuolumne. As such, the City of Modesto hereby finds

and declare that the provision of integrated active and passive recreational experiences is a benefit associated with this project.

## B. RESTORE AND ENHANCE PLANT AND WILDLIFE HABITATS

The TRRP has been designed to protect and enhance sensitive habitats and natural areas and provide improved habitat for fish and wildlife. Park trails and facilities have been designed to protect the fragile ecosystems while making these educational and recreational resources accessible to the public.

Implementation of the TRRP Master Plan will restore a continuous riparian corridor along the length of the Tuolumne River. Riparian zones provide multiple benefits to aquatic and terrestrial ecosystems and are widely recognized as centers of biodiversity and dispersal corridors for plants and animals. The goal of the park's riparian restoration zones is to restore the valuable, rich ecological corridor as well as the processes that help to create and maintain it over time.

The Tuolumne River provides aquatic habitat for a variety of species, including the largest population of fall-run chinook salmon in the San Joaquin Basin. The riparian corridor restoration work in the TRRP will benefit the salmon and many other species. The canopy of riparian forests benefits fish and wildlife by providing leaf litter to in-stream food webs, large woody debris and shade for fish habitat, and cover and migratory corridors for terrestrial wildlife.

In addition to the rich riparian zones, other areas of the park will enhance wildlife habitat. Wildflower meadows will be planted in much of the park's open space areas, attracting ground-nesting birds and mammals, and providing seed and nectar food sources. The TRRP will also be planted with thousands of trees along its interior streets and pathways, and clusters of trees and shrubs will be grouped throughout the park's open spaces. The planned riparian restoration work and increased vegetation on the site will greatly enhance existing aquatic and terrestrial habitat, attracting more wildlife to the park. As such, the City of Modesto hereby finds and declares that the restoration and enhancement of plant and wildlife habitats is a benefit associated with this project.

## C. SERVE THE REGIONAL COMMUNITY

The TRRP Master Plan has been designed to serve the residents of Stanislaus County. The location near Highway 99, other major roadways, and public transit, and the extension of pedestrian and bicycle trail networks allows for convenient regional access to the park.

The park's development presents a significant opportunity to enhance the existing regional open space network and provide focus to the system. The seven-mile, riverfront TRRP will connect many of the recreational areas in Stanislaus County. The TRRP will enhance and provide access to the Tuolumne River.

The TRRP will also provide a location for regional community and sporting events, close to the commercial centers of Modesto and Ceres, and accessible to the rest of the region along major arterial streets and Highway 99. This location for regional events provides the opportunity for people to enjoy and learn about the Tuolumne River and its natural processes before or after the scheduled events. The proposed amphimeadow in the Gateway Parcel and the regional sports complex in the Carpenter Road Area could be designed to better accommodate the facility needs of anticipated regional community events, such as the annual Cinco de Mayo celebration

currently held in Legion Park. The internal loop road and pedestrian and bicycle trails would also facilitate access for the handicapped and those who cannot comfortably walk across the park's entire width, so that all community members could attend the festivals and events. The City of Modesto hereby finds and declares that the benefits of the TRRP Master Plan are regional in nature and will benefit the entire community.

#### D. ENHANCE PEDESTRIAN AND BICYCLE TRAIL NETWORKS

Implementation of the TRRP Master Plan will provide a continuous bicycle and pedestrian trail from Carpenter Road to Mitchell Road with connections across Dry Creek and Tuolumne River. The creation of a continuous riverfront trail along the north side of the river would tremendously improve access through the park, and pedestrian/bicycle bridges across the river will enhance north-south connections. The trail network will make pedestrian and bicycle travel more convenient and viable throughout the region. The substantial TRRP trail network will unite many of the existing and planned trail systems in Stanislaus County. For example, the new TRRP pedestrian and bike paths present exciting opportunities to link to the Dry Creek Parkway, the Hetch-Hetchy right-of-way, and other greenways in the area. Such a system will create a network of Class I (off-street) bicycle and pedestrian paths that will be an attractive alternate means of transportation, while enhancing livability throughout the region. As such, the City of Modesto hereby finds and declares that the provision of pedestrian and bicycle paths that improve access through the park and link to paths in the region is a benefit associated with this project.

#### E. APPROPRIATE USE OF THE FLOODPLAIN

The TRRP has been designed to consider the Tuolumne River's natural tendency to flood, particularly during wet winter and spring weather. The park is designed to withstand periodic floods, and to gracefully handle regular increases in flow levels. The Gateway Parcel is designed with flood terraces that expand flood capacity on the site while enhancing the regeneration of riparian woodland habitats. These riparian forests also naturally serve to help control bank erosion. In addition, the Master Plan generally avoids the construction of permanent structures within the 100-year floodway in order to prevent the flood stage elevations from increasing and impacting the surrounding land uses. The TRRP would provide the region with recreational opportunities and as also act as a functioning river floodplain. As such, the City of Modesto hereby finds and declares that the joint use of the floodplain for recreation and flood control purposes is a benefit associated with this project.

#### F. PROVIDE NATURAL STORMWATER PURIFICATION

The TRRP Master Plan incorporates stormwater purification wetlands and vegetated swales to reduce nonpoint source pollutants entering the Tuolumne River. Stormwater runoff from the adjacent urban and agricultural areas contribute to water quality issues in the Tuolumne. Stormwater wetlands and vegetated swales use native plants to partially purify the runoff before it enters the river. Stormwater purification wetlands are proposed on the Gateway Parcel and in the Carpenter Road area. Impervious surfaces have been minimized within the park landscape in order to reduce additional runoff-related problems. Where hard surfaces do exist, vegetated swales will edge all new parking lots and streets in the TRRP to help purify the new stormwater runoff. Water released by these special wetlands and swales will be cleaner than it was when it went in, and will help to protect the overall water quality of the Tuolumne River. As such, the City of Modesto hereby finds and declares that the creation and use of stormwater purification wetlands and vegetated swales is a benefit associated with this project.

### G. EDUCATIONAL OPPORTUNITIES

The TRRP's natural environment provides an excellent opportunity to ecological education and interpretation. Signage and other amenities, in conjunction with educational and interpretive programs, would educate the public about natural river processes, migrating salmon and other wildlife, and the importance of healthy riparian corridors. In addition, special events would draw people from the region and provide further opportunities for environmental education. The location of the TRRP also provides an opportunity to highlight the unique and important issues that arise where urban populations and natural resources coexist. As such, the City of Modesto finds and declares that the provision of ecological educational and interpretive opportunities is a benefit associated with this project.

### H. CONCLUSION

In sum, the City of Modesto approves the proposed TRRP Master Plan, despite the significant and unavoidable environmental effects described in these findings. The City of Modesto further finds that it has incorporated all feasible mitigation measures to lessen, to the extent feasible, the project's significant environmental effects. The City of Modesto finds that the Master Plan's unavoidable effects are outweighed by the project's benefits.



## **TUOLUMNE RIVER REGIONAL PARK MASTER PLAN**

### **MITIGATION MONITORING PROGRAM**

In June 2001, the City of Modesto (City) distributed to public agencies and the general public the Draft Master Environmental Impact Report (Draft MEIR) for the Tuolumne River Regional Park (TRRP) Master Plan. In accordance with the California Environmental Quality Act (CEQA) Guidelines, a public review period for the Draft MEIR has been completed, ending on August 1, 2001.

All comments on the Draft MEIR and response to these comments are published in the Final MEIR. The City of Modesto City Council certified the EIR on December 12, 2001. In order to support its decision on the project, the City prepared and adopted written findings of fact for each significant environmental impact identified in the EIR.

When an agency makes findings on significant effects identified in an EIR, it must also adopt a program for reporting or monitoring mitigation measures that were adopted. This document is the Mitigation Monitoring Program for the TRRP Master Plan. Some of the measures included in this monitoring program will be the responsibility of contractors to the City; however, until mitigation measures have been completed, the City of Modesto remains responsible for ensuring that the implementation of the mitigation measures occurs in accordance with this program (CEQA Guidelines Section 15097 (a)).

The following table includes four columns: (1) Mitigation Measures / Actions, (2) Implementation Timing, (3) Implementation Responsibility, and (4) Monitoring Responsibility. The mitigation measures / actions are the measures that were adopted by the Modesto City Council. Implementation timing indicates when these measures must be completed. The timing indicated is either prior to a specific City approval (e.g., entitlement or permit) or during a particular phase of the project. Implementation responsibility refers to the City department or agency responsible for completing the specified analysis or directing the implementation of the actions. Monitoring refers to a second tier of review that will ensure the specified actions have been completed according to the required timing. The department responsible for monitoring is responsible for reporting the status of required actions to the City Council, if so requested.



**TUOLUMNE RIVER REGIONAL PARK  
MASTER PLAN**

**MITIGATION MONITORING PROGRAM**

<b>Impact and Mitigation Number</b>	<b>Mitigation Measures / Actions</b>	<b>Implementation Timing</b>	<b>Implementation Responsibility</b>	<b>Monitoring Responsibility</b>
<p><b>Traffic-1 Air-2</b></p>	<p>Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan should identify the following:</p> <ul style="list-style-type: none"> <li>• Routes that will be used to access the park by visitors, emergency vehicles and by staff;</li> <li>• Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event;</li> <li>• Methods and duration of protection for pedestrian crossings; and</li> <li>• Location and responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted.</li> </ul>	<p>Once detailed plans are available for the amphimeadow, prior to approval of the facility.</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Engineering and Transportation Department (Traffic Division)</p> <p>Modesto Police Department</p>	<p>Modesto Community Development (Planning Division) (concurrent with additional environmental review)</p> <p>Modesto Police Department</p>
<p><b>Traffic-2 Air-2</b></p>	<p>Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1.</p>	<p>Once detailed plans are available for active recreation areas within the Gateway Parcel, prior to approval.</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Engineering and Transportation Department (Traffic Division)</p>	<p>Modesto Community Development (Planning Division) (concurrent with additional environmental review)</p>

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
<p><b>Traffic-3</b> <b>Air-2</b></p>	<p>Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for the Regional Sports Complex, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The following measures may be included in the parking management plan:</p> <ul style="list-style-type: none"> <li>a) Park managers could schedule events in a manner that minimizes concurrent parking demand.</li> <li>b) If required, identify overflow parking lots and appropriate signage directing visitors to designated lots. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible.</li> <li>c) If necessary, additional parking may be required at the Sports Complex, or the number of fields may need to be reduced to effectively balance parking demand.</li> </ul> <p>No overflow into the adjacent neighborhoods shall be allowed.</p>	<p>Once detailed plans are available for the Regional Sports Complex, prior to approval of the facility.</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Operations and Maintenance Department (Parking Division)</p>	<p>Modesto Community Development (Planning Division) (concurrent with additional environmental review)</p> <p>Operations and Maintenance Department (Parking Division)</p>
<p><b>Traffic-4</b> <b>Air-2</b></p>	<p>Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created.</p> <p style="text-align: center;">&lt;continued on following page&gt;</p>	<p>Once detailed plans are available for the amphimeadow, prior to approval of the facility.</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Operations &amp; Maintenance Department (Parking Division)</p>	<p>Community Development Department (Planning Division) (concurrent with additional environmental review)</p> <p>Operations and Maintenance Department (Parking Division)</p>

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
Traffic-4 (cont.)	<p>The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a "real time" basis. Signs noting "lots full" and directing motorists to ancillary parking areas would be needed.</p> <p>No overflow into the adjacent neighborhoods shall be allowed.</p>			
Traffic-5 Air-2	<p>Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events.</p> <p>Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4.</p>	Once detailed plans are available for active recreation areas within the Gateway Parcel, prior to approval.	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Operations &amp; Maintenance Department (Parking Division)</p>	<p>Community Development Department (Planning Division) (concurrent with additional environmental review)</p> <p>Operations &amp; Maintenance Department (Parking Division)</p>

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
Air-1	<p>The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:</p> <ul style="list-style-type: none"> <li>a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water or vegetative ground cover.</li> <li>b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water.</li> <li>c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</li> <li>d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.</li> <li>e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.)</li> <li>f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water.</li> <li>g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent.</li> <li>i) Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.</li> <li>j) Excavation and grading activities shall be suspended when winds exceed 20 mph.</li> <li>k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible.</li> <li>l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.</li> <li>m) When not in use, on-site equipment shall not be left idling.</li> </ul>	During project grading and construction.	Engineering and Transportation Department (Construction Administration Division)	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
Noise-1	<p>Pursuant to Public Resources Code Section 21157(b)(3), Implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project:</p> <p>a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. The sports complex could stay open until 10:00 p.m. However, sporting events shall be scheduled to end at 9:00 p.m.</p>	<p>Limitations of activity timing shall be a condition of approval for the Regional Sports Complex.</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division) (concurrent with additional environmental review)</p>
Noise-1	<p>b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.</p> <p>c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA.</p>	<p>Once detailed plans are available for the Regional Sports Complex, prior to approval of the facility.</p>	<p>Engineering and Transportation Department (Engineering Division)  Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p>	<p>Modesto Community Development Department (Planning Division) (concurrent with additional environmental review)</p>
Noise-2	<p>To minimize the impacts of noise associated with events at the amphimeadow, the following measures shall be implemented:</p> <p>a) An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphimeadow to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby residences and other noise-sensitive receptors and riparian areas. Measures may include, but are not limited to, construction of temporary noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity.</p> <p style="text-align: center;">&lt;continued on following page&gt;</p>	<p>Once detailed plans are available for the amphimeadow, prior to entitlement of the facility.</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division) Engineering and Transportation Department (Engineering Division)</p>	<p>Modesto Community Development Department (Planning Division) (concurrent with additional environmental review)</p>

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
Noise-2 (cont.)	<p>b) Prior to the design and construction of the proposed amphimeadow, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation, including locational considerations for the amphimeadow, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation.</p> <p>The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphimeadow.</p>			
Noise-3	<p>a) The use of amplified sound systems shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.</p>	Ongoing limitations on use of amplified sound systems.	Modesto Parks, Recreation & Recreation Department (Parks Planning and Development Division) Modesto Police Department	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division) Modesto Police Department
Noise-3	<p>b) Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent events. If the sound requirements for a subsequent event should differ significantly from the event used to identify the mitigation measures, consultation with an acoustical engineer and appropriate resource agencies shall occur.</p>	Prior to holding the first special event using sound amplification.	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)	Modesto Community Development Department (Planning Division) (concurrent with additional environmental review)

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
Bio-1	<p>a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented.</p>	Prior to grading and tree removal.	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Operations and Maintenance Department (Parks Division)</p>	Modesto Park, Recreation & Neighborhoods Department (Parks Planning and Development Division)
Bio-1	<p>b) Prior to project implementation, a Section 404 permit shall be obtained from USACE and a Section 1600 Streambed Alteration Agreement shall be obtained from CDFG. Additional mitigation for impacts to riparian areas will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually by a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG.</p>	Prior to implementation of project activities within waterways.	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Community Development Department (Planning Division)</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Community Development Department (Planning Division)</p>
Bio-2	<p>a) For any TRRP Master project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential Jurisdictional Waters of the U.S., including wetlands are present in the project area.</p> <p>b) If potential Jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any Jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate.</p> <p style="text-align: center;">&lt;continued on following page&gt;</p>	Prior to grading and tree removal.	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Community Development Department (Planning Division)</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Community Development Department (Planning Division)</p>

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
Bio-2 (cont.)	c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S., will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.			
Bio-2	d) For all projects with the potential to affect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages. All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.	Erosion control measures shall be incorporated into grading plans. Monitoring of runoff controls shall occur on an ongoing basis.	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Community Development Department (Development Services)	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)
Bio-3	a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.	During construction. Monitoring of runoff controls shall occur on an ongoing basis.	Modesto Park, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Modesto Engineering and Transportation Department (Construction Administration Office Division)	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Modesto Engineering and Transportation Department (Engineering Division)

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
Bio-3	b) River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate to avoid impacts during fish migrations and sensitive life stages. Construction shall not occur near the river from September through December, as this is the period when most ESA species would be in the river in appreciable numbers.	During construction.	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Modesto Engineering and Transportation Department (Construction Administration Division)	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Modesto Engineering and Transportation Department (Construction Administration Division)
Bio-3	c) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.	After detailed grading and project plans are developed; consultation shall occur prior to construction near the Tuolumne River or Dry Creek.	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Modesto Community Development Department (Planning Division)	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Modesto Community Development Department (Planning Division)

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
<p><b>Bio-4</b></p>	<p>The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:</p> <ul style="list-style-type: none"> <li>a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.</li> <li>b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.</li> <li>c) If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented.</li> </ul>	<p>Prior to project grading or construction.</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Community Development Department (Planning Division)</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Community Development Department (Planning Division)</p>
<p><b>Bio-5</b></p>	<p>Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:</p> <ul style="list-style-type: none"> <li>a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.</li> <li>b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable.</li> </ul>	<p>Prior to project grading or construction.</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Community Development Department (Planning Division)</p> <p>Engineering and Transportation Department (Construction Administration Office)</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Community Development Department (Planning Division)</p> <p>Engineering and Transportation Department (Construction Administration Office)</p>

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
CR-1	Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings.	Prior to project grading or construction.	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Engineering and Transportation Department (Construction Administration)	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Engineering and Transportation Department (Construction Administration)
CR-1	<p>If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant.</p> <ul style="list-style-type: none"> <li>a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.</li> <li>b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.</li> <li>c) If the discovery is historic, archival research may be necessary by a qualified historian.</li> </ul> <p>If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards.</p>	During project grading and construction.	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Engineering and Transportation Department (Construction Administration)	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Engineering and Transportation Department (Construction Administration)

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
CR-2	<p>Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds.</p> <p>In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.</p> <p>The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant.</p>	Prior to project grading or construction.	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Engineering and Transportation Department (Construction Administration)</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Engineering and Transportation Department (Construction Administration)</p>
Hydro-1	<p>The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood.</p>	Prior to final approval of the Regional Sports Complex and Nature Interpretive Center.	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Community Development Department (Development Services)</p>	<p>Modesto Community Development Department (Planning Division) (concurrent with additional environmental review)</p>

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
Hydro-2	Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood water surface elevations. The grading design shall not significantly increase river flow velocities.	Prior to grading implementation.	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Modesto Community Development Department (Development Services)	Modesto Parks Recreation & Neighborhoods Department (Parks Planning and Development Division)
Hydro-3	<p>The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway:</p> <ul style="list-style-type: none"> <li>a) Once detailed plans have been developed for the proposed structures, hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations.</li> <li>b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).</li> <li>c) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream.</li> <li>d) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events.</li> </ul>	Prior to Notice to Proceed.	Modesto Engineering and Transportation Department (Engineering Division)	Modesto Community Development Department (Planning Division) (concurrent with additional environmental review)

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
<p><b>Hydro-4</b></p>	<p>Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance.</p>	<p>Prior to implementation of riparian planting schemes.</p>	<p>Modesto Engineering and Transportation Department (Engineering Division)  Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p>	<p>Modesto Parks, Recreation and Neighborhoods Department Parks Planning and Development Division)</p>
<p><b>Hydro-5</b></p>	<p>The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall be also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion.</p> <p>The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).</p>	<p>Prior to development of the amphimeadow.</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)  Modesto Engineering and Transportation Department (Engineering)</p>	<p>Modesto Community Development Department (Planning Division) (concurrent with additional environmental review)</p>

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
Hydro-6	<p>The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge:</p> <ul style="list-style-type: none"> <li>a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base flood water surface elevations during the base flood.</li> <li>b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris.</li> <li>c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events.</li> <li>d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).</li> </ul>	Prior to construction of the pedestrian bridge.	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Engineering and Transportation Department (Engineering Division)</p>	<p>Modesto Community Development Department (Planning Division)</p> <p>(concurrent with additional environmental review)</p>
Hydro-7	Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, armoring and erosion control measures shall be installed at existing bridge locations.	Prior to implementation of grading plans.	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p> <p>Modesto Engineering and Transportation Department (Engineering Division)</p>	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
HazMat-1	<p>Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears Investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel.</p>	<p>Prior to ground disturbance on the Gateway Parcel.</p>	<p>Modesto Operations and Maintenance Department (Parks Division)             Engineering and Transportation Department (Engineering Division)</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p>
HazMat-2	<p>A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies.</p>	<p>Prior to development around the former ranch complex.</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)            Operations and Maintenance Department (Parks Division)             Engineering and Transportation Department (Engineering Division)</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</p>

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
HazMat-3	A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children's playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for the intended land use, remediation requirements in accordance with State and federal regulations would be required. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.	Prior to development of children's playgrounds or other areas to be specifically used by children.	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division) Operations and Maintenance Department (Parks Division)  Engineering and Transportation Department (Engineering Division)	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)
HazMat-4	A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.	Prior to ground disturbance in the TRRP planning area.	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  Operations and Maintenance Department (Parks Division)  Engineering and Transportation Department (Engineering Division)	Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)

MITIGATION MONITORING PROGRAM

Impact and Mitigation Number	Mitigation Measures / Actions	Implementation Timing	Implementation Responsibility	Monitoring Responsibility
Fire-1	<p>The Modesto Fire Department (MFD) and Stanislaus County Fire Department (SCFPD) shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCFPD shall be accommodated.</p>	<p>Prior to the finalization of detailed site plans for any portion of the TRRP Master Plan.</p>	<p>Modesto Fire Department  Stanislaus Consolidated Fire Protection District</p>	<p>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)  Modesto Fire Department  Stanislaus Consolidated Fire Protection District</p>
Fire-2	<p>The Modesto Parks, Recreation and Neighborhoods Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall:</p> <ul style="list-style-type: none"> <li>• Characterize existing and proposed vegetation fuels,</li> <li>• Identify potential ignition sources and locations,</li> <li>• Identify assets at risk in case of a fire,</li> <li>• Identify specific maintenance measures to reduce fuel loads,</li> <li>• Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and</li> <li>• Make recommendations for fire resistant plantings.</li> </ul>	<p>Upon project approval. The vegetation management plan should be updated as project facilities are added to the TRRP.</p>	<p>Modesto Fire Department  Stanislaus Consolidated Fire Protection District</p>	<p>Modesto Park, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)  Modesto Fire Department  Stanislaus Consolidated Fire Protection District</p>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-664**

**A RESOLUTION APPROVING THE MASTER PLAN FOR THE TUOLUMNE  
RIVER REGIONAL PARK**

WHEREAS, on February 22, 1972, the City of Modesto entered into an agreement with the City of Ceres and the County of Stanislaus relating to the acquisition, development and operation of the Tuolumne River Regional Park (TRRP), and

WHEREAS, said agreement formed the Tuolumne River Regional Park Joint Powers Authority (JPA), and

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Tuolumne River Comprehensive Planning District, and

WHEREAS, the JPA has prepared the Tuolumne River Regional Park Master Plan (TRRP Master Plan) which implements the Tuolumne River Comprehensive Planning District policies of the Modesto Urban Area General Plan, and

WHEREAS, the TRRP Master Plan is a long-range plan which will guide the restoration and development of the TRRP, and be adopted by each agency in the JPA, and

WHEREAS, prior to adopting the TRRP Master Plan, the California Environmental Quality Act (CEQA) requires that each agency of the JPA consider the environmental consequences of the proposed project, and

WHEREAS, on September 28, 2001, the Tuolumne River Regional Park Citizens Advisory Committee recommended approval of the TRRP Master Plan to the TRRP Commission, and

WHEREAS on October 8, 2001, the Tuolumne River Regional Park Commission recommended approval of the TRRP Master Plan to the City of Modesto, County Of Stanislaus and the City of Ceres, and

WHEREAS, on November 19, 2001, the Planning Commission of the City of Modesto adopted a Resolution No. 2001-67 recommending that the City Council certify the Final Master Environmental Impact Report (FMEIR) for the TRRP Master Plan, subject to a Statement of

Findings of Facts and Overriding Considerations and adoption of a Mitigation Monitoring and Reporting Checklist Program and recommending approval of the TRRP Master Plan to the City Council, and

WHEREAS, by an agenda report dated November 20, 2001 from the Parks, Recreation and Neighborhoods Director, staff recommended to the Council approving the TRRP Master Plan, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on December 12, 2001, the Modesto City Council adopted Resolution 2001-663 certifying the FMEIR, adopting the Statement of Findings of Fact and Overriding Considerations, and a Mitigation Monitoring Program, and

WHEREAS, the Council has reviewed and considered the information contained in the FMEIR for the TRRP Master Plan, the TRRP Master Plan, the City of Modesto Urban Area General Plan and all other documentation and testimony presented at the hearing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds that the Tuolumne River Regional Park Master Plan is complete and adequate, that it has been prepared and completed in accordance with the provisions of CEQA and that the TRRP Master Plan is consistent with the City of Modesto Urban Area General Plan, and it hereby adopts the TRRP Master Plan, a copy of which is 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 12<sup>th</sup> day of December, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Frohman, Serpa

Attest: Jean Zahr  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich  
MICHAEL D. MILICH, City Attorney



November 2001

# Master Plan

## Tuolumne River Regional Park

Copy on  
File in Clerks  
Office Per  
2001 - 6664



# *Master Plan*

## *Tuolumne River Regional Park*

*Prepared for the Joint Powers Authority:  
City of Modesto, City of Ceres, Stanislaus County*

*Prepared by:*  
*EDAW, Inc.*  
*753 Davis Street*  
*San Francisco, CA 94111*  
*(415) 433-1484*

*With assistance from:*  
*McBain and Trush, Stillwater Sciences, and HDR Engineering, Inc.*

*November 2001*



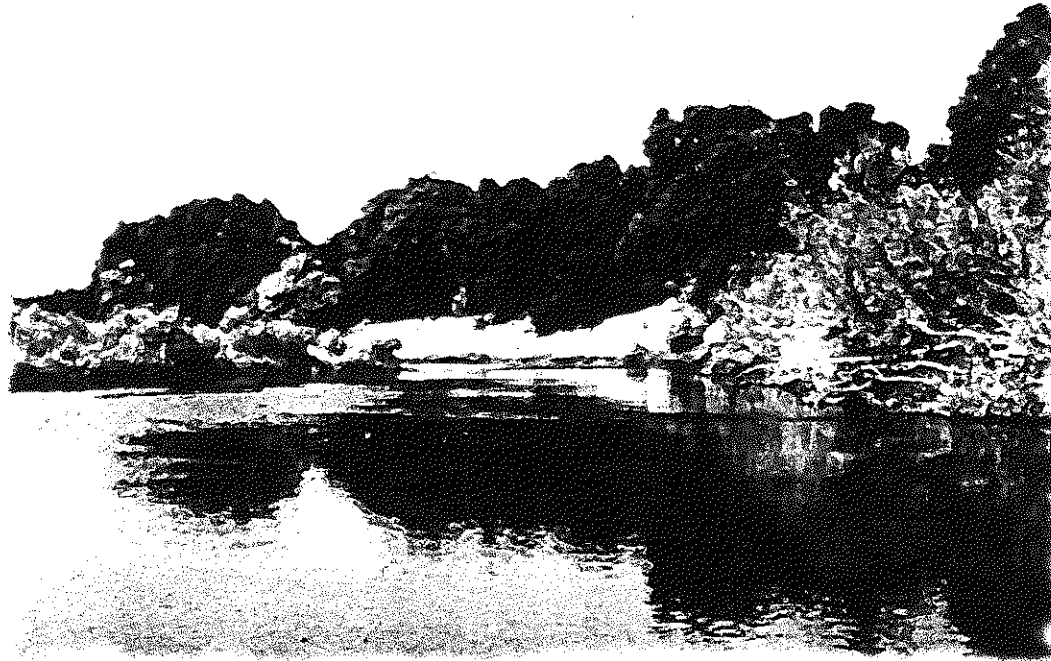
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Legion Park





## Chapter 1: Introduction

The Tuolumne River is one of the most significant natural resources in California's Great Central Valley. From its headwaters in the Sierras in Yosemite National Park to the San Joaquin River, the Tuolumne is the largest tributary of the San Joaquin River. It is almost impossible to express the significance of the Tuolumne in every aspect of life in Stanislaus County. The river brings water and power to homes and businesses and, along with other rivers in the San Joaquin-Sacramento system, supports an agricultural region of significant wealth and productivity. The river is a defining feature of the landscape: a sinuous watery ribbon meandering its way across the valley floor; an oasis of green in an arid environment. The river supports a diverse biological community, including resident and migratory birds and wildlife as well as the largest naturally reproducing population of chinook salmon remaining in the San Joaquin Valley. The river is also an awesome force of nature. In 1997, heavy rains and snowmelt caused catastrophic flooding of the Lower Tuolumne in the vicinity of Modesto. The 1997 flood has initiated multi-year studies, by the U.S. Army Corps of Engineers and others, that address the flood conditions on the Tuolumne and the larger San Joaquin River system.

Despite its significant presence within the region, the Tuolumne River is not a resource that can be easily enjoyed by the public. The river is often inaccessible in rural areas, bounded by agricultural fields that are cultivated up to the riverbank. Its presence is also hidden within the urban landscape. Glimpses of the river can be gained while travelling over vehicular bridges, but access points to the water are limited. Rather than building upon the river corridor to define a unique regional identity, the mighty Tuolumne has become more of an incidental element.

As long as 40 years ago civic leaders in Stanislaus County began acquiring land along the Tuolumne with a vision that the river could become an important focus for life in the region. This land has been set aside as the Tuolumne River Regional Park (TRRP). Today, the TRRP consists of over 500 acres of land along a seven-mile stretch of the river generally bounded

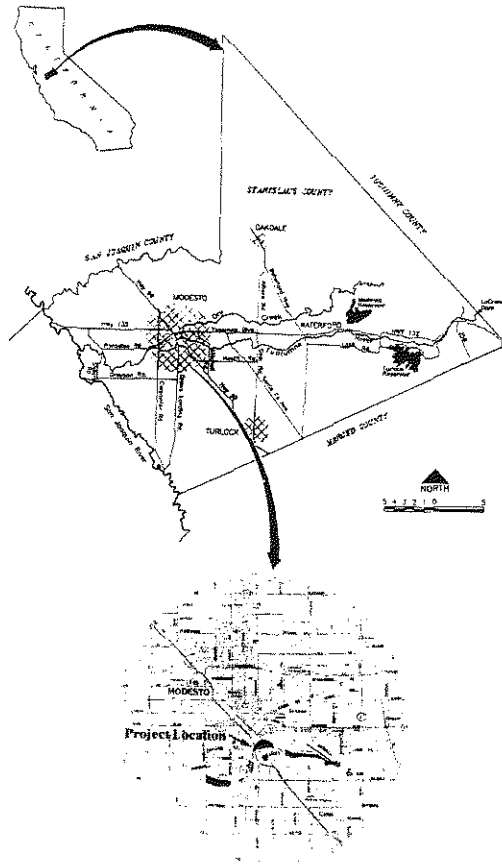


Figure 1: Tuolumne River Regional Park - Location

by Mitchell Road to the east and Carpenter Road to the west. Of the land acquired by the TRRP Joint Powers Authority (comprised of Stanislaus County and the Cities of Ceres and Modesto), only approximately 180 acres have been developed for recreational purposes. In 1995, the TRRP Joint Powers Authority acquired a pivotal property along the park corridor. This remnant walnut orchard at the foot of 10<sup>th</sup> Street, referred to as the "Gateway Parcel," completed the missing link in the chain of park land along the Tuolumne and provided significant focus to the regional park.

### Purpose of the Tuolumne River Regional Park Master Plan

This Master Plan represents a comprehensive update to the master plan that was prepared in 1968 for the Tuolumne River Regional Park. The new Master Plan builds on many of the ideas set forth in the 1968 plan, with respect to environmental awareness, while also responding to contemporary environmental practices, recreational preferences, and issues of regulatory compliance. The new Tuolumne River Regional Park Master Plan will provide a long-range vision for the park and will guide the Tuolumne River Regional Park Commission in undertaking projects that will enhance the recreational amenities, environmental values, and educational and interpretive programs of the park. This Master Plan is intended to provide the overall guidance for the conservation and improvement of the park; however, a more refined design of each of the park's planning areas will be undertaken in the future.

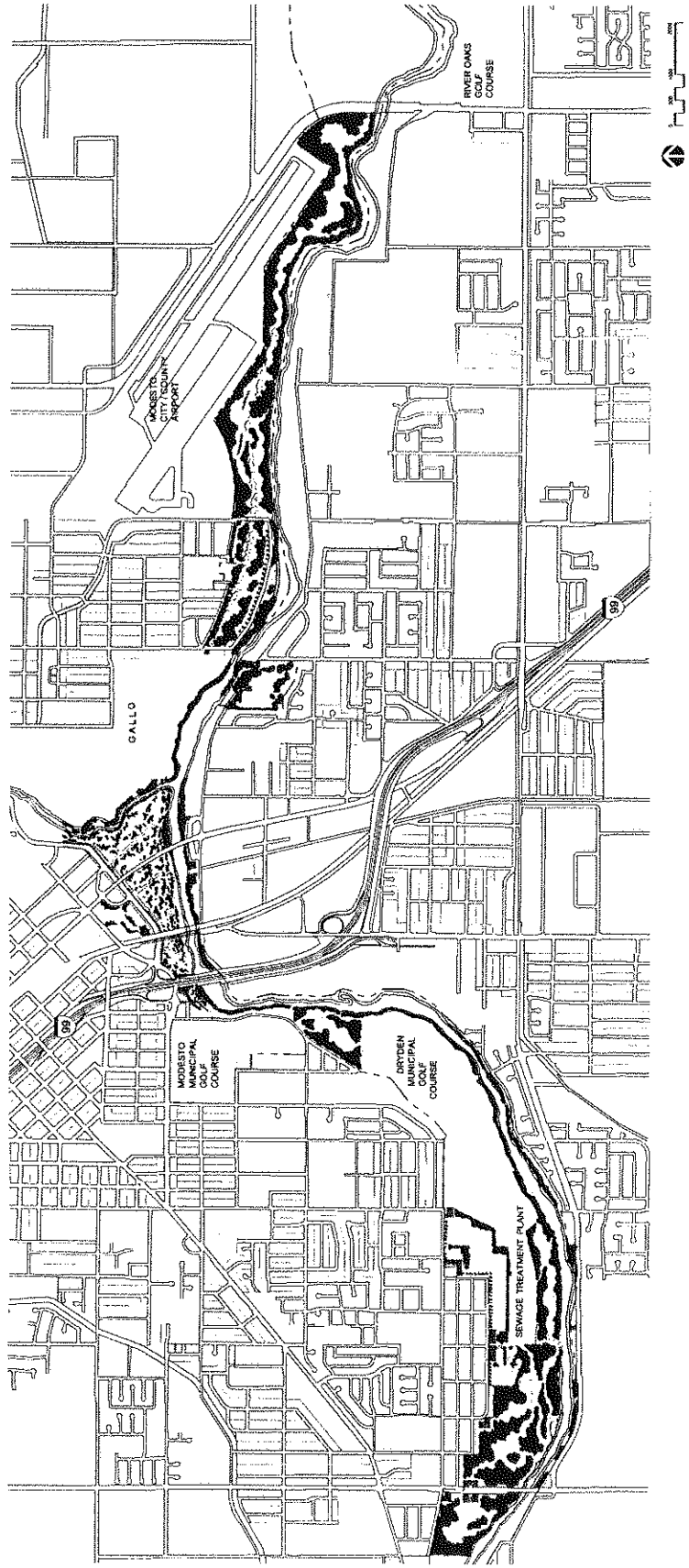
### TRRP Master Planning Process

This Master Plan was prepared through an interactive process that involved the public as well as representatives of local, regional, state, and federal agencies. Over an approximate 12-month period, day-long workshops were held at key junctures in the plan development process to gather input and suggestions for the Master Plan. A series of working papers, covering a range of topics, were prepared to set the foundation for the Master Plan concepts. Paper topics included an evaluation of the 1968 Master Plan and associated documents, an examination of existing conditions, a preliminary identification of goals for the park, and a compilation of appropriate recreational and educational elements.

Public workshops were held to gather ideas and suggestions from the community and to present plans for the park. Members of the public were asked to brainstorm ideas, comment on preliminary concepts, and refine elements related to the conservation, recreation, and educational aspects of the park. Similarly, members of local, state, and federal agencies were asked to provide input into the development of the plan.



Public workshops allowed local residents to participate in the TRRP planning process.



### Tuolumne River Regional Park Illustrative Plan

TRRP Joint Powers Authority and ED&W, Inc.  
in association with McBain & Truitt, Stillwater Sciences, and HDR Engineering, Inc.

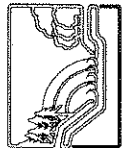
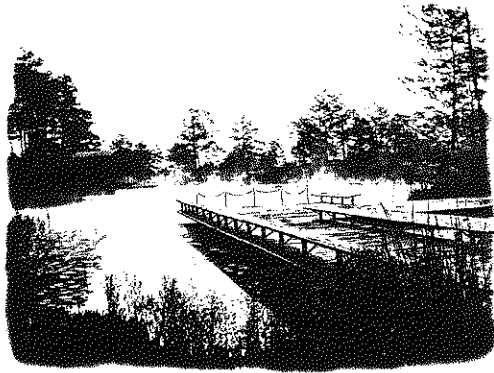


Figure 2



The TRRP Master Plan includes river overlooks that will provide visual access to the water while protecting the sensitive banks from foot traffic.

## Preliminary Goals and Objectives

Preliminary goals and objectives for the TRRP Master Plan were prepared at the outset of the planning process to provide overall guidance for the design and management of the park. These goals are summarized below.

### Overall Goals

- Create a park where the recreational experience is oriented towards and compatible with the Tuolumne River, its water, natural resources, and processes.
- Provide a park that is a source of pride for the citizens of Stanislaus County and reflects and accommodates the County's diverse peoples and cultures.

### Land Use and Recreation

- Design areas within the park to accommodate multiple purposes and changes in recreational preferences over time, wherever possible.
- Expand the park and its trail system to the east and west, and within its current reach, as land becomes available.
  - Develop priorities for the acquisition of new park land and trail easements.

- Create active and passive areas within the park.
  - Focus the passive activities on the linear and more natural portions of the park, east and west of the Gateway Parcel.
  - Focus the more active, people-intensive activities on the Gateway Parcel, where vehicular access is good and the noise and intensity of these uses will not be disruptive to the passive areas of the park.
- Provide universal access to the variety of recreational experiences and natural resources located within the park.
  - Design all facilities to ADA standards.
- Develop adequate support facilities for activities within the park, including restrooms, drinking fountains, barbecues, picnic tables, garbage cans, lighting, signage, and parking.
- Consider the natural forces influencing the site, including potential flooding, prevailing winds, sun orientation, and topography.
  - Avoid locating permanent structures in the floodplain, when possible.
  - Investigate flood-tolerant building types and materials that may be used for structures to be located in the floodplain.
  - Incorporate energy conservation measures and alternative energy production techniques into structures wherever possible.

### Circulation and Parking

- Create identifiable park entrances.
- Provide adequate circulation, free of modal conflicts, throughout the park in order to accommodate pedestrians, bicyclists, and vehicles, as well as equestrians and boaters, if appropriate.
- Provide opportunities for park access via public transportation.
- Provide a continuous trail linkage throughout the park that includes a range of experiences.
- Provide vehicular and pedestrian connections to the park that are direct and user-friendly.
  - Identify potential access points to the park from the City of Ceres
  - Provide connections to downtown Modesto.
- Provide adequate parking for park activities.

### Vegetation

- Protect and enhance sensitive habitats and natural areas, including wetlands and riparian corridors.
  - Restore native riparian vegetation along the river's edge in areas of the park where it is degraded or missing.
  - Preserve and enhance stands of existing mature trees.
  - Emphasize native vegetation in park landscaping.
  - Eradicate non-native, invasive species where possible.

### Wildlife

- Preserve and enhance existing wildlife habitat areas.
  - Protect and preserve important wildlife habitat features such as mature trees with cavities, downed trees, and snags where they do not conflict with public health and safety issues.
  - Maintain and enhance wildlife corridors.

### Aquatic Resources

- Protect and enhance aquatic species and habitat.
  - Promote healthy, diverse riparian and wetland vegetation that provides shade, cover, and nutrients necessary for support of the aquatic community, including salmon spawning, rearing, and feeding.

### Hydrology and Water Quality

- Promote a flood management program that provides protection from catastrophic flooding and contributes to the ecological values of the river corridor.
- Improve water quality to protect public health and ensure a healthy aquatic community.
  - Minimize or eliminate the use of pesticides and fertilizers that may run off into the river.
  - Maintain or restore streambanks to minimize erosion and siltation of the river.
  - Treat stormwater runoff onsite using constructed wetlands and vegetated swales where possible.



Snowy egret in flight

McShain and Trush



Coyote

California Dept. of Fish and Game



California poppy

### *Education and Interpretation*

- Develop and support public information and educational programs that emphasize individual and community responsibility for resource protection and conservation, and foster an appreciation for the natural resources, history, and water quality of the park and the river.
  - Encourage scientific study of the river and its resources.
  - Develop natural resource education programs for school age children.
  - Develop an interpretive program highlighting the importance of the Tuolumne River in the overall Bay-Delta and San Joaquin Basin ecosystems.
  - Develop interpretive programs emphasizing the anadromous fish life cycle.
  - Organize community work days dedicated to park and river clean-ups, the planting of new vegetation, resource monitoring, and other enhancement and restoration projects.
  - Develop public information brochures and maps.
- Develop an identifiable and comprehensive program of park signage and graphics.

### *Historical and Archaeological Resources*

- Preserve and protect historical and archaeological resources within the park.

### *Outreach and Coordination*

- Establish and maintain cooperative and coordinated relationships with public agencies, applicable public interest groups, and local, neighborhood, and community groups.

### *Park Management*

- Assure the safety and security of park visitors.
- Maintain appropriate staff levels and equipment for adequate park maintenance.
- Provide visitors with a clean and attractive park environment along its entire length.

## Relationship to the California Environmental Quality Act

A Master Environmental Impact Report (EIR), pursuant to the requirements of California Environmental Quality Act (CEQA), is being prepared to analyze the potential impacts of this Master Plan and identify appropriate mitigation measures. The Master Plan and the environmental document have been prepared in close coordination with one another; thus, many aspects of the plan mitigate or improve environmental conditions of the Tuolumne River Regional Park.

The Master EIR will assess the implications of the TRRP Master Plan proposals. As this is a very long-range plan, there will be additional design work that will be completed before the park improvements are implemented. Some of these more specific designs will be within the scope of this EIR; others will not and will require additional, focused environmental studies. If the Joint Powers Authority determines, based on an Initial Study, that a proposed subsequent project will have no additional significant effect on the environment that was not identified in the Master EIR, then the JPA shall make a written finding based on the Initial Study that the subsequent project is within the scope of the project covered by the Master EIR. No new environmental documentation or findings shall be required in this case. Conversely, if a finding is made that the proposal may cause a significant environmental effect not studied in the Master EIR, subsequent focused environmental documentation will be prepared.

## Background Reports

This Master Plan is based on data collected in a series of technical memoranda, prepared as background reports, including:

- *Technical Memorandum #1: Plan Summary and Critique*, EDAW, McBain and Trush, Stillwater Sciences and HDR Engineering, September 1999.
- *Technical Memorandum #2: Findings and Impressions*, EDAW, September 1999.
- *Technical Memorandum #3: Preliminary Park Program*, EDAW, September 1999.
- *Technical Memorandum #4: Environmental Setting*, EDAW, McBain and Trush, Stillwater Sciences, and HDR Engineering, October 1999.
- *Technical Memorandum #5: Summary of Opportunities and Constraints*, EDAW, November 1999.



UC Berkeley, Digital Library Project, Girard and Bull Cases

A California ground squirrel forages in meadow grasses.





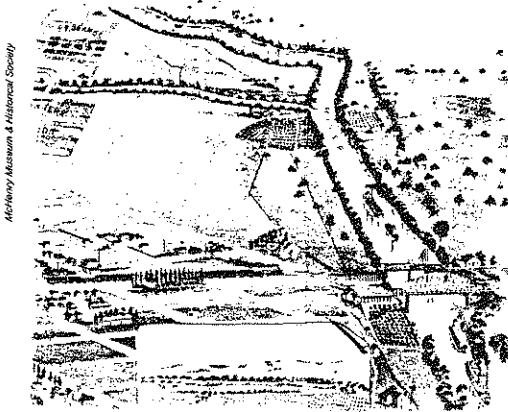
## Chapter 2: Issues and Opportunities

Existing conditions around the Tuolumne River Regional Park (TRRP) and the Gateway Parcel pose issues and opportunities that affect the park's development and have shaped the current master plan. A summary of these issues and opportunities is given below. For a more detailed assessment of existing conditions, please refer to TRRP *Technical Memorandum #4* and *Technical Memorandum #5*.

### *Context: Regional Open Space System*

Tuolumne River Regional Park will be the crown jewel in the Stanislaus County regional park system. Comparable in scope to Frederick Law Olmsted's Emerald Necklace park system near Boston and other major regional parks across the country, the TRRP will unite the surrounding region through the natural landscape. The TRRP's restoration work and park enhancements will showcase the magnificent Tuolumne River and bring it into the hearts and minds of people throughout the region.

The TRRP is intended to serve residents of Stanislaus County. The park's development presents a significant opportunity to enhance the existing regional open space network and provide focus to the system. The seven-mile riverfront TRRP will connect many of the recreational areas in Stanislaus County. For example, the new TRRP Riverwalk, a paved pedestrian and bicycle path, presents exciting opportunities to link to the Dry Creek Parkway, the Hetch Hetchy right-of-way, and other greenways in the area, existing and planned. Such a system would create a network of Class I (off-street) bicycle and pedestrian paths that would be an attractive alternative means of transportation, while enhancing livability throughout the region. The Tuolumne River extends for many miles beyond the proposed park. Expanding the park boundaries to the east and west in the future would provide additional park access for residents throughout the county.



McHenry Museum & Historical Society

1888 bird's eye rendering of Stanislaus County

## Land Use and Planning

Land use patterns in the areas surrounding the Tuolumne River have changed dramatically over the last few hundred years. Before European-Americans came to the Central Valley, the Yokut tribe and other Native American groups hunted in the woods, fished in the river, and collected foods and fibers that grew along the river's banks. By the 1830s and 1840s, large Spanish and Mexican missions and ranches were established in the Central Valley. Cattle grazed the land near the lower Tuolumne River. As Gold Rush miners arrived during the late 1840s, the Tuolumne was used more and more during the high water season for steamboat transportation. Mining operations upstream soon clogged the river with silt, inhibiting most commercial traffic. After the Civil War ended in the mid-1860s, land near the river was cleared of its native vegetation and converted to farmland to take advantage of the fertile soils created by the river. In the twentieth century, the practice of clearing the riparian forest accelerated, until very little tree cover remained next to the river (Dahlin, 1997).

Land use and planning responsibilities in the areas surrounding the TRRP are currently divided into a mosaic of three different jurisdictions: the City of Modesto, the City of Ceres, and Stanislaus County. Figure 3 illustrates the interconnected boundaries of these jurisdictions. The TRRP is within the jurisdiction of Stanislaus County and the City of Modesto, but development of the park is a collaborative undertaking shared by the three governing bodies. The TRRP is owned by all three agencies.

As Figure 2 (page 3) illustrates, the TRRP corridor varies in width along the river. The widest portions of the park are at either end and in the centrally located Gateway Parcel. The TRRP presents an opportunity to unite these core areas with a continuous trail along two narrow riparian corridors near Dryden Municipal Golf Course, Modesto Municipal Golf Course, and the Gallo Property.

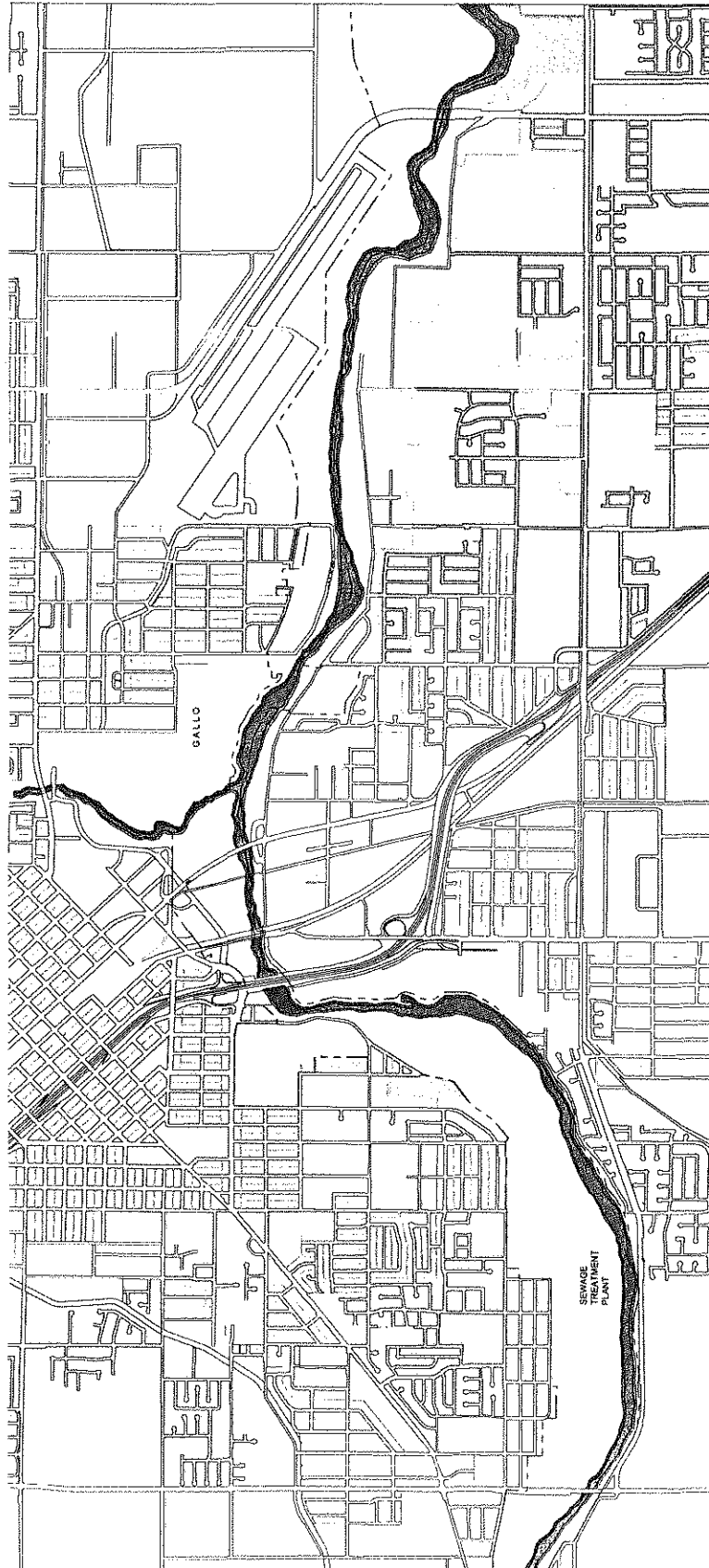
The Tuolumne River has been the County's "back door" in the past, historically serving both as a transportation backbone and waste disposal system for the region. A mix of residential,

commercial, industrial, and agricultural land uses now reach right up to the river banks in some places and surround the TRRP. The park will link all of these areas together and improve bicycle and pedestrian circulation between them. Over the long-term, there is the opportunity to reorient adjoining land uses to the river park corridor to reinforce its role within the urban fabric, heighten awareness of the river, and, in so doing, turn the Tuolumne River into the County's "grand entrance." Over time, this may involve redevelopment of commercial and industrial uses adjacent to the park.

There are also several adjacent land uses that require special consideration. A closed landfill is present on the western end of the park near Carpenter Road. Before this portion of the park is developed for public access and recreational purposes, a closure plan must be prepared in compliance with California state law (Postclosure Land Use, CCR Title 27, Section 21190).

The Modesto City/County Airport lies at the eastern end of the park. Park planning should proceed in accordance with airport regulations regarding flight path considerations, as set forth in the Vegetation Management Plan for the Modesto City-County Airport and Adjacent Tuolumne River Interface. Consequently, large group gathering areas will not be constructed in this portion of the park. This area is more suitable for quiet, small group, nature appreciation activities due to the presence of an important gallery forest of mature valley oaks. It is also likely that tree canopy heights along the flight path will need to be monitored to keep them out of the airport's air space, over time.

Although most of the TRRP will be located on the Tuolumne River's north bank, several narrow strips of land along the south bank, as well as Mancini Park, will also be included as part of the park. In the future, these areas could be expanded to improve access to the TRRP from the south side, perhaps through an extension of the park's trail system. On this side of the river, available land is very scarce and park expansion will be somewhat difficult. Outside of the TRRP land, homeowners along the south bank should be encouraged to take part in the restoration work in their riverfront backyards. Such restoration could strengthen their often steep and eroding slopes and help to provide much-needed shade for the aquatic habitat below.



**Planning Jurisdictions**

- TUOLUMNE RIVER REGIONAL PARK (TRRP)
- CITY PARKS
- CITY OF CERES
- ACTIVE RECREATION
- CITY OF MODESTO
- GREENWAY
- CITY OF MODESTO
- CITY OF CERES
- STANISLAUS COUNTY

*Tuolumne River Regional Park Planning Jurisdictions*

TRRP Joint Powers Authority and ED&W, Inc.  
 in association with McBain & Truch, Stillwater Sciences, and HDR Engineering, Inc.

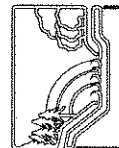


Figure 3

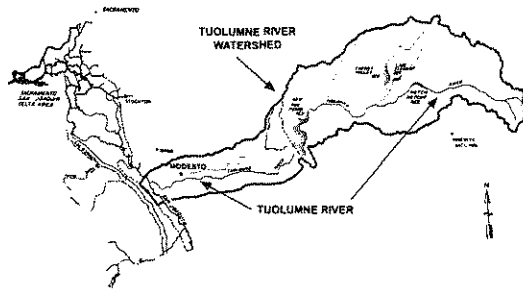


Figure 4: Tuolumne River Watershed

## Hydrology and Water Quality

The Tuolumne River is one of the most important natural resources of California's Central Valley. The largest tributary of the San Joaquin River, the Tuolumne drains a 1,960 square-mile watershed that includes the northern half of Yosemite National Park. (Figure 4) The Tuolumne River watershed is located between the Stanislaus River Basin to the north and the Merced River Basin to the south. Stanislaus County contains most of the Lower Tuolumne River, a 52-mile reach, from La Grange Dam to its confluence with the San Joaquin River. As the Tuolumne River emerges from the Sierra Nevada foothills into the Central Valley, it carries precious agricultural, ranching, mining, and municipal water supplies to a highly developed and diversified regional economy (McBain and Trush, 2000). The river also supplies drinking water to 2.3 million people in four counties of the San Francisco Bay Area, via the 152-mile long Hetch Hetchy Aqueduct (FERC, 1996).

As is typical for rivers originating in the Sierra Nevada mountains, the peak annual flows of the Tuolumne River usually occur in the late spring and early summer months, fed by snowmelt runoff. Winter storms can also create high flows, generally of shorter duration. The unimpaired flow levels of the Tuolumne vary greatly from year to year.

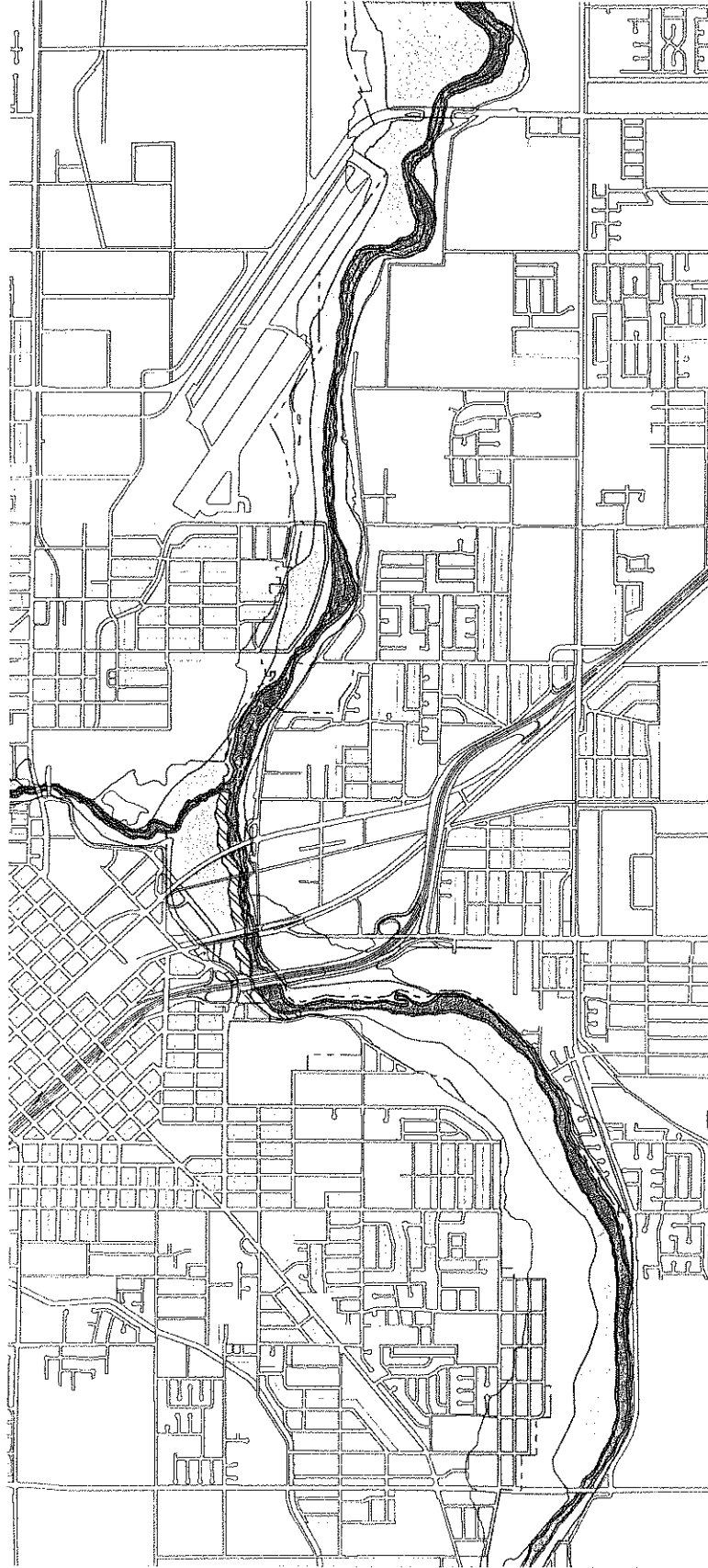
Prior to major human settlement and land development in the Central Valley, the lower Tuolumne River was a dynamic, meandering alluvial river, with broad floodplains and terraces, large gravel bar deposits, and extensive riparian wetlands and forests harboring a rich diversity of species. In its natural state, the Tuolumne River had the ability to frequently move its riverbed and banks, scour coarse sediments and transport them downstream, and replace them with comparable material transported from upstream. In this way, the shape of the river channel was maintained in a state of "dynamic equilibrium" by the force of running water. This condition provided the

physical foundation of the riverine ecosystem upon which native plant and animal communities depend for their survival (McBain and Trush, 2000).

The channel, floodplain, and flow levels of the Tuolumne River have changed substantially over the last two hundred years as the result of human activities. The operation of gold dredgers, the extensive gravel mining in the active channel and floodplain, and the encroachment of agriculture and urban development into the riparian zone have reshaped the riverbed, banks, and floodplain, turning many parts of the formerly active river into virtual lakes, alien environments for many of the native plant and wildlife species (FERC, 1996).

In addition to these urban and industrial impacts, the Tuolumne River also has a long history of streamflow regulation and diversion, dating from the mid-1800s. Presently, over half of the 1.9 million acre-feet of runoff in the Tuolumne River basin is diverted from the river for agricultural and municipal use each year (McBain and Trush, 1999). La Grange Dam, the first major dam on the Tuolumne River, was built in 1893 at river mile (RM) 52.2 in order to regulate the river for flood control and water supply purposes for the Turlock and Modesto Irrigation Districts (TID/MID). Most of the Tuolumne's dams, reservoirs, and water control structures are now located on the Upper Tuolumne River, above RM 52.2. Increased demands for water resulted in the construction of the Don Pedro Dam in 1923, which was replaced by the New Don Pedro Project in 1971. From 1970 to 1996, flow levels of the Lower Tuolumne River were managed by the New Don Pedro Dam at levels below "critically dry" so that most of the water could be used for agricultural and urban purposes. This has had disastrous consequences for the native salmon fishery and other wildlife.

This collection of water control structures has dramatically altered the historic flow levels and flood regimes, creating a much more regulated and (somewhat) more predictable flood pattern. On January 4, 1997, the flow of the Tuolumne River,



**Flooding and Hydrology**  
TUOLUMNE RIVER CHANNEL  
100 YEAR FLOODWAY (1999)  
100 YEAR FLOODPLAIN (1989)  
SOURCE: FLOOD HAZARD MITIGATION STUDY FEMA 1999

### Tuolumne River Regional Park Flooding and Hydrology

TRRP Joint Powers Authority and EDAW, Inc.  
in association with, McBurn & Trush, Stillwater Sciences, and HDR Engineering, Inc.

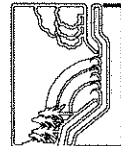
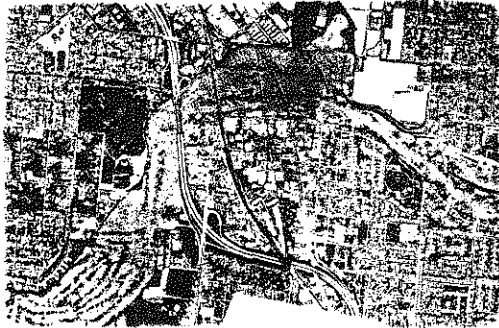


Figure 5



McBain and Trush

The January 1997 flood inundated portions of the TRRP and many surrounding streets. The image above, taken near the TRRP, and the aerial photograph below, centered on the Gateway Parcel, show the magnitude of the flooding.



combined with the volume of water already stored in the New Don Pedro Reservoir, surpassed the capacity of the reservoir and flooded Modesto with a 56,000 cfs flow at the 9<sup>th</sup> Street gauging station. Floodwaters filled the TRRP and some of the surrounding neighborhoods. With the exception of the 1997 flood, the New Don Pedro Reservoir has limited the maximum flood stage at the Modesto gauging station to a level 12 feet lower than the previous historical record. In so doing, it has altered the hydrologic processes that had been responsible for shaping the channel and maintaining its vital biological systems (McBain and Trush, 2000).

The Federal Energy Regulatory Commission (FERC), previously known as the Federal Power Commission, issued the original New Don Pedro Project (NDPP) license in 1964 (FERC Project No. 2299-024). This license required TID/MID to release minimum streamflows to protect the native chinook salmon populations. The NDPP license also required FERC to re-evaluate the project's minimum streamflow requirements after 20 years of operation. FERC initiated this evaluation in 1992 and prepared a Final Environmental Impact Statement in compliance with the National Environmental Policy Act (NEPA). The first ever FERC-initiated mediation process resulted in adoption of the 1995 FERC Settlement Agreement. The FERC Settlement Agreement participants included TID/MID, the City and County of San Francisco and other water suppliers, state and federal resource agencies, and several environmental groups. The Agreement revised streamflow requirements, required habitat restoration to improve conditions for chinook salmon, and ordered additional fishery studies to evaluate flow and non-flow measures.

### Implications for the TRRP

The creation of a new TRRP master plan presents a variety of opportunities to restore some of the lost hydrological processes that are vital to the river and its biological communities. Such opportunities include: potential restoration of the flow levels released from the upstream dam (if required by the FERC Settlement Agreement or another authority); revegetation of the banks with native riparian forest vegetation to improve fish and wildlife habitat; and the use of the TRRP both as a recreational park and as a functioning river floodplain.

Since the Tuolumne River has a natural tendency to flood, particularly during wet winter and spring weather, land uses and facilities within the park must be able to withstand and accommodate this flood pattern. For all practical purposes, structures cannot be planned within the FEMA designated 100-year floodway, shown in Figure 5 on the previous page. New park uses must be consistent with the requirements of FEMA and the California Reclamation Board. This flood pattern also presents an opportunity for expanding the park in the future by incorporating additional adjacent land that is chronically flood-prone.

Dry Creek and the Tuolumne River (particularly below the confluence with Dry Creek) have persistent water quality problems generated by upstream land uses. An unregulated stream, Dry Creek is the main tributary of the Tuolumne River downstream of New Don Pedro Dam and Reservoir. It joins the Tuolumne from the north, along the eastern edge of the Gateway Parcel. Dry Creek drains a largely agricultural and urban watershed of approximately 192 square miles. Since this watershed contains large cattle grazing areas directly adjacent to the waterway, Dry Creek is a major contributor of fine sediment to the Tuolumne River. The water quality in the Tuolumne River is visibly impaired by Dry Creek's muddy effluent below the confluence (U.S. Army Corps of Engineers, 1998).

Water quality issues for the river also arise due to stormwater runoff from the adjacent urban and agricultural areas, bringing nonpoint source pollutants into contact with the river's ecosystems. The park design presents an opportunity to improve this situation through the inclusion of stormwater wetlands and vegetated swales that use native plants to partially purify the runoff before it enters the river.

Overall, the Tuolumne River is a tremendous local resource for hydrology-related interpretation and education, exploring both the natural river system and the impacts of man's developments on the river's natural processes. The TRRP presents an opportunity to celebrate the river and to use it as an asset for recreation as well as natural resource conservation.

### Biological Resources

An enormous biological community depends on the Tuolumne River and its surrounding riparian environment. The term "riparian" describes the unique physical environment and associated plant communities along the banks of freshwater bodies, watercourses, estuaries, surface-emergent aquifers, and adjacent areas. Streamflow and groundwater in these areas provide greater soil moisture than is available from local rainfall and allow these special places to support water-loving vegetation.

Before the Gold Rush era of the late 1840s and early 1850s, lush riparian forests along the Tuolumne River were created and maintained by complex interactions between the river's physical processes and the individual tolerances of each plant species. The magnitude and timing of flows and floods, groundwater table fluctuations, changes in the shape and size of the channel, sediment deposition on floodplain terraces, and the transportation of woody debris all affected the growth of riparian plant species and the composition of the aquatic

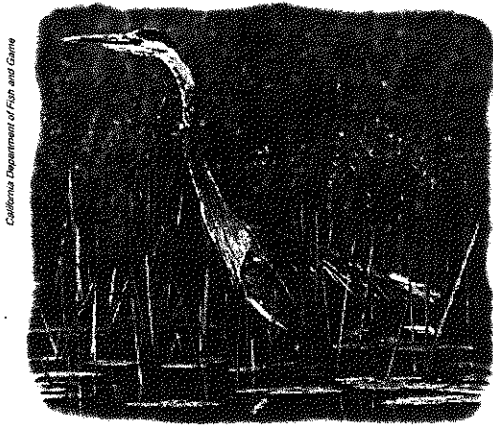
community, and helped them to flourish. Vast forests of Fremont cottonwood, valley oak, western sycamore, and Oregon ash once protected the Tuolumne River's banks and floodplains, extending several miles wide in the lower San Joaquin Valley, and merging into the riparian forests of the neighboring Merced, Stanislaus, and San Joaquin rivers. Vines often stretched from the tree canopies above to the thick vegetation on the forest floor. Alder trees and a variety of willows blanketed the edges of the active river channel where the moving water constantly rearranged the landscape. These riparian woodlands provided foraging and breeding habitats for a diverse array of resident and migratory bird and wildlife populations, including tremendous populations of migratory waterfowl that often filled the sky (McBain and Trush, 2000).

As discussed above, industrial, urban, and agricultural land uses surrounding the river, as well as upstream dams and reservoirs, have applied great pressure to riparian forests over the last two hundred years. At present, less than 15% of the historical riparian forests remain along the Tuolumne River. In many places, the forest has been cleared almost all the way to the riverbanks. Dams now capture the majority of the large floods and their sediment loads and change the timing and quantity of water that is released for the vegetation, fish, and wildlife. These interrelated issues have substantially reduced plant growth and riparian biodiversity. For example, the new pattern favors willow species over other native trees such as cottonwoods, allowing them to dominate rather than share the river's edge. These hydrological changes and resulting loss of tree regeneration and diversity have reduced wildlife habitat in and along the river, causing wildlife populations to plummet (McBain and Trush, 2000).

The Airport Area of the TRRP holds the largest remaining contiguous stand of mature valley oak trees on the lower 24-mile stretch of the Tuolumne River (McBain and Trush, 2000). This beautiful, slow-growing gallery forest is one of the most precious resources in the TRRP, particularly because these trees have almost disappeared from the Tuolumne's banks



The Airport Area of the TRRP holds the largest remaining, contiguous stand of mature valley oak trees on the lower 24-mile stretch of the Tuolumne River. These majestic trees are one of the park's many assets.



California Department of Fish and Game

Great blue herons and many other birds make their home in and around the Tuolumne River.

outside the park. It is important to protect these trees during the project's construction and to keep summer irrigation away from their delicate, fungus-prone root systems. In addition to valley oaks, mature Fremont cottonwoods, Oregon ash, western sycamore, and box elder trees should be preserved within the park, as they are also important components of riparian woodlands. To further enhance the park's biological integrity, non-native riparian vegetation could be removed within the TRRP and replaced with native riparian species throughout the park.

Despite the habitat losses along the river, the Tuolumne River still supports the largest naturally reproducing population of fall-run chinook salmon in the San Joaquin Valley (McBain and Trush, 2000). The life of a salmon begins in the gravel beds of rivers like the Tuolumne. In the late fall, salmon eggs are laid and fertilized in small patches of carefully groomed river-bottom gravel called "redds." Sixty to ninety days later, salmon "alevins" hatch from their eggs and remain in the gravel for several weeks as they grow and absorb their yolk sacs. The small fish "fry" then seek shelter in the river's water column and protective vegetation. In late winter and early spring, the juvenile fish start to migrate to the San Francisco Bay delta, leaving the Tuolumne River in April or May. They then generally spend two to five years living in the ocean and then return to the river they were born in to spawn and die, completing their life cycle (McBain and Trush, 2000).

Fall-run chinook salmon and other native fish are important components of the Tuolumne River ecosystem and part of the foundation of the Bay Area's ocean fishing industry. At least thirty-eight species of fish, fourteen of them native to the area, have been observed in the Tuolumne River since 1981 (Brown and Ford, 1992). The restoration components of the TRRP present a wonderful opportunity to enhance the river's aquatic habitat and increase the abundance of native fish. Salmon

and most other native fish prefer cool water, so the shade from overhanging vegetation is very important. Plants that grow along the edges of the river also provide places for fish to hide from predators.

Many wildlife species are currently present in and around the Tuolumne River. Riparian and floodplain habitats in the Central Valley support at least 50 amphibian and reptile species, 147 bird species, and 55 mammal species (Mayer and Landenslayer, 1988). The Tuolumne River corridor is home to animals such as mule deer, coyotes, opossums, river otters, muskrats, California ground squirrels, garter snakes, and skunks. California quail, great blue herons, snowy and great egrets, and black crowned night herons may also be found along the river (McBain and Trush, 2000). The TRRP presents an opportunity to expand the habitat needed by these majestic and beautiful creatures, while making them visible to park visitors.

The TRRP's natural environment provides an excellent opportunity for ecological education and interpretation. Signage and other amenities, in conjunction with educational and interpretive programs, could educate the public about natural river processes, migrating salmon and other wildlife, and the importance of healthy riparian corridors. The location of the TRRP also provides an opportunity to highlight the unique and important issues that arise where urban populations and natural resources coexist.



California Department of Fish and Game

Opossums are one of the many mammals that live in riparian and floodplain habitats in the Central Valley.

## Utilities and Infrastructure

The TRRP is currently served by very small utility and infrastructure systems. There are few water lines for irrigation and plumbing, few electrical connections, and a very small wastewater system. As the park is expanded, it will be necessary to upgrade these utility systems to meet the needs of park users without compromising the ecological integrity or beauty of the park.

Utility systems and infrastructure from abutting land uses greatly affect the character and environmental quality of the park in some places. For example, in its current configuration, the wastewater treatment plant near the west end of the TRRP detracts from the surrounding park land. There is an opportunity to reconfigure the plant somewhat to make it more compatible with the park. Such a reconfiguration could potentially integrate state-of-the-art technology, public artwork, and education to create "waterworks gardens" and educational programs.

Numerous stormdrains throughout the area currently empty near the Tuolumne River. Urban stormdrains are a potential source of water pollution for the river because they frequently drain local streets, parking lots, and other developed areas where nonpoint source pollutant residues build up. New constructed wetlands could be established within the park to purify this stormwater runoff somewhat before it reaches the river. They will also beautify the landscape, attract wildlife, and serve as educational resources.

## Circulation

Since the TRRP will be a regional destination, it is important that it be accessible to private vehicles, public transit, bicycles, and pedestrians. It is essential to link the park to existing and planned road and trail networks and to improve movement along the park corridor as well as across it. Currently, there are no direct, continuous east-west routes that serve this purpose. Existing land uses abutting the river block passage or make travel circuitous. It is also very difficult to access the park from the south side of the river. The creation of a continuous riverfront trail along the north side of the river would tremendously improve access through the park, and pedestrian/bicycle bridges across the river will enhance north-south connections. Future park development could also include a similar trail along the south side of the river, if land becomes available, to further enhance southern park access points. The TRRP trail system could also be expanded to the east or west along the river if land becomes available in the future.



*A paved streamside pathway in Boulder Creek Park (Boulder, Colorado) allows pedestrians and bicyclists to enjoy the creek corridor.*





## Chapter 3: Conservation and Open Space

The TRRP Master Plan has been designed with a strong conservation-oriented approach in order to protect and enhance the Tuolumne River and the surrounding unique and beautiful natural resources. The key components of this approach are:

- design strategies consistent with natural hydrologic processes;
- riparian restoration along the Tuolumne River and Dry Creek;
- restoration of riparian terraces along the Gateway Parcel and Carpenter Road Area;
- protection of existing mature forests;
- creation of native plant meadows;
- enhancement of aquatic and terrestrial wildlife habitats;
- ecologically appropriate planting guidelines;
- purification of urban stormwater runoff using constructed wetlands;
- use of ecologically compatible construction materials; and
- adoption of ecologically appropriate maintenance practices.

In addition, the plan also encourages a future redesign of the existing wastewater treatment plant in the western portion of the park so that it will be more compatible with the surrounding river and park land uses.

### *Design Strategies Consistent with Natural Hydrologic Processes*

The flow and flood cycles of the Tuolumne River and Dry Creek have historically shaped the landscape that surrounds them. Dams located upstream from the TRRP have diminished the Tuolumne River's land-moving power, but the park and surrounding neighborhoods are still subject to cycles of increased flows and periodic inundation.

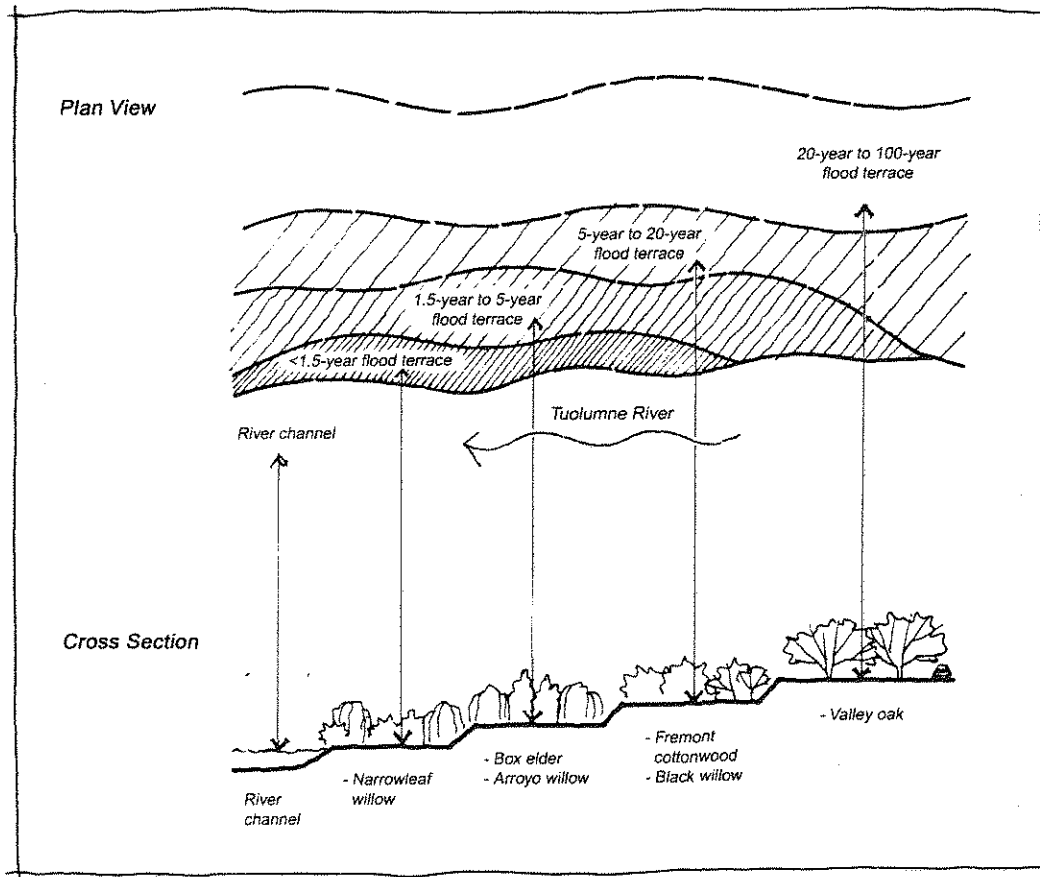


Figure 6: Riparian Floodplain Terraces

The TRRP Master Plan reflects these natural hydrologic cycles. The park is designed to withstand periodic floods and to gracefully handle regular increases in flow levels. The Gateway Parcel, for example, is designed with flood terraces (described in more detail below) that expand flood capacity on the site while enhancing the regeneration of riparian woodland habitats. These riparian forests also naturally serve to help control bank erosion. In addition, the Master Plan generally avoids the construction of permanent structures within the 100-year floodway in order to prevent the flood stage elevations from increasing and impacting the surrounding land uses.

### Riparian Restoration

Riparian zones provide multiple benefits to aquatic and terrestrial ecosystems and are widely recognized as centers of biodiversity and dispersal corridors for plants and animals (Gregory et al. 1991). Riparian forests will be enhanced along the entire length of the park, with the exception of the Airport Area, which is already home to a large, mature valley oak forest. The Gateway Parcel will be the focus of the park's riparian restoration efforts and will include a riparian restoration zone at least 185 feet wide. Riparian restoration zones within the park have been designed to follow natural plant distribution patterns. As the plantings mature, the stands will be thinned by the river's normal flow and flood regimes. The goal of the park's riparian restoration zones is to restore the valuable, rich ecological corridor as well as the processes that help to create and maintain it over time.

*Floodplain terraces (left) will be constructed along the riparian corridor in the Gateway Parcel and the Carpenter Road Area to restore hydrologic connectivity and create appropriate conditions for riparian vegetation and wildlife.*

### Restoration of Riparian Terraces

Historical land uses throughout the lower Tuolumne River have eliminated most of the functional floodplains and dramatically reduced riparian vegetation, restricting it to only one tree width in many locations. Fremont cottonwood forests are now generally missing along the lower Tuolumne River. The reduction in contiguous riparian vegetation and its further fragmentation by urban development has, in turn, caused the decline of many bird, animal, and fish species. The opportunity exists in the TRRP's Gateway Parcel to recreate lost habitat, benefiting numerous wildlife species and hydrologically reconnecting the river to its floodplain.

### Riparian Vegetation Benefits

Many riparian plant species need specific substrates and hydrologic conditions in order to successfully regenerate on their own (Auble and Scott 1998, Mahoney and Rood 1998, Roe 1958, Scott et al. 1996). Fremont cottonwoods and many types of willows disperse their seeds during and shortly after the annual spring snowmelt runoff peaks (Scott et al. 1993). These species rely on the available substrate during this time to provide the conditions necessary for seed germination. Snowmelt flood recession rates affect groundwater elevations, and, consequently, soil moisture adjacent to the river channel. This is an important factor in determining seedling survival. Studies have shown that cottonwood seedlings cannot survive groundwater drawdown rates exceeding 0.10 feet a day (3-4cm/day) (Segelquist et al. 1993). Therefore, successful seedling recruitment requires not only exposed floodplain surfaces with moist substrate for germination, but also surfaces where seedlings can grow roots down to the summer groundwater and keep up with the snowmelt flood recession and correlated groundwater declines (McBain and Trush 1997, McBain and Trush 1998).

Floodplain terraces will be constructed where possible along the riparian corridor in the Gateway Parcel and the Carpenter Road Area to create places where cottonwoods and willows can naturally establish and develop self-maintaining stands, given adequate hydrologic conditions. These floodplains will provide surfaces that inundate more frequently, restore hydrologic connectivity, and create different hydrologic niches that meet many riparian plant species' initiation and establishment requirements (Table 1). Floodplain terrace construction will greatly increase riparian vegetation through natural regeneration and artificial propagation.

### Hydrologic Conveyance Benefits

As riparian plant species naturally regenerate on the constructed floodplains, they could potentially begin to influence flood stage elevations. Current regulatory constraints prevent any change to the predicted 100-year and 500-year recurrence interval flood water surface elevations. Lowering the Gateway Parcel's surface within the 185-foot easement and constructing floodplains will increase the flow conveyance area along the Gateway Parcel. While young riparian vegetation will increase cross section roughness values, slowing the water down, the increased flow conveyance area would partially, or fully, mitigate this situation.

	Recurrence Interval Range	Post-NDPP Magnitudes (cfs) Above Dry Creek	Post-NDPP Magnitudes (cfs) Below Dry Creek	Reisted Geomorphic Surface	Ideal Gateway Parcel Location
Narrowleaf willow	Summer baseflow to 1 5-year flood	150 to 3,000	150 to 8,000	Pointbars, low water margin	This surface would not be constructed
Box elder/ Arroyo willow	1.5-year to 5-year flood	3,020 to 7,500	8,000 to 10,500	Bankfull floodplain margin	Streamside edge of constructed floodplain
Fremont cottonwood/ Black willow	5-year to 20-year flood	7,500 to 12,800	10,500 to 20,000	Floodplain, low terrace	Patches across constructed floodplain
Valley oak	20-year to 100-year flood	>13,000	>20,000	Low, medium and high terraces	Upland edge of constructed floodplain, and across most of the Gateway Parcel

Table 1: Riparian Terrace Configuration

Table 1 illustrates common plants found along the Tuolumne River, the associated range of discharges that the series falls within, and the recurrence intervals of the discharges pre- and post-New Don Pedro Dam (NDPP). Adapted from McBain and Trush 1998, FEMA 1999.

Cottonwood trees will be planted in patches across the park's floodplain and lower terraces. They are home to many wildlife species.



McBain and Trush



*Mature vegetation will be protected near the confluence of the Tuolumne River and Dry Creek.*

### *Protection of Mature Forests*

The TRRP is home to the largest contiguous stand of mature valley oak trees in the lower 24 miles of the Tuolumne River (McBain and Trush 1998). This beautiful, slow-growing gallery forest along the river near the Modesto Airport is one of the most precious resources in the TRRP since valley oaks have almost disappeared from the Tuolumne's banks outside the park. Another smaller stand of mature oak trees can be found on the Gateway Parcel near the Tuolumne's confluence with Dry Creek. These trees will be protected from soil compaction and damage during the project's construction phase. In addition, irrigated lawn areas, which promote the growth of a fungus that can kill the trees, have been carefully sited away from the mature oak trees. If irrigation is necessary adjacent to resident oaks, an arborist would be consulted to ensure that impacts to the existing oaks would not occur. In addition to valley oaks, mature Fremont cottonwoods, Oregon ash, and box elder trees will be preserved within the park wherever possible. A variety of bird species already use the existing forests, including: the yellow-billed magpie, the Nuttall's woodpecker, the acorn woodpecker, the Swainson's hawk, and the oak titmouse.

### *Creation of Native Plant Meadows*

Much of the open space within the TRRP will be planted with native wildflower meadow grasses typical of the Central Valley's Great Valley Grasslands. The feathery meadows of California bunch grasses, California poppies, and many other plants will enhance wildlife habitat and beautify the park with subtle colors and textures that wave in the breeze. After a period of initial establishment, the meadows will not be irrigated, allowing them to follow natural patterns of seasonal color change. There are many species of birds and mammals that will benefit from the food sources and cover offered by this enhanced habitat. Ground nesting birds such as quails, lazuli buntings, mourning doves, and burrowing owls will be particularly at home here. A network of small pathways will wind through the meadows, providing recreational access for park visitors.

In some areas of the park, the rich meadow habitats will also be sprinkled with patches of elderberry bushes. These "elderberry savannahs" will provide additional habitat cover and food sources for small mammals, such as ground squirrels, and a variety of birds including warblers and sparrows.



*Multi-use meadows will be planted throughout the park.*

## Wildlife Habitat Enhancement

The TRRP is home to a wide variety of wildlife species, both in the water and on the land. The planned riparian restoration work and increased vegetation on the site will greatly enhance existing aquatic and terrestrial habitat, attracting more wildlife to the park. The canopy of riparian forests benefits fish and wildlife by providing leaf litter to in-stream food webs, large woody debris and shade for fish habitat, and cover and migratory corridors for terrestrial wildlife. Park trails and facilities have been designed to protect the fragile ecosystems while making these educational and recreational resources accessible to the public.

The river provides aquatic habitat for a variety of species, including anadromous fish. Thirty-eight fish species have been identified in the lower Tuolumne River (Brown and Ford, 1992). Of these, twenty-four species do not occur naturally in this area. Several of the non-native fish species, primarily largemouth and smallmouth bass, support recreational fisheries while at the same time posing a management concern because they prey on native species of fish and amphibians, including juvenile chinook salmon (McBain and Trush, 2000).

Chinook salmon are an important management species in the Tuolumne River. The Tuolumne supports the largest population of fall-run chinook salmon in the San Joaquin Basin. The salmon population abundance, however, has fluctuated widely in recent decades, declining severely during prolonged droughts (McBain and Trush, 2000). This has made habitat enhancement efforts even more important. The

riparian corridor restoration work in the TRRP will benefit the salmon and many other species. For example, Dennett Dam, an old concrete weir spanning the Tuolumne River under the 7<sup>th</sup> Street Bridge, currently poses an obstacle to migrating salmon and other fish and impedes small boat passage. The TRRP Master Plan calls for the removal of this structure in order to improve this situation.

In addition to fish and amphibians, the Tuolumne River and Dry Creek provide aquatic habitat used by bird and mammal species. Representative wildlife species that may forage in or around the Tuolumne River include river otters, ospreys, great egrets, belted kingfishers, wood ducks, cliff swallows, and bats.

In addition to the rich riparian zones, other areas of the park will enhance wildlife habitat. As mentioned above, wildflower meadows will be planted in much of the park's open space areas, attracting ground-nesting birds and mammals and providing seed and nectar food sources. The stormwater wetlands and vegetated swales will also be useful to many of the same species. The TRRP will also be planted with thousands of trees along its interior streets and pathways, and clusters of trees and shrubs will be grouped throughout the park's open spaces. These plantings will create nesting areas and cover for canopy dwelling species and provide rich food sources in the form of nuts and berries.



California Dept. of Fish and Game

*Chinook salmon (above) and thirty-seven other fish species live in the Tuolumne River. Raccoons (below) and other mammals thrive in healthy forests.*



California Dept. of Fish and Game

McBain and Bush



Majestic valley oak trees already occur along the Airport Area of the TRRP. They will be planted throughout the Gateway Parcel and in other parts of the park.

## Ecologically Appropriate Planting Guidelines

### Plant Species Selection

Plants were selected for the park according to their place of origin, their habitat and hydrologic values, and their aesthetic appearance. Appendix A details the planting palette to be used in the TRRP. The list is divided into the following categories: trees, shrubs, grasses, wetland plants, annuals and perennials, and vines and groundcovers. All plants on the list are native to California, and most are native to the Central Valley, the Sierra mountains, or the foothills. Riparian plants that will be used for restoration or buffer strips are printed in bold lettering in the plant list.

A wide variety of tree species will be included in the park. Some plantings, along streets and pathways, will be somewhat formal while others will be arranged with a more naturalistic aesthetic, particularly within the park's restoration zones. Big leaf maples and western sycamores will have seasonally changing foliage with brilliant fall leaves that will delight park visitors. Evergreen trees, such as incense cedar, California bay laurel, and canyon live oak will present lush year-round greenery in the park. Pacific madrone, California buckeye, oak, and toyon trees are some of the species that will produce fruits and nuts for local wildlife.

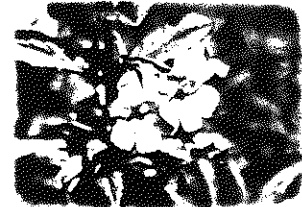
Many of the shrubs and herbaceous plants will have attractive overall forms, foliage, and flowers. Western redbud, blue blossom wild lilac, golden sticky monkey flower, and other shrubs will be striking additions to the landscape, appreciated by park visitors as well as wildlife. California poppies, miniature lupines, Douglas violets, yarrow, and many other herbaceous plants will brighten the meadows with their colorful flowers throughout the year.

### Plant Installation Specifications

Most of the new plants in the TRRP, including those in the riparian restoration areas, will require supplemental irrigation during their first year or two in the park. After this period of initial establishment, irrigation systems will not be needed in most places, with the exception of the few zones of irrigated turf in the Gateway Parcel's Loop Road, part of the Golf Course Area, and the Carpenter Road Area's sports complex. In general, it is best to install the majority of the park's plants in the late fall, right before the winter rainy season, to reduce the need for supplemental irrigation and to conserve water.

A variety of planting techniques and plant sizes will be used in the park. The TRRP Master Plan recommends that large specimen trees be planted along streets and in other special park zones such as the interior portion of the Loop Road on the Gateway Parcel. This is appropriate for the park environment and will allow these areas to look mature more quickly. Smaller trees and cuttings are the specified planting materials for the riparian restoration zones because they will adapt to the wet environment more quickly than larger specimens and have been shown to be more successful in these areas over time. The stormwater wetlands will be planted in a similar fashion using small container plants. The native plant meadows and the stormwater swales will be planted from seed using a hydroseed method.

Alfred Brunsman, St. Mary's Cal. of Calif.



Golden sticky monkey flower

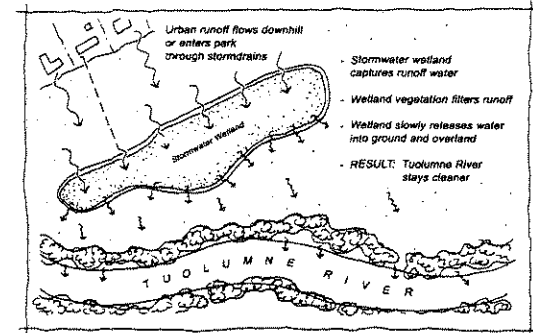
### Constructed Wetlands and Vegetated Swales for Stormwater Purification

Stormwater wetlands and vegetated swales are shallow depressions in the landscape, filled with native plants such as tules, sedges, and cattails. They are designed to intercept some of the stormwater runoff from adjacent lands and partially purify it before it enters the nearby river. Rain water will naturally flow from the adjacent urban and agricultural lands, on a higher elevation, into the park, located at a lower elevation. Some of the runoff will be directed across the landscape and into the special stormwater wetlands and swales, where it will be slowed down by the tall marsh grasses and swales, where it will be slowed down by the tall marsh grasses planted there. The slowly moving water will then drop some of the sediment and pollutants it generally carries among the tall grasses, where the plants' roots and soil bacteria can break them down into less harmful substances. Water released by these special wetlands and swales will be cleaner than it was when it went in and will help to protect the overall water quality of the Tuolumne River. (Figure 7)

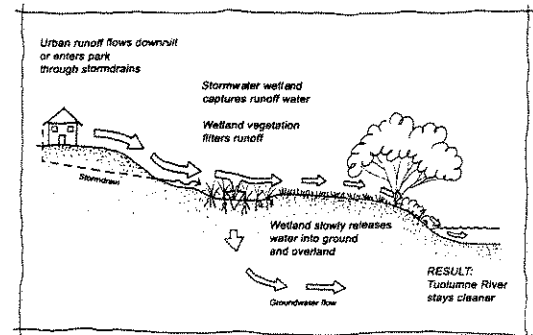
The TRRP Master Plan incorporates stormwater purification wetlands on the Gateway Parcel and in the Carpenter Road Area. Impervious surfaces have been minimized within the park landscape in order to reduce additional runoff-related problems. Where hard surfaces do exist, vegetated swales will edge all new parking lots and streets in the TRRP to help purify the new stormwater runoff. The stormwater wetlands and swales will also beautify the park landscape, attract wildlife, and serve as educational resources.

### Ecologically Compatible Construction Materials

The park landscape will be constructed using materials that are compatible with the ecologically sensitive river environment. River overlooks, piers, and boardwalks will be constructed using materials that will not leach harmful chemicals into the surrounding environment. Paved areas have been kept to a minimum in the park, and permeable paving materials were chosen, where suitable. For example, the overflow parking area on the Gateway Parcel will be "paved" using "grass cells" that allow water to percolate through the surface and into the ground below. Although the main park trail will be paved to facilitate bicycle and wheelchair access, the majority of the secondary pathways through the park will be surfaced with natural materials such as compacted earth.



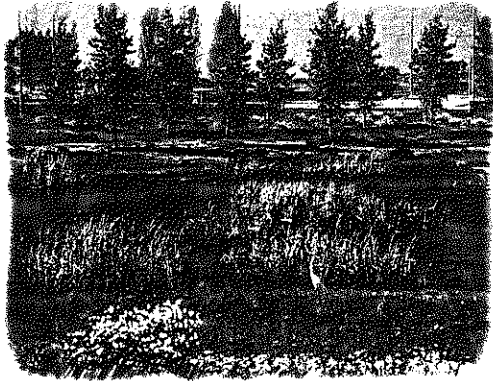
Plan View



Cross Section

Figure 7: Stormwater Wetlands

Stormwater wetlands will be constructed in the TRRP to help keep Tuolumne River water clean.



Constructed wetlands, like this one at Baylands Park in Sunnyvale, California, support a wide range of birds and other wildlife species. Ecologically appropriate maintenance practices help the wetland to look its best and also keep the wildlife healthy at the same time.

## Ecologically Appropriate Maintenance Practices

It is important to follow maintenance guidelines that will promote the growth of the new vegetation and restoration work in the park, while also accommodating the seasonal needs of park visitors and the park's resident and migratory wildlife species.

In general, the TRRP landscape should be maintained without the use of chemical pesticides or herbicides in order to prevent water pollution and harm to wildlife and visitors. In rare circumstances, it may be necessary to use spot applications of these chemicals. This practice should be kept to a minimum, excluded from the riparian zone near the water's edge, accomplished with products that biodegrade quickly, and done with respect for the needs of nesting wildlife. Since the majority of the plants are native to the area and are adapted to the local soil types, use of any type of fertilizer or soil amendment is not recommended, except perhaps in irrigated turf zones (applied only as needed).

The majority of the park landscape is designed with a natural aesthetic in mind and will require minimal maintenance. After a period of initial establishment, most of the vegetation in the riparian zones, floodplain forest areas, native plant meadows, elderberry savannahs, and stormwater wetlands and swales should be left to grow naturally, without pruning, irrigation, disking, or mowing. None of these areas will require annual care to maintain their aesthetic appearance, as they will all be composed of native plants that are adjusted to the growing conditions present in this climate and are intended to have a natural look. The stormwater wetlands and swales, while generally maintenance free, should be evaluated every ten

years, or as required by applicable standards, to make sure that they are not filling up with sediment carried by the stormwater runoff they are designed to purify. Trees in the Airport Area of the park should be periodically evaluated to see if their canopy heights comply with airport regulations governing clear flight paths and airspace. A vegetation management plan has been adopted by the airport and the TRRP which provides specific guidelines for balancing the need to protect riparian resources with the need for airport flight safety.

If fire hazard reduction becomes a concern in the meadow areas, controlled burns are the best tool to use to reduce plant biomass in these zones. Controlled burns should be planned for the period of time between the first rainstorm (generally in November) and April 1<sup>st</sup>, when the ground and vegetation are moist. This window of time also respects the nesting season of ground nesting wildlife (April – August). Controlled burns should occur no more than once every few years.

If controlled burns are not an option, another potential fire hazard reduction strategy is to mow the meadow plants a maximum of once per year, again avoiding the nesting season. Mowing, however, will damage the soil, plants, and nesting wildlife communities if done improperly. Care should be taken during mowing to avoid soil compaction that might harm wildlife burrows and plant root systems. It is important to schedule annual mowing according to the nesting seasons of the wildlife species that may be present. This timing will also maximize native plant cover and minimize the spread of exotic plant species in these areas. The use of goats or other grazing animals to remove fire hazard potential is not recommended, unless the grazing is very light, because they can disturb the delicate ground surface, harm the meadow plants, and have negative impacts on ground nesting wildlife.

A few areas of the park are designed somewhat more formally than the naturalistic zones and have typical park maintenance needs. The paved pedestrian and bicycle trail, which extends the entire length of the park, will act as an access route for the small maintenance vehicles used for routine park maintenance tasks such as garbage collection. If vegetation encroaches on the trail, it should be carefully trimmed so that it will not obstruct the path. Formally planted street trees can be pruned occasionally to maintain balanced proportions and remove any limbs that may obstruct transportation corridors. Portions of the Gateway Parcel and other small areas of the park have irrigated turf, which may be mowed, as needed, on a weekly or monthly schedule. It would be best to time these mowing needs to reflect peaks of park visitor use and the timing of occasional large events. The turf portions of the Carpenter Road Area sports complex should be maintained in a manner consistent with the typical needs of sports fields. Use of fertilizers, pesticides, and herbicides should be avoided in irrigated turf zones, if possible, to prevent the contamination of adjacent natural areas and protect park visitors.

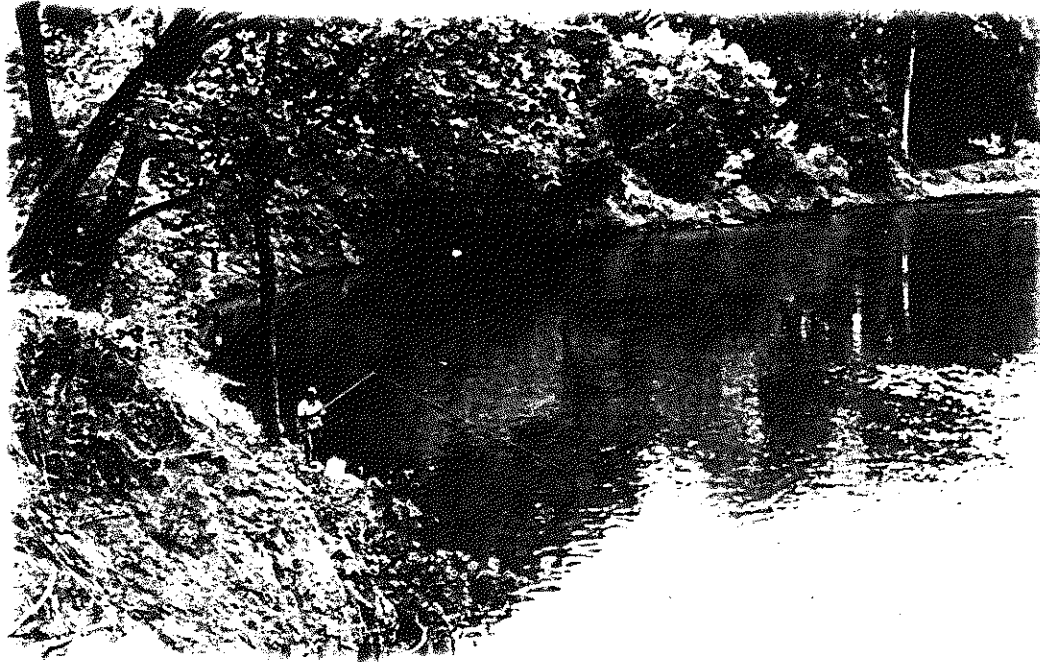
### *Wastewater Treatment Plant: Future Redesign Option*

The Master Plan encourages a future redesign of the existing wastewater treatment plant in the Carpenter Road Area of the park so that it will be more compatible with the surrounding river and park land uses. Over time, it might be possible to remove some of the concrete-lined water treatment ponds and convert the land to additional park space.



*Many of the pathways in the TRRP will be informal, compacted earth trails that provide access to the park while minimizing the disturbance to the surrounding ecosystems.*



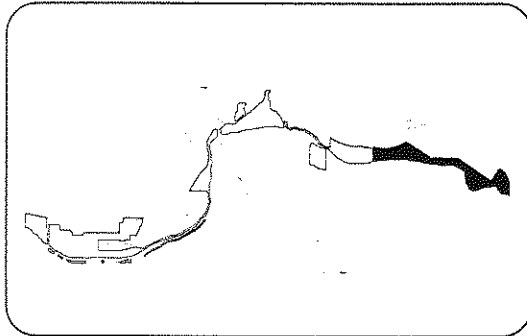


## Chapter 4: Land Use and Recreation

Tuolumne River Regional Park (TRRP) will provide many opportunities for recreation, nature observation, and public education. It will contain a mixture of: active and passive recreational zones, from soccer fields to picnic areas; public gathering areas, large and small; formal and informal plantings, from street trees to forests; mature and restored riparian habitats, from tree-lined river banks to grassy meadows; and educational opportunities, from interpretive signage to outdoor classroom space. The following section will describe each of the seven major planning areas of the park in greater detail, touching on each of these themes.

As shown in the TRRP Illustrative Plan (Figure 2), the major park planning areas include: the Airport Area, Legion Park, the Gallo/Mancini Area, the Gateway Parcel, the Golf Course Area, and the Carpenter Road Area. In this seven-mile regional park, four of these planning areas are considered large "core" areas of the park, and two are vital riparian trail linkages. The trail linkages are the Gallo/Mancini Area and the Golf Course Area. Without these two important segments, the larger, remaining core areas would simply be a series of smaller parks. A seventh, smaller planning area, referred to as the South Side Parcels, will also be discussed. The South Side Parcels are located in the Carpenter Road Area and the Golf Course Area, on the Tuolumne River's south bank.

The master plan for the TRRP has been developed according to a conceptual framework that divides the park into active and passive recreation areas, zones for intensive restoration work, and areas intended for nature study and interpretation. Each of these themes will be discussed in the sections below in greater detail. In general, the centrally located Gateway Parcel will be the primary public gathering area and home to informal, active recreational activities. The Carpenter Road Area's sports complex will be the other active recreation zone, complete with sports fields located far from the river corridor. The rest of the TRRP is oriented towards quieter, passive recreation, focused around trail networks and picnic areas. The Tuolumne River banks and floodplain throughout the park have been designed to encourage riparian restoration, nature study, and interpretation.



TRRP Airport Area: Location

## Airport Area

The Airport Area is located between Tioga Drive and Mitchell Road on the north bank of the Tuolumne River. The Modesto City/County Airport is adjacent to the site and influences the park in terms of appropriate uses and activities.

Overall, this 140-acre portion of the TRRP will be a low use area focused on the study and enjoyment of the natural environment. Emphasis will be placed on the beauty and habitat value of the mature riparian corridor. Trails and interpretive signage will provide opportunities to explore this area and learn more about it.

The Airport Area of the TRRP is already developed as a park and has existing park-related amenities and mature vegetation. A magnificent gallery forest of slow-growing valley oak trees and other associated plants lines the riverbanks and other places within the park. This forest is the largest of its kind in the lower 24 miles of the Tuolumne River. Valley oaks have almost disappeared from the Tuolumne's banks outside the park, so this forest is particularly important to preserve, protect, study, and enjoy.

Since this part of the TRRP is already developed, its trails, amenities, and vegetation will generally be left as they are now. The existing main trail in the park will become part of the TRRP's paved 7-mile Riverwalk, appropriate for pedestrians and bicycle use. If the TRRP expands to the east in the future, the existing park trail may be extended to facilitate this connection.

Interpretive signage, park benches, and bicycle racks will be added to the Airport Area to allow the character of this site to match the other parts of the TRRP. A river overlook will be added to the park near Tioga Drive. It will be a particularly nice place to get an elevated view of the river and gaze upstream.

The adjacent airport also presents some management issues for this portion of the park. Trees in the Airport Area should be periodically evaluated to see if their canopy heights comply with airport regulations governing clear flight paths and airspace. A vegetation management plan has been adopted by the airport and the TRRP, which provides specific guidelines for balancing the need to protect riparian resources with the need for airport flight safety.

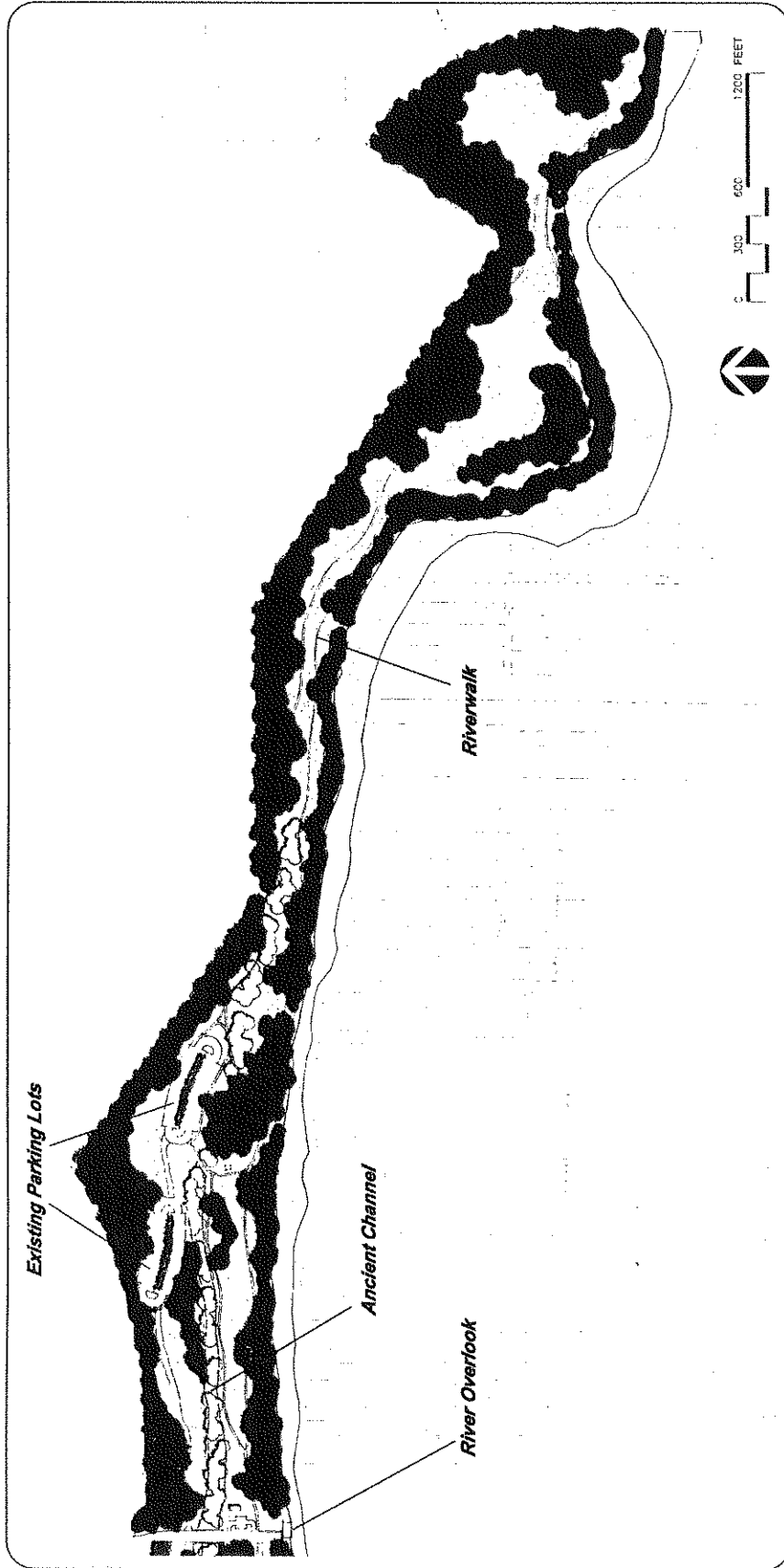
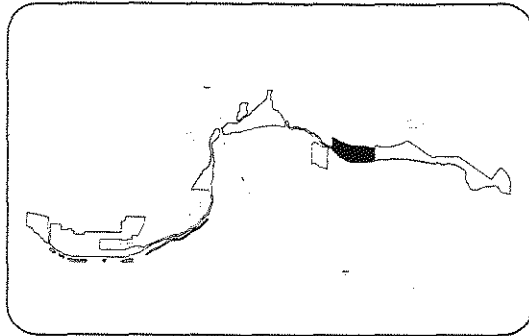


Figure 8: Airport Area - Illustrative Plan



TRRP Legion Park: Location

## Legion Park

Legion Park is located between South Santa Cruz Avenue and Tioga Drive on the north bank of the Tuolumne River. Legion Park Drive, an existing street, runs parallel to the river and connects South Santa Cruz Avenue and Tioga Drive through the park. Legion Park is an ideal place for outdoor education and nature study due to its status as an existing park with well-established vegetation.

The 50-acre park is home to a mature riparian forest with graceful oak trees hung with lush trailing vines. The northern portion of the park site includes a recessed ancient river channel, once used by the Tuolumne River before natural forces changed its course to the present location. A forest has grown in this older river bed since it was abandoned by the moving water, presenting a myriad of opportunities for educational instruction about river processes. Two low wooden bridges will extend the trail network over the ancient channel and provide wheelchair access into this unique environment. Interpretive signage near the abandoned channel will explain its significance and evolution over time.

A large, inviting wildflower meadow fills the central portion of the park. This area is suitable for informal, small group recreation, family and group picnics, and other similar activities. This part of the park already includes a trail network, play areas, some picnic and barbecue sites, and bathrooms. The Master Plan will add a small covered picnic shelter to facilitate small group activities and additional benches, picnic areas, and barbecue grills in appropriate places. Bicycle racks will also be added to the park to encourage this type of transportation and to increase the use of the TRRP's overall trail network.

The portion of the site south of Legion Park Drive has an existing riparian forest with beautiful oak trees lining the riverbank. A wooden overlook will be built in this area to provide elevated views from the top of the river bank while protecting the fragile slope below. This view point will be an outstanding place to see the river from above. Since this portion of the river is particularly wide and suitable for boating, two types of simple facilities will be provided for launching non-motorized watercraft. A wooden boat pier will be placed at the water level for launching rafts in one location. An additional canoe and kayak "beach" will make it easier to put other types of small boats into the water nearby.

Since this part of the TRRP is well suited to nature study, the riverfront portion of Legion Park will also be the site of a rustic, small group public event space suitable for visiting classes of students from the region, day camp groups, and other community gatherings. This gathering place will be created using a collection of log benches, grouped as a small amphitheater along the riverbank. If possible, logs will be gathered to create the benches from other places along the TRRP that need to be cleared to build the park.

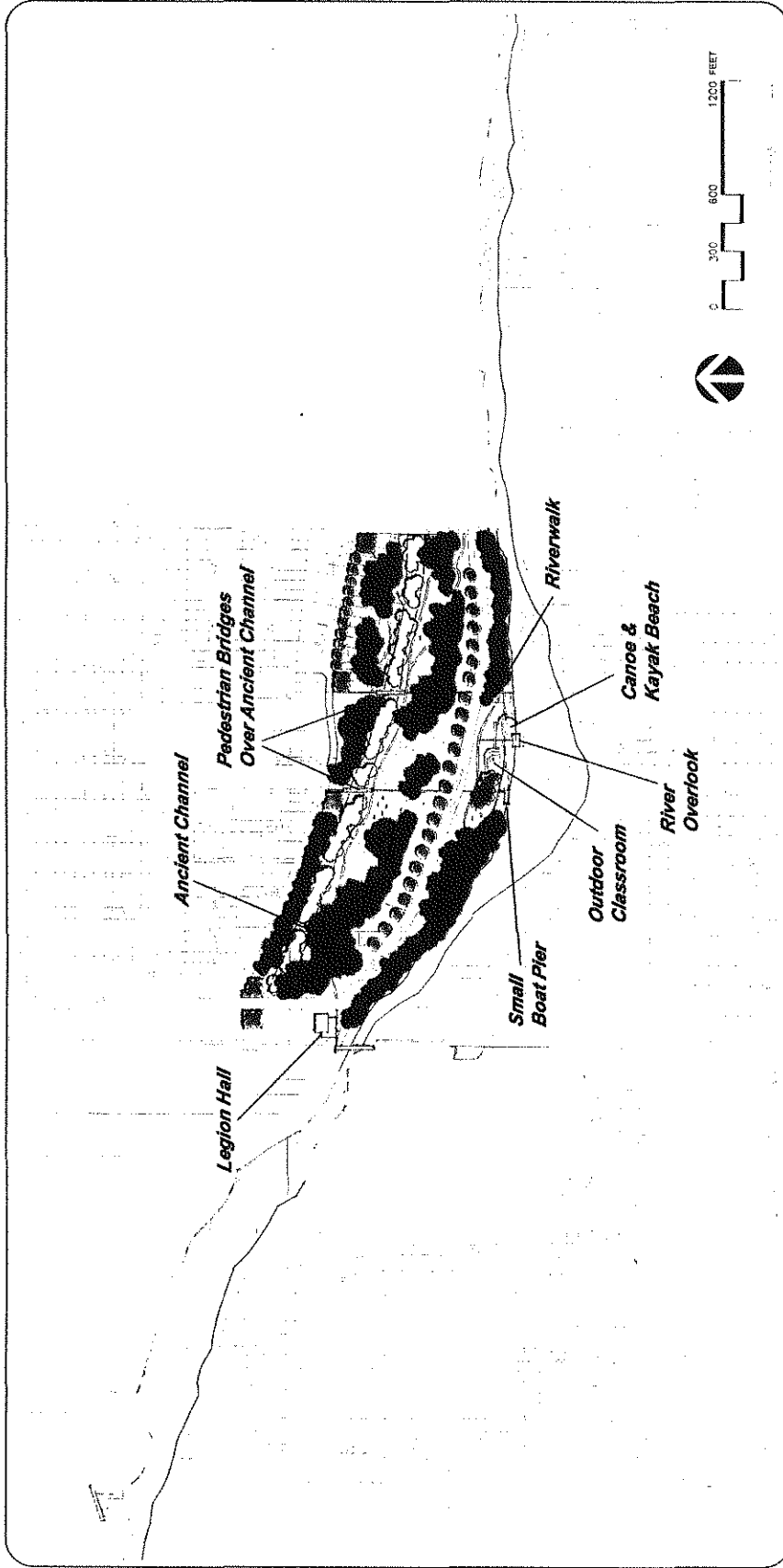


Figure 9: Legion Park - Illustrative Plan

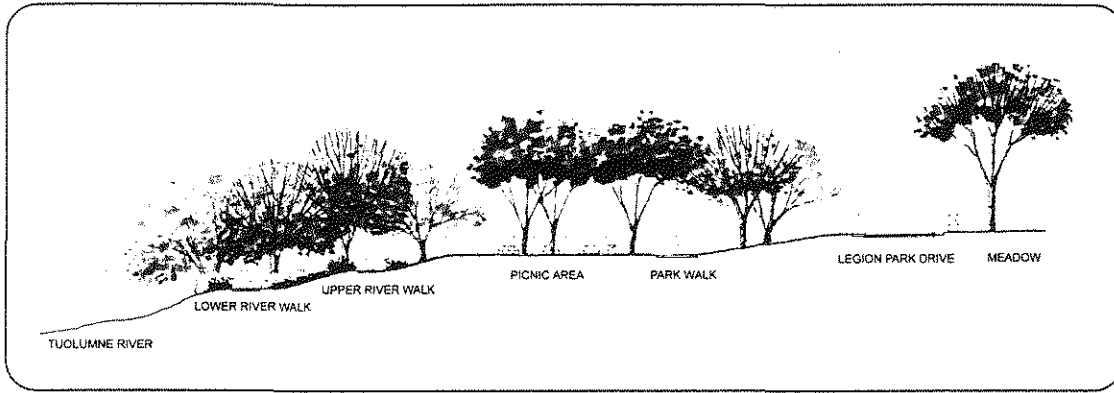


Figure 10: Legion Park - Illustrative Cross Section A

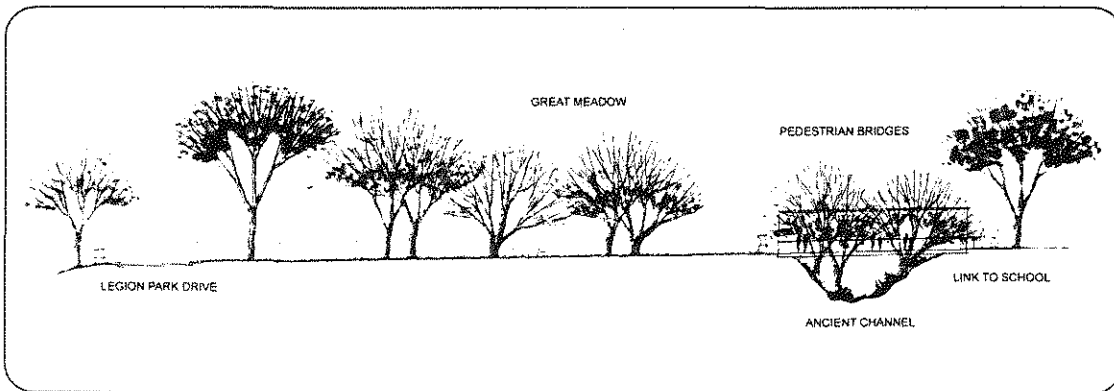


Figure 11: Legion Park - Illustrative Cross Section B

## Legion Park Landscape

Legion Park will be an ideal place for outdoor education, nature study, and passive forms of recreation. The two cross section diagrams (left) and the sketch (right) illustrate the aspects of the park that contribute to this overall character.

### Illustrative Cross Section A

Figure 10 shows the Riverwalk and other informal pathways near the Tuolumne River that allow park visitors to enjoy views of the water and the riverbank's mature trees without damaging the fragile slope. Picnic areas, interpretive signage, meadows, and additional trees will be located farther away from the river.

### Illustrative Cross Section B

Figure 11 highlights the ancient river channel that runs through the upper portion of the site. Pedestrian bridges will span this channel in two places so that park visitors may easily cross this zone. The bridges and associated interpretive signs will also help visitors to enjoy and understand this part of the park.

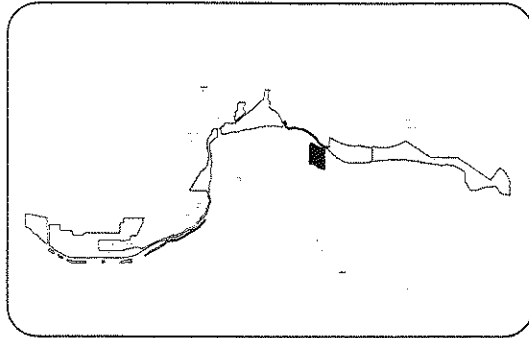
### Sketch

Figure 12 illustrates the overall ambiance of Legion Park. The canopies of mature oak trees already shade much of the riverbank in this area. A simple, riverfront outdoor classroom, nestled under the trees, will allow local teachers to bring their students to the park for formal and informal lessons. The outdoor classroom space will also be useful for community group meetings and other small gatherings. The nearby kayak beach will be an ideal place for launching small, non-motorized boats. River overlooks and the Riverwalk trail will provide wonderful views of the river.



Thomas Prosen

Figure 12: Legion Park - Sketch



TRRP Gallo/Mancini Area: Location

### *Gallo/Mancini Area*

The Gallo/Mancini Area, located to the west of Legion Park, between the Tuolumne River's confluence with Dry Creek and Herndon Road, is an essential link in the overall park system. This part of the TRRP includes a narrow, half-mile riparian trail corridor along the Tuolumne's north bank and an existing 25-acre park on its south bank. A new pedestrian and bicycle bridge spanning the river near Herndon Road will unite these two elements.

Since the trail in this area will be located adjacent to the Tuolumne River along the Gallo property, the corridor will be enhanced with riparian restoration to improve wildlife habitat, beautify the pathway, and increase park visitors' enjoyment of the trail. The restoration work will also provide additional educational opportunities in the form of interpretive signage to be placed in a few selected locations along the trail.

A circular river overlook near the Tuolumne's confluence with Dry Creek will be a beautiful place to rest along the trail. Another overlook will be added to the riverbank portion of Mancini Park. A pedestrian bridge at Herndon Road, near the edge of Legion Park, will allow pedestrians and bicycles to cross the river at this point for the first time. The bridge will also bring Mancini Park into the TRRP system and encourage TRRP access from the south side of the river. TRRP signage, benches, and other standard amenities will be added to the existing facilities in Mancini Park to make its character similar to the other areas of the TRRP.

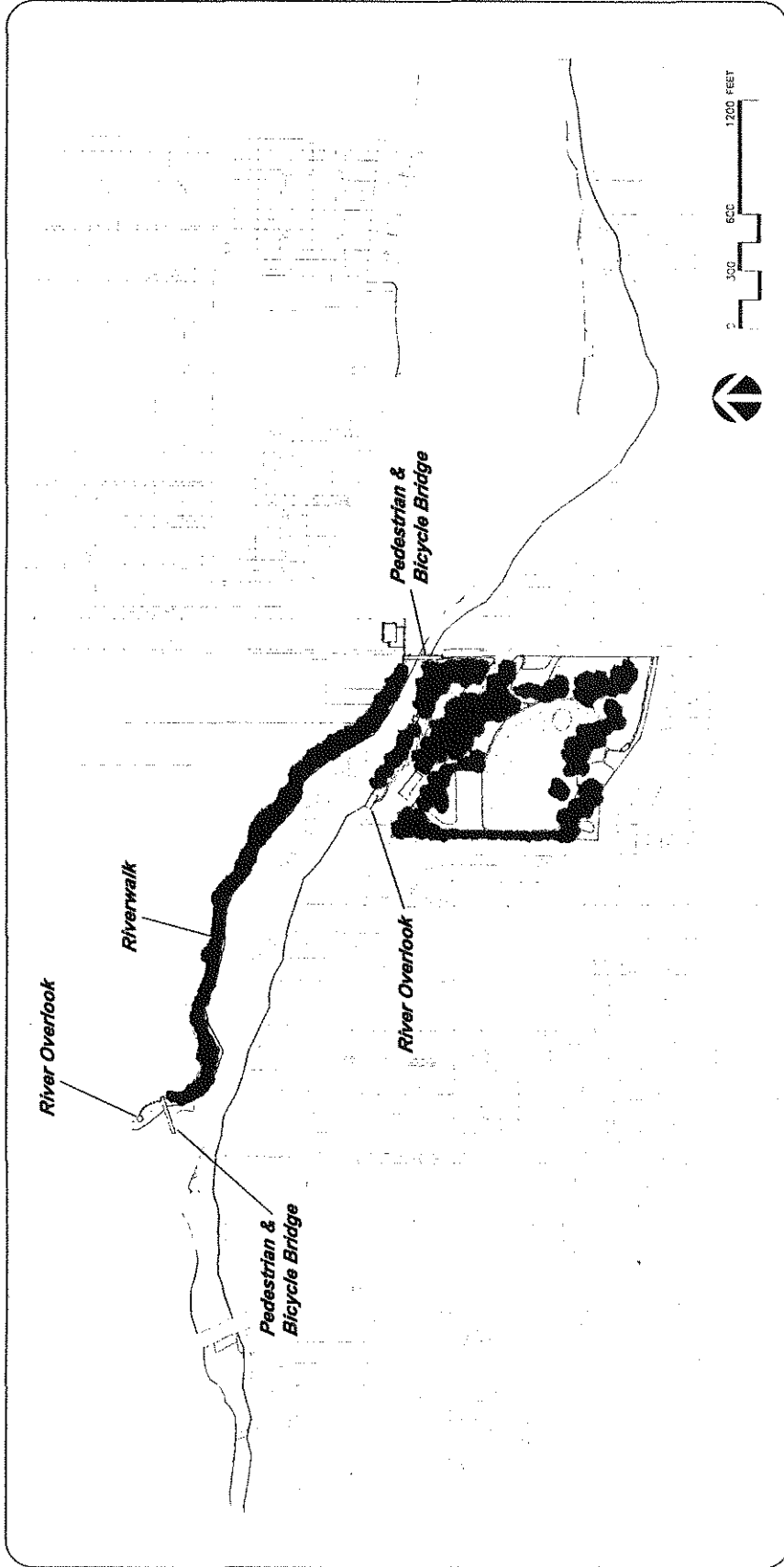
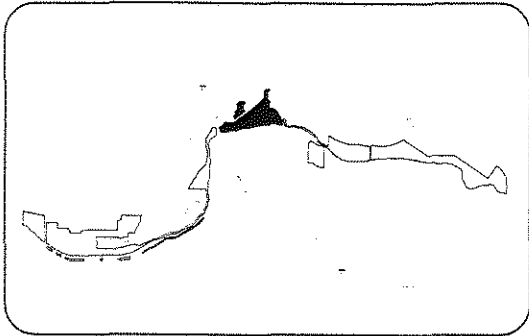


Figure 13: Gallo/Marcini Area - Illustrative Plan



TRRP Gateway Parcel: Location

## Gateway Parcel

The Gateway Parcel is located roughly in the center of the TRRP, between State Highway 99 and the Tuolumne River's confluence with Dry Creek. This 87-acre area is the crown jewel of the TRRP system. It is envisioned as a high-profile public gathering place, close to the commercial centers of Modesto and Ceres, and accessible to the rest of the region along major arterial streets and Highway 99. In addition to several large public gathering areas, the park will include a substantial trail network, a pedestrian bridge across Dry Creek, river access points, active and passive recreational zones, extensive riparian restoration work, stormwater purification wetlands, and educational interpretive areas.

### Recreation Elements

The Gateway Parcel will have a wide range of recreational opportunities and public access amenities. The Riverwalk, a paved river promenade trail, will wind through the park providing pedestrian and bicycle access from east to west. An additional paved trail along Dry Creek will connect Beard Brook Park (to the north) with the Riverwalk. An unpaved, internal trail network will provide additional access through the parcel's meadow lands, forests, and stormwater wetlands. A pedestrian bridge at the east end of the Gateway Parcel will create a link to the portions of the TRRP across Dry Creek and allow pedestrian and bicycle passage in this area for the first time. A new Loop Road, off of Tuolumne Boulevard between 7<sup>th</sup> and 10<sup>th</sup> Streets, will provide limited vehicular access to the center of the park in order to assist those who might have trouble walking the full distance to the river's edge.

There will be many group gathering areas within the Gateway Parcel. The largest, formal gathering area will be the "amphimeadow," a grassy, outdoor amphitheater near Dry Creek on the eastern edge of the parcel. The amphimeadow will be able to accommodate up to 3,000 people for regional and community events. In addition, two open-air, covered

tents (one large and one small) will be located near Tuolumne Boulevard and convenient parking areas. These seasonal, removable tents may be used to host regional fairs, such as farmers' markets and craft shows, to shade summer camp picnic outings, or to shelter rainy day outdoor group activities of many different types.

The Gateway Parcel will also include several different types of informal group gathering areas. A twelve-acre portion of the park, within the Loop Road, will be planted with an irrigated lawn, perfect for informal gatherings. Clusters of picnic tables and barbecue grills will be sprinkled throughout this zone, making it an ideal place for family and community picnics, large and small, and other types of informal recreational activities. A children's play area will also be included in the park near Tuolumne Boulevard and the Loop Road. The play area will include a variety of play apparatuses, appropriate for children in a wide age range.

The Gateway Parcel will also include special vista points, river overlooks, and river access piers. Confluence Point, located on the tip of the Gateway Parcel where Dry Creek meets the Tuolumne River, will be the site of a new informal gathering place. Low seating walls will provide places for small groups to sit to enjoy the natural beauty of the river and the charm and shade of a mature oak forest canopy. Other special vista points will be created within the park to highlight exceptional views of the waterways and open space areas. Two such places will be slightly elevated earthen mounds located near Dry Creek. Two other, quite different elevated view points will be created above the Gateway Parcel. One will be built along B Street to take advantage of the substantial grade change between this urban area of Modesto and the lower park zone. It will be possible to see most of the Gateway Parcel from this vantage point. The second elevated vista point will be built into the new 9<sup>th</sup> Street bridge structure, suspended above the Tuolumne River. This significant elevation will allow park visitors to gaze up and downstream quite a distance.

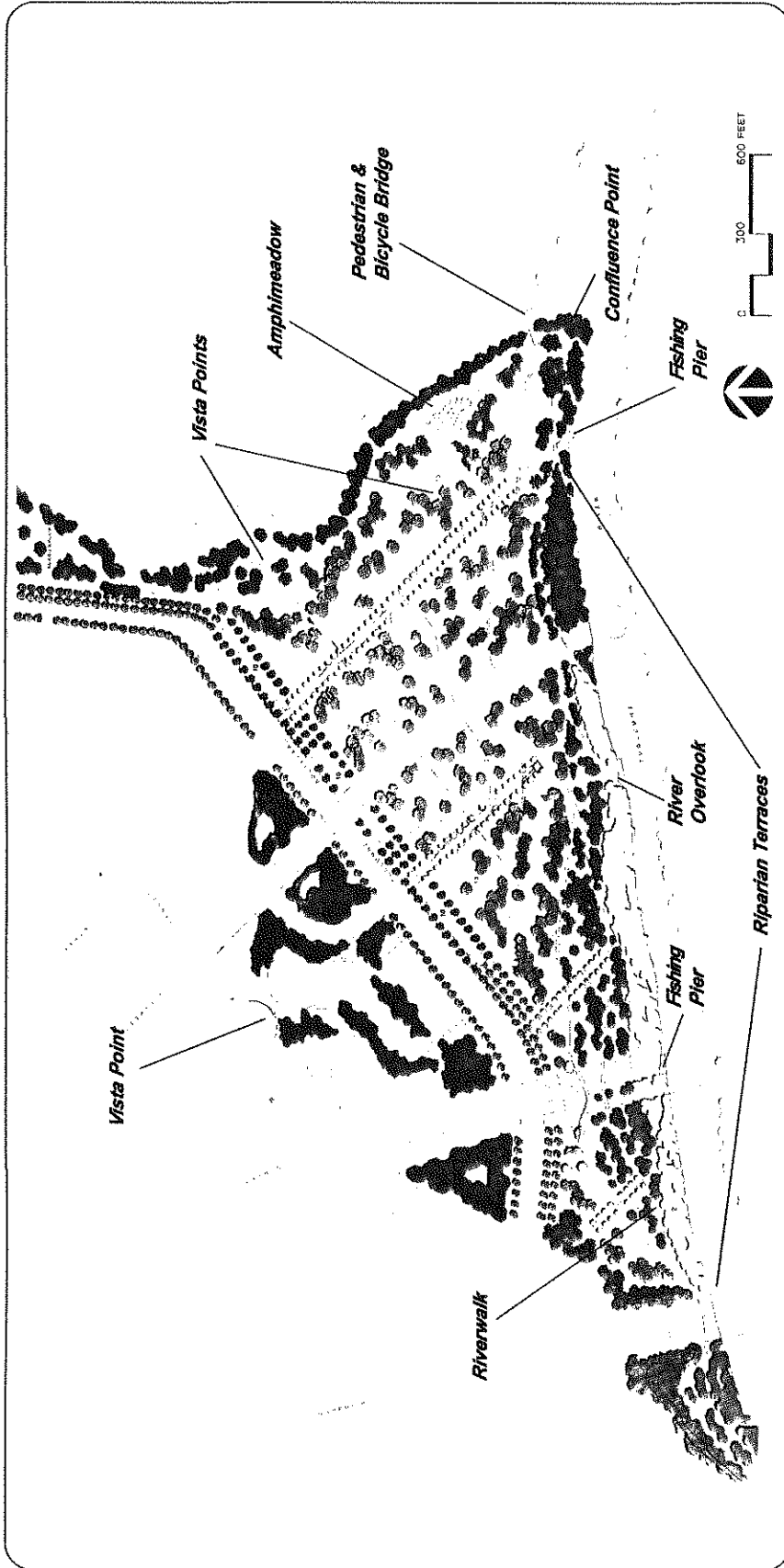


Figure 14: Gateway Parcel - Illustrative Plan



*The remnants of Dennett Dam, located under the 9th Street Bridge, currently pose an obstacle to fish migration and impede boat passage. The TRRP Master Plan recommends that it be removed to improve these conditions.*

In addition to these special vista points, a series of wooden deck overlooks and riverfront piers will be distributed throughout the park. Three such overlooks will be sited at the ends of formal pathways to accentuate view corridors within the park. One wooden overlook and two fishing piers will be placed near the water to facilitate fishing and visual access to the Tuolumne River while protecting the fragile riverbanks.

### *Conservation Elements*

In addition to its emphasis on recreation and public access, the Gateway Parcel will be a showcase of riparian restoration and conservation-oriented efforts. The park plan includes a riparian restoration corridor at least 185-feet wide along the entire northern riverbank (almost three quarters of a mile long). The riverbank will be recontoured to establish riparian terraces and reconnect the river with its floodplain. These terraces will enhance the survival and natural recruitment of riparian vegetation stands and increase the flood capacity of the parcel. They will also be rich habitat areas for the local wildlife that will be attracted to the enhanced shelter, food sources, and places to nest.

The new riverfront vegetation will be accompanied by new wildflower meadows and enhanced by large, new groves of native trees. Special care will be taken to preserve mature, slow-growing oak trees on the site, particularly near Confluence Point.

The Tuolumne River channel will also be improved in this reach. The remnants of Dennett Dam, an old concrete weir spanning the Tuolumne River under the 9<sup>th</sup> Street Bridge, currently pose an obstacle to fish migration and impede small boat passage. The TRRP Master Plan calls for the removal of this structure in order to improve this situation.

Stormwater wetlands will be created on the Gateway Parcel to help purify some of the stormwater runoff from the adjacent urban areas. Wetland plants, such as tules, sedges, and cattails, and their associated soil microorganisms will act as filters to remove nonpoint source pollutants from the runoff water before it reaches the river. Vegetated swales will be used instead of traditional curb and gutter systems wherever large areas of new pavement are added. For example, runoff created by the new parking lots and the Loop Road will be cleansed by vegetated swales along their edges.

### *Educational Elements*

The Gateway Parcel will be a useful educational site for schools in the region that wish to bring students to study river processes, native plants, and local wildlife species. The covered, open air tents and plentiful picnic areas in this park will be useful as large and small group meeting places for educational groups as well as others. The park will also be filled with helpful interpretive signs, useful for formal and informal educational purposes, that will describe all of the significant restoration zones in the area.



Figure 15: Gateway Parcel - Bird's Eye View

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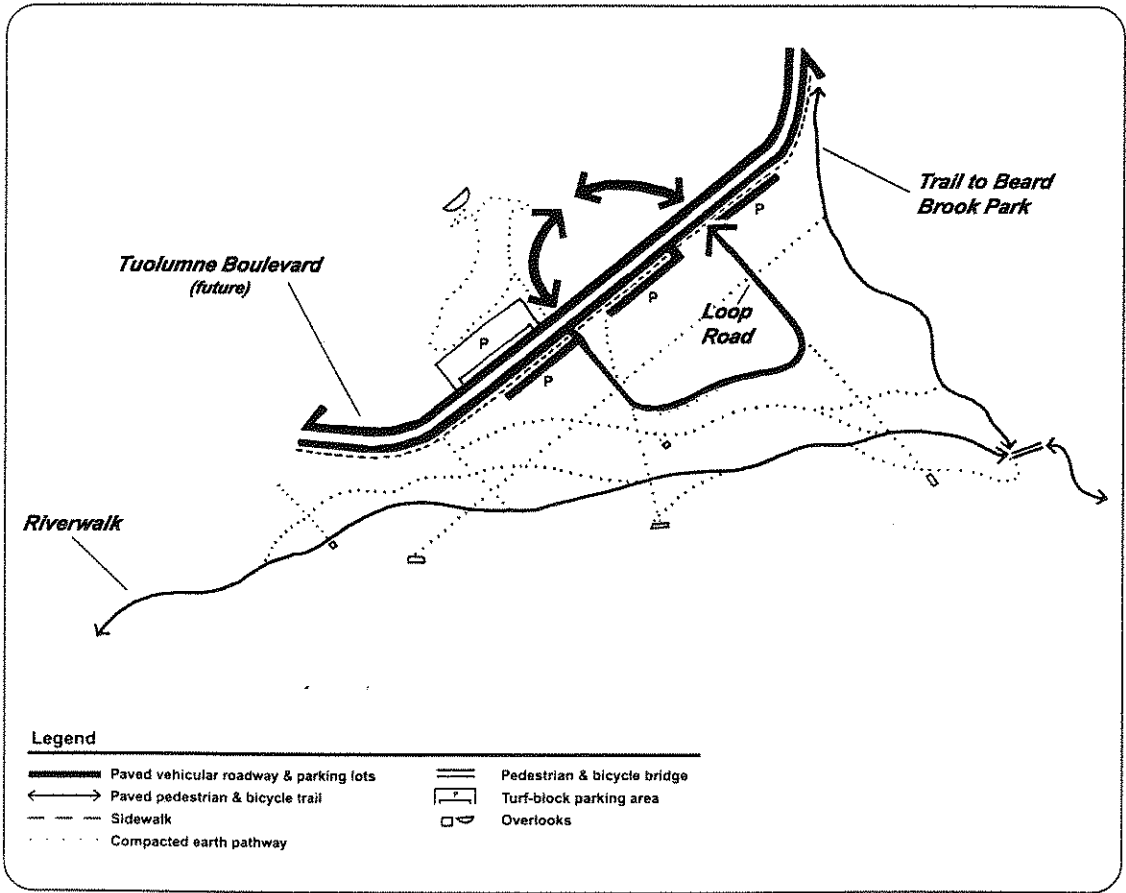


Figure 16: Gateway Parcel - Circulation Diagram

*Circulation Patterns*

Circulation patterns on the Gateway Parcel will be predominantly oriented towards pedestrian and bicycle travel. The paved Riverwalk trail, extending the entire seven-mile length of the TRRP, will cross the southern portion of the Gateway Parcel above the riparian terraces. A new pedestrian and bicycle bridge will allow the Riverwalk to continue across Dry Creek. Another paved trail will connect nearby Beard Brook Park, to the north, with the Riverwalk, significantly increasing pedestrian and bicycle access.

The Gateway Parcel will also be served by a network of unpaved earth trails that connect the park's amenities to the Riverwalk and parking areas. Some of the trails have been designed to provide access to the overlooks along the banks of the Tuolumne River. Other trails will allow leisurely, meandering walks through the park's meadows and along its riparian terraces and wetlands.

The proposed Tuolumne Boulevard extension will be the main vehicular access road for the park. A paved sidewalk will also be constructed along the southern edge of Tuolumne Boulevard to make this area more accessible to pedestrians. A narrow, arcing Loop Road will extend into the park, facilitating river access for those who cannot comfortably walk across the park's entire width. As illustrated in Figure 17, the Loop Road will be 20 feet wide, including one slow moving 12-foot travel lane, and one 8-foot parallel parking lane. The road will be designed with raised, textured crosswalks to slow traffic and provide pedestrians a safe crossing.

Vehicular traffic will be served by: three parking lots along Tuolumne Boulevard, with a total of 180 spaces; 150 parallel parking spaces along the Loop Road; and 200 additional parking spaces in an overflow parking lot north of Tuolumne Boulevard. The overflow lot will be paved with vegetated "grass-cells" that will give it a meadow-like appearance when it is not in use.

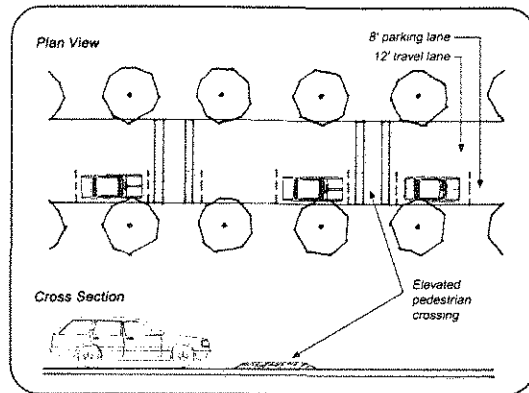


Figure 17: Gateway Parcel - Loop Road

### Riparian Terraces

As illustrated in the cross section diagram below, the Gateway Parcel will be terraced to improve the Tuolumne River's connectivity to its floodplain and to revitalize its riparian vegetation. This configuration will also make the park's design more compatible with the river's natural flow patterns.

The lowest terrace, located along the river, will be planted with a narrow leaf willow plant community that is very well suited for wet conditions. This terrace will be expected to flood almost every year. A box elder and arroyo willow plant community will be located on the second terrace, in the 1.5-year to 5-year floodplain. Fremont cottonwoods, black willows, and other associated plants will be located on the third terrace in the 5-

year to 20-year floodplain. The highest terrace, expected to flood every 20 to 100 years, will be home to valley oaks and many other plant species that prefer drier conditions. Matching the plant communities to their preferred elevations in this manner will reduce park maintenance needs over time. The majority of the park's amenities will be located on the upper two terraces so that they will remain dry most of the time.

For more information about riparian terraces on the Gateway Parcel and elsewhere in the park, please see *Chapter 3: Conservation and Open Space*, pages 20-21.

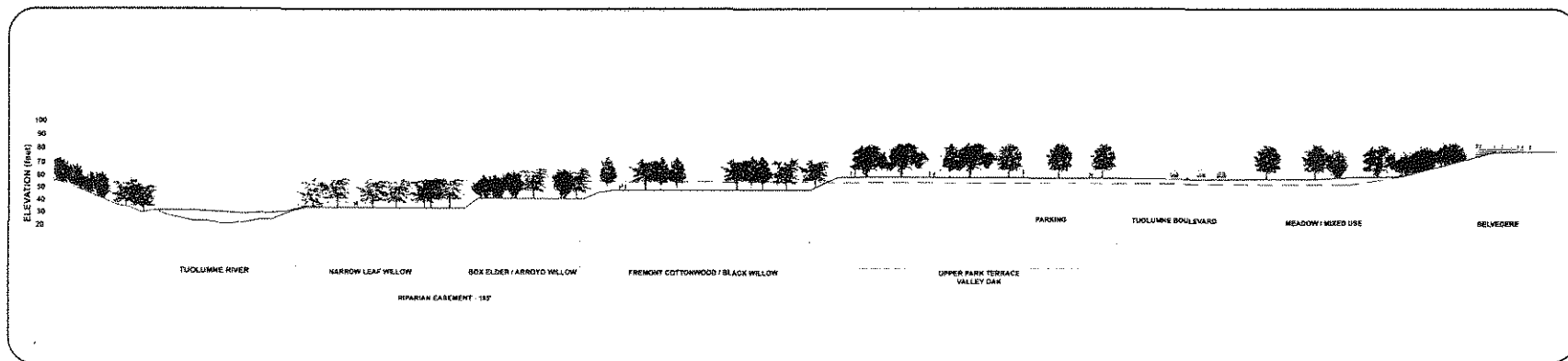
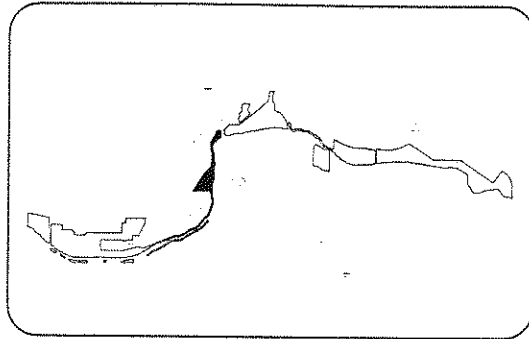


Figure 18: Gateway Parcel - Cross Section



TRRP Golf Course Area: Location

## Golf Course Area

The Golf Course Area of the TRRP is a riparian trail corridor on the northern bank of the Tuolumne River between Leon Avenue and State Highway 99. This area is adjacent to Dryden Municipal Golf Course and portions of Modesto Municipal Golf Course. The Joint Powers Authority does not currently own the riparian corridor in this reach. For this reason, the TRRP Master Plan does not formally include this area. However, since this zone is a vital link in the TRRP's riparian trail system, it is hoped that a narrow easement along the river can be arranged in the future.

If a riparian trail easement can be obtained for this area, the site should include a paved pedestrian and bicycle trail along the one and a half mile riverbank in order to connect the Carpenter Road Area, to the west, with the Gateway Parcel, to the east. This trail segment would vastly improve the pedestrian and bicycle circulation through the park and create a continuous system that makes the entire trail network more useful to park visitors.

The Golf Course Area is also a perfect place to add a pedestrian bridge across the Tuolumne River. Such a bridge would facilitate access to the TRRP from the south side of the river, making the park accessible to these pedestrians and bikers for the first time. Dallas Street is the preferred location for such a bridge because it is an easily accessible street and because it is located near additional TRRP land on the south side of the river.

Since the trail in the Golf Course Area would be located near the river, the corridor would also be enhanced with native riparian restoration to improve wildlife habitat, beautify the corridor, and increase park visitors' enjoyment of the trail. The restoration work would also provide additional educational opportunities in the form of interpretive signage to be placed in a few selected locations along the trail.

A twenty-acre, triangular parcel of land along the southern end of Neece Drive in this area is currently part of the TRRP. The land is located between two large, adjacent golf courses. The program for this park includes a loop trail, connections to the main paved trail system, a canoe and kayak launch, and a separate fishing pier/river overlook. This portion of the Golf Course Area will also be planted with shade trees and have an irrigated lawn to allow informal recreation and activities such as picnicking and nature appreciation.

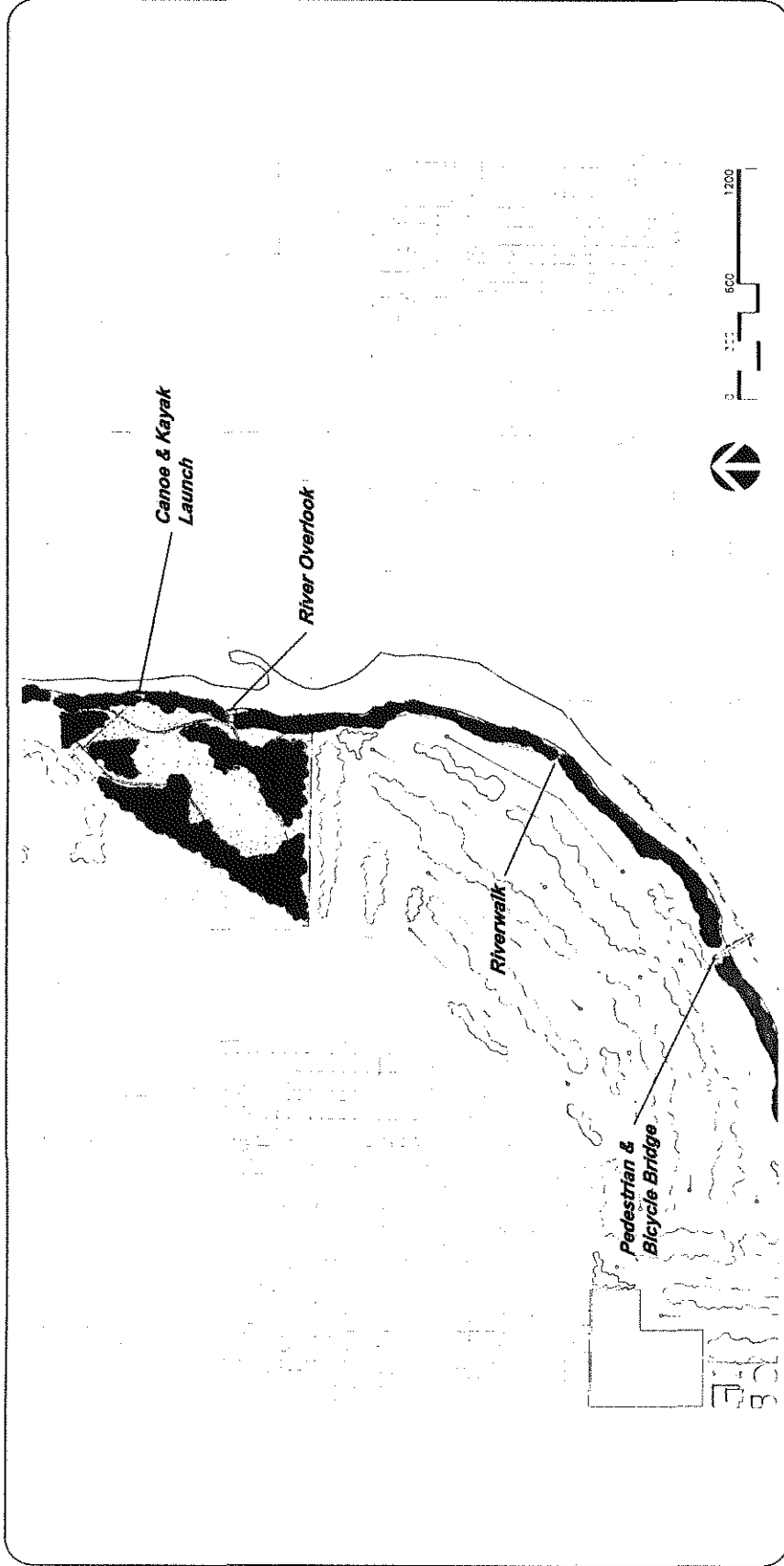
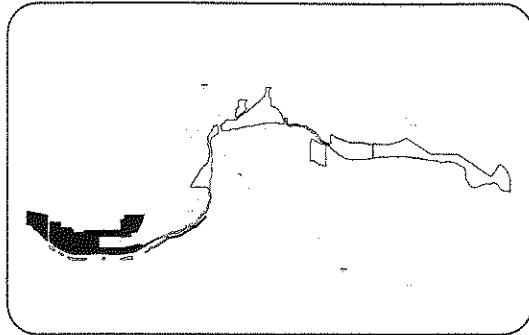


Figure 19: Golf Course Area - Illustrative Plan



TRRP Carpenter Road Area: Location

## Carpenter Road Area

The Carpenter Road Area is located at the western end of the TRRP, roughly bounded by Ohio Avenue and Leon Avenue. The largest arterial street that crosses this part of the park is South Carpenter Road. The 185-acre Carpenter Road Area is adjacent to a large wastewater treatment plant and wraps around it to the north and south.

The Carpenter Road Area is envisioned as a regional sports destination, a place for land and water reclamation and restoration, and an exciting opportunity for educational interpretation. This large site will include a regional sports complex, a river promenade trail network, a mile and a half of riparian corridor restoration work, more than 100 acres of new forests and meadows, and new stormwater purification wetlands.

Much of the park land in the western portion of the Carpenter Road Area will be created on top of a former landfill site. Before this part of the park can be developed, a landfill closure plan must be prepared in order to comply with California state law (Postclosure Land Use, CCR Title 27, Section 21190). This section of the park will be devoted to informal recreational activities centered around a trail system that weaves its way through the new meadows and forests. Wooden overlooks will provide visual access to the river in three places along the trail network. An additional pier will offer physical access to the river and be suitable for recreational fishing as well as launching small, non-motorized boats.

The riverbank in the Carpenter Road Area will be enhanced through riparian restoration work. This will improve the wildlife habitat and educational value of the area while also decreasing potential riverbank erosion. Stormwater purification wetlands will be created in the southern third of the park between Carpenter Road and Hancock Street. These wetland zones will use plants, such as tules, sedges, and cattails, to purify stormwater runoff from the adjacent neighborhoods, reducing the amount of nonpoint source pollution that enters the Tuolumne River in this area. In

addition, vegetated swales, a type of stormwater wetland arranged in narrow bands along the edges of paved surfaces, will be used instead of traditional curb and gutter systems wherever large areas of new pavement are added. Swales will be installed along the park's new internal access road (connecting Hancock Street and Carpenter Road) and along the edges of any parking lots that are created.

The northeast portion of the Carpenter Road Area, north of the wastewater treatment plant, will become a regional sports complex with up to ten active play fields. The types of play fields, to be determined by regional needs, could include: soccer, baseball, football, or other sports. One field will be a tournament-level play field, with bleachers and night lighting. The sports complex will also include a regional sports center building with locker rooms, a ticket office, a meeting room, and limited office space for recreational administration. This sports complex will expand the public facilities offered through the county park system, and enhance organized recreational activities in the region.

A nature interpretive center will be located near the sports complex. The interpretive center building itself will be designed in an environmentally responsible manner. For example, the structure will incorporate energy conservation measures, energy production techniques (e.g., solar panels), and "green building materials" wherever possible.

The interpretive center will host exhibits about the riparian restoration in the park, the new forests and meadows, and the many wildlife species that live in and along the river. It will also provide information about the conversion of the former landfill to public park space and the water purification system used in the onsite stormwater wetlands. If a portion of the adjacent wastewater treatment facility is turned into park land in the future, this would also be an appropriate topic for an exhibit at the interpretive center. Interpretive signs, placed throughout the park along the paved main trail, will reinforce these educational themes.

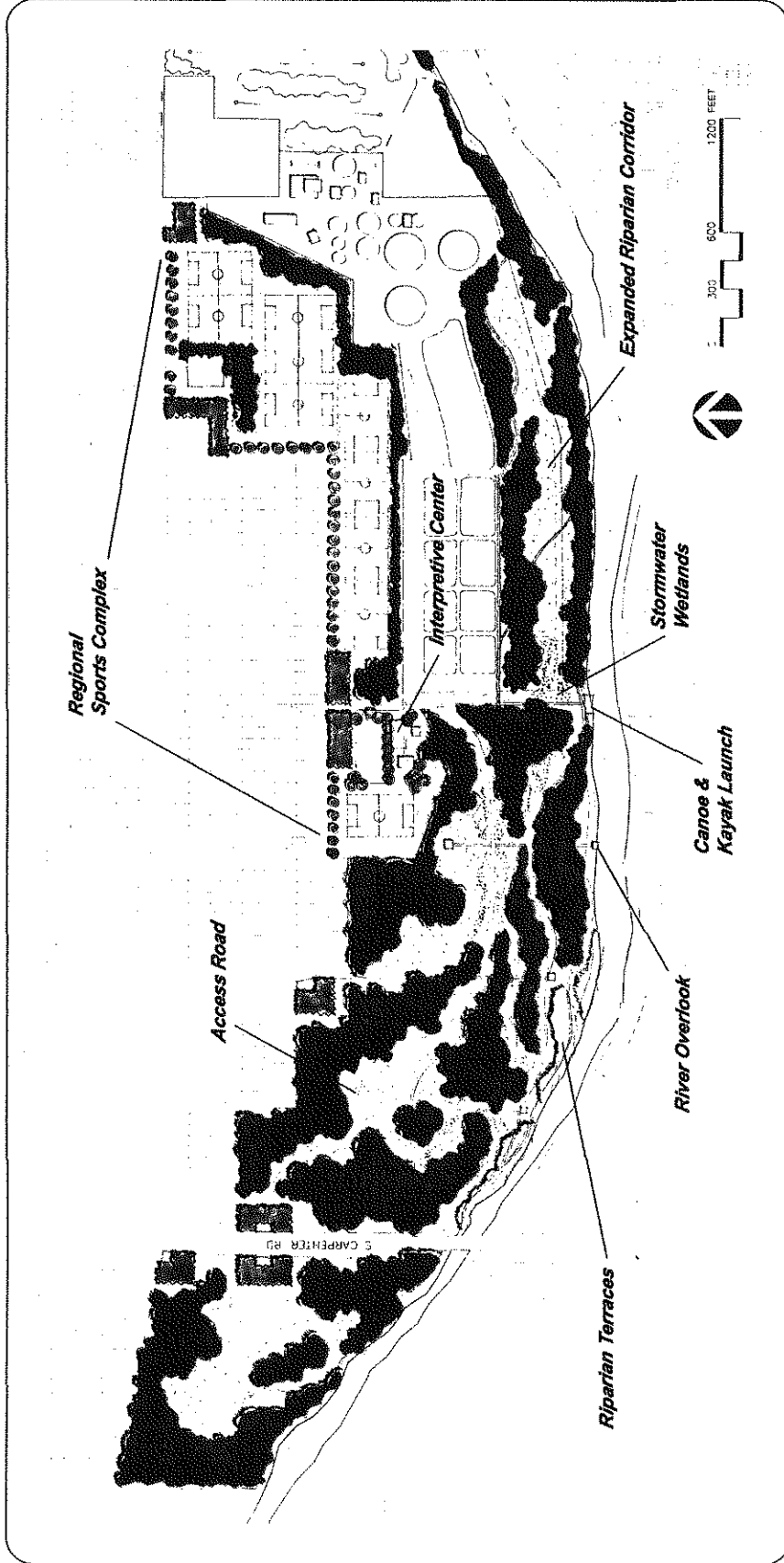


Figure 20: Carpenter Road Area - Illustrative Plan

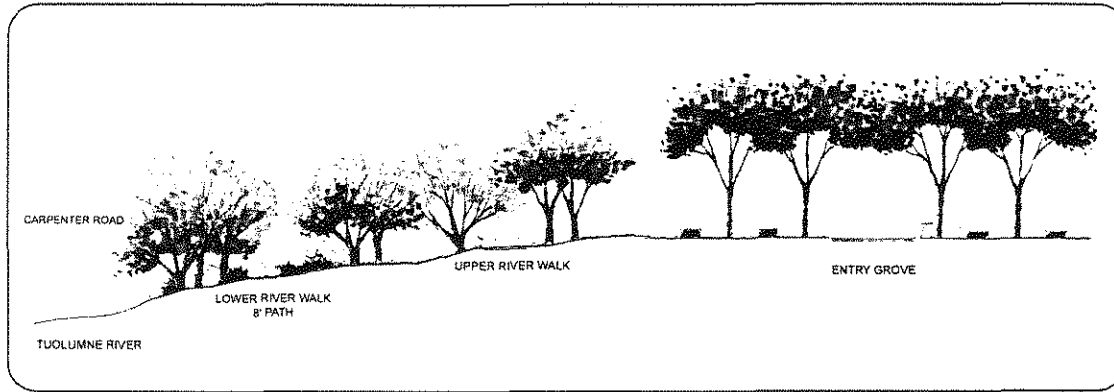


Figure 21: Carpenter Road Area - Illustrative Cross Section A

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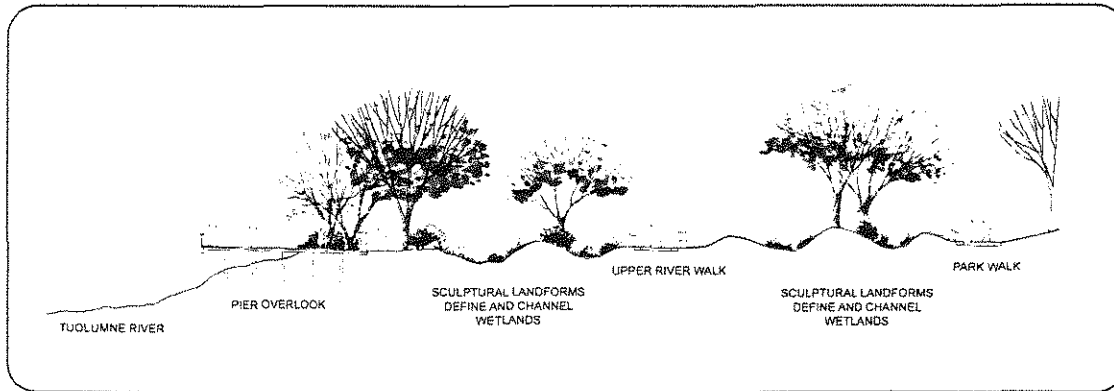


Figure 22: Carpenter Road Area - Illustrative Cross Section B

A small portion of the Carpenter Road Area will be used as a native plant nursery. The nursery will raise native and riparian vegetation to be used in the restoration of the park landscape as the park plan is implemented over time. When possible, the nursery should be encouraged to focus on local seed sources, such as acorns from the existing mature oak trees onsite, to preserve the genetic integrity of the local native plant populations. When the park is completed, the nursery area may be retained to supply replacement plant material, as needed, or converted into part of the park landscape. If desired, the plant nursery may be temporarily located on part of the park land that will be developed in one of the last implementation phases.

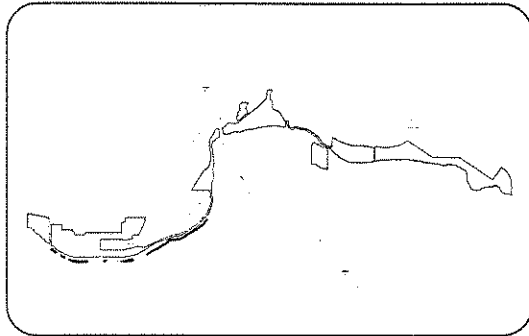
In the future, it may be possible to expand the Carpenter Road Area of the TRRP by upgrading the treatment plant and consolidating the treatment ponds, making more of the riverfront land available for park-oriented recreation and restoration. This configuration is reflected in the Figure 20 Illustrative Plan on page 47.

### Carpenter Road Area Landscape

The Carpenter Road Area will be a regional sports destination, a place for land and water reclamation and restoration, and an ideal place for educational interpretation. The two cross section diagrams (left) and the sketch (right) illustrate the aspects of the park that contribute to this overall character.



Figure 23: Carpenter Road Area - Sketch of the Park and Sports Complex



TRRP South Side Parcels: Location

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### *South Side Parcels*

In addition to the major planning zones discussed above, the TRRP also includes several riverfront parcels on the south side of the Tuolumne in the Carpenter Road and Golf Course Areas. Some of the parcels are located around the planned Dallas Street pedestrian bridge. In the future, it might be possible to create a riparian trail along the river's south bank using these parcels as the foundation. Such a trail would increase the usefulness of the pedestrian and bicycle bridge and make it more convenient for visitors to approach the park from the south.

The south side parcels are also quite important from a restoration perspective. The river ecosystem will be healthiest if it has a substantial amount of vegetative cover on both sides of the channel, providing habitat cover for aquatic species and keeping the water temperature cool during the hot summer months. The south bank is a particularly important part of the restoration process because it will produce far more shade than the north side, due to the direction that shadows are cast by the sun.

### *TRRP Amenities throughout the Park*

Each section of the TRRP will have park amenities appropriate to its location. Larger elements, such as river overlooks and piers, pedestrian and bicycle bridges, group gathering areas, new parking lots, and special recreation zones, have been discussed in the context of the individual sites. The TRRP as a whole, however, will receive a consistent set of smaller-scale park amenities that will unite the various portions of the regional park and make park visitors more comfortable.

All of the entrances to the TRRP, from roadways and major bicycle and pedestrian paths, will be marked with TRRP

"welcome" signs. This will foster a sense of arrival for park visitors and will help to solidify the park's identity in the public eye.

A continuous paved trail will extend from one end of the TRRP to the other, allowing pedestrians and bicycles to travel through its entire seven-mile length. The trail will be accented by interpretive signs approximately every quarter mile that inform visitors about the landscape they are traveling through, the restoration work in the immediate vicinity, and the wildlife and native plants that are present in the surrounding riparian corridor and floodplain. It is envisioned that site specific, educational artwork be imbedded in the trail's pavement throughout its length to provide additional, playful nature interpretation. Small mileage posts will be placed at regular intervals along the path to inform trail users of their progress, and directional arrows will be placed at strategic locations so that visitors will be able to find their way easily in the park. The trail will also be outfitted with benches at particularly scenic locations and appropriate rest stops. Bicycle racks will be added to all of the core areas of the park near vehicular parking lots and other important stopping places to encourage use of the trail system.

Each of the core areas of the park will be outfitted with picnic clusters that include three to five picnic tables, a barbecue grill, and trash cans. Additional trash cans will be located throughout the park to help keep it clean. Larger trash collection facilities will be located in the Carpenter Road Area, the Gateway Parcel, and Legion Park. Park benches will be placed throughout the TRRP along trails, as mentioned above, and in other scenic locations. Drinking fountains will be added to selected locations within the TRRP's core areas. A limited number of restrooms will be included in the Carpenter Road Area and the Gateway Parcel. Appropriate restrooms already exist in Legion Park and the Airport Area.

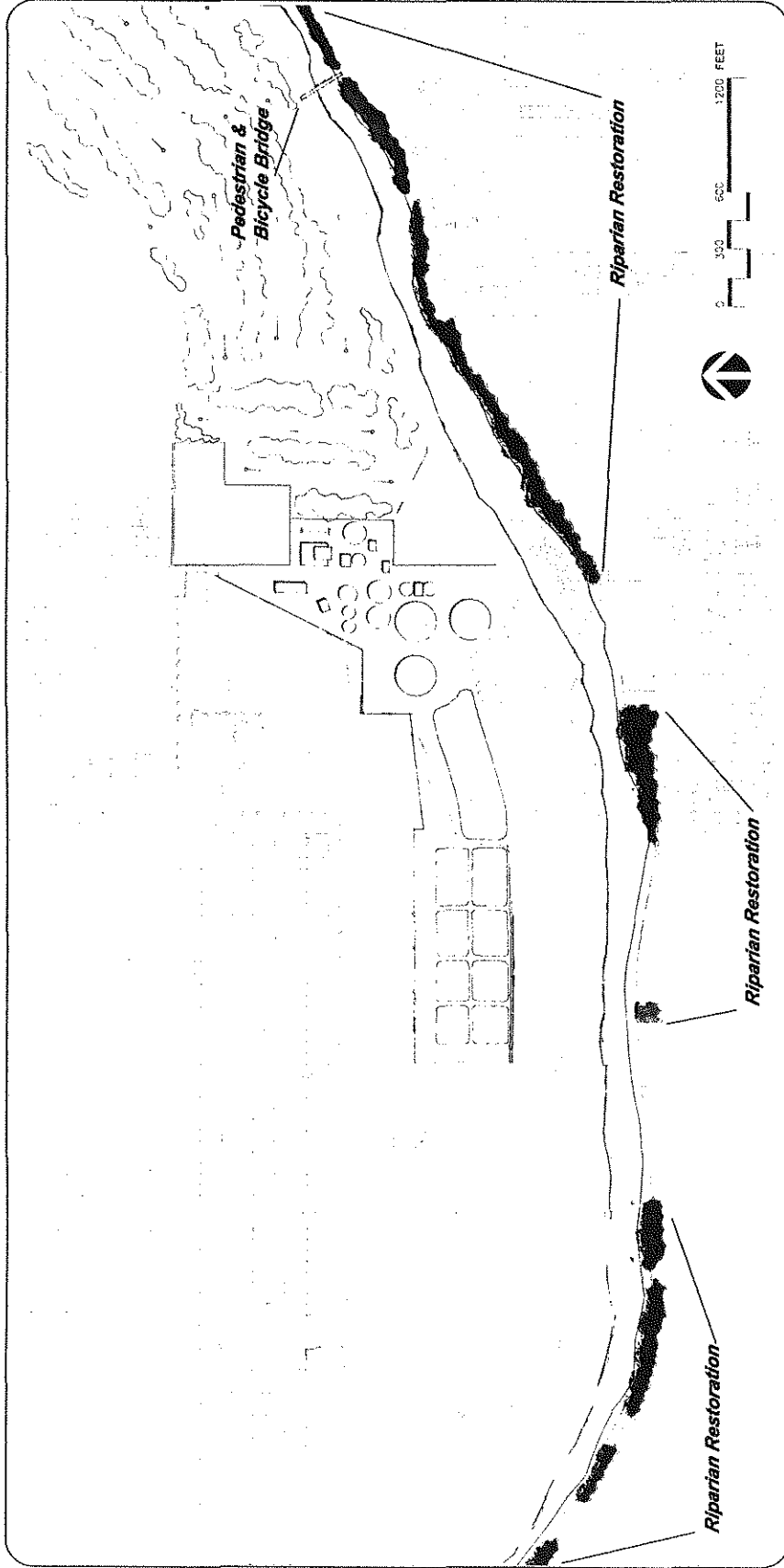


Figure 24: South Side Parcels - Illustrative Plan



McBain and Troop



## Chapter 5: Access and Circulation

Tuolumne River Regional Park (TRRP) will be a significant regional destination, accessible to pedestrians, bicycles, private vehicles, and public transit. The access and circulation systems in and around the park will substantially improve movement along the park corridor (east-west) as well as across it (north-south). The TRRP will also be a key link in the regional trail network, opening new travel possibilities for bicycles and pedestrians.

### Trails

The TRRP's trail networks will make it possible, for the first time, to travel on foot and by bicycle through this scenic seven-mile corridor along the Tuolumne River. New pedestrian bridges will unite the north and south banks of the river, providing park access to those traveling to the TRRP from the south and making pedestrian and bicycle travel more convenient and viable throughout the region.

The seven-mile park corridor will be served by a 12-foot wide, paved bicycle and pedestrian Riverwalk that runs the length of the park and crosses Dry Creek near Confluence Point over a new bridge. An additional paved trail will connect Beard Brook Park with the Gateway Parcel's Riverwalk. In addition to the main Riverwalk, each section of the park will include smaller trails surfaced with compacted earth. In some cases, wooden boardwalks and concrete sidewalks will also be built. This new trail network includes more than seven miles of paved bicycle and pedestrian paths, a total of almost eight miles of compacted earth trails, one mile of wooden boardwalks, and two-thirds of a mile of new concrete sidewalks. Additional trails already exist in the Airport Area, Legion Park, and Mancini Park.



Big Dry Creek, Littleton, Colorado

The TRRP will be served by the Riverwalk, a 7-mile paved bicycle and pedestrian trail, as well as 8 miles of earth pathways, and a network of other trails, sidewalks, and boardwalks.

New pedestrian and bicycle bridges across the Tuolumne River are planned near Herndon Road and Dallas Street. The Herndon Road Bridge will link Mancini Park with Legion Park for the first time. The Dallas Street Bridge will unite the Golf Course Area neighborhoods to the south. Both bridges will encourage access to the TRRP from the south side of the river.

This substantial TRRP trail network will unite many of the existing and planned trail systems in Stanislaus County. For example, the new TRRP pedestrian and bike path presents exciting opportunities to link to the Dry Creek Parkway, the Hetch Hetchy right-of-way, and other greenways in the area. Such a system will create a network of Class I (off-street) bicycle and pedestrian paths that will be an attractive alternative means of transportation, while enhancing livability throughout the region. If the park boundaries are expanded along the Tuolumne River in the future, the trail network would be able to provide additional access to residents throughout the county.

### Streets and Parking Areas

The park will be accessible to private vehicles from many of the arterial streets on the north side of the river and several on the south side. Carpenter Road, Tuolumne Boulevard, Mitchell Road, and Herndon Road are some of the more significant park access points for visitors arriving by car. Highway 99 will serve as a convenient travel corridor for park users from outside of the immediate area.

The TRRP includes several small internal streets that will facilitate private vehicle circulation within the park. The Airport Area and Legion Park already include such small vehicular access roads. The Gateway Parcel will include a new Loop Road that will allow private vehicle access into a portion of the park. The Carpenter Road Area will include a narrow road that will connect Hancock Street with South Carpenter Road through the park, removing some of the park's traffic from the adjacent neighborhood.

The TRRP will also provide approximately 1371 parking spaces for private vehicles. Parking lots already exist in the Airport Area (349 spaces), Legion Park (21 spaces), and Mancini Park (76 spaces). A total of 925 new spaces are planned throughout the TRRP to accommodate the anticipated increase in park visitation.

New parking lots are planned in the following locations:

- Legion Park: 115 spaces
- Mancini Park: 25 spaces
- Gateway Parcel:
  - 180 spaces in three parking lots
  - 150 parallel parking spaces along the Loop Road
  - 200 spaces in an additional overflow parking lot
- Golf Course Area: 30 spaces
- Carpenter Road Area: 225 spaces

### Public Transit

Some public transit is already provided to areas near the TRRP. The Master Plan recommends that public transit routes and schedules be modified slightly to make it more convenient to reach the park. For example, new bus stops could be added along the new Tuolumne Boulevard extension in the Gateway Parcel to provide regular access to this major TRRP attraction. The Carpenter Road Area, with its substantial sports complex, will be another important location for future public transit stops. It will also be particularly important to coordinate the schedule for these stops with the timing of large public events. This will make such public gatherings more enjoyable for park visitors and relieve the parking burden onsite.

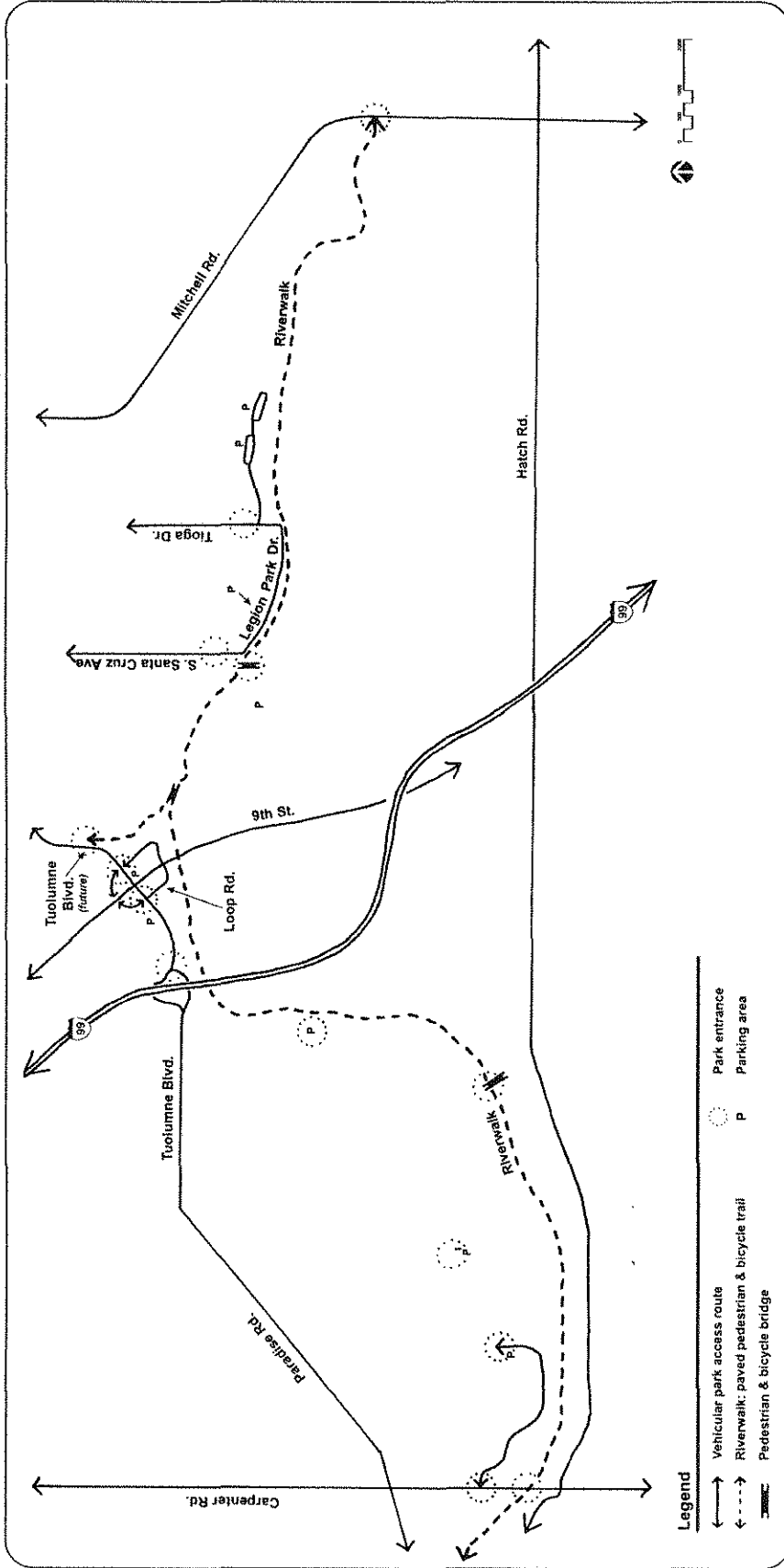


Figure 25: Access and Circulation Diagram





## Chapter 6: Implementation

This chapter of the Master Plan presents capital costs associated with the proposed master plan facilities and improvements, potential revenue sources, a phasing plan, and a recommended implementation strategy for the Tuolumne River Regional Park.

### Overall Park Capital Improvement Costs

The proposed conservation, recreation, and educational facilities described in this Master Plan will result in one-time capital costs associated with construction and improvements that total approximately \$80 million dollars.<sup>1</sup> As shown in Table 2, the majority of these costs, approximately \$50 million, are associated with improvement of the Carpenter Road area. This estimate for Carpenter Road does not include the cost of preparing a landfill closure plan and remediating the site. To put these costs in perspective, Guadalupe River Park in San Jose, approximately 100 acres, cost approximately \$100 million, and Crissy Field, a 150-acre park, cost approximately \$30 million.

The following section summarizes the major cost elements by type of improvement:

#### Trails

Approximately 17 miles of trails are proposed in the Master Plan, including asphalt bicycle and pedestrian trails, decomposed granite and compacted earth trails, wooden deck paths in wet areas, and bicycle and pedestrian bridges. Overall, the cost of trails through the 500-acre park totals approximately \$4 million. The trails, as well as the pedestrian bridges, provide an efficient non-motorized circulation system which links to important routes on both sides of the river. As such, these facilities appear to be excellent candidates for TEA-21 funding.

Airport Area:	\$ 190,000
Legion Park:	\$ 5,050,000
Mancini Park: (south of the river)	\$ 1,250,000
Gallo Riparian Area: (north of the river)	\$ 500,000
Gateway Parcel:	\$ 19,400,000
Golf Course Area:	\$ 5,850,000
Carpenter Road Area:	\$ 49,900,000
South Side Parcels:	\$ 610,000
<b>TOTAL:</b>	<b>\$ 82,750,000</b>

Table 2: Cost Estimate Summary by Park

Trails:	\$ 4,250,000
Restoration:	\$ 17,180,000
Landscaping:	\$ 35,060,000
Site Furnishings:	\$ 2,740,000
Streets / Parking:	\$ 2,020,000
Utilities:	\$ 750,000
Special Features:	\$ 20,750,000
<b>TOTAL:</b>	<b>\$ 82,750,000</b>

Table 3: Cost Estimate Summary by Item

*Riparian Restoration*

The Master Plan provides for restoration of riparian planting along the seven-mile river corridor. Significant costs in this category include the cost of earthmoving associated with the re-creation of riparian terraces. On the Gateway Parcel, there is additional cost associated with the protection of the mature oaks at Confluence Point. As described in the following section, there appear to be numerous sources of grant funding for riparian restoration projects. These funds should be pursued for river restoration projects.

*Park Landscaping*

This is the largest cost item in the Master Plan, at approximately \$35 million, and includes landscape enhancement throughout the 500-acre park. This cost is reflective of the sheer amount of acreage that currently is in an unnatural, poorly vegetated state. Overall, the approach to park landscaping is to revegetate the area with multiple-use meadows and oak savannas using a native planting palette. Areas of irrigated turf are limited in the park. As a whole, this landscaping approach is a cost effective one. Like the riparian work described above, much of the park landscaping can be viewed as habitat restoration. Once established, the restored park landscape will require lower levels of maintenance than a typical city park.

*Special Features*

This cost category incorporates all of the special park facilities, such as river overlooks, the amphimeadow, and the interpretive center, not including trails and landscaping, that are included in the Master Plan. These features total an estimated \$20 million. The most costly of these facilities include: the interpretive center/sports complex building (\$9.8 million); the conversion of three wastewater treatment ponds to riparian park corridor (\$6.2 million); and the three pedestrian

bridges over the Tuolumne and two pedestrian/bike bridges over the "ancient channel" in Legion Park (\$1.7 million).

*Site Furnishings*

The site furnishings category includes typical park facilities such as picnic tables and benches, drinking fountains, restroom buildings, trash receptacles, bicycle racks, and interpretive signage. Site furnishings for the park area are estimated to cost \$2.7 million.

*Streets/Parking Areas*

This category includes streets for circulation within the park as well as parking areas. These facilities are primarily located on the Gateway Parcel, within the Carpenter Road Area, and Legion Park, and total approximately \$2 million in capital costs.

*Current and Potential Park Funding Sources*

*Current Sources of Revenue*

Currently, there are three primary sources of funding for the TRRP: (1) contributions from Stanislaus County and the cities of Ceres and Modesto; (2) revenues generated by land leases and rental of picnic areas, buildings, etc.; and (3) grants. The budget currently totals \$600,000 annually. Approximately 70% of the revenue (or \$420,600) is attributable to contributions from the three member agencies and the remainder (\$70,900) is from grants and leases.<sup>2</sup> As a revenue source, grants vary on an annual basis. In terms of expenditures, the majority of the budget is currently dedicated to operations and maintenance (70%), with the remaining funds allocated to capital projects.

*Potential Sources of Park Funding*

It is estimated that the park will continue to be funded through these three primary sources of revenue. Grants appear to be a potential growth area because recommended park improvements fulfill multiple objectives of federal, state, regional, and nonprofit agencies, such as enhancement of environmental resources, provision of recreational opportunities, and provision of facilities for non-motorized transportation. There are numerous potential grant sources available to fund capital improvements in the TRRP. Some of the most relevant grants are summarized in the following section.

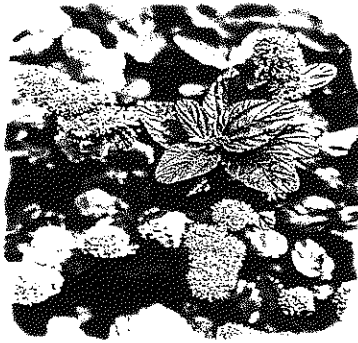
*Government-Sponsored Grants*

*State Park Bond 2000 Funds (Proposition 12)*

In March 2000, California voters approved the "Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000" (Proposition 12), which provided \$824 million for local assistance grants. Local grants included within the bill are disbursed on a per capita basis as well as a competitive basis. The Per Capita Grant Programs are intended to provide funds for projects that accomplish the following:

- A. Rehabilitate facilities at existing local parks that will provide for more efficient management and reduced operational costs.
- B. Develop facilities that promote positive alternatives for youth and that promote cooperation between local park and recreation service providers and youth-serving nonprofit organizations.
- C. Promote family-oriented recreation, including art activities.
- D. Provide for open, safe and accessible local park lands, facilities, and botanical gardens.





Wild lilac

Projects eligible for 2000 Bond Act funds include acquisition, development, improvement, rehabilitation, restoration, enhancement, and interpretation of local park and recreation lands and facilities. Funding will be available beginning in the 2001/2002 fiscal year.<sup>3</sup>

The preliminary estimates of the per capita grants disbursement are \$2,468,100 for Stanislaus County, \$396,600 for Ceres and \$2,261,350 for Modesto, for a total disbursement of \$5.1 million for the three member agencies.<sup>4</sup> Each jurisdiction will decide on how to use these funds. However, it is assumed that some portion of the funds will be dedicated to the TRRP.

In addition to the per capita grants discussed above, the 2000 Bond Act provided for competitive grant programs in a number of areas that would be applicable to the TRRP. These are as follows:

- Roberti-Zberg-Harris Program—\$200 million statewide—for urban parks and open space.
- Riparian and Riverine Habitats Grant Program—\$10 million statewide—for river and stream trail projects.
- Non-Motorized Trails—\$10 million statewide—for recreational trails.

Applications for these competitive grants will be staggered throughout the 2001/02 fiscal year.<sup>5</sup>

#### *Land and Water Conservation Fund Program*

The Land and Water Conservation Fund Program is administered by the National Parks Service through California State Parks. The money is used for statewide planning and for acquiring and developing outdoor recreation areas and facilities. LWCF grants to local agencies require a dollar-for-dollar match.

#### *Recreational Trails Program*

The Recreational Trails Program provides funds for recreational trails and trail-related projects. The program is administered by the Federal Highway Administration (FHWA) through the California Department of Parks and Recreation. The Recreational Trails Program is a matching program that provides up to 80% of project costs.

#### *Habitat Conservation Fund Program*

The Habitat Conservation Fund Program is a competitive grant program that is administered through the California Department of Parks and Recreation. Currently, funds are targeted to habitat categories, including riparian habitat and rare, threatened, endangered and fully protected species. The Habitat Conservation Fund Program requires a dollar-for-dollar match from a non-state source.

#### *California Riparian Habitat Conservation Program*

The Wildlife Conservation Board administers funds for the protection and restoration of the state's riparian ecosystems. The TRRP received one of these grants to assist in the purchase of the Gateway Parcel.

#### *TEA 21 Grants*

The Transportation Equity Act for the 21st Century (TEA 21) was enacted in 1998 and provides funds for surface transportation for the 6-year period 1998 to 2003. TEA 21 funds are applicable to a wide range of transportation-related projects, including bicycle and pedestrian paths and recreational trails. TEA 21 Grants typically require local matching funds.

#### *Solid Waste Disposal and Codisposal Site Cleanup Program*

Under the Solid Waste Disposal and Codisposal Site Cleanup Program, local governments can finance a wide range of remediation projects. The California Integrated Waste Management Board (CIWMB) may expend funds directly for

cleanup or emergency actions, provide loans to responsible parties who demonstrate the ability to repay state funds, or provide matching grants to local governments to assist in remediation of environmental problems at landfills. For this program, there is a continuous application period. Each grant is brought before the Permitting and Enforcement committee and the Board individually for award.

#### *Nonprofit Foundation Sponsored Grants*

##### *The David and Lucille Packard Foundation*

The Packard Foundation provides grants to nonprofit organizations in a number of areas including conservation. The Foundation's assets were approximately \$13 billion as of December 31, 1999. Grant awards totaled approximately \$411 million in 1999, and the Foundation expects to make grants of approximately \$500 million in 2000.

One of the grant programs supported by the Foundation is the Conserving California Landscapes Initiative. This is a five-year, \$175-million initiative aimed at preserving the natural ecosystems and agricultural resources in California. In 1999 the Packard Foundation granted approximately \$43 million in grants to nonprofits for conserving California landscapes. Funds are used for land acquisition, policy analysis, planning, capacity-building, and restoration and stewardship.

##### *LEGACI Grants*

Each year, the Great Valley Center awards over one-half million dollars in monetary grants to nonprofit groups, community organizations, and local governments that are working to improve the well-being of the Great Central Valley through initiatives in the areas of Land Use, the Environment, Growth, Agriculture, Conservation and Investment (LEGACI).

To be eligible for support, projects must have an area of focus within at least one of the Valley's 19 counties. Proposals that incorporate collaboration with other local groups are viewed favorably by the Center's Board of Directors.

#### *Other Sources of Revenue*

##### *User Fees*

Certain facilities within the park are currently subject to user fees. The TRRP presently generates approximately \$70,000 dollars each year from user fees associated with the lease of picnic areas, land, and Legion Hall. In the future, user fees will continue to be generated by the facilities in the TRRP, as well as picnic and meadow areas in the Gateway Parcel, the Amphimeadow at the Gateway Parcel and the Sports Complex in the Carpenter Road Area. Other user fees that may be considered include park entrance fees and parking fees.

##### *Revenue-Generating Facilities*

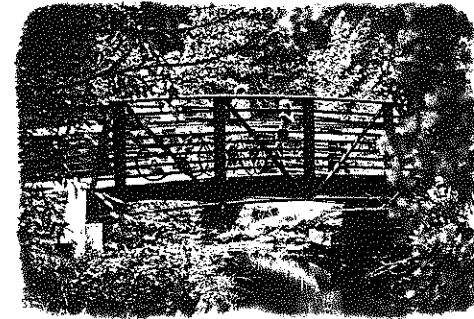
Another potential source of revenue would be associated with concessions. Concessions that are in keeping with the nature of the park, such as bicycle, canoe, and skate rental as well as limited food sales in association with the regional sports complex, could generate revenue for the park and serve its users. There may also be opportunities for entrepreneurial ventures, such as commercial land development in appropriate areas, to generate revenue for the park. Entrepreneurial ventures that enhance enjoyment of the park and generate revenue for the park should be pursued.

##### *Development Impact Fees*

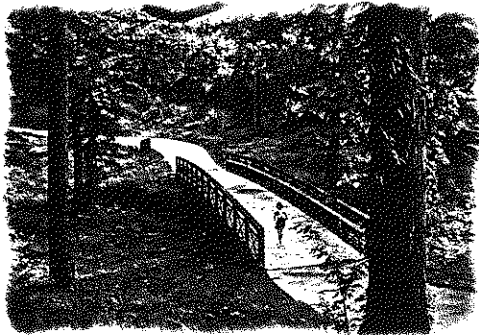
As a rapidly growing area, the member agencies may consider levying a development impact fee for TRRP. However, such fees need to demonstrate that there is a clear relationship between the amount charged and the cost of the related improvement.

##### *Private and Nonprofit Sponsors*

Private sponsors, including philanthropic organizations and corporate sponsors, is a potential area that could be pursued for the TRRP. A growing area of funding for parks comes from corporate donations in exchange for some form of recognition



*Cornerstone Park, Littleton, Colorado*



Littleton, Colorado

within the park. This is a practice that is becoming more common as a mechanism to finance public facilities. Clearly, a vital and attractive park is a marketable asset that can attract private investment. Care should be taken, however, to ensure that recognition of corporate donors does not take over the identity of the park.

#### *County-Wide Park Bonds or General Obligation Bonds*

Another potential source of revenue for capital expenditures would involve the issuance of a General Obligation Bond. This is a mechanism that has been used successfully by other counties and park districts in California to finance land acquisition and capital expenditures for park facilities. A park bond measure would require approval by a two-thirds majority vote.

### *Phasing of Park Improvements*

#### *Recommended Park Improvement Phasing*

The capital costs included in the Master Plan are assumed to be implemented over a 20-year period, from 2001 to 2021. In general, park improvements should be phased as funding permits, with early term projects focusing on trail linkages and riparian and landscape restoration. Priority should be placed on development of the Gateway Parcel, due to its high visibility, central location and proximity to existing trails and park facilities at Legion Park and the Airport Area.

Due to the additional planning and extraordinary costs associated with the Carpenter Road landfill, it is assumed that improvements in this area would occur in the long-term. A generalized schedule of park improvement phasing is summarized in Table 4.

### *Implementation Strategy*

The implementation strategy for the Tuolumne River Regional Park is based on the following elements:

- Ongoing commitment of funds contributed by the three member agencies to fund operation and maintenance costs of the park and early term capital improvements.
- Commitment of additional funds from the three member agencies based on the availability of Park Bond 2000 (Proposition 12) Funds starting in 2001. If the TRRP could obtain 10% of the Park Bond 2000 Per Capita funds from the member agencies, there would be approximately \$500,000 to begin implementation projects.
- An aggressive approach to securing grants and private contributions for park improvements.
- Leveraging available funding for capital improvements (Park Bond Funds in early years) to maximize financial impact. In early years, priority should be placed on using available funds for capital improvements that can:
  - Attract additional funding (i.e. matching grants); or
  - Generate revenue through user fees or leases.
- In the long term, the county or the three member agencies should consider a General Obligation Bond to fund park and recreation capital improvements.

Table 4: Conceptual Phasing Schedule

Area / Item	Phase
<b>AIRPORT AREA</b>	
Trails	Completed
Riparian Restoration	2
Special Features:	
Overlook	3
Site Furnishings	3
<b>LEGION PARK</b>	
Trails	1
Riparian Restoration	2
Park Landscaping	3
Special Features:	
Small Pedestrian Bridges	3
Deck Overlooks	3
Boat Pier	3
Canoe & Kayak Beach	2
Small Group Event Space	3
Picnic Shelter	3
Site Furnishings	3
Streets/Parking	3
<b>MANCINI PARK</b>	
Trails	3
Riparian Restoration	3
Park Landscaping	3
Special Features:	
Pedestrian Bridge	3
Overlook	3
Site Furnishings	3
Parking	3

Area / Item	Phase
<b>GALLO RIPARIAN AREA</b>	
Trails	1
Riparian Restoration	2
Park Landscaping	3
Special Features:	
Overlook	3
Site Furnishings	3
<b>GATEWAY PARCEL</b>	
Trails	1-3
Riparian Restoration	1
Park Landscaping	1-3
Special Features:	
Pedestrian Bridge	1
Amphimeadow	3
Stormwater Wetlands	3
Overlooks	3
Fishing Piers	3
Children's Play Area	3
Vista Points	3
Site Furnishings	3
Utilities	3
Streets/Parking Areas	3

Area / Item	Phase
<b>GOLF COURSE AREA</b>	
Trails	2
Riparian Restoration	2
Park Landscaping	3
Special Features:	
Pedestrian Bridge	3
Overlook	3
Canoe & Kayak Launch	3
Site Furnishings	3
Streets/Parking Areas	3
<b>CARPENTER ROAD AREA</b>	
Trails	2-3
Riparian Restoration	2-3
Park Landscaping	3
Special Features:	
Overlooks	3
Canoe & Kayak Launch	3
Sports Complex	3
Interpretive Center/Sports Bldg.	3
Stormwater Wetlands	3
Treatment Plant Upgrade	3
Site Furnishings	3
Site Utilities	3
Streets/Parking	3
<b>SOUTH SIDE PARCELS</b>	
Trails	3
Riparian Restoration	3
Site Furnishings	3
Street Trees	3

Note: This phasing schedule has been developed for illustrative purposes only. Actual phasing will vary.

Alfred Brousseau, St. Mary's College of California



Native to woodland, grassland, and riparian areas of the Central Valley, California fuchsia will be planted in the TRRP.

### TRRP Implementation Action Plan

#### Phase 1: Improve and Connect the Gateway Parcel into the Park System

Centrally located and highly visible, the Gateway Parcel represents the ideal first phase of park development. The site also contains a blend of public access, recreation, and environmental restoration programs that would address a broad cross section of public interest.

##### Specific Actions:

1. Develop Schematic Design and Construction Documents for the Gateway Site. The next step in implementing the Gateway parcel is to develop detailed construction documents.
2. Pursue an Agreement with the City of Modesto to Use the Parking Area at Beard Brook Park as a Staging Area for Gateway. The Tuolumne Boulevard Extension will not occur for several years (estimated 2003-2004). In the meantime, access and parking for the TRRP could be obtained via Beard Brook Park, immediately north of the Gateway site. The TRRP should pursue an agreement with Modesto to use this area for access to Gateway.
3. Pursue an Agreement with Gallo Regarding a Trail Easement Between Dry Creek and Legion Park. Once completed, the half-mile trail linkage between Gateway and Legion will result in a continuous 3.5-mile linkage along the river from Highway 99 to Mitchell Road. The Gallo section of this trail is a critical linkage.
4. Implement the Dry Creek Trail Connection from Beard Brook Park to Legion Park. As described above, this would be the first priority park improvement.

5. Complete Earthwork Over the Gateway Site. Earthwork must be completed in order to implement any of the park improvements, including the riparian restoration.
6. Complete Riparian Restoration Planting and Trail. Once the earthwork is complete, including the re-created riparian terraces, the riparian zone can be replanted to improve the environmental quality of the site and the river. A trail along the river in this vicinity would be a significant amenity to the system.

#### Phase 2: Integrate the Remaining Riparian Areas into the Park System

The following phase of work should focus on implementing the riparian restoration and trail system along the length of the park. This phase of work will require a number of specific actions that should be pursued opportunistically. For example, further evaluation and refinement of the stormwater wetlands concept for the Carpenter Road area may be studied as part of a larger stormwater management study for the adjacent area. Similarly, the regional sports complex should be pursued in conjunction with other regional sports park planning efforts taking place in the County.

##### Specific Actions:

1. Pursue Agreements for a Trail Easement and Riparian Restoration along the Modesto Municipal and Dryden Golf Courses. A trail linkage through this zone would add significantly to the overall system.
2. Complete a Closure Plan for the Carpenter Road Landfill. Improvement of the Carpenter Road area, including trails and roadways for access to facilities will depend on assessing the landfill and determining what actions are necessary to construct park facilities in this area.

### Phase 3: Larger Park Improvements

The third phase of park improvement includes many of the park improvements aside from the river trail and riparian restoration. These should be developed as funding permits.

### Operations and Maintenance

Throughout the development of the TRRP Master Plan, considerable concern has been expressed by the public and agencies regarding maintenance, safety and enforcement issues. In its current state, the park represents undeveloped land within an urban area, and as such, attracts inappropriate uses and activities. To a large extent, improving the park with trails and recreational activities as described in the Master Plan will begin to activate the park and bring in more "legitimate" users and activities. However, it will be critical to provide a higher level of enforcement and maintenance in order to provide users with a safe park experience and to protect the natural resources of the park.

### Long-term Expansion of the TRRP

This Master Plan has addressed the land which is currently within the ownership of the Tuolumne River Regional Park Joint Powers Authority. Initially, the vision of the park was "from the mountains to the sea." Clearly, extending the park upstream and downstream and along both sides of the river should continue to be a priority. Toward this end, the TRRP JPA should look opportunistically for additions to the park, through a number of mechanisms, including land acquisition, dedication, or conservation easements. As new areas are added to the park, the overall approach taken in this Master Plan can continue to be implemented. Overall, these elements include:

- Restore a continuous riparian corridor.
- Provide a continuous river trail.
- Provide connections to the river.
- Provide a variety of experiences related to recreation, education, and conservation.
- Maintain a consistent set of park amenities, such as signage, to foster a unified sense of place and a coherent park identity.

Many specific elements of this Master Plan, such as the approach to the re-created riparian terraces, the planting palette, and the maintenance guidelines, will be directly applicable to new lands acquired by the TRRP.



*The TRRP's existing tree canopy is a wonderful asset in places such as Legion Park.*

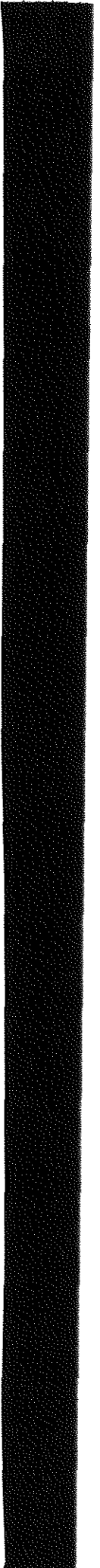
<sup>1</sup> All cost estimates include a factor for design (10%), construction management (10%), a contingency (15%) and a labor surcharge (5%) reflecting the tight labor market.

<sup>2</sup> 1999/00 TRRP Budget.

<sup>3</sup> California State Parks web site, *2000 Bond Act Description of Grant Programs*, <[www.parks.ca.gov/grants](http://www.parks.ca.gov/grants)>

<sup>4</sup> California State Parks-Local Services Section, *Prop 12 Estimates of Per Capita Grants Programs*, 1999.

<sup>5</sup> California State Parks web site, op. cit.





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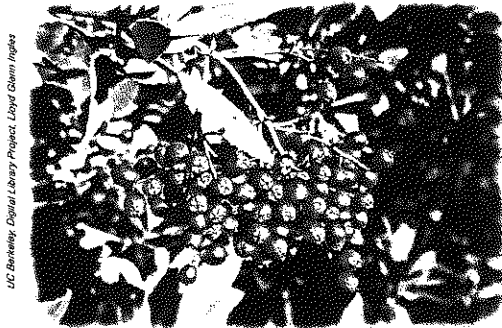
### Background Reports

This Master Plan is based on data collected in a series of technical memoranda, prepared as background reports, including:

- *Technical Memorandum #1: Plan Summary and Critique*, EDAW, McBain and Trush, Stillwater Sciences and HDR Engineering, September, 1999.
- *Technical Memorandum #2: Findings and Impressions*, EDAW, September, 1999.
- *Technical Memorandum #3: Preliminary Park Program*, EDAW, September, 1999.
- *Technical Memorandum #4: Environmental Setting*, EDAW, McBain and Trush, Stillwater Sciences, and HDR Engineering, October, 1999.
- *Technical Memorandum #5: Summary of Opportunities and Constraints*, EDAW, November, 1999.

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UC Berkeley, Digital Library Project, Lloyd Owen Ingber

Toyon trees have berries that turn a bright red color in the fall and winter.

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## Image Sources

All photographs, maps, diagrams, and illustrations were produced by EDAW, Inc. unless otherwise noted next to the image. These additional image sources include:

California Academy of Sciences

California Department of Fish and Game

City of Modesto

McBain and Trush

McHenry Museum and Historical Society

St. Mary's College of California

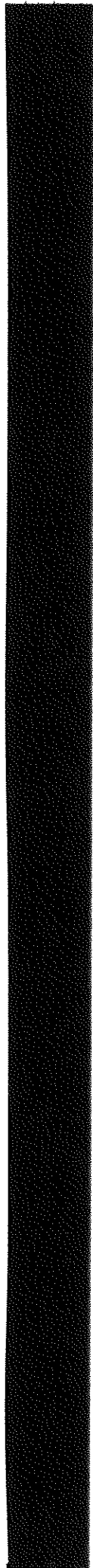
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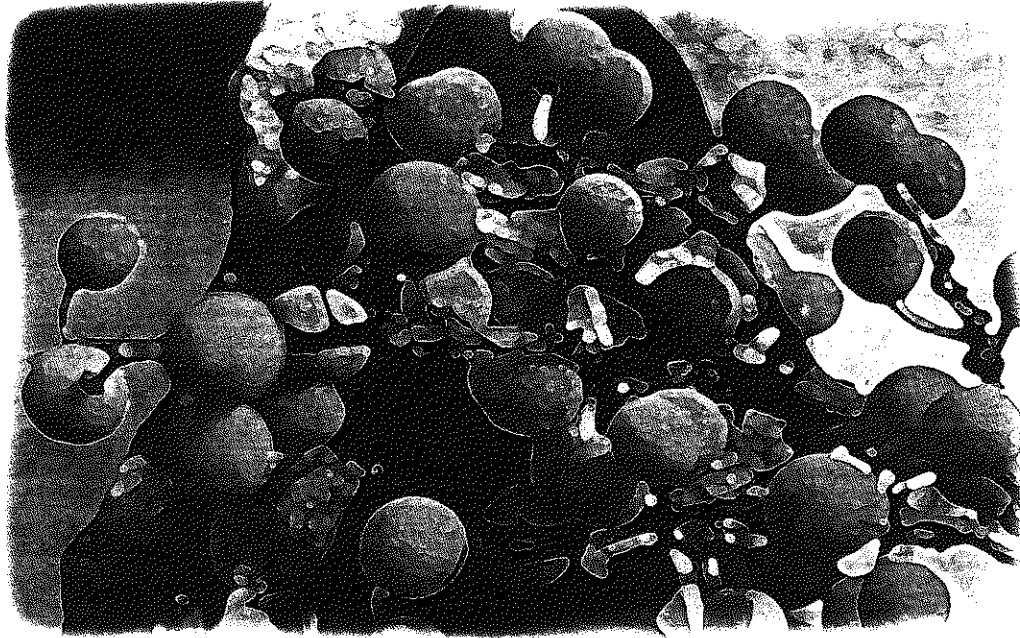


*Native grape vines blanket some of the park's oak trees and provide additional wildlife habitat.*



*Willows and other water-loving plants grow along the edge of the Tuolumne River.*





*Appendix A:*

Proposed Planting Palette for Tuolumne River Regional Park

*Appendix B:*

Conceptual Cost Estimates for Tuolumne River Regional Park

*Appendices*

## Appendix A

### Proposed Planting Palette for Tuolumne River Regional Park

Note: Riparian plant species appropriate for restoration or buffer strips are indicated in bold. Common names and taxonomy are taken from:

Hickman, J.C. (Ed.) 1993. *The Jepson Manual: Higher Plants of California*. University of California Press, Berkeley.



Blue oak (foreground) and foothill pine (background)

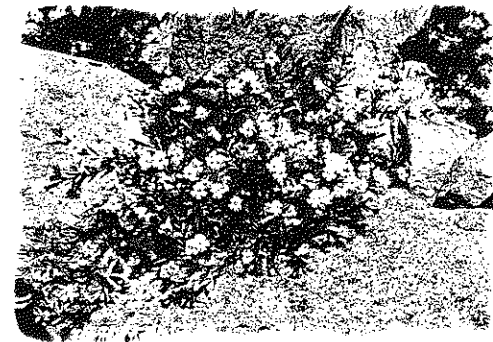
TREES					
	Scientific Name	Common Name	Fall Color	Native Region	Generally Found in These Vegetation Types
1	<i>Acer macrophyllum</i>	big-leaf maple	Yellow	Foothills	Riparian
2	<b><i>Acer negundo</i> var. <i>californicum</i></b>	<b>box elder</b>	<b>Yellow</b>	<b>Central Valley</b>	<b>Riparian</b>
3	<i>Aesculus californica</i>	California buckeye	Brown	Foothills	Riparian
4	<i>Ainus rhombifolia</i>	white alder	Yellow	Central Valley	Riparian
5	<i>Arbutus menziesii</i>	Pacific madrone	Evergreen	Foothills, Sierra	Mixed conifer
6	<i>Calocedrus decurrens</i>	incense cedar	Evergreen	Sierra	Mixed conifer
7	<i>Cornus nuttallii</i>	Pacific dogwood	Red	Sierra	Mixed Conifer
8	<i>Fraxinus dipelala</i>	ash	Yellow	Central Valley	Riparian
9	<b><i>Fraxinus latifolia</i></b>	<b>Oregon ash</b>	<b>Yellow</b>	<b>Central Valley</b>	<b>Riparian</b>
10	<i>Fremontodendron californicum</i>	California flannelbush	Evergreen	Foothills	Chaparral
11	<i>Heteromeles arbutifolia</i>	toyon	Evergreen	Foothills	Chaparral, woodland
12	<b><i>Juglans californica</i> var. <i>hindsii</i></b>	<b>Northern California black walnut</b>	<b>Yellow</b>	<b>Central Valley</b>	<b>Riparian</b>
13	<i>Pinus sabiniana</i>	grey pine, foothill pine	Evergreen	Foothills	Woodland
14	<b><i>Platanus racemosa</i></b>	<b>western sycamore</b>	<b>Yellow</b>	<b>Central Valley</b>	<b>Riparian</b>
15	<i>Populus fremontii</i>	Fremont cottonwood	Dormant	Central Valley	Riparian
16	<i>Pseudotsuga menziesii</i>	Douglas fir	Evergreen	Sierra	Mixed conifer
17	<i>Quercus chrysolepis</i>	canyon live oak	Evergreen	Foothills	Woodland, grassland
18	<i>Quercus douglasii</i>	blue oak	Brown	Central Valley	Woodland
19	<i>Quercus kelloggii</i>	black oak	Yellow	Foothills	Woodland
20	<b><i>Quercus lobata</i></b>	<b>valley oak, robble oak</b>	<b>Brown</b>	<b>Central Valley</b>	<b>Riparian</b>
21	<i>Quercus wislizenii</i> var. <i>wislizenii</i>	interior live oak (tree form)	Evergreen	Foothills	Woodland
22	<b><i>Salix gooddingii</i></b>	<b>Goodding's black willow</b>	<b>Yellow</b>	<b>Central Valley</b>	<b>Riparian</b>
23	<b><i>Salix laevigata</i></b>	<b>red willow</b>	<b>Yellow</b>	<b>Central Valley</b>	<b>Riparian</b>
24	<b><i>Salix lucida</i> ssp. <i>lasiandra</i></b>	<b>pacific willow, shining willow</b>	<b>Yellow</b>	<b>Central Valley</b>	<b>Riparian</b>
25	<i>Umbellularia californica</i>	California bay laurel	Evergreen	Foothills	Riparian

SHRUBS					
	Scientific Name	Common Name	Fall Color	Native Region	Generally Found in These Vegetation Types
1	<i>Amelanchier alnifolia</i> var. <i>pumila</i>	western serviceberry	Yellow	Foothills, Sierra	Woodland, mixed conifer
2	<i>Arctostaphylos manzanita</i> ssp. <i>manzanita</i>	manzanita	Evergreen	Foothills	Chaparral, woodland
3	<i>Arctostaphylos viscida</i>	whiteleaf manzanita	Evergreen	Foothills	Chaparral, woodland
4	<i>Baccharis pilularis</i>	coyote brush	Evergreen	Central Valley	Riparian
5	<i>Baccharis salicifolia</i>	mule fat, seep willow, water wally	Brown	Central Valley	Riparian
6	<i>Calycanthus occidentalis</i>	spice bush	Evergreen	Central Valley	Riparian
7	<i>Carpenteria californica</i>	tree anemone	Evergreen	Foothills	Riparian, woodland
8	<i>Ceanothus cordulatus</i>	mountain whitethorn	Evergreen	Sierra	Mixed conifer
9	<i>Ceanothus cuneatus</i>	buck brush	Evergreen	Foothills	Chaparral
10	<i>Ceanothus integriramus</i>	deer brush	Yellow	Sierra	Chaparral
11	<i>Ceanothus thyrsiflorus</i>	blue blossom	Evergreen	Foothills	Chaparral, woodland
12	<i>Ceanothus velutinus</i>	tobacco brush, snow bush	Evergreen	Sierra	Woodland
13	<i>Cephalanthus occidentalis</i> var. <i>californicus</i>	buttonbush, buttonwillow	Yellow	Central Valley	Riparian, wetland
14	<i>Cercis occidentalis</i>	western redbud	Yellow	Foothills	Chaparral, grassland
15	<i>Cercocarpus betuloides</i>	mountain mahogany	Evergreen	Foothills	Chaparral, woodland
16	<i>Cornus sericea</i> ssp. <i>occidentalis</i>	American dogwood, redbud dogwood	Red	Foothills, Sierra	Riparian
17	<i>Corylus cornuta</i> var. <i>californica</i>	western hazelnut	Yellow	Sierra	Mixed conifer
18	<i>Garrya fremontii</i>	Fremont silk tassel	Evergreen	Foothills	Woodland
19	<i>Garrya elliptica</i>	silk tassel	Evergreen	Foothills	Chaparral, woodland
20	<i>Holodiscus discolor</i>	oceanspray	Yellow	Central Valley	Riparian, woodland
21	<i>Lupinus albitrons</i>	bush lupine	Evergreen	Foothills	Grassland
22	<i>Lupinus polyphyllus</i>	purple lupine	Evergreen	Central Valley	Riparian, wetland
23	<i>Mimulus aurantiacus</i>	golden sticky monkey flower	Evergreen	Foothills	Chaparral
24	<i>Philadelphus lewissii</i>	wild mock orange	Yellow	Sierra	Riparian, mixed conifer
25	<i>Prunus virginiana</i> var. <i>demissa</i>	western chokecherry	Yellow	Foothills	Woodland



Alfred Brusseaux, St. Mary's College of California

Spice bush (above), generally found in the Central Valley's riparian zones, blooms in the spring or summer. Golden sticky monkey flower (below) is native to the chaparral plant community of the foothills.



Alfred Brusseaux, St. Mary's College of California



Gladys Lucille Smith, California Academy of Sciences

Western azalea

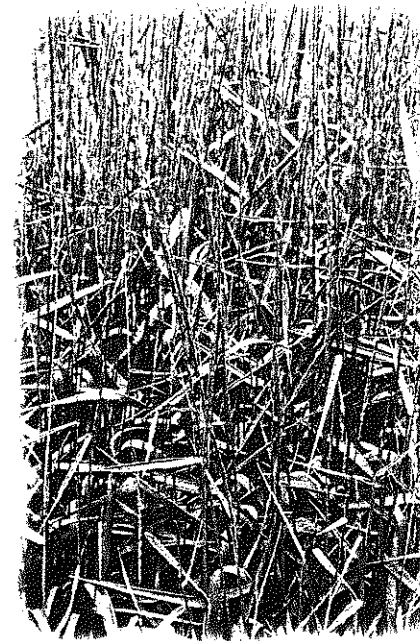
SHRUBS (continued)					
26	<i>Rhamnus californica</i> ssp. <i>californica</i>	California coffeeberry	Evergreen	Foothills	Woodland, chaparral
27	<i>Rhododendron occidentale</i>	western azalea	Red	Foothills, Sierra	Riparian
28	<i>Ribes aureum</i> var. <i>aureum</i>	golden currant	Yellow	Central Valley	Riparian, woodland
29	<i>Ribes cereum</i>	wax currant	Yellow	Sierra	Mixed conifer
30	<i>Ribes menziesii</i>	canyon gooseberry	Yellow	Foothills	Chaparral
31	<i>Ribes roezlii</i>	Sierra gooseberry	Yellow	Foothills, Sierra	Chaparral, woodland
32	<i>Romneya coulteri</i>	Coulter's Matilija poppy	Evergreen	Central Valley	Riparian, woodland
33	<i>Rosa californicum</i>	wild rose	Red	Central Valley	Riparian, woodland
34	<i>Salix exigua</i>	narrowleaf willow	Yellow	Central Valley	Riparian
35	<i>Salix lasiolepis</i>	arroyo willow	Yellow	Central Valley	Riparian
36	<i>Salix melanopsis</i>	dusky willow	Yellow	Central Valley	Riparian
37	<i>Sambucus mexicana</i>	blue elderberry	Yellow	Central Valley	Riparian, grassland
38	<i>Spirea densiflora</i>	mountain spirea	Evergreen	Sierra	Mixed conifer



Alfred Brasseau, St. Mary's College of California

Wild rose

GRASSES					
	Scientific Name	Common Name	Fall Color	Native Region	Generally Found in These Vegetation Types
1	<i>Agrostis exarata</i>	bent grass	Evergreen	Central Valley	Riparian, grassland
2	<i>Bromus carinatus</i>	California brome	Evergreen	Foothills	Woodland, grassland
3	<i>Deschampsia cespitosa</i> ssp. <i>cespitosa</i>	tufted hairgrass	Evergreen	Central Valley	Wetland, grassland
4	<i>Deschampsia elongata</i>	slender hairgrass	Evergreen	Central Valley	Wetland, grassland
5	<i>Elymus glaucus</i>	blue wildrye	Evergreen	Central Valley	Grassland
6	<i>Elymus trachycaulus</i>	slender wheatgrass	Evergreen	Central Valley	Grassland
7	<i>Festuca idahoensis</i>	blue bunchgrass	Evergreen	Central Valley	Woodland, grassland
8	<i>Hordeum brachyantherum</i>	meadow barley	Yellow	Central Valley	Grassland
9	<i>Leymus triticoides</i>	creeping wildrye	Evergreen	Central Valley	Riparian, woodland, grassland
10	<i>Melica californica</i>	California melic	Evergreen	Foothills	Woodland, grassland, riparian
11	<i>Muhlenbergia rigens</i>	deer grass	Evergreen	Central Valley	Riparian, grassland
12	<i>Nassella cernua</i>	nodding needlegrass	Evergreen	Central Valley	Grassland
13	<i>Nassella lepida</i>	foothill needlegrass	Evergreen	Central Valley	Grassland
14	<i>Nassella pulchra</i>	purple needlegrass	Evergreen	Central Valley	Grassland
15	<i>Poa secunda</i>	pine bluegrass	Evergreen	Central Valley	Woodland, grassland



Blue wildrye

Alfred Brucenstein, St. Mary's College of California



Common tule, native to wetland zones in the Central Valley, will be planted along the river and in the park's stormwater wetlands and swales.

WETLAND PLANTS					
	Scientific Name	Common Name	Fall Color	Native Region	Generally Found in These Vegetation Types
1	<i>Alisma plantago-aquatica</i>	water plantain	Dormant	Central Valley	Wetland
2	<i>Anemopsis californica</i>	yerba mansa	Dormant	Central Valley	Wetland
3	<i>Carex barbarae</i>	sedge	Evergreen	Central Valley	Riparian, wetland
4	<i>Carex</i> sp.	sedges	Evergreen	Central Valley	Riparian, wetland
5	<i>Ceratophyllum demersum</i>	hornwort, common coon's tail	Dormant	Central Valley	Wetland
6	<i>Eleocharis macrostachya</i>	spike rush	Evergreen	Central Valley	Wetland
7	<i>Elodea canadensis</i>	common waterweed	Dormant	Central Valley	Wetland
8	<i>Equisetum arvense</i>	common horsetail	Dormant	Central Valley	Riparian, wetland
9	<i>Juncus balticus</i>	baltic rush	Evergreen	Central Valley	Wetland
10	<i>Juncus effusus</i>	common rush	Evergreen	Central Valley	Wetland
11	<i>Lemna</i> sp.	duckweeds	Dormant	Central Valley	Wetland
12	<i>Myriophyllum hippuroides</i>	western milfoil	Dormant	Central Valley	Wetland
13	<i>Nuphar luteum</i> ssp. <i>polysepalum</i>	yellow pond lily	Dormant	Central Valley	Wetland
14	<i>Potamogeton foliosus</i> var. <i>foliosus</i>	leafy pondweed	Dormant	Central Valley	Wetland
15	<i>Potamogeton natans</i>	floatingleaf pondweed	Dormant	Central Valley	Wetland
16	<i>Potamogeton nodosus</i>	longleaf pondweed	Dormant	Central Valley	Wetland
17	<i>Potamogeton pectinatus</i>	fennelleaf pondweed	Dormant	Central Valley	Wetland
18	<i>Potamogeton pusillus</i>	small pondweed	Dormant	Central Valley	Wetland
19	<i>Sagittaria latifolia</i>	arrowhead	Brown	Central Valley	Wetland
20	<i>Scirpus acutus</i> var. <i>occidentalis</i>	common tule	Dormant	Central Valley	Wetland
21	<i>Scirpus americanus</i>	common three square	Dormant	Central Valley	Wetland
22	<i>Scirpus californicus</i>	California bulrush	Dormant	Central Valley	Wetland
23	<i>Typha angustifolia</i>	narrowleaf cattail	Dormant	Central Valley	Wetland
24	<i>Typha domingensis</i>	southern cattail	Dormant	Central Valley	Wetland

**ANNUALS & PERENNIALS**

	Scientific Name	Common Name	Fall Color	Native Region	Generally Found in These Vegetation Types
1	<i>Achillea millefolium</i>	yarrow	Evergreen		Grassland
2	<i>Anaphalis margaritacea</i>	pearly everlasting	Brown	Foothills, Sierra	Woodland
3	<i>Aquilegia formosa</i>	western columbine	Brown	Foothills, Sierra	Riparian, woodland
4	<i>Artemisia douglasiana</i>	mugwort	Grey	Central Valley	Riparian
5	<i>Asclepias speciosa</i>	showy milkweed	Brown	Foothills	Woodland, grassland
6	<i>Asclepias californica</i>	round hooded milkweed	Brown	Foothills	Chaparral, grassland
7	<i>Epilobium canum</i>	California fuchsia	Evergreen	Central Valley	Woodland, grassland, riparian
8	<i>Eschscholzia californica</i>	California poppy	Brown	Central Valley	Grassland
9	<i>Lilium pardalinum</i> ssp. <i>pardalinum</i>	leopard lily	Brown	Foothills	Riparian
10	<i>Lilium washingtonianum</i> ssp. <i>washingtonianum</i>	Washington lily	Brown	Sierra	Mixed conifer
11	<i>Lupinus bicolor</i>	miniature lupine	Brown	Central Valley	Riparian, woodland, grassland
12	<i>Mentzelia</i> sp.	blazing star	Brown	Central Valley	Riparian
13	<i>Mimulus cardinalis</i>	scarlet monkey flower	Brown	Central Valley	Riparian
14	<i>Mimulus guttatus</i>	monkey flower	Brown	Central Valley	Riparian, wetland
15	<i>Oenothera elata</i> ssp. <i>hirsutissima</i>	evening primrose	Brown	Central Valley	Riparian, wetland
16	<i>Penstemon azureus</i> var. <i>azureus</i>	azure penstemon	Evergreen	Sierra	Woodland, mixed conifer
17	<i>Penstemon centranthifolius</i>	scarlet bugler	Evergreen	Central Valley	Chaparral, woodland, grassland
18	<i>Urtica dioica</i> ssp. <i>holosericea</i>	hoary nettle	Brown	Central Valley	Riparian
19	<i>Viola douglasii</i>	Douglas violet	Evergreen	Central Valley	Grassland



Alfred Brunsbach, St. Mary's College of California

Miniature lupines and many other flowering plants will brighten the park's meadows.

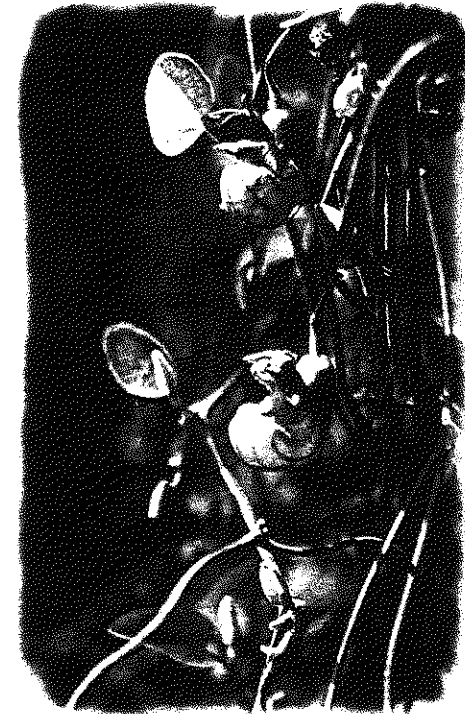
VINES & GROUNDCOVERS

	Scientific Name	Common Name	Fall Color	Native Region	Generally Found in These Vegetation Types
1	<i>Arctostaphylos nevadensis</i>	pine mat manzanita	Evergreen	Sierra	Mixed conifer
2	<i>Arctostaphylos uva-ursi</i>	bearberry, kinnikinnik	Evergreen	Sierra	Mixed conifer
3	<i>Aristolochia californica</i>	Dutchman's pipe	Brown	Central Valley	Riparian
4	<i>Ceanothus diversifolius</i>	pine mat	Evergreen	Sierra	Mixed conifer
5	<i>Ceanothus prostratus</i>	mahala mat, squaw carpet	Evergreen	Sierra	Mixed conifer
6	<i>Clematis ligusticifolia</i>	virgin's bowers, yerba de chiva	Yellow	Central Valley	Riparian
7	<i>Rubus leucodermis</i>	black cap raspberry	Red	Foothills, Sierra	Riparian, woodland
8	<i>Rubus ursinus</i>	California blackberry	Red	Central Valley	Riparian, woodland
9	<i>Toxicodendron diversifolium</i>	poison oak	Red	Central Valley	Riparian, woodland
10	<i>Viola adunca</i>	western dog violet	Evergreen	Sierra	Riparian, grassland
11	<i>Viola glabella</i>	stream violet	Evergreen	Sierra	Riparian
12	<i>Vitis californica</i>	California grape	Yellow	Central Valley	Riparian

The fruit of the California grape is an important food source for bird and wildlife species.



J.E. and Bonnie McCullum, California Academy of Sciences



Gregory Lucian Smith, California Academy of Sciences

Dutchman's pipe, a vine found in Central Valley riparian zones, attracts local butterfly species.

**Appendix B**

Conceptual Cost Estimates for  
Tuolumne River Regional Park

Area / Item	Estimated Cost
<b>AIRPORT AREA</b>	
Trails	\$ 25,000
Riparian Restoration	\$ 6,000
Special Features:	
River Overlook	\$ 118,000
Site Furnishings	\$ 45,000
<b>Subtotal</b>	<b>\$ 194,000</b>
<b>LEGION PARK</b>	
Trails	\$ 890,000
Riparian Restoration	\$ 57,000
Park Landscaping	\$ 3,384,000
Special Features:	
Small Pedestrian Bridges	\$ 126,000
Deck Overlooks	\$ 137,000
Boat Pier	\$ 70,000
Canoe & Kayak Beach	\$ 14,000
Small Group Event Space	\$ 28,000
Picnic Shelter	\$ 14,000
Site Furnishings	\$ 206,000
Streets / Parking	\$ 119,000
<b>Subtotal</b>	<b>\$ 5,045,000</b>
<b>MANCINI PARK</b>	
Trails	\$ 102,000
Riparian Restoration	\$ 19,000
Park Landscaping	\$ 504,000
Special Features:	
Pedestrian Bridge	\$ 434,000
River Overlook	\$ 88,000
Site Furnishings	\$ 79,000
Parking	\$ 26,000
<b>Subtotal</b>	<b>\$ 1,252,000</b>

Area / Item	Estimated Cost
<b>GALLO RIPARIAN AREA</b>	
Trails	\$ 172,000
Riparian Restoration	\$ 86,000
Park Landscaping	\$ 150,000
Special Features:	
Overlook	\$ 50,000
Site Furnishings	\$ 40,000
<b>Subtotal</b>	<b>\$ 498,000</b>
<b>GATEWAY PARCEL</b>	
Trails	\$ 921,000
Riparian Restoration	\$ 7,861,000
Park Landscaping	\$ 7,014,000
Special Features:	
Pedestrian Bridge	\$ 368,000
Amphimeadow	\$ 46,000
Stormwater Wetlands	\$ 26,000
Overlooks	\$ 188,000
Fishing Piers	\$ 168,000
Children's Play Area	\$ 112,000
Vista Points	\$ 84,000
Site Furnishings	\$ 1,203,000
Utilities	\$ 375,000
Streets / Parking	\$ 1,030,000
<b>Subtotal</b>	<b>\$ 19,396,000</b>

Area / Item	Estimated Cost
<b>GOLF COURSE AREA</b>	
Trails	\$ 559,000
Riparian Restoration	\$ 318,000
Park Landscaping	\$ 3,859,000
Special Features:	
Pedestrian Bridge	\$ 770,000
River Overlook	\$ 102,000
Boat Pier	\$ 70,000
Site Furnishings	\$ 120,000
Streets / Parking	\$ 56,000
<b>Subtotal</b>	<b>\$ 5,854,000</b>
<b>CARPENTER ROAD AREA</b>	
Trails	\$ 1,579,000
Riparian Restoration	\$ 8,420,000
Park Landscaping	\$ 19,950,000
Special Features:	
Overlooks	\$ 140,000
Canoe & Kayak Launch	\$ 154,000
Sports Complex	\$ 803,000
Interpretive Center / Sports Bldg.	\$ 9,800,000
Stormwater Wetland	\$ 619,000
Treatment Plant Upgrade	\$ 6,227,000
Site Furnishings	\$ 1,043,000
Site Utilities	\$ 375,000
Streets / Parking	\$ 787,000
<b>Subtotal</b>	<b>\$ 49,897,000</b>
<b>SOUTH SIDE PARCELS</b>	
Trails	\$ 3,000
Riparian Restoration	\$ 409,000
Site Furnishings	\$ 9,000
Street Trees	\$ 193,000
<b>Subtotal</b>	<b>\$ 614,000</b>
<b>TOTAL</b>	<b>\$ 82,750,000</b>



## Acknowledgments

Many people helped to produce the Tuolumne River Regional Park Master Plan.

### *Tuolumne River Regional Park Commission*

*Ray Simon*, Commission Chair, Member Stanislaus County Board of Supervisors  
*Paul Caruso*, Commission Vice Chair, Chairman Stanislaus County Board of Supervisors  
*Carmen Sabatino*, Mayor, Modesto City Council  
*Kenni Friedman*, Vice Mayor, Modesto City Council  
*Louie Arrollo*, Mayor, Ceres City Council

### *Tuolumne River Regional Park*

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*Mary Grogan*, City of Modesto  
*Margaret Leaman*, City of Modesto  
*David Duran*, County District #1  
*William Howard*, County District #2  
*Karen Henry*, County District #3  
*Clyde Dunlap*, County District #4  
*Charles Stone*, Vice Chair, County District #5  
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*Leonard Shepherd*, City of Ceres

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In addition, we would like to acknowledge the staff of numerous local, state, and federal agencies as well as the many local community representatives that actively participated in the Plan production.

